





		
DEVELOPMENT ASSESSMENT REPORT		
Application No.	DA/2023/0152	
Address	2 Federal Avenue ASHFIELD NSW 2131	
Proposal	Alterations and additions to a dwelling house including partial demolition and rear extension, new secondary dwelling, tree removal and landscaping works.	
Date of Lodgement	9 March 2023	
Applicant	The Site Foreman	
Owner	Mr Guangsheng Wei Ms Jianying Liang	
Number of Submissions	Initial: 11 Renotification: 4	
Value of works	\$697,000.00	
Reason for determination at Planning Panel	Number of submissions	
Main Issues	<ul style="list-style-type: none"> Heritage Conservation Matters raised in submissions 	
Recommendation	Approved with Conditions	
Attachment A	Recommended conditions of consent	
Attachment B	Plans of proposed development	
Attachment C	Statement of Heritage Impact	
		
LOCALITY MAP		
Subject Site		Objectors   N
Notified Area		Supporters 
Note: Due to scale of map, one (1) additional objector and one (1) supporter could not be shown.		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to a dwelling house including partial demolition and rear extension, construction of a new secondary dwelling, tree removal and landscaping works at 2 Federal Avenue, Ashfield.

It is noted that a garage was initially proposed within the secondary dwelling and this was deleted with the submission of amended plans.

The application was notified to surrounding properties and eleven (11) submissions were received in response to the initial notification. Ten (10) submissions opposed the proposed development, and one (1) submission was in support of the proposed development.

Following the preliminary assessment, Council issued a Request for Further Information (RFI) letter and amended plans were provided. The application was renotified, and four (4) submissions were received in response.

The main issues that have arisen from the application include:

- Heritage conservation
- Streetscape character
- Overall built form and landscape setting
- Matters raised in submissions

Despite the items noted above, it is considered that the proposed development generally complies with the aims, objectives, and design parameters contained in the relevant State Environmental Planning Policies, *Inner West Local Environmental Plan 2022 (IWLEP 2022)*, and Inner West Comprehensive Development Control Plan 2016 (DCP).

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered to be reasonable.

Having regard to the above, the application is suitable for approval subject to the imposition of appropriate conditions.

2. Proposal

The proposal involves alterations and additions to the existing dwelling as well as the construction of a secondary dwelling.

Specifically, the proposal involves the following works:

- Demolition of the rear portion of the existing dwelling and demolition of some internal walls to the rear;
- Demolition of the existing garage, driveway and miscellaneous paving;
- Internal reconfiguration to the rear of the existing dwelling including a new bathroom, laundry, walk in pantry and enlargement of existing Bed 3;
- Construction of a new addition to the rear of the existing dwelling incorporating:
 - Internally a living/dining area, kitchen and pantry; and
 - Externally a side verandah and deck with BBQ area;
- Construction of a new secondary dwelling incorporating two (2) bedrooms, a bath/laundry, living/dining area and kitchen;
- Relocation of the existing vehicle crossover on Wallace Street;
- Construction of a hardstand parking space;

- Tree removal; and
- Miscellaneous external works including landscaping, paving and fencing.

3. Site Description

The subject site is located on the eastern side of Federal Avenue, between Wallace Street and Elizabeth Street, Ashfield. The site consists of one (1) allotment and is rectangular shaped with a total area of 575.40sqm.

The site has a frontage to Federal Avenue of 15.24 metres and a secondary frontage of approximate 38 metres to Wallace Street. The site contains a single storey dwelling with rear deck and a garage.

The surrounding streetscape mainly consists of single storey dwelling houses. However, the adjacent property at No. 4 Federal Avenue contains a two storey dwelling and there are other two storey dwellings within the vicinity on Federal Avenue and Wallace Street.

The property is located within the Federal-Fyle Heritage Conservation Area (HCA) under Schedule 5 of the Inner West Local Environmental Plan 2022 and is identified as a Contributory 1 building. There are a number of heritage items located within the vicinity of the subject site.

The following trees are located in the rear yard of the site:

- One (1) *Cotoneaster lacteus* (Red Cluster Berry)
- One (1) *Dypsis lutescens* (Golden Cane Palm)
- One (1) *Abelia x grandiflora* (Glossy Abelia)

The following trees are located within the vicinity of the site:

- One (1) *Lophostemon confertus* (Brushbox) located at the front of the site on Council controlled land; and
- One (1) *Callistemon viminalis* (Weeping Bottlebrush) located at 4 Federal Avenue.

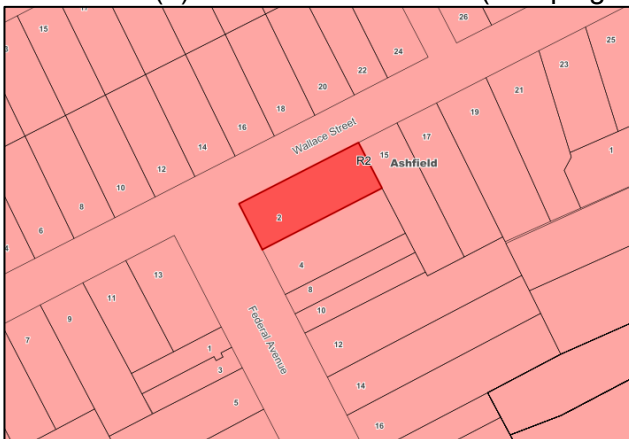


Figure 1 – Zoning Map (subject site in red)



Figure 2 – Site Photo from Federal Avenue



Figure 3 – Site Photo showing view from the north garage on Wallace Street towards rear yard



Figure 4 – Site photo showing existing & proposed location of secondary dwelling

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
PDA/2022/0016	Pre-Development Application - Alterations and additions to existing dwelling and secondary dwelling	Issued 11/04/2022
PDA/2022/0221	Additional Pre-Development Application - Alterations and additions to existing dwelling and secondary dwelling	Issued 19/08/2022

Surrounding properties

Not applicable

4(b) Application history

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

Date	Discussion / Letter / Additional Information
09/03/2023	Application lodged
22/03/2023 to 05/04/2023	Application notified
06/06/2023	<p>Council had a meeting with the applicant to discuss issues that had been identified in the preliminary assessment.</p> <p>It was acknowledged that there had been two previous Pre-Development Applications (PDA) for the site and modifications had already been made to address some of the issues identified in the PDA's.</p> <p>Further refinement was required to primarily address heritage issues and ensure that:</p>

	<ul style="list-style-type: none"> the built form was less dominant on the site; the landscape setting and pattern of development was more in keeping with surrounding development; and the built form reflected the character of the HCA.
08/06/2023	<p>Council issued a Request for Further Information (RFI) letter which requested the following specific information and design changes:</p> <ul style="list-style-type: none"> The separation between the secondary dwelling and the rear wall of the proposed addition should be increased to at least 5m; Deletion of the awning connecting the main house to the secondary dwelling; Deletion of the sliding door shutters and fixed screening to the verandah; The setback of the secondary dwelling to be no further forward than the setback of the adjacent dwelling at 15 Wallace Street; The garage within the secondary dwelling structure to be deleted; Revision of the roof forms; Amendments to windows and doors; The secondary dwelling to be amended to be more subservient to the original dwelling. Recommendations included: <ul style="list-style-type: none"> Reduction of the roof pitch to 22 degrees; Reduction of the ceiling height to 2.4m; The walls to be face brick only; and Solar panels not to be located on the roof plane facing the street. The landscaped setting of the site to be improved and a minimum of 35% landscaped area to be provided; In accordance with tree planting requirements, the location of two (2) x 75 litre trees to be shown on the plans; Simplification of the fencing and screening within the site to maintain the continuity of the landscape setting; Amendment of the Materials and Finishes schedule including: <ul style="list-style-type: none"> All elements nominated as Monument (dark grey) to be amended to be white, cream or similar; The dark driveway colour to be amended; Materials to the secondary dwelling and the design of its front door to be simplified; Timber joinery to be utilised, especially for doors and windows presenting to the street; The metal colorbond fence and gates to be replaced with timber paling fencing or with fence details based on historic research; and Shadow diagrams to be updated to show elevational or vertical shadow diagrams at 3pm on 21 June to the adjoining property at 15 Wallace Street.
13/07/2023	<p>The applicant submitted amended plans and additional information in response to Councils RFI Letter which incorporated the following:</p> <ul style="list-style-type: none"> The distance between the rear addition and secondary dwelling was increased to 5m and its front setback was modified to match the adjacent property at 15 Wallace Street;

	<ul style="list-style-type: none"> • The awning that connected the main house to the secondary dwelling was deleted; • The sliding door shutters and screening to the verandah were deleted; • The garage was deleted from the secondary dwelling structure which was reconfigured to include an additional bedroom; • General amendments to windows and doors; • The secondary dwelling was amended to incorporate recommendations, including a simpler roof form; • The landscaped area was refined; • A landscape plan was submitted showing proposed tree planting; • The internal fencing and screening was simplified; • The Materials and Finishes schedule was updated; • Updated shadow diagrams were provided.
26/07/2023 to 09/08/2023	In accordance with Council's Community Engagement Strategy, the amended plans were required to be notified
16/08/2023	<p>Council Officer advised the applicant that the amended plans generally addressed most of the issues raised in the request for additional information however the following items either remained outstanding and/or were new issues resulting from the amended plans:</p> <ul style="list-style-type: none"> • The reconfiguration of the secondary dwelling resulted in two visible entrances which compromised its fine grain character; • The two dividing fences associated with the secondary dwelling compromised the garden setting; • Miscellaneous concerns with the Materials and Finishes Schedule; • The roof to the verandah was deeper than necessary and needed to be recessed; • The new window in the existing wall on the south was not vertically proportioned and appropriate to the style of windows of the original building; • The timber post and panel work to the verandah and secondary dwelling needed to be simplified; and • The boundary fence on Wallace Street appeared to be more than the maximum height of 1.8m.
18/08/2023	<p>Further plans were submitted in the assessment process to address these concerns.</p> <p>The amended plans are the subject of this assessment report (these amended plans did not require re-notification).</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) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

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

Chapter 4 Remediation of land

Section 4.6 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

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

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

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

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

BASIX Certificates for both the principal dwelling and the secondary dwelling were submitted with the application and will be referenced in any consent granted.

5(a)(iii) State Environmental Planning Policy (Housing) 2021(SEPP)

Chapter 3 Diverse housing, Part 1 Secondary dwellings

The application seeks consent for a secondary dwelling under the SEPP which provides controls relating to various matters including zone, subdivision, floor space ratio, lot size and parking requirements. The main design parameters are addressed below:

Clause	Standard	Proposed	Compliance
50 – Application of Part	This part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument.	The site is zoned R2 Low Density Residential under the Inner West Local Environmental Plan 2022. Dwelling houses are permitted with consent on land zoned R2 under the Inner West Local Environmental Plan 2022	Yes
51 – No subdivision	Development consent must not be granted for the subdivision of a lot.	The proposal does not include subdivision of the existing site.	Yes
52 – Development may be carried out with consent	Development consent must not be granted for development to which this Part applies unless—		
52 (2)(a)	No dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land.	The proposal seeks consent for a new detached secondary dwelling within the rear yard of a site which currently contains an existing dwelling house. No further dwellings beyond the existing and proposed dwelling are proposed.	Yes
52 (2)(b)	The total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument.	A maximum floor space ratio (FSR) of 0.5:1 (287.7sqm) applies to the land. The proposal results in an FSR of 0.38:1 (216.9sqm) and complies with Clause 4.4 of the IWLEP 2022.	Yes
52 (2)(c)(i)	The total floor area of the secondary dwelling is no more than 60sqm.	The proposed floor area is 54.3sqm, as such the total internal floor area of the proposed secondary dwelling does not exceed 60sqm.	Yes
53 Non-discretionary development standards—the Act, s 4.15	The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.		
53 (2)(a)	For a detached secondary dwelling a minimum site area of 450m ² .	The total site area is 575.40m ²	Yes
53 (2)(b)	(b) the number of parking spaces provided on the site is the same as the number of	There is an existing parking space on the site.	Yes

	parking spaces provided on the site immediately before the development is carried out.	The proposal does not alter this arrangement. The Housing SEPP does not require any additional parking for a secondary dwelling.	
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Overall, the proposal is considered satisfactory and complies with the objectives and controls prescribed under the SEPP which relate to Secondary Dwellings.

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

Chapter 2 Vegetation in non-rural areas

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

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

The following trees are to be retained and protected:

- One (1) *Lophostemon confertus* (Brushbox) which is located at the front of the site on Council controlled land; and
- One (1) *Callistemon viminalis* (Weeping Bottlebrush) which is located at 4 Federal Avenue.

The removal of the following trees is supported in accordance with the guidelines and requirements of the DCP:

- T2- *Cotoneaster lacteus* (Red Cluster Berry) - This species is listed on the Tree Minor Works list in the Inner West DCP;
- T3 – *Dyopsis lutescens* (Golden Cane Palm) – This tree has low significance and low retention value; and
- T4 – *Abelia x grandiflora* (Glossy Abelia) – This tree has low significance and low retention value.

In accordance with Council's *5.4 Tree Planting Requirements C11 within Councils Tree Management DCP*, each property that is more than 300m² is required to provide the minimum planting of two (2) trees. As such, the design must provide the space for suitable trees as follows:

- A minimum of 2 x 75 litre size trees, which will attain a minimum mature height of 10 metres, are to be planted in suitable locations that provides the space above and below ground within the property at a minimum of 1.5 metres from any boundary, 2.2m from any dwelling or garage wall and allowing for future tree growth.

Overall, the proposal is considered acceptable with regard to the SEPP and Council's Tree Management DCP, subject to the imposition of conditions, which have been included in the recommendation of this report.

Chapter 10 Sydney Harbour Catchment

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

5a(v) *Inner West Local Environmental Plan 2022 (IWLEP 2022)*

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

Part 1 – Preliminary

Control	Proposed	Compliance
Section 1.2 Aims of Plan	<p>The proposal is consistent with the relevant aims of the plan as it is considered that the design of the proposal:</p> <ul style="list-style-type: none"> • Conserves and maintains the built heritage of the Inner West; • Encourages diversity in housing to meet the needs of, and enhance amenity for, Inner West residents; and • Has a satisfactory impact on the private and public domain. 	Yes

Part 2 – Permitted or prohibited development

Zone Objectives	Proposed	Permissible with consent?
<p>Section 2.3 Zone objectives and Land Use Table</p> <p><i>R2 – Low Density Residential</i></p>	<p>The proposal satisfies the section as follows:</p> <p>The application proposes alterations and additions to the existing dwelling house and construction of a new secondary dwelling.</p> <p>Dwelling house means a building containing only one dwelling. Dwelling houses are permissible with consent in the R2 zone.</p> <p>Secondary dwelling means a self-contained dwelling that—</p> <ul style="list-style-type: none"> (a) is established in conjunction with another dwelling (the principal dwelling), and (b) is on the same lot of land as the principal dwelling, and (c) is located within, or is attached to, or is separate from, the principal dwelling. <p>Secondary dwellings are permissible with consent in the R2 zone.</p> <p>The proposal is consistent with the relevant objectives of the zone, as it will assist to provide for the housing needs of the community within a low density, residential environment.</p>	Yes
Control	Proposed	Compliance
Section 2.7 Demolition requires development consent	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> • Demolition works are proposed, which are permissible with consent; and • Standard conditions are recommended to manage impacts which may arise during demolition. • It is noted that the existing garage is to be demolished. A condition has been included in 	Yes, subject to conditions

	the recommendation in the event that asbestos is present in the garage structure.	
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Part 4 – Principal development standards

Control	Proposed		Compliance
Section 4.3 Height of building	Maximum	8.5m	Yes
	Proposed	5.6m - New addition 4.4m - Secondary dwelling	
	Variation	N/A	
Section 4.4 Floor space ratio	Maximum	0.5:1 or 287.7sqm	Yes
	Proposed	0.38:1 or 216.9sqm	
	Variation	N/A	
Section 4.5 Calculation of FSR and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.		Yes

Part 5 – Miscellaneous provisions

Control	Compliance	Compliance
Section 5.10 Heritage conservation	The application has been adequately designed to conserve the heritage significance of the HCA subject to conditions that have been included in the recommendation. Refer to the discussion below.	Yes - subject to conditions

Section 5.10 Heritage Conservation

The subject site contains a contributory building within the Federal-Fyle Heritage Conservation Area (HCA). There are a number of heritage items in the vicinity on Wallace Street and Federal Avenue. The subject site includes a highly intact Federation period dwelling whose aesthetic significance not only relies upon the detailing and character of the dwelling itself, but extends to the overall garden setting, pattern of development and built form character of the place. The corner location means that the site is highly visible.

An assessment of the proposal against Cl. 5.10 of *IWLEP 2022* was carried out. The key and relevant objectives of Cl. 5.10 of *IWLEP 2022* are to conserve the environmental heritage of the Inner West Local Government Area, including the heritage significance of heritage items and HCA's and their associated fabric, settings, and views. The proposal was referred to Council's Heritage Advisor and initial concerns with the proposal included the following:

- The dominance of the built form and inconsistencies with the desired pattern of development in the Heritage Conservation Area;
- The impacts on the overall garden setting and lack of discernible rear yard;
- The proposed roof forms for the addition and the secondary dwelling;
- The awning connecting the principal and secondary dwelling which made the development appear as one continuous line of building;
- The comparative scale of the secondary dwelling and the fact that it was not as subservient to the principal dwelling as required;
- The detailing and character of the secondary dwelling;
- The inclusion of a garage structure within the front elevation of an infill structure;
- The materials and finishes schedule, including the colour monument selected for various elements across the site.

As previously discussed, the amended plans generally addressed issues raised in the request for additional information. In particular, the footprint and overall scale of the built form was reduced, the landscape setting and its amenity was improved and the character and detailing

of the built form was refined to be more sympathetic to the original dwelling on the site and surrounding development within the HCA.

The heritage advisor raised the following concerns with the amended plans:

- While the deletion of the garage addressed previous concerns, the associated reconfiguration of the secondary dwelling created a new issue with the provision of two entrances on the Wallace Street façade. It was noted that the proposal would benefit from having one visible entrance to improve the fine grain character of the secondary dwelling and its visual qualities as seen from the public domain;
- The number of internal, dividing fences was considered unnecessary and compromised the garden setting of the property as a whole. The two (2) internal fences associated with the secondary dwelling should be deleted;
- The colours and finishes were considered inconsistent with the HCA and the following amendments should be made:
 - The metal roof sheeting and associated rainwater goods should be Colorbond Windspray;
 - The roof sheeting should be a corrugated profile;
 - The timber paling fence should be a natural timber finish; and
 - Windows, FC cladding and painted walls should be a warm white or cream such as Dulux Hogs Bristle.
- The revised plans proposed a large window to the bathroom. As the subject window was located in an original wall it should be vertically proportioned and appropriate to the style of windows of the original building.
- The amended plans included a new post and panel work detail to the proposed verandah. It was considered that this detail should be simplified so as to not compete with the detailing to the original dwelling.

As previously discussed, further amended plans dated 18 August 2023 Revision C, were submitted in the assessment process.

The amended plans generally addressed the outstanding issues with some minor refinement still required to the Materials and finishes schedule. As such, conditions have been included in the recommendation to address the remaining Heritage concerns as follows:

- The metal roof sheeting to the proposed addition (including the linking element) as well as the metal roof sheeting to the secondary dwelling must have a corrugated profile;
- All metal roof sheeting and associated rainwater goods must be Colorbond Windspray;
- The roof over the verandah, adjacent to the living/dining area, must be reduced in depth to match the depth of the verandah below; and
- The colour selection for the FC cladding must be amended to be China White.

In light of the discussion above, it is considered that the development, as amended has been designed to respond to the significance of the Heritage Conservation Area and preserves the environmental heritage of the Inner West.

Part 6 – Additional local provisions

Control	Proposed	Compliance
Section 6.2 Earthworks	The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.	Yes
Section 6.3 Stormwater Management	The development maximises the use of permeable surfaces, includes on site retention as an alternative supply and subject to standard conditions would not	Yes

	result in any significant runoff to adjoining properties or the environment.	
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5(d) Development Control Plans

The application has been assessed against the relevant provisions of Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The following provides discussion of the relevant issues:

Chapter A – Miscellaneous

Control	Proposed	Compliance
Part 2 – Good Design	<ul style="list-style-type: none"> The development is well designed and appropriately considers context, scale, built form, density and resource, energy and water efficiency, landscape, amenity, safety and security, social dimensions and aesthetics. 	Yes
Part 8 – Parking	<ul style="list-style-type: none"> The site currently contains a single garage. The proposal seeks to demolish the garage and replace it with a hard stand car space in the northeast corner of the site. The proposal satisfies the minimum of one, off street carparking space. 	Yes
Part 11 - Fencing	<ul style="list-style-type: none"> Fencing is consistent with the prevailing desirable fencing patterns in particular with regard to height and materials and the relationship to private open space and buildings. The existing front fence is being retained. The maximum height of the new side fence to Wallace Street is 1.8m. The new side fence is a treated pine paling fence and is low maintenance as required in this part. It is noted that the design and materials for the new driveway sliding gate are not shown. As such, a condition has been included in the recommended that the sliding gates to the driveway must be designed to incorporate treated pine palings to match the adjacent treated pine paling fence to Wallace Street. 	Yes, subject to condition
Part 15 – Stormwater Management	<ul style="list-style-type: none"> Standard conditions are recommended to ensure the appropriate management of stormwater. 	Yes, subject to conditions

Chapter C – Sustainability

Control	Proposed	Compliance
Part 1 – Building Sustainability	<ul style="list-style-type: none"> The proposal demonstrates good environmental design and performance and will achieve efficient use of energy for internal heating and cooling. 	Yes
Part 2 – Waste and Recycling Design & Management Standards	<ul style="list-style-type: none"> Waste management has been designed to minimise impacts on residential amenity. Standard conditions are recommended to ensure the appropriate ongoing management of waste and during the construction phase. 	Yes. subject to conditions

Chapter E1 – Heritage Items and Conservation Areas (excluding Haberfield)

Control	Proposed	Compliance
Part 1 – General	<ul style="list-style-type: none"> The proposal will enhance the character and heritage significance of the heritage conservation area. 	Yes

Part 3 – Heritage Conservation Areas	<p><u>3.2 Contributory Buildings (Building Ranking Contributory 1 and 2)</u></p> <ul style="list-style-type: none"> As per this part, all elements of the building, under the main roof form, are retained. This includes: <ul style="list-style-type: none"> The roof form and the original use of materials Original wall finishes; The original joinery; The original verandahs; and The chimneys and window hoods. The proposed alterations and additions are designed to retain and complement the character and significance of the conservation area. The proposal respects significant original and characteristic built form. The original main roof form remains unaltered. The proposal respects the pattern, style and dimensions of original windows and doors; The proposal conserves and retains significant external finishes; and The proposed materials, in particular those visible in the public domain, are appropriate to the architectural style of the dwelling. <p><u>3.3 Form, Massing and scale</u></p> <ul style="list-style-type: none"> The rear addition to the principal dwelling reflects the bulk, mass, scale, orientation and setbacks of surrounding heritage and contributory items as well as the immediate property. The established or characteristic front setbacks or building alignments are retained. The impact on the landscape setting of the contributory building has been minimised by providing sufficient distance between the two buildings and retaining the setback area to Wallace Street. <p><u>3.4 Infill Development within a Heritage Conservation Area</u></p> <ul style="list-style-type: none"> The design of the secondary dwelling is modest in scale given the context and is sympathetic to the character of the original dwelling; The proposed colour scheme has an appropriate hue and tonal relationship with traditional colour schemes and matches the scheme of the principal dwelling. 	Yes
Part 4 Particular Building Types and Building Elements for Heritage Items and Contributory Buildings within Heritage Conservation Areas	<ul style="list-style-type: none"> The original and significant roof form, materials, finishes and details to the original roof are being retained. Original chimneys are being retained. Skylights are not proposed to the principal dwelling and are not located on the front roof plane of the secondary dwelling. The proposal retains and conserves traditional materials, finishes and details. Under this part, original or early fences, gates and associated features should be retained and conserved. The original front brick fence is being retained. And the side paling fence to Wallace Street is being replaced with a new timber paling fence. The infill building (secondary dwelling) is modest in scale and fits in with the form, character and general pattern of material use that is found within the heritage conservation area. 	Yes

	<ul style="list-style-type: none"> As required under this part, the infill development does not replicate traditional forms or details. 	
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Chapter F – Development Category Guidelines

Control	Proposed	Compliance
Part 1 – Dwelling Houses	<u>PC2 Heritage</u> <ul style="list-style-type: none"> The development is consistent with Part E – Heritage of this DCP 	Yes
	<u>PC6 Garage, carports and driveway</u> <ul style="list-style-type: none"> One carparking space is provided The maximum driveway crossover width at the site boundary is in accordance with council engineering standards 	Yes
	<u>PC7 Boundary fences and gates</u> <ul style="list-style-type: none"> The front fence does not exceed 1.2m in height The maximum height of the side boundary fence facing Wallace Street is 1.8m 	Yes
	<u>PC8 Landscaped area and site coverage</u> <ul style="list-style-type: none"> Minimum landscaped area required: 501-600sqm - 35% 206.4sqm or 36% landscaped area is proposed. Maximum site coverage required: 501-600sqm - 50% 239.2sqm or 42% site coverage is proposed. A Landscape Plan was provided with amended plans. <p>It is noted that initial concerns related to the adequate provision of landscaped area, especially in the context of heritage and the associate importance of the landscape setting of the site. As previously discussed, the amended plans addressed issues relating to the provision and calculation of landscaped area for the proposal. The proposal complies with the minimum landscaped area requirements for the site. Furthermore, the proposal satisfies the performance criteria of this part for landscaped areas as follows:</p> <ul style="list-style-type: none"> Visual impact of the built form is softened by maintaining adequate landscape area to the two street frontages; The proposal is generally sympathetic to the existing character of the streetscape. Notwithstanding that the site is on a corner, it is noted that the application proposes comparable landscaped area and site coverage to that existing on surrounding properties. A number of properties within the immediate vicinity appear to have either existing landscaped area that is less or site coverage that is more as a relative proportion of their site area than the proposal; Provides adequate open space suitable for activities and recreation; Provides for adequate principal private open space for both the principal and secondary dwelling; Provides for deep soil planting and the location for two trees to be planted has been specified . 	Yes
	<u>PC9 Principal private open space</u> <ul style="list-style-type: none"> The proposed private open spaces for both the existing dwelling and the proposed secondary dwelling are directly accessible from the ground floor living area, are at least 	Yes

	20sqm with a minimum dimension of at least 3.5m and have an appropriate level of solar access, natural ventilation and privacy.	
	<u>PC10 Deep Soil Planting</u> <ul style="list-style-type: none"> The landscaped area is capable of deep soil planting 	Yes
	<u>PC13 Solar access</u> <ul style="list-style-type: none"> The proposal maintains sunlight to at least 50% of private open space areas of adjoining properties for at least 3 hours between 9.00am and 3.00pm on 21 June. As previously discussed, revised shadow diagrams were submitted with the amended plans that included vertical shadow diagrams at 3pm on 21 June for the adjoining property at 15 Wallace Street. The diagrams show that no shadows are cast on the windows of 15 Wallace Street at this time. The proposal provides an adequate amount of desirable sunlight to main living areas and adjoining private open space of the primary dwelling. The existing lounge, proposed living/ dining area, verandah and deck all have a northerly aspect. The proposal provides an adequate amount of solar access to the private open space of the secondary dwelling. The proposed development is considered to be consistent with the solar access requirements contained within the DCP 2016. 	Yes
	<u>PC14 Visual privacy</u> <ul style="list-style-type: none"> An adequate level of visual privacy for development and adjoining properties is maintained however specific issues are discussed below. With regard to consideration of potential impacts at 4 Federal Avenue, the following comments are provided: <ul style="list-style-type: none"> There are no existing windows located on the northern wall of the adjacent property at No. 4 Federal, Avenue and the covered area to its rear has an existing privacy screen, parallel to the common boundary. There are therefore no likely privacy impacts caused by new windows in the proposed addition. The rear deck to the proposed addition is adjacent to the common boundary and is raised above existing ground level. While the RL level of the deck is not shown, it would appear to be raised 450mm approx. above existing ground level (based on the survey levels and the level proposed for the verandah). Notwithstanding potential overlooking impacts generally from the deck into the rear yard of No.4 Federal Avenue, there is also likely to be overlooking impacts created by anyone standing and attending the BBQ. As such, a condition is included in the recommendation that a privacy screen, to the height of 1.6m above the deck level, is located to the southern side of the deck. The secondary dwelling only has one window facing the common boundary, which is adjacent to the rear yard of 4 Federal Avenue. This window is to a bedroom which is considered a low use room and there are no likely privacy impacts as the existing fence will provide screening. 	Yes, subject to conditions

	<ul style="list-style-type: none"> With regard to consideration of potential impacts at 15 Wallace Street, the following comments are provided: <ul style="list-style-type: none"> The two proposed windows on the eastern façade to the living/dining area of the secondary dwelling are not located directly opposite windows at 15 Federal Avenue. The rear window on the eastern façade of the secondary dwelling is diagonally opposite the window to the living room at 15 Wallace Street. The adjacent property appears to have a floor level above the proposed secondary dwelling and the corresponding sill height of its subject window would appear to be approximately 600mm higher than the sill height of the window in the secondary dwelling. Given the raised height of the window at 15 Wallace Street and the fact that the windows are offset, there is not likely to be adverse privacy impacts to the adjacent property. Concern is raised with potential privacy impacts for the subject property as its window is lower. Whilst not required, consideration may be given to providing obscure glass to this window. This has been included in the recommendation. 	
Part 2 – Secondary dwellings	<u>PC1 Site Area</u> <ul style="list-style-type: none"> As demonstrated in the previous section, the site area is adequate to incorporate setbacks and landscaped open space in accordance with the DCP. 	Yes
	<u>PC2 Floor Area</u> <ul style="list-style-type: none"> A maximum floor area of 60m² is permissible - 54.3m² is proposed. The total gross floor area of the principal dwelling and the secondary dwelling is less than the maximum FSR allowed under the Inner West LEP 2022. 	Yes
	<u>PC3 Building Height</u> <ul style="list-style-type: none"> Maximum building height is single storey and is no greater than the height of the existing dwelling house. 	Yes
	<u>PC4 Subdivision</u> <ul style="list-style-type: none"> No subdivision is proposed. 	Yes
	<u>PC5 Setbacks</u> <ul style="list-style-type: none"> The secondary dwelling is not located forward of the front building line of the principal dwelling and achieves minimum side setbacks of 0.9 metres. The setbacks allow for a usable back garden to the principal dwelling and a usable, private open space to the front of the secondary dwelling. 	Yes
	<u>PC6 Landscaped Area</u> <ul style="list-style-type: none"> Development does not reduce landscaped areas for the property to less than the minimum required for a dwelling house. 	Yes

5(e) The Likely Impacts

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

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

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

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. 11 submissions were received in response to the notification.

Amended plans were provided in the assessment process and the application was renotified. 4 submissions were received in response to the renotification.

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

- Heritage Conservation
- Landscaped Area
- Site Coverage
- Solar access and overshadowing
- Materials not compatible with has specified the HCA

As previously noted, the Request for additional information issued by Council recommended specific design changes, which were incorporated in amended plans. The following is a list of specific design elements that were raised as issues in submissions and have been removed from the proposal:

- The roof over to the deck between the main and secondary dwelling was deleted from the plans;
- The colorbond fence to Wallace Street was replaced with a timber paling fence;
- The proposed garage to the secondary dwelling was deleted from the proposal; and
- The setback of the secondary dwelling was revised to match the setback alignment of 15 Wallace Street;

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

Issue: Overdevelopment of the site, in particular with regard to detrimental impact on heritage values with its corner location within the HCA.

Comment: As previously discussed, Council sent a Request for additional Information that outlined concerns related to the impact of the built form being inconsistent with the pattern of surrounding development and the associated impacts on the landscape setting of the site. The amended plans incorporated a number of measures that generally reduced the scale of the development and increased the landscaped area of the site. These measures included a reduction in the size of the rear addition, an increase in the distance between the principal and secondary dwelling and a reduction in size of the secondary dwelling structure, including the deletion of the garage.

As outlined, the proposal is compliant with Height of Building, Floor Space Ratio and site coverage controls which are in place to ensure the scale of the development minimises impacts on neighbouring development and the subject

site. The proposal also achieves the minimum landscaped area for the site of 35%. The proposal complies with the relevant development standards in the LEP and DCP and as such is not considered to constitute over-development.

Issue: Materials not compatible with HCA

Comment: The amended plans included an updated Materials and finishes schedule, which addressed initial concerns. The Colorbond fence was deleted, timber framing was indicated for doors and windows to the original walls of the dwelling and all openings facing the street. The colour scheme was amended by deleting all dark grey tones

Issue: Metal roof/Colorbond roofing to addition and secondary dwelling not appropriate to the HCA

Comment: While the main existing roof is tile, it is noted that the existing skillion is metal roof sheeting, which is a traditional roof material. As previously, discussed the proposal was referred to Council's heritage advisor who raised no objections with the use of a corrugated metal roof to the addition and the secondary dwelling.

Issue: Three conflicting roof profiles to Wallace Street

Comment: The amended plans simplified the roof forms and incorporate a hip roof form to the new addition as well as the secondary dwelling. The amended plans were referred to Council's heritage advisor who considered the revised roof form appropriate.

Issue: The calculations for landscaped area.

Concern was raised with the areas proposed as landscaped area, including that the two boundary setbacks should not be calculated as part of the landscaped area, nor should the areas shown for bin storage. It was noted that the calculations should be revised.

Comment: The amended plans showed paving to both the eastern and southern setback areas instead of landscaped area. The location for the bin storage is considered indicative and there appears to be sufficient paved areas adjacent or close to these areas for bin storage. The landscaped area was improved as a result of the various changes incorporated in the amended plans. As previously discussed, Council's calculation shows that the minimum landscaped area of 35% required for the site is achieved.

Issue: No landscape Plan provided indicating where replacement trees are to be planted.

Comment: A Landscape Plan was submitted with amended plans and the location of two (2) replacement trees was shown on the plans. Conditions related to tree planting are included in the recommendation.

Issue: Removal of trees and shrubs, including the removal of the mature tree adjoining the fence on Wallace Street. Concern was raised that the tree should be protected as it provides greenery to the street and privacy for the residents at 2 Federal Avenue. Concern was also raised that the loss of trees will contribute to heat in summer.

Comment: As previously discussed, the proposal was referred to Council's tree Management officer. The proposed removal of the trees within the site was supported as the trees were either listed on the Tree Minor Works list in the Inner West DCP or had low significance and low retention value. A condition has also been included in the recommendation for tree planting in accordance with Council's *Tree Management DCP*. *A landscape plan was submitted with the amended plans with the location of trees to be planted shown. One such tree is in a similar location the subject tree.*

Issue: Impact on streetscape and appearance not sympathetic to the HCA or the individual heritage items in Wallace Street.

Various submissions outlined concerns including:

- The appearance of the addition being an A shaped barn which is not sympathetic to the original dwelling or the HCA;
- A barn like building does not fit the image of the street;
- The roof heights and shapes clash with the original dwelling;
- The block is crowded and jam-packed;
- The design is not in keeping with surrounding houses and is atypical;
- The proposal is excessive, incompatible and ugly;

Comment: As previously discussed, the amended plans addressed concerns relating to the roof forms and appearance. In particular the gable end of the addition was deleted and replaced with a hip roof form and the roof forms generally were simplified.

As previously outlined in Section 5(d), the proposal was assessed against Chapter E1 of the DCP. The proposal satisfies the various heritage provisions in the DCP for Heritage Conservation Areas, Contributory Buildings and Infill development within an HCA. The plans were referred to Council's heritage advisor who considered the amended plans appropriate from a heritage perspective.

Issue: Loss of rear yard to main dwelling, in particular the proposal does not maintain a usable rear yard due to poor utility as a result of the configuration of yards within the Wallace Street setback and the proposed internal fencing.

Comment: The amended plans increased the distance between the rear of the principal dwelling and the secondary dwelling which improves the size and general amenity to the yard and private open space. The deletion of the internal fencing submitted with the amended plans dated 18/08/23, further improves the landscape setting of the site and creates a larger continuous rear yard that benefits the principal and secondary dwelling.

Issue: The area of dwelling under the skillion roof has been disregarded in the Heritage Impact Statement, in particular the proposal does not take into account the original kitchen, dining and WC elements and the external brickwork, windows and door openings under the skillion.

Comment: The existing layout under the main roof remains unaltered as is required by the DCP. The reconfiguration of the areas under the existing skillion is considered acceptable, especially given the external walls and windows of Bed 3, which present to Wallace Street, remain unaltered. Furthermore, the external wall of the existing dining room is also retained. This wall is also located under the existing skillion and although modifications are proposed relating to the infill of a window opening and replacement with new bathroom windows, this is

considered acceptable from a heritage perspective as the wall is not located under the main roof volume and will not be visible from the street.

Issue: Secondary dwelling (general)

Concerns were raised that the site is too small to support a secondary dwelling. A separate submission outlined that the infill development does not maintain or enhance the current streetscape or subdivision pattern and layout of the HCA. A further submission outlined that a separated dwelling on the site would set an unwelcome precedent in the Heritage conservation Area.

Comment: As previously indicated, Chapter 1, Part 3 Secondary Dwellings of the *State Environmental Planning Policy (Housing) 2021* (SEPP) identifies non-discretionary development standards for secondary dwellings that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. For a detached secondary dwelling a minimum site area of 450m² is a non-discretionary development standard. The subject property has a site area of 575.4m² which exceeds the minimum site area required under this part by 125m². As such, it is considered that a secondary dwelling is acceptable, given it also complies with the required development standard relating to Floor space ratio. The floor area of the secondary dwelling is 54.3m² which is under the maximum size of 60m² for a secondary dwelling required by the SEPP and the LEP.

The inclusion of a secondary dwelling in the proposal satisfies the aims of the Inner West Local Environmental Plan in that it provides diversity in housing to meet the needs of, and enhance amenity for, Inner West residents.

Notwithstanding the above, consideration has been given to the feasibility of the secondary dwelling in regards to heritage impacts. As previously discussed, the amended plans reduced the scale of the overall development on the site. The overall site coverage and provision of adequate landscape setting is considered reasonable with regard to the surrounding context of the HCA.

Issue: The infill development (secondary dwelling) does not meet the guidelines and objectives of the DCP.

Comment: The amended plans incorporated modifications to the design, scale and use of materials for the secondary dwelling to address initial concerns. As previously discussed, the proposal complies with the controls in Chapter E1, Part 3 of the DCP as the infill building is modest in scale and fits in with the form, character and general pattern of material use that is found with the heritage conservation area. As required under in Chapter E1, Part 4, the infill development does not replicate traditional forms or details.

Issue: Lack of private open space for the secondary dwelling.

Comment: As previously discussed, the provision of private open space satisfies the requirements of the DCP as 20sqm is provided with a minimum dimension of at least 3.5m. The private open space has a northern aspect and an appropriate level of solar access, natural ventilation and privacy.

Issue: The location of the garage in close proximity to the bedroom window at 15 Wallace Street and the possibility of a car idling in the adjacent hardstand posing health risks from fumes.

Comment: The garage was deleted in the amended plans, however a hardstand parking space remains. It is considered reasonable for a hardstand car space to be

located adjacent to the boundary as a setback of 930mm is provided to the common boundary and the hardstand is adjacent to the existing hardstand car space at 15 Wallace Street.

Issue: The new proposed Sliding gate is close to the main bedroom window of the adjacent property at 15 Wallace Street and will pose a noise nuisance.

Comment: The acoustic impacts are in-line with that of existing neighbouring residential properties and in-keeping with today's expectations for low density residential zones.

Issue: The entrance and porch to the secondary dwelling shown in the amended plans will be adjacent to the main bedroom window of 15 Wallace Street and will affect privacy.

Comment: As previously discussed further amended plans were submitted in the assessment process after the submissions were received. The entry porch was realigned to be parallel to the street rather than parallel to the adjacent boundary. This is considered a reasonable arrangement for the entry in-keeping with today's expectations for low density residential zones.

Issue: Concern was raised that the widening of the car entrance would result in a reduction of car spaces on the street. Concern was also raised that the widening would be towards the boundary of 15 Wallace Street, which is where the neighbour locates their Council bins for collection day.

Comment: The proposed driveway is being relocated approximately 1.2m closer to the boundary. The driveway will not be widened as the redundant portion of the existing driveway will be removed. There will be no loss of carparking with the driveway relocation as there is not enough space to currently park between the two existing driveways. The relocation will if anything mean that there is more space for parking to the western side of the proposed driveway. In regard to bins, it is noted that the area where the neighbour parks their bins is in front of the subject property and it is considered reasonable that alternate arrangements for bins be made for collection day.

Issue: Shadowing to Lounge room, living room and clothesline at 15 Wallace Street.

Comment: It is noted that the initial shadow diagrams indicated that there was a small overlap of shadow in plan to the eastern wall of 15 Wallace Street at 3:00pm on 21 June. Vertical or elevational shadow diagrams were requested to demonstrate that this shadow line did not overshadow the windows themselves. The updated shadow diagrams also incorporated the design changes made to the secondary dwelling in the amended plans. The updated shadow diagrams, in particular Drawing No. A17 shows that the secondary dwelling does not cast any shadows on the windows or clothesline at 15 Wallace Street.

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 considered to be in the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers whose comments have been taken into consideration in the assessment of the proposed development:

- Heritage Officer
- Urban Forest Officer
- Development Engineer

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area.

A contribution of **\$20,000.00** would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023.

A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

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

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2023/0152 for Alterations and additions to dwelling house including partial demolition and rear extension, new secondary dwelling, tree removal and landscaping works at 2 Federal Avenue ASHFIELD NSW 2131 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Attachment A – Recommended 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
A02 REV: C	Existing/ Demolition Ground Floor Plan	18 August 2023	The Site Foreman
A03 REV: C	Ground Floor Plan	18 August 2023	The Site Foreman
A04 REV: C	Roof Plan	18 August 2023	The Site Foreman
A05 REV: C	Streetscape Elevations	18 August 2023	The Site Foreman
A06 REV: C	Elevations	18 August 2023	The Site Foreman
A07 REV: C	Elevations	18 August 2023	The Site Foreman
A08 REV: C	Materials and Finishes	18 August 2023	The Site Foreman
A09 REV: C	Sections	18 August 2023	The Site Foreman
A484620_02	Basix Certificate	12 July 2023	Haminza Architects
1365141S_02	Basix Certificate	12 July 2023	Haminza Architects
L/01 'A'	Proposed Landscape Plan	1 February 2023	Discount Landscape Plans
L/02	Landscape Details	1 February 2023	Discount Landscape Plans
D10 REV B	Cover Sheet, Legend and Drawing Schedule	7 July 2023	Amity Engineers
D10 REV B	Stormwater Drainage Plan - Ground Floor	7 July 2023	Amity Engineers
D20 REV B	Stormwater Details	7 July 2023	Amity Engineers
AIA2FED/102022	Arboricultural Impact Assessment	14 October 2022	Green Spaces Consultancy

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

- a. The metal roof sheeting to the proposed addition (including the linking element) as well as the metal roof sheeting to the secondary dwelling must have a corrugated profile. The flatter roofs with a pitch of 3 degrees shown over Bed 3 and the verandah may have an alternate profile, if required to suit minimum pitch requirements for metal roof sheeting.
- b. All metal roof sheeting and associated rainwater goods must be Colorbond Windspray.

- c. The roof over the verandah, adjacent to the living/dining area, must be reduced in depth to match the depth of the verandah below.
- d. The sliding gates to the driveway must be designed to incorporate treated pine palings to match the adjacent treated pine paling fence to Wallace Street.
- e. The colour selection for the FC cladding must be amended to be China White.
- f. A privacy screen is required to be located to the southern side of the deck, to a height of 1.6m above the finished level of the deck with a minimum block out density of 75%.
- g. Consideration may be given to amending the design of the window to the rear of the secondary dwelling living area to be obscure glass to either the whole window or the top pane.

FEES

3. Security Deposit - Custom

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

Security Deposit:	\$5992.00
Inspection Fee:	\$374.50

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

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

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

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

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

4. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.

5. Section 7.11 Contribution

In accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary

contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

Contribution Category	Amount
Open Space & Recreation	\$14,300.00
Community Facilities	\$2,650.00
Transport	\$1,880.00
Plan Administration	\$184.00
Drainage	\$986.00
TOTAL	\$20,000.00

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = is the contribution at time of payment

C_{consent} = is the contribution at the time of consent, as shown above

CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being [insert CPI value] for the [insert latest quarter and year].

CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres at council@innerwest.nsw.gov.au or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

GENERAL CONDITIONS

6. Boundary Alignment Levels

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

7. Tree Protection

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

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

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

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

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

Tree No.	Botanical/Common Name	Location
T1	<i>Lophostemon confertus</i> (Brushbox)	Front on Council controlled land
T5	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Rear setback - 4 Federal Avenue

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

- a. Green for trees to be retained;
- b. Red for trees to be removed;
- c. Blue for trees to be pruned; and
- d. Yellow for trees to be transplanted.

NOTE: Reference should be made to the *Arboricultural Impact Assessment Report prepared by Green Spaces consultancy dated 08/03/2023 for tree numbering and locations*.

8. Project Arborist

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

9. Works to Trees

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

Tree/location	Approved works
T2- <i>Cotoneaster lacteus</i> (Red Cluster Berry) - Rear setback	Removal
T3 - <i>Dyopsis lutescens</i> (Golden Cane Palm) - Rear setback	Removal
T4 - <i>Abelia x grandiflora</i> (Glossy Abelia) - Rear setback	Removal

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

10. Waste Management Plan

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

11. Erosion and Sediment Control

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

12. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

13. Hoardings

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

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

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

14. 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 at 4 Federal Avenue and 15 Wallace Street Ashfield 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.

15. 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.

PRIOR TO CONSTRUCTION CERTIFICATE**16. Dilapidation Report – Pre-Development – Minor**

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

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

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

The design must be generally in accordance with the stormwater drainage concept plan on Drawing Nos.D00 to D20 (3 sheets) prepared by Amity Engineers and dated 07 July 2023, as amended to comply with the following;

- a. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipeline from the rainwater tank, by gravity to the kerb inlet pit or kerb and gutter of a public road via the OSD/OSR tanks as necessary. The proposed stormwater RHS outlet conduit shall be by gravity drainage to the kerb inlet pit. The outlet pipe invert level 28.65 m AHD at the Council kerb inlet pit shall be set at or below 28.60 m AHD;
- b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank;
- d. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- e. The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions;
- f. OSD may be reduced or replaced by on site retention (5000 L rainwater tank) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tank must be connected to a pump system for internal reuse for flushing of all new toilets and for outdoor usage such as irrigation. Therefore, 5000 L rainwater tank is acceptable;
- g. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows;
- h. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- i. Existing local overland flowpath must be maintained within the setback to the eastern and western side boundaries between the rear of the dwellings and the street frontage. The rear courtyard must be graded so that bypass flows from the site drainage system are directed to the overland flowpath;
- j. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings;
- k. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- l. No nuisance or concentration of flows to other properties;
- m. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- n. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey

the additional runoff generated by the development and be replaced or upgraded if required;

- o. A silt arrestor pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- p. New pipelines within the footpath area that are to discharge to the kerb inlet pit must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm; and
- q. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

18. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The construction of light duty vehicular crossing;
- b. New concrete footpath and kerb and gutter along the frontage of the site at damaged locations. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determined by the Council Engineer;
- c. Minimum clearance between the proposed driveway and adjacent property driveway shall be 1 meter. The adjacent property driveway crossing layout and clearance distance shall be shown on the plans; and
- d. Installation of a stormwater outlet to the kerb and gutter.

All works must be completed prior to the issue of an Occupation Certificate.

19. Construction Methods to Minimise Impact on Trees

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by a suitably qualified Arborist demonstrating that the footings of the approved development utilise tree sensitive construction techniques (such as isolated pier or pier and beam construction) within the specified radius of the trunk of the following tree.:

Tree No.	Botanical/Common Name	Radius in metres
T5	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	4.3m

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

20. Tree Protection Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a detailed site-specific Tree Protection Plan (TPP) prepared by a AQF5 Consultant Arborist. The TPP is to be prepared in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

The trees identified below are to be retained and protected throughout the development:

Tree No.	Botanical/Common Name	Location
T1	<i>Lophostemon confertus</i> (Brushbox)	Front on Council controlled land
T5	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Rear setback - 4 Federal Avenue

The tree protection measures contained in the TPP must be shown clearly on the Construction Certificate drawings, including the Construction Management Plan.

The Certifying Authority must ensure the construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPP.

A Project Arborist is to be appointed prior to any works commencing to monitor tree protection for the duration of works in accordance with the requirements identified in the TPP.

All tree protection measures as detailed in the approved Tree Protection Plan must be installed and certified in writing as fit for purpose by the Project Arborist.

21. 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.

22. 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

23. Tree Protection

To protect the following tree/s, ground, trunk and branch protection must be installed 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
T1	<i>Lophostemon confertus</i> (Brushbox) is located at the front on Council controlled land
T5	<i>Callistemon viminalis</i> (Weeping Bottlebrush) is located at 4 Federal Avenue - Rear setback

24. Tree Protection Zone

To protect the following tree, no work must commence until its Protection Zone is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area in accordance with the Tree Protection Plan. The fences (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site.

Tree No.	Botanical/Common Name	Radius in metres
T5	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Approved TPP

25. 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.

26. 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**27. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. Light duty concrete vehicle crossing at the vehicular access location;
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer), the replacement kerb must also be in stone;
- c. Damaged concrete footpath across the frontage of the site must be reconstructed; and
- d. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

28. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors.

29. Protect Sandstone Kerb

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

30. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed and OSD/OSR system commissioned in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plans must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

Certification of Tree Planting

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

A minimum of 2 x 75 litre size additional trees, that will attain a minimum mature height of 10 metres, have been planted in a more suitable location within the property at a minimum of 1.5 metres from any boundary, 2.2m from any dwelling or garage wall and allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape*. Trees listed as exempt

species from Council's Tree Management Controls, and species recognised to have a short life span will not be accepted as suitable replacements.

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

31. Project Arborist Certification

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

ON-GOING

32. Bin Storage

All bins are to be stored within the site.

ADVISORY NOTES

Permits

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

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

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

Insurances

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

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Arborists standards

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

Tree Protection Works

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

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

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.

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.

Construction of Vehicular Crossing

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

Lead-based Paint

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

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

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.

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.

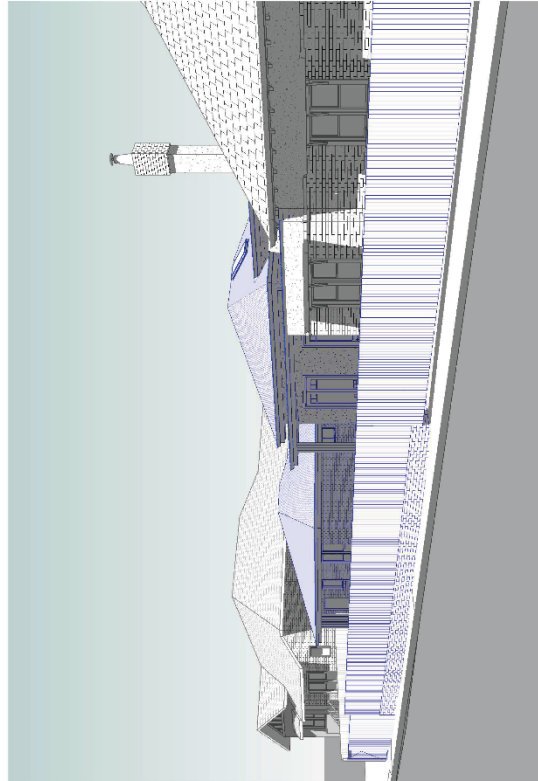
Street Numbering

If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to [Street Numbering Application](#)

Attachment B – Plans of proposed development

LOT 7 DP5399
AT 2 FEDERAL AVENUE
ASHFIELD, NSW 2131

Sheet	Cover Sheet	Description
01	EXISTING & PROPOSED SITE PLAN	
02	EXISTING/DEMOLITION GROUND FLOOR PLAN	
03	GROUND FLOOR PLAN	
04	ROOF PLAN	
05	STREETSCAPE ELEVATIONS	
06	ELEVATIONS	
07	ELEVATIONS	
08	MATERIALS & FINISHES	
10	GFA & LANDSCAPE CALCULATIONS	
11	SHADOW DIAGRAMS	
12	SHADOW DIAGRAMS	
13	SHADOW DIAGRAMS	
14	SHADOW DIAGRAMS	
15	SHADOW DIAGRAMS	
16	3D VIEWS	
17	3D VIEWS	
18	3D VIEWS	

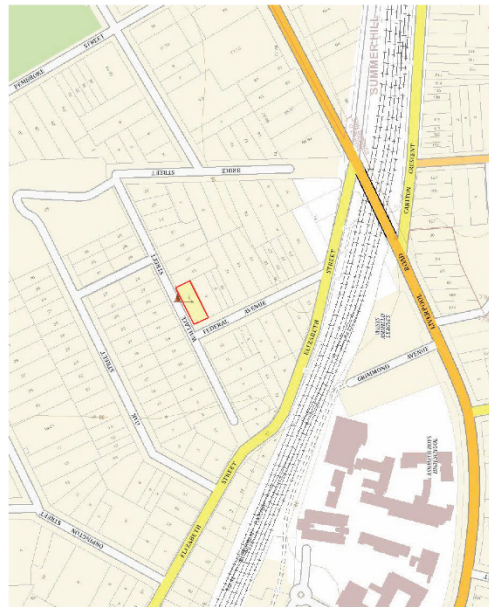


CONCEPT 3D VIEW

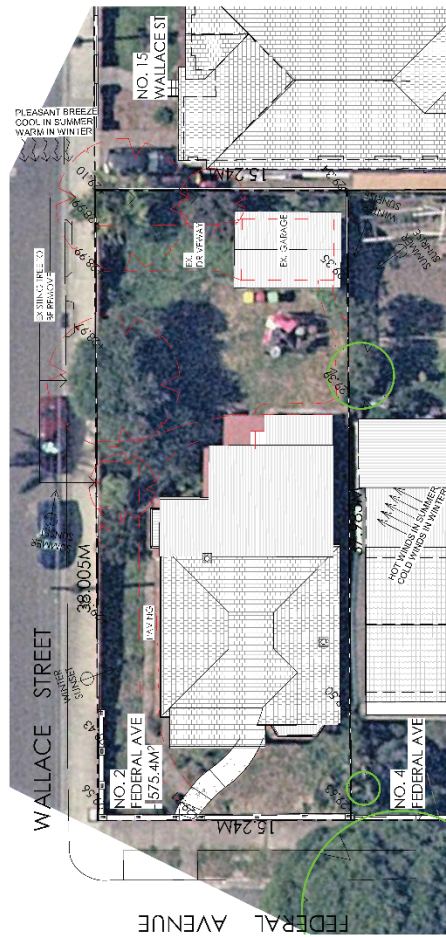
DEVELOPMENT APPLICATION

		T: 1300 728 005 E: SERVICE@SFFORARCHITECTS.COM.AU INNER WEST:		DRAWING TITLE COVER SHEET		DRAWING DESIGNED BY JL	
THE ABOVE FORMS PART OF A SET OF DRAWINGS FOR THE DEVELOPMENT OF THE SITE LOCATIONS SHOWN HEREIN. THESE FORMS ARE THE PROPERTY OF THE SITE FOREMAN GROUP. THEY ARE TO BE USED FOR THE PROJECT ONLY AND ARE NOT TO BE REPRODUCED OR USED FOR ANY OTHER PROJECT. ANY REUSE OR MISUSE OF THESE FORMS IS STRICTLY PROHIBITED. ANY REUSE OR MISUSE OF THESE FORMS IS STRICTLY PROHIBITED. ANY REUSE OR MISUSE OF THESE FORMS IS STRICTLY PROHIBITED.		PROJECT ALTERATIONS, ADDITIONS & SECONDARY DWELLING		CHECKED BY AC		SCALE @A3	
INNER WEST:		ADDRESS 2 FEDERAL AVE, ASHFIELD		JOB NO 2990		DRAWING NO. A00	
EASTERN SUBURBS:		DATE 20/12/23		DO NOT SCALE FROM THESE DRAWINGS AND GIVE DIMENSIONS TO THIS SCALE. DIMENSIONS ON THIS SCALE TO BE USED FOR THE PROJECT ONLY. DIMENSIONS ON THIS SCALE TO BE USED FOR THE PROJECT ONLY. DIMENSIONS ON THIS SCALE TO BE USED FOR THE PROJECT ONLY.		REV. C	
652-664 PARMATTA ROAD, CROYDON NSW 2132		REVISIONS		ISSUE		DRAWING NO. A00	
394 NEW SOUTH HEAD ROAD, DOUBLE BAY NSW 2008		A ISSUED FOR COUNCIL'S REF		B ISSUED FOR COUNCIL'S REF		DRAWING NO. A00	
2603		C DA ISSUE		D DA ISSUE		DRAWING NO. A00	
NOMINATED ARCHITECT: Alexander Chongmin (A001) 7196		ARCHITECTS		ARCHITECTS		DRAWING NO. A00	

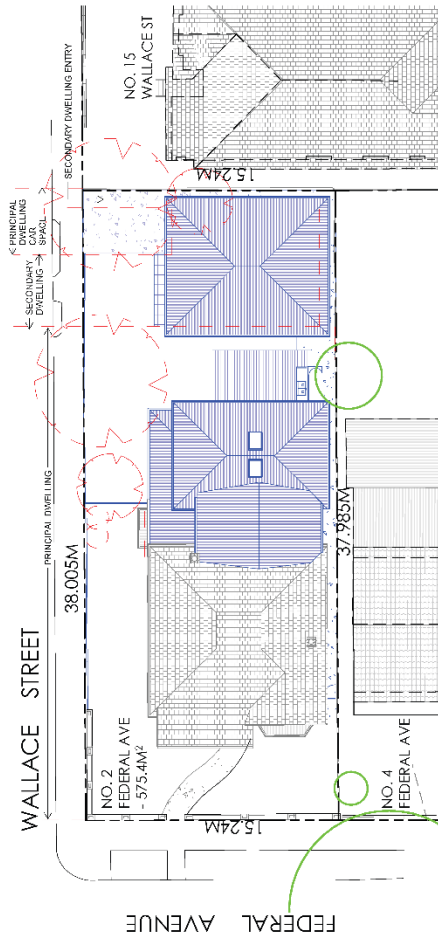
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LOCALITY PLAN



EXISTING SITE PLAN & ANALYSIS 1:250



SITE PLAN 1:250

SITE PHOTOS



DEVELOPMENT APPLICATION

THE SITE FOREMAN ARCHITECTS T: 02 950 726 006 E: SERVICE@TSF-ARCHITECTS.COM.AU 394 NEW SOUTH HEAD ROAD, DOUBLE BAY NSW 2028 NORTON ARCHITECT - Associate Architect ARN 17196 ARN 2516232824		DRAWING TITLE: EXISTING & PROPOSED SITE PLAN PROJECT: ALTERATIONS, ADDITIONS & SECONDARY DWELLING ADDRESS: 2 FEDERAL AVE, ASHFIELD DATE: 22/08/2023 REVISIONS: A ISSUED FOR COUNCIL'S PERMIT B ISSUED FOR COUNCIL'S PERMIT C DA ISSUE		DRAWING DESIGNED BY: JLL CHECKED BY: AC SCALE: 1:250@A3 JOB NO: 2990 DRAWING NO: A01 REV: C	
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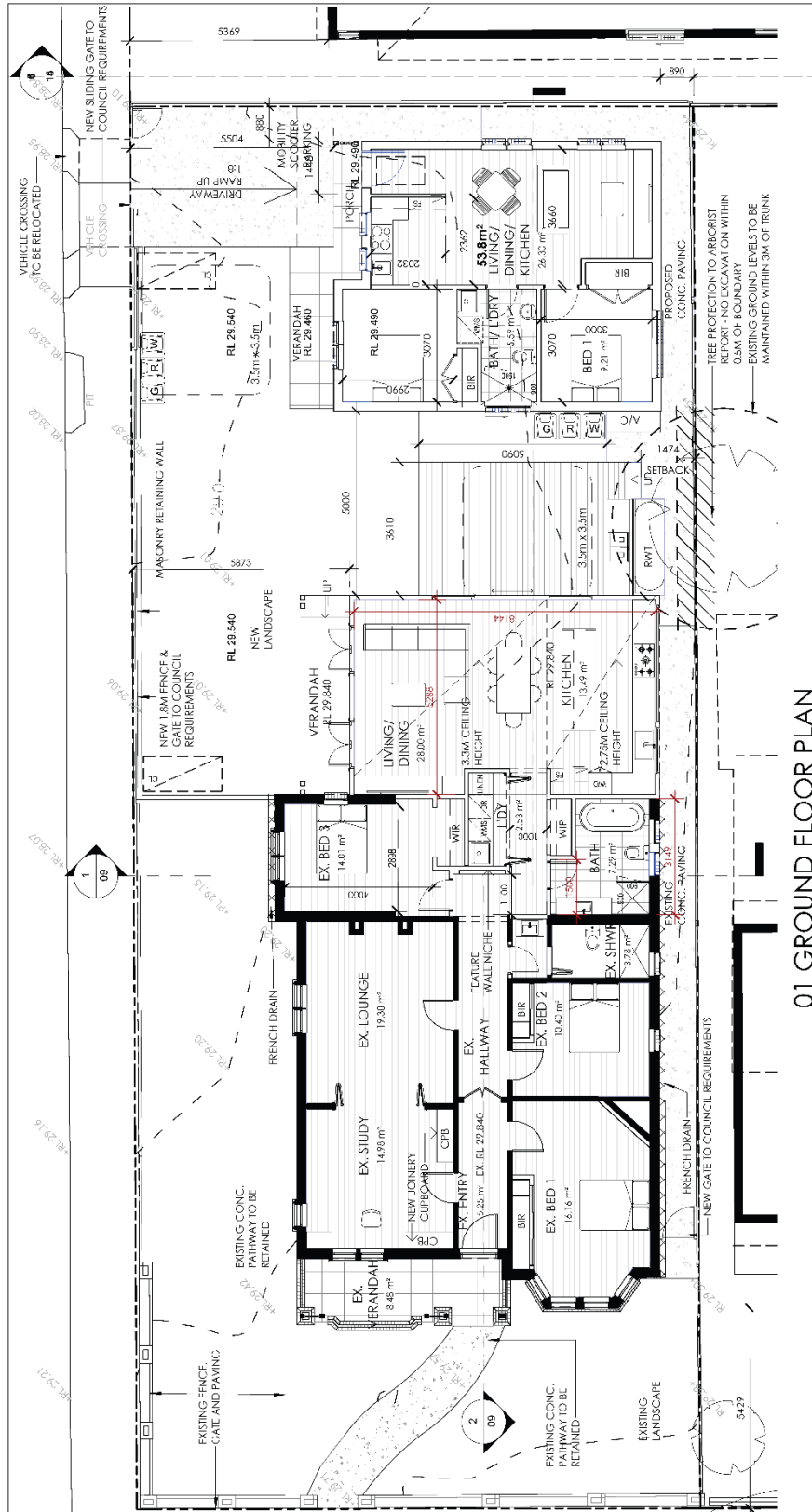
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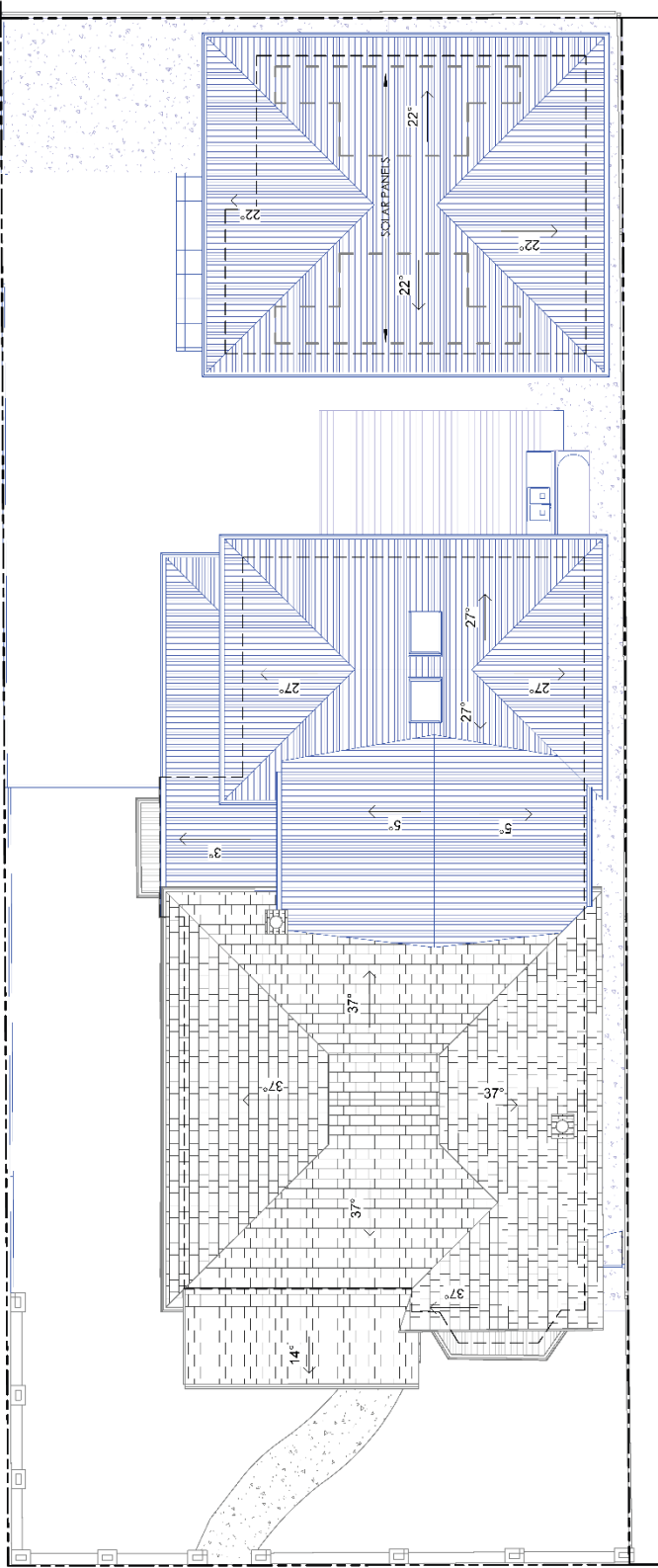
DEVELOPMENT APPLICATION



01 GROUND FLOOR PLAN

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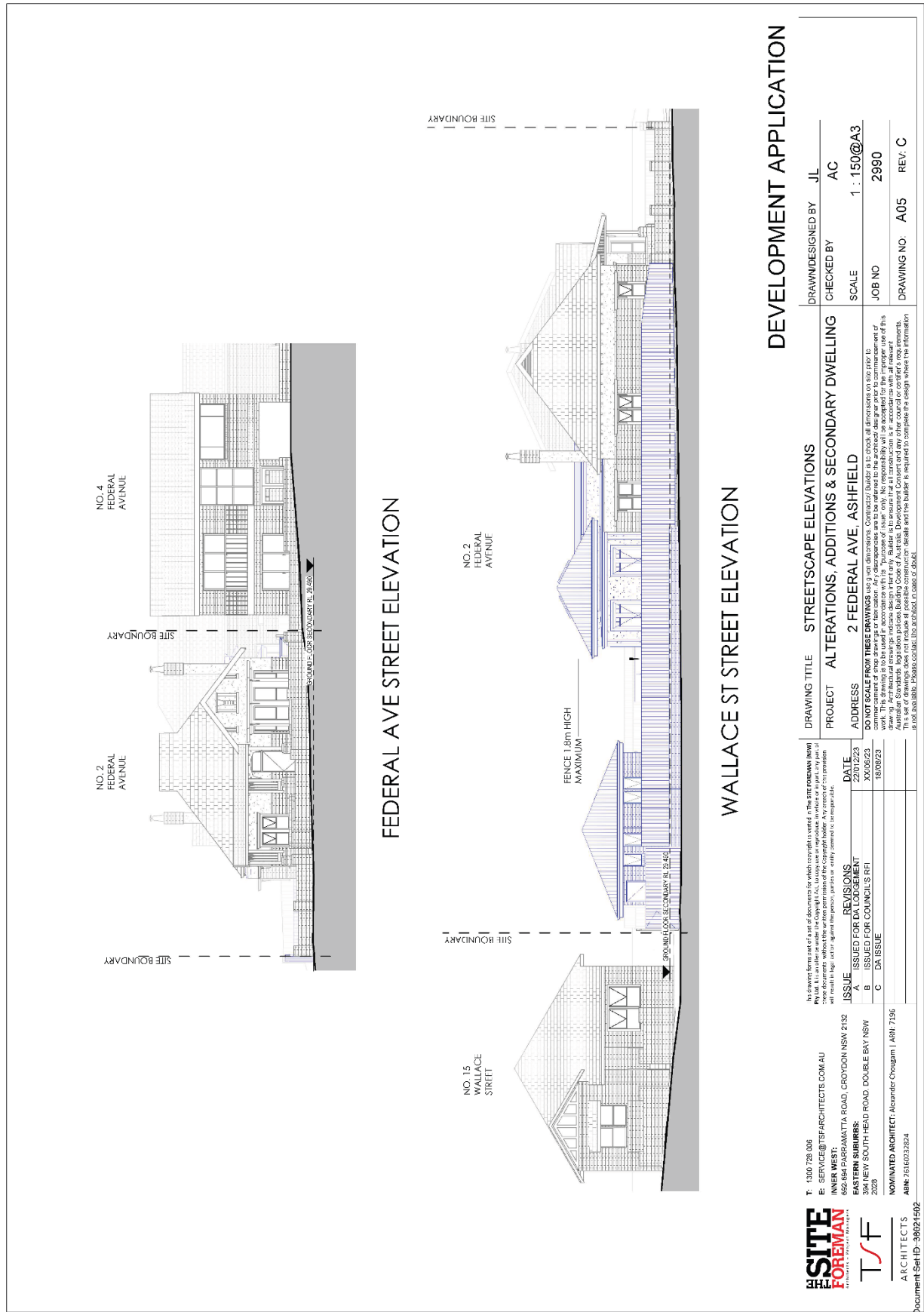
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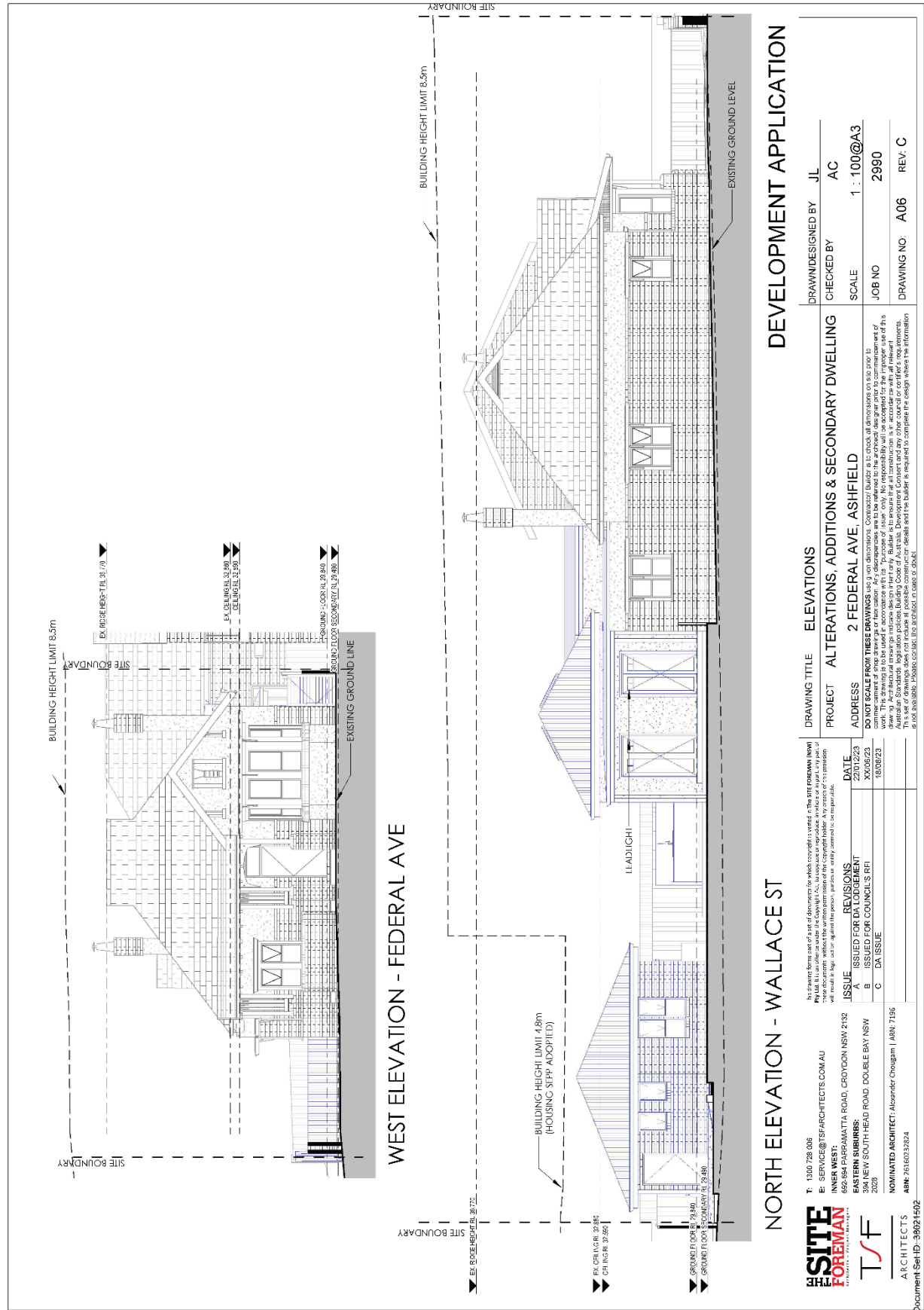


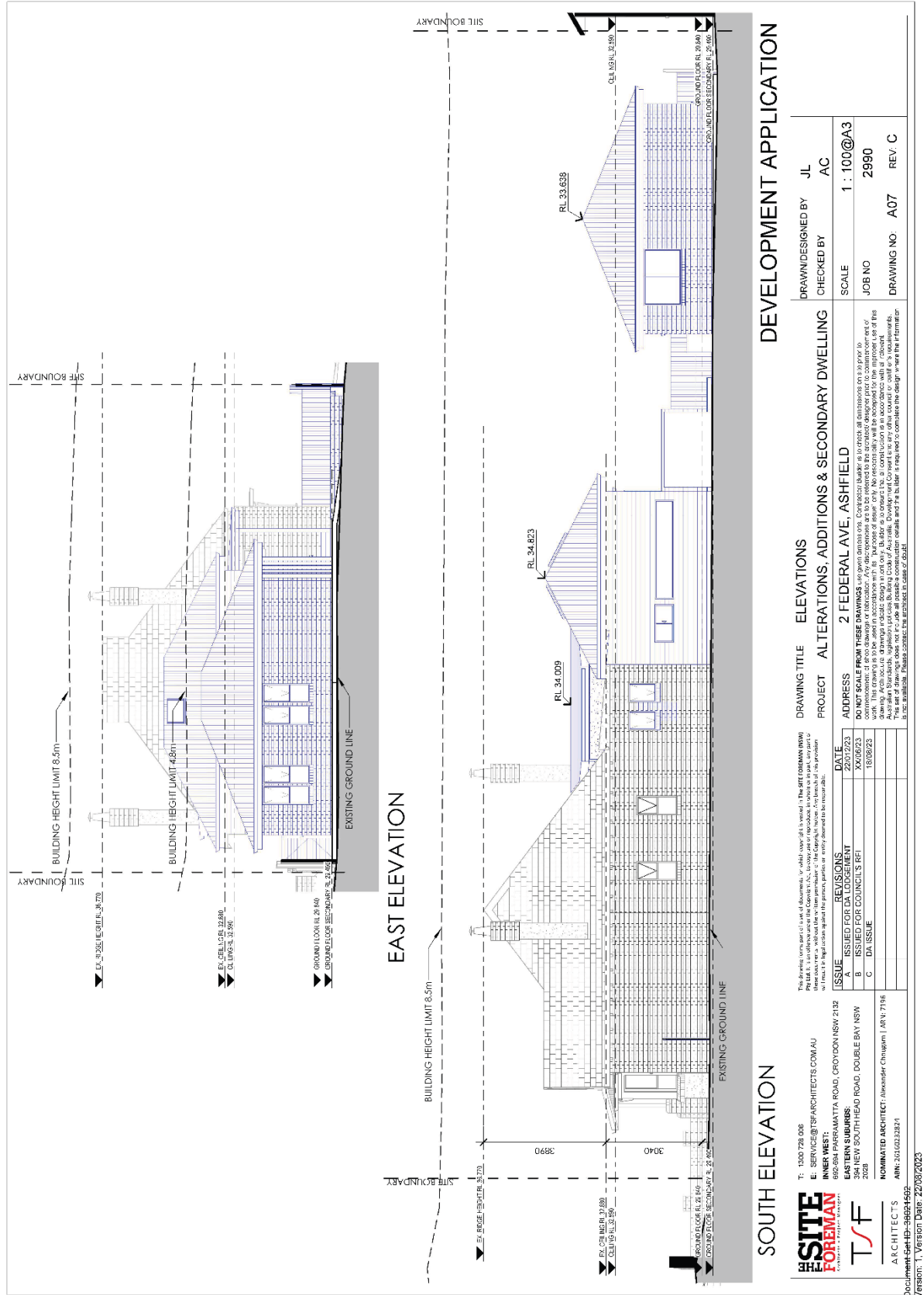
01 ROOF PLAN

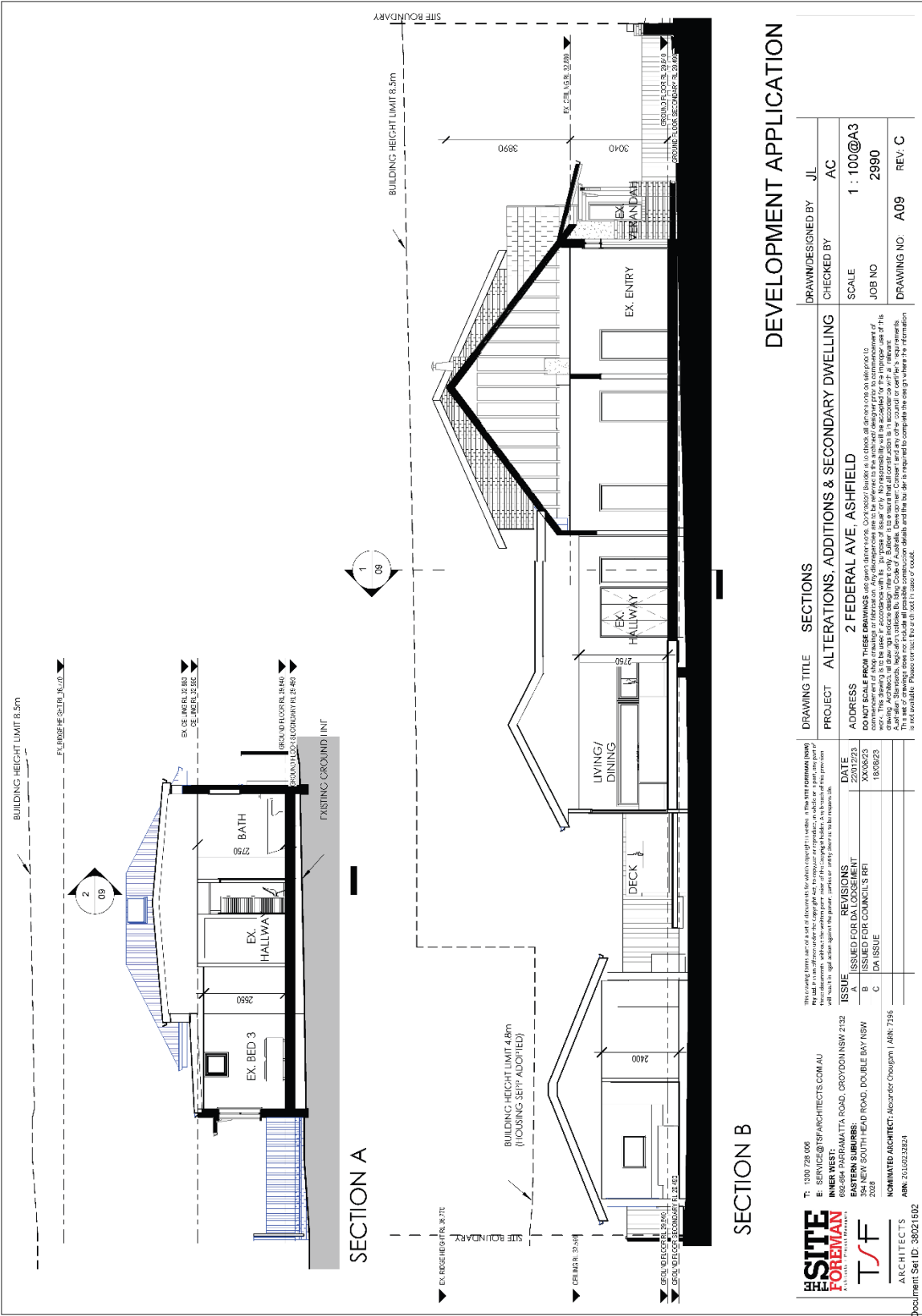
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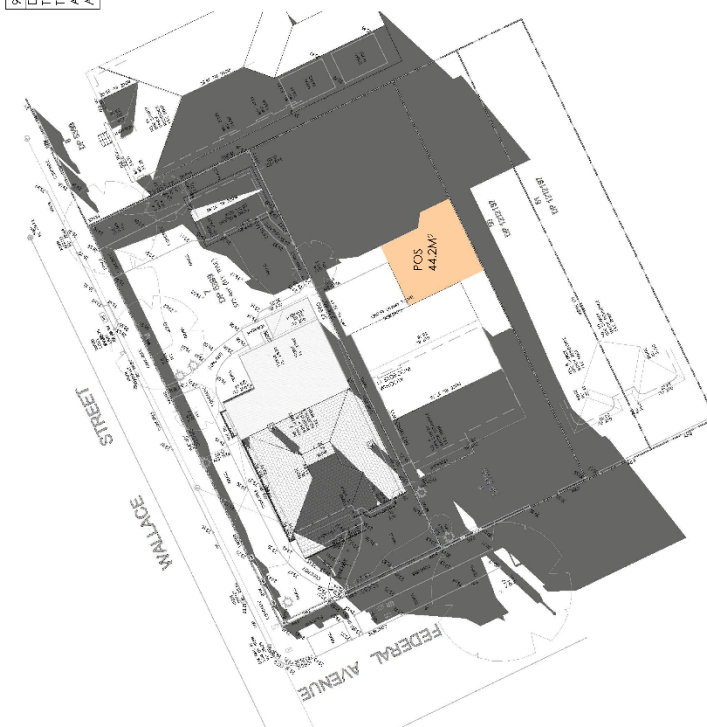
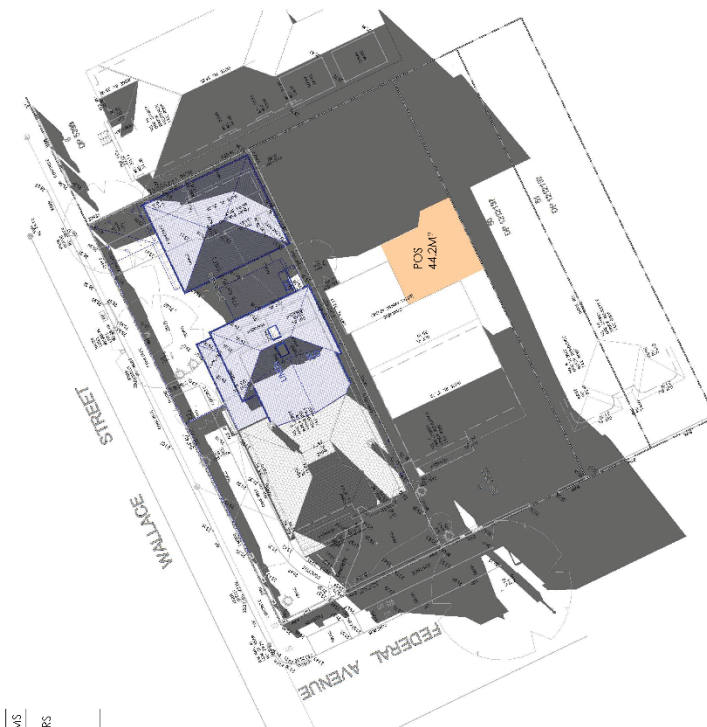
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	PROJECT		ALTERATIONS, ADDITIONS & SECONDARY DWELLING		
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	DATE		22/01/2023		
	ISSUE		REVISIONS		
	A		ISSUED FOR DA LODGEMENT		
	B		ISSUED FOR COUNCIL'S RFI		
	C		DA ISSUE		
T: 1300 728 008		R: SERVICE@TSFARCHITECTS.COM.AU		EASTERN SUBURBS:	
INNER WEST:		692-694 PARRAMATTA ROAD, CROYDON NSW 2132		394 NEW SOUTH HEAD ROAD, DOUBLE BAY NSW 2008	
NOMINATED ARCHITECT: Alexander Choungam ARN: 2106		ABN: 76160233824			











EXISTING SHADOW DIAGRAM 21 JUNE 9AM

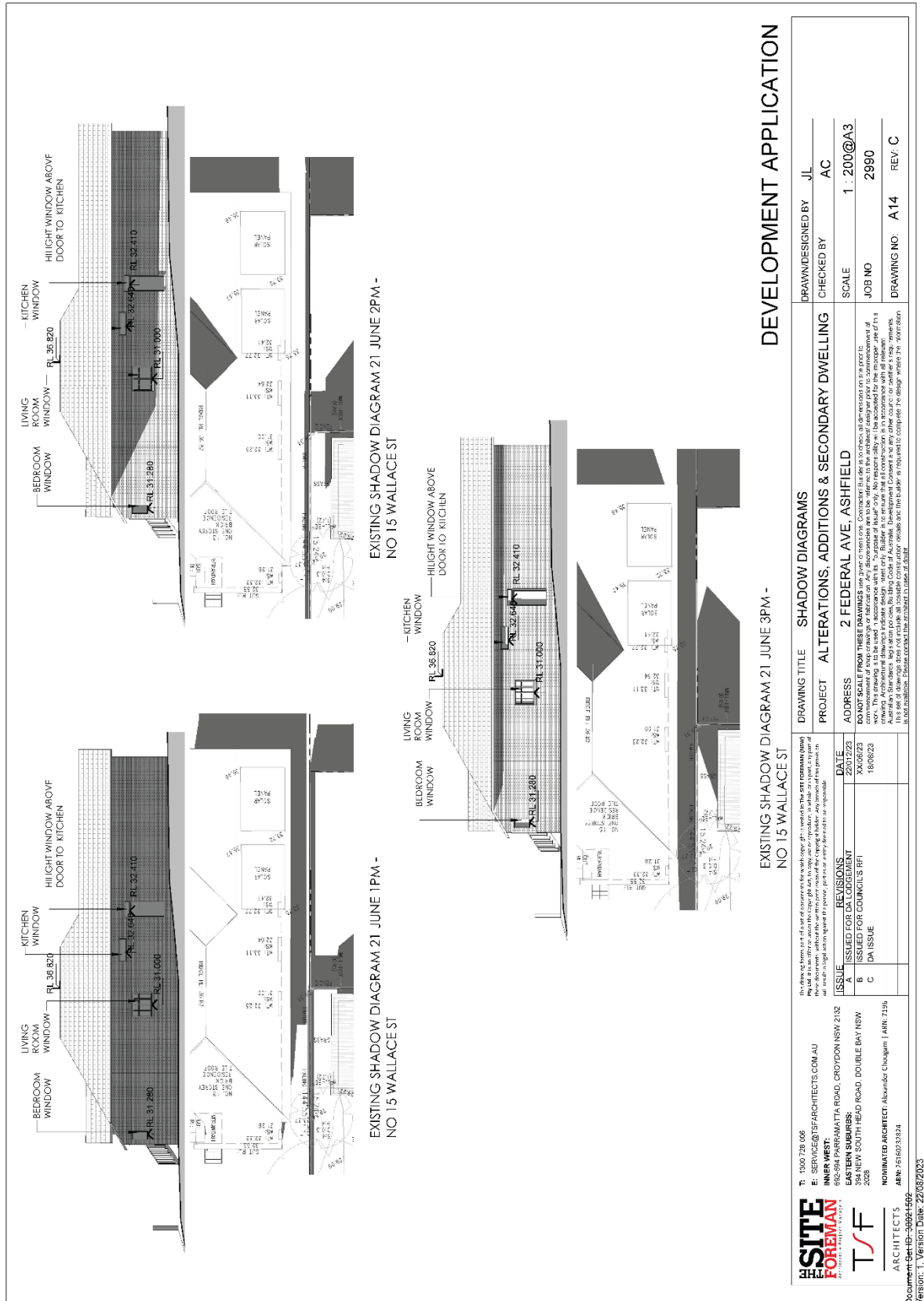
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DEVELOPMENT APPLICATION

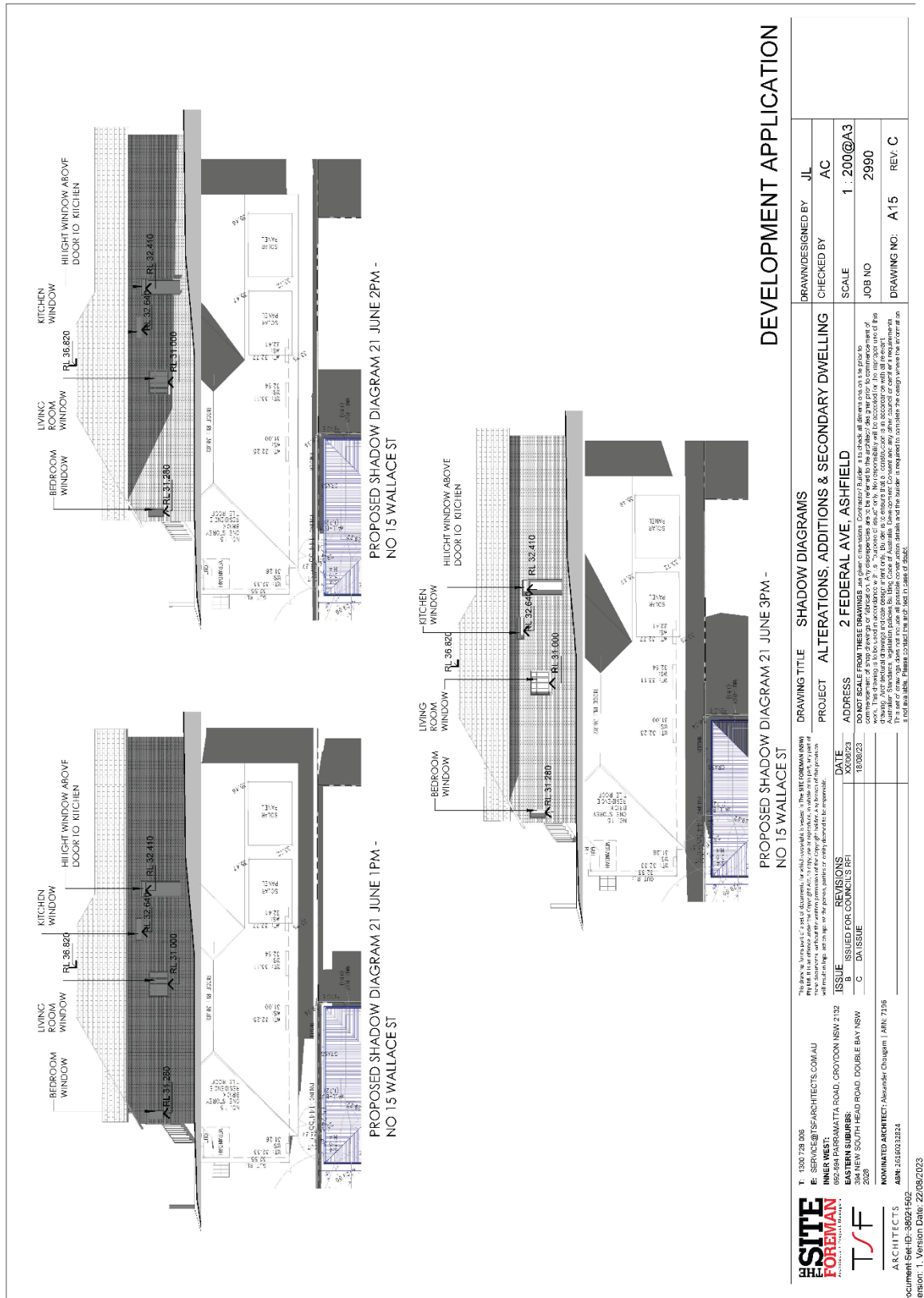
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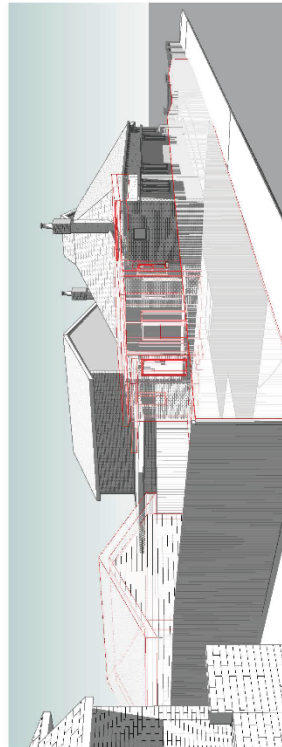
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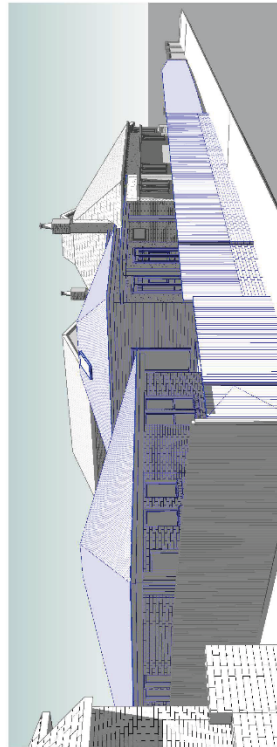








NORTHEAST VIEW - EXISTING WITH DEMOLITION

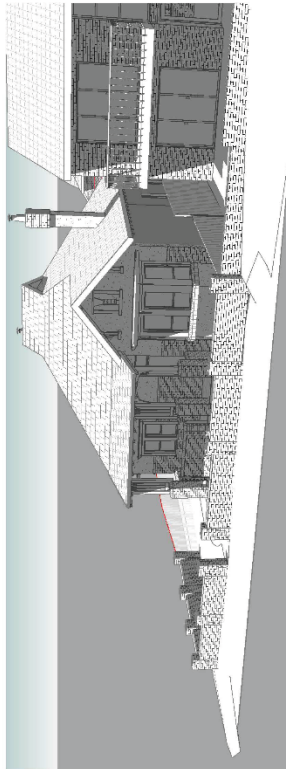


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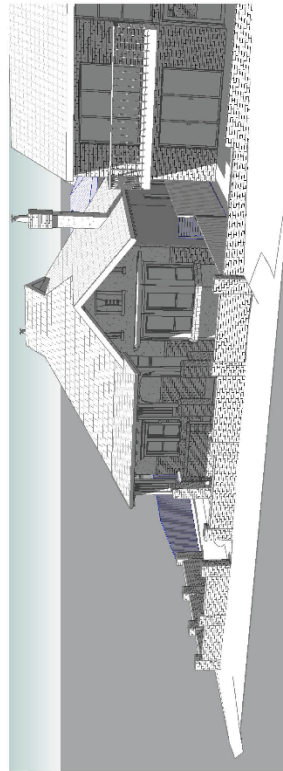
DEVELOPMENT APPLICATION

<p>T: 1300 728 006 E: SERVICE@TSFARCHITECTS.COM.AU 65-68H PARHAMATTA ROAD, CHERRYBROOK NSW 2122 2028 NOMINATED ARCHITECT: Alexander Chouam / A/N 7196 A/N: 351607293A</p>		<p>THE SITE FOREMAN ARCHITECTS</p>		<p>By drawing from part of part of documents for which copyright is vested in the ARCHITECT (now or then) the ARCHITECT (now or then) is not responsible for any errors or omissions in the drawings or for any loss or damage caused by the use of the drawings without the written permission of the Copyright holder. Any breach of this provision will result in legal action against the person, firm or company responsible.</p>		<p>DRAWING TITLE: 3D VIEWS PROJECT: ALTERATIONS, ADDITIONS & SECONDARY DWELLING ADDRESS: 2 FEDERAL AVE, ASHFIELD DO NOT SCALE FROM THESE DRAWINGS. THE ARCHITECT'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE DRAWINGS OR FOR ANY LOSS OR DAMAGE CAUSED BY THE USE OF THE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT (now or then). ANY BREACH OF THIS PROVISION WILL RESULT IN LEGAL ACTION AGAINST THE PERSON, FIRM OR COMPANY RESPONSIBLE.</p>		<p>DRAWN/DESIGNED BY: JL CHECKED BY: AC SCALE: @A3 JOB NO: 2990 DRAWING NO: A16 REV: C</p>	
<p>ISSUE: CONCEPT P1: UPDATE TO CLIENT'S COMMENTS P2: ISSUED FOR PRE-DA C: DA ISSUE</p>		<p>REVISIONS DATE 13/11/21 13/11/21 18/08/23</p>		<p>18/08/23</p>		<p>18/08/23</p>		<p>18/08/23</p>	

Version: 1, Version Date: 22/08/2023



SOUTHEAST VIEW - EXISTING WITH DEMOLITION



SOUTHEAST VIEW - PROPOSED

DEVELOPMENT APPLICATION

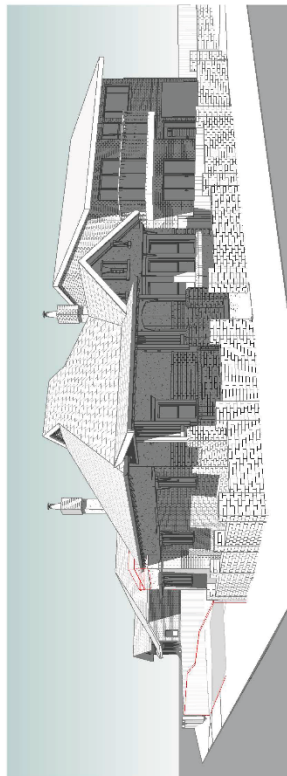
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CHECKED BY	AC
SCALE	@A3
JOB NO	2990
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PROJECT ALTERATIONS, ADDITIONS & SECONDARY DWELLING
ADDRESS 2 FEDERAL AVE, ASHFIELD

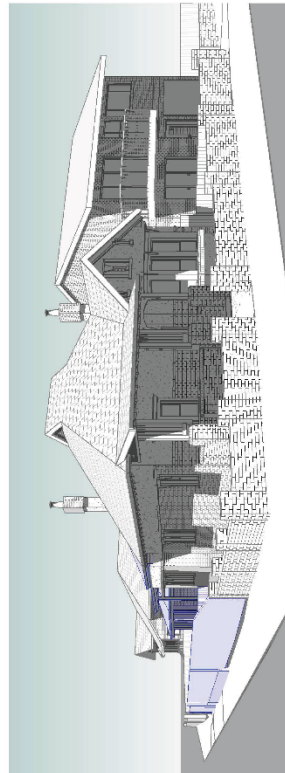
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B	ISSUED FOR COUNCILMENT			X00/12/23
C	ISSUED FOR COUNCILMENT RFI			18/08/23
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652-694 PARRAMATTA ROAD, CROVOON NSW 2102
EASTERN SUBURBS:
394 NEW SOUTH HEAD ROAD, DOUBLE BAY NSW
2028
NOMINATED ARCHITECT: Alexander Chougam | ARH: 7196
ABN: 261 60323824

Document Set ID: 38021502
Version: 1, Version Date: 22/08/2023



NORTHWEST VIEW - EXISTING WITH DEMOLITION

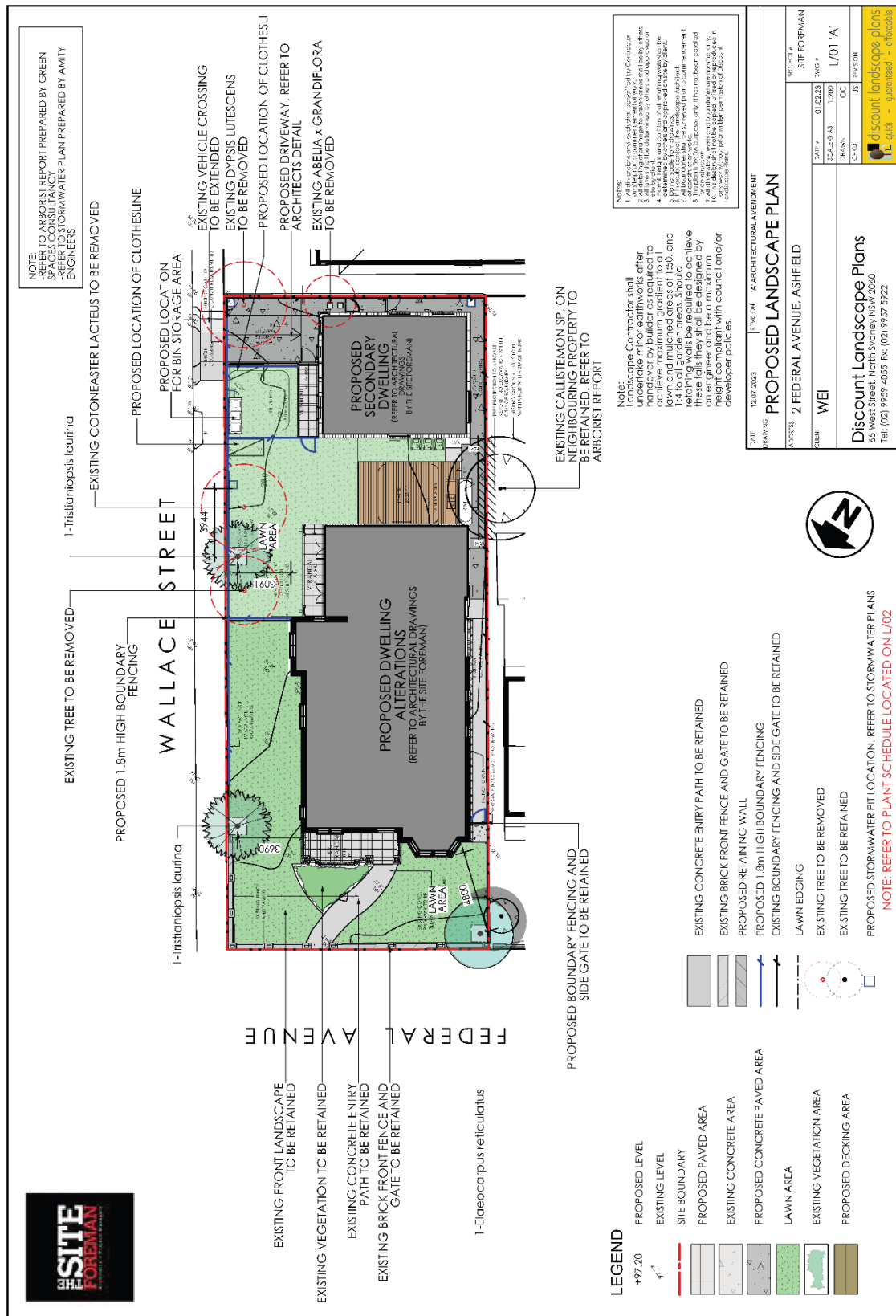


NORTHWEST VIEW - PROPOSED

DEVELOPMENT APPLICATION

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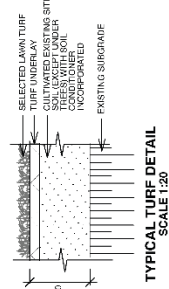
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Version: 1, Version Date: 22/0



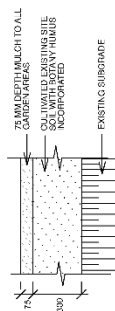
PLANTING SCHEDULE

Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
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<i>Tristaphotis laurina</i>	Water Gum	2	75lt	4000	7000

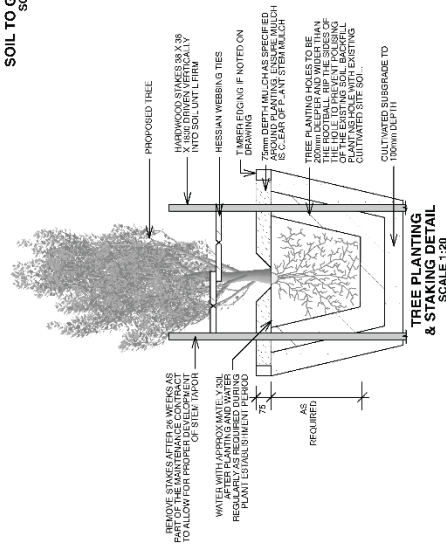
NOTE: ALL SPECIES ARE AUSTRALIAN NATIVE PLANT SPECIES



TYPICAL TURF DETAIL
SCALE 1:20




SOIL TO GARDEN AREAS
SCALE 1:20



**TREE PLANTING
& STAKING DETAIL**
SCALE 1:20

Notes:

1. All materials and codes can be ordered by Contractor.
2. All materials and codes are available in 10' lengths.
3. All materials and codes are available in 20' lengths.
4. All materials and codes are available in 40' lengths.
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DATE	REVISION	REVISION
LANDSCAPE DETAILS		
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22-02-2020	WEI	REVISION
DATE	BY	REVISION
22-02-2020	WEI	1/02
 Discount Landscape Plans 45 West Street, North Sydney, NSW 2060 Tel: (02) 9959 4055 Fax: (02) 9959 2960 Email: info@discountlandscapeplans.com.au		

Attachment C- Statement of Heritage Impact

1

**PROPOSED ALTERATIONS AND ADDITIONS
TO EXISTING DWELLING AND NEW SECONDARY
DWELLING AT:
2 FEDERAL AVENUE, ASHFIELD
STATEMENT OF HERITAGE IMPACT**



(Source: Diana Fellows, 28 October 2022)

Prepared by: **Diana's Planning and Heritage**
Diana Fellows RPIA Master Her. Cons.
ABN 41 284 377 612

For: **The Site Foreman (NSW) Pty. Ltd.**
Submitted to: Inner West Council, October 2022

Statement of Heritage Impact for 2 Federal Avenue, Ashfield – proposed Alterations and Additions to an Existing Dwelling and new Secondary Dwelling – prepared by Diana's Planning and Heritage – November 2022 HIS 0044

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- 1.2 Authorship
- 1.3 Context and Objectives of Report
- 1.4 Site Location and Identification
- 1.5 Methodology, Terminology and Structure
- 1.6 Assessment Documentation

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- 2.2 Archaeological Heritage
- 2.3 Ashfield Locality
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Statement of Heritage Impact for 2 Federal Avenue, Ashfield – proposed Alterations and Additions to an Existing Dwelling and new Secondary Dwelling – prepared by Diana’s Planning and Heritage – November 2022 HIS 0044

6.0 SUMMARY OF SIGNIFICANCE**6.1 Background Character****6.2 Statement of Heritage Significance****7.0 DESCRIPTION OF SITE AND SURROUNDS****7.1 Subject Site****7.2 Surrounding Development****8.0 DESCRIPTION OF PROPOSAL****9.0 ASSESSMENT OF HERITAGE IMPACT****9.1 Assessment pursuant to Inner West LEP 2012****9.2 Assessment pursuant to Inner West Comprehensive DCP 2016****9.3 Key Heritage Assessment Issues****9.4 Positive Impacts****9.5 Necessity for proposed Development****9.6 Consideration of Alternatives****9.7 NSW Heritage Office Guidelines****10.0 CONCLUSION****11.0 RECOMMENDATIONS****12.0 BIBLIOGRAPHY****Document status**

Issue	Date	Purpose	Author
DA Issue - Final	3 November 2022	Council submission	Diana Fellows

1.0 INTRODUCTION**1.1 Executive Summary**

This Heritage Impact Statement has been prepared to evaluate the heritage impact of the proposed alterations and additions to the existing free-standing contributory dwelling at 2 Federal Avenue, Ashfield and new rear secondary dwelling.

Statement of Heritage Impact for 2 Federal Avenue, Ashfield – proposed Alterations and Additions to an Existing Dwelling and new Secondary Dwelling – prepared by Diana’s Planning and Heritage – November 2022 HIS 0044

This Heritage Impact Statement is part of the documentation submitted with an Application for the intended works to the Inner West Council.

The site is known as Lot 7, DP 5399, No. 2 Federal Avenue, Ashfield. The subject singlestorey detached dwelling of Queen Anne / Arts & Crafts architectural design is a contributory dwelling (Rank 1) within the Federal-Fyle Heritage Conservation Area, however the building has undergone later alterations at the rear which are considered to be of less heritage significance than the front original section of the building.

The works proposed include construction of single-storey alterations and additions, and extension to the rear of the dwelling, new covered deck connection, plus the demolition and replacement of an existing rundown garage outbuilding for inclusion within a new secondary dwelling.

The proposal has been designed so as to be compatible in scale, height, materials and appearance to the surrounds. The additions will be substantially lower in height than the existing house. The new secondary dwelling will complement the appearance of the subject contributory building as altered.

The materials, colours and finishes proposed will be sympathetic to the historic surrounds within the Federal - Fyle Heritage Conservation Area.

For these reasons the proposal is seen to offer a positive design and utilisation of the site, without impact on the heritage integrity of the subject building, conservation area and adjoining heritage items and heritage items within the surrounds.

1.2 Authorship

The content of this Heritage Impact Statement has been researched and prepared by Diana Fellows B.Sc. (Arch), B. Arch. (Hons.), and Master Heritage Conservation, a Registered Practising Planner and Corporate Member of the Planning Institute of Australia, and Principal of *Diana's Heritage and Planning*.

1.3 Context and Objectives of Report

This report has been prepared by *Diana's Planning and Heritage* to assess the heritage impact of the proposed development.

The objectives of this report are to:

- Summarise the existing development and describe the proposal.
- Assess the significance of the subject property and surrounds.
- Assess the effects of the proposed development on the subject building and heritage conservation area and adjoining heritage items and heritage items in the wider surrounds.

The purpose of this report therefore is to ascertain whether or not the proposed works will have either a negative, neutral or positive impact upon the heritage value of the subject

Statement of Heritage Impact for 2 Federal Avenue, Ashfield – proposed Alterations and Additions to an Existing Dwelling and new Secondary Dwelling – prepared by Diana's Planning and Heritage – November 2022 HIS 0044

contributory building (Rank 1) and the Federal - Fyle Heritage Conservation Area as located within the jurisdiction of the Inner West Local Government Area (LGA).

Diana Fellows has been engaged by *The Site Foreman Pty. Ltd.* to provide independent advice on this matter, having been commissioned to prepare a Heritage Impact Statement for presentation to the Inner West Council.

1.4 Site Location and Identification

The study area for this Heritage Impact Statement is the property situated at 2 Federal Avenue, Ashfield and its immediate surrounds. The subject property is located within the LGA of Inner West, Parish of Concord and County of Cumberland. The site is situated on the southeastern corner of Federal Avenue and Wallace Street, between Oak Street and Elizabeth Street, Ashfield. A locality map of the area and site is shown below (**Fig. 1**) and an aerial photograph is shown next below (**Fig. 2**).

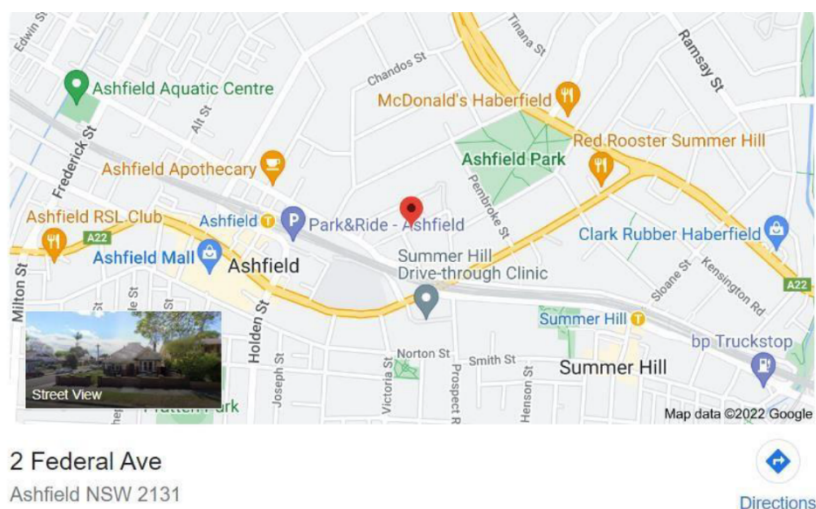


Figure 1
Locality Map of the subject site and area.
(Location Map Source: Google Map Data 2022)

Statement of Heritage Impact for 2 Federal Avenue, Ashfield – proposed Alterations and Additions to an Existing Dwelling and new Secondary Dwelling – prepared by Diana's Planning and Heritage – November 2022 HIS 0044

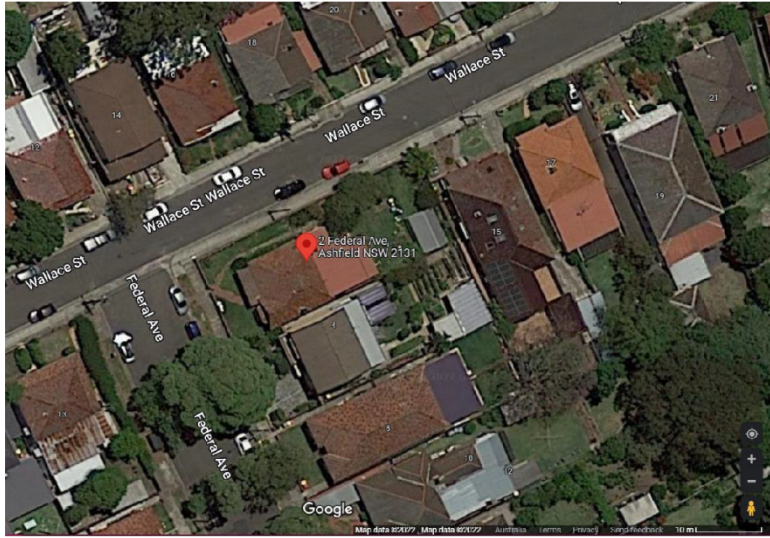


Figure 2

(Aerial Photograph Source:

<https://www.google.com/maps/place/2+Federal+Ave,+Ashfield+NSW+2131/@-33.8879679,151.1306384,89m/data=!3m1!1e3!4m5!3m4!1s0x6b12baa2f1d1602f:0x7897970c44efe984!8m2!3d-33.8879868!4d151.1308758>)

The subject land comprises title Lot 7, DP 5399 (**Fig. 3**). The subject allotment has an area of approximately 575.4sqm (by title on survey), defined by perimeter fencing, with a frontage of 15.24m to Federal Avenue, rear boundary of the same 15.24m and side boundaries of 38.005m / 37.985m and is therefore regular in shape (based on a rectilinear form). The site has a generally east-west orientation. The land is occupied by a single-storey brick and rendered residence with tiled roof, and there is a fibro single garage outbuilding with metal roof in the rear southeastern corner, serviced by a concrete driveway from Wallace Street.

The land is relatively even, and there are several trees on the boundary perimeters at the rear of the site. There is also a large street tree on the adjacent property at 4 Federal Avenue.

Statement of Heritage Impact for 2 Federal Avenue, Ashfield – proposed Alterations and Additions to an Existing Dwelling and new Secondary Dwelling – prepared by Diana’s Planning and Heritage – November 2022 HIS 0044

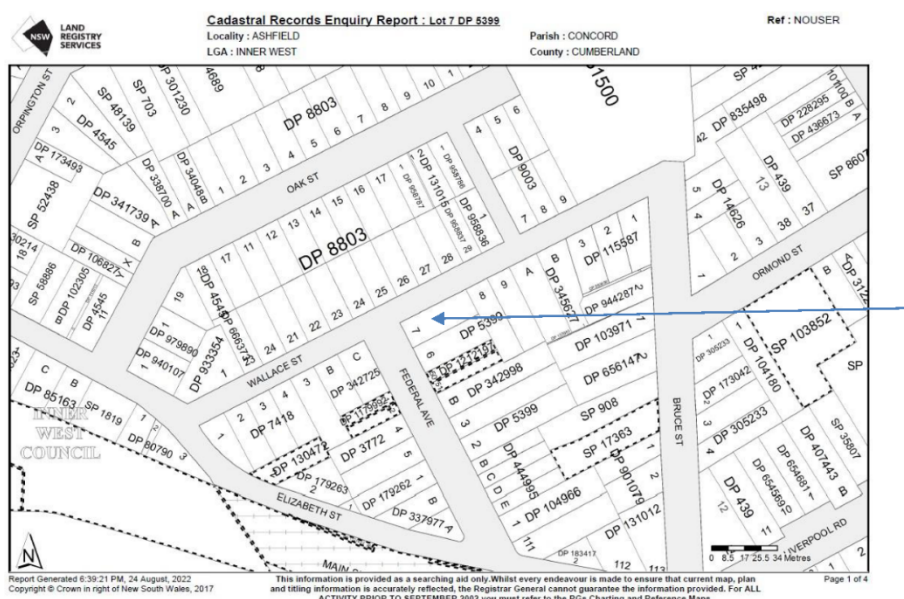


Figure 3

Cadastral map showing the land title and location of the subject site as highlighted on the map immediately above.

(Source: NSW Land Registry Services LPI Online.nswlrs.com.au)

1.5 Methodology, Terminology and Structure

This Statement of Heritage Impact has been prepared in accordance with the guidelines issued by the NSW Heritage Branch (former Heritage Office) of the NSW Department of Environment and Heritage for preparation of heritage impact statements. The principles contained in the Australian ICOMOS *Charter for the Conservation of Places of Cultural Significance (The Burra Charter)*, 1999 (current version 2013) are used as a methodology for assessing heritage impact.

1.6 Assessment Documentation

The architectural documentation material upon which this heritage assessment has been undertaken is as follows:

Architectural Drawing No.	Description	Drawn By
2990 A01	Existing Site Plan	The Site Foreman Architects
Rev: D		
Dated 6/6/22		

Statement of Heritage Impact for 2 Federal Avenue, Ashfield – proposed Alterations and Additions to an Existing Dwelling and new Secondary Dwelling – prepared by Diana's Planning and Heritage – November 2022 HIS 0044

2990 A02 Rev: D Dated 6.6.22	Existing / Demolition Ground Floor Plan	The Site Foreman Architects
2990 A03 Rev: D Dated 6.6.22	Ground Floor Plan	The Site Foreman Architects
2990 A04 Rev: D Dated 6.6.22	Roof Plan	The Site Foreman Architects
2990 A05 Rev: D Dated 6.6.22	Streetscape Elevations	The Site Foreman Architects
2990 A06 Rev: D Dated 6.6.22	Elevations (West and North)	The Site Foreman Architects
2990 A07 Rev: D Dated 6.6.22	Elevations (East and South)	The Site Foreman Architects
2990 A08 Rev: D Dated 6.6.22	Sections	The Site Foreman Architects
2990 A09 Rev: D Dated 6.6.22	GFA & Landscape Calculations	The Site Foreman Architects
2990 A10 Rev: D Dated 6.6.22	Shadow Diagrams – 21 June 9am	The Site Foreman Architects
2990 A11 Rev: D Dated 6.6.22	Shadow Diagrams – 21 June 12pm	The Site Foreman Architects
2990 A12 Rev: D Dated 6.6.22	Shadow Diagrams – 21 June 3pm	The Site Foreman Architects
2290 A13 Rev: A Dated 18/10/21	3D Views (Northwest)	The Site Foreman Architects
2290 A14 Rev: C	3D Views (Northeast)	The Site Foreman Architects

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Dated 13/12/21

2290 A15

3D Views (Southeast)

The Site Foreman Architects

Rev: C

Dated 13/12/21

210987/001

Survey Plan

RGM Property Surveys Sheet

1 of 1 Rev A

Issued 12/07/22

2.0 HISTORICAL CONTEXT

2.1 Indigenous Background

The traditional Aboriginal groups of the Inner West Council LGA are the Gadigal and Wangal peoples of the Eora Nation.¹ Before the arrival of the British, the area now known as Ashfield was inhabited by the Wangal people. The land was wooded at the time, with Eucalyptus trees covering the elevated ground and swampy trees along Iron Cove Creek.

The arrival of the First Fleet in 1788 had a devastating impact on the local Aboriginal people, primarily due to the spread of smallpox.²

The Local Aboriginal Land Council is Metropolitan.

2.2 Archaeological Heritage

(i) Indigenous Archaeology

Given the proposed works do not involve significant excavation, it is unlikely that any Aboriginal artefacts will be found, however should significant Aboriginal artefacts be found during the course of the works, these will need to be retained and appropriately recorded, documented and maintained.

(ii) European Archaeology

Similarly, should significant relics or artefacts pertaining to earlier European habitation be found during the course of the works, these will need to be retained and appropriately recorded, documented and maintained. As the level of excavation involved is not considered substantial, it is unlikely any artefacts will be found.

2.3 Ashfield Locality

Ashfield is a suburb of the Inner West Council and is situated approximately 8km west from the Sydney CBD (Central Business District).

¹ www.innerwest.nsw.gov.au, accessed 17 October, 2022

² Coupe, S&R: *Speed the Plough*, pages 9-19, Ashfield Municipal Council, 1988.

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Today, the population of Ashfield is cosmopolitan, and its residential density is fairly high. There are many heritage-listed buildings within the suburb of Ashfield, and there is a mix of Federation detached houses and post-War low-rise apartment buildings. There are some grandiose Victorian buildings interspersed with these buildings.

Settlement

- **1788** – Arrival of the First Fleet from Britain.
- Settlement established by Governor Phillip around Sydney Cove and a farming community was established at ‘Rose Hill’ (now called Parramatta).
- **1790** – A rough track had been made between the colony’s two main settlements at Sydney Cove and Parramatta.
- **1793** – First land grant in this locale was to Reverend Richard Johnson and all had been granted by 1810.
- **1820s** – The grants had been amalgamated into 2 big estates – Ashfield Park (northern half between Liverpool Road and Parramatta Road) and Canterbury Estate (south of Liverpool Road).
- **1838** – Subdivision of land owned by Elizabeth Underwood (Ashfield Park) took place to form the village of Ashfield, between Alt Street and Liverpool Road.
- **1855** - Ashfield was a sort-after area given its proximity to the city and rail line after the opening of the Sydney – Parramatta rail line.³
- **1872** – A municipal council was allocated to the area following the growth of population.
- **Later 19th century** – A multitude of grand residences were built.
- **1920s and 30s** – Many elaborate homes were removed and replaced with small Art Deco flats and semis.
- **1950s – 1970s** - Larger flats were built in response to a declining population in the 1950s and 60s and 70s, and continue to be erected in the present day.
- **Today** – There are many heritage-listed buildings in Ashfield, and there is a main commercial and shopping district situated south of Ashfield Rail Station, along Liverpool Road, including a shopping mall and office blocks. Another commercial district is sited in Parramatta Road, with automotive businesses and light industries.

2.4 Subject Building

The subject building is a single-storey detached dwelling of Queen Anne / Arts & Crafts architectural style which contains period features such as decorative verandah timber fretwork with gable rustication, and exposed rafters, and is contributory (Rank 1) to the surrounding streetscape within the Federal - Fyle Heritage Conservation Area.

A building ranking of “1” in the Comprehensive Inner West DCP 2016 means as follows:

³ The Department of Railways Research and Information Section (1966) *Railway Quiz* (Department of Railways, page 11).

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“Contributory 1:

Buildings that clearly reflect the Key period of Significance for the HCA and are key elements in the character of the HCA.”

2.5 Adjoining Heritage Items

The heritage items in the immediate surrounds are as follows:

Located to the rear:

Item I400 – 17 Wallace Street, Ashfield (House and interiors) **Item**

I402 – 19 Wallace Street, Ashfield (House and interiors)

Located to the southeast:

Item I180 – 12 Federal Avenue, Ashfield (Queen Anne style house known as ‘The Wrights’, including interiors)

Located to the rear southeast:

Item I142 – 3 Bruce Street, Ashfield (Californian Bungalow, including interiors)

Located to the northwest:

Item I399 – 16 Wallace Street, Ashfield (House, including interiors)

Item I401 – 18 Wallace Street, Ashfield (House, including interiors) **Item**

I403 – 20 Wallace Street, Ashfield (House, including interiors)

*All these adjoining heritage items are of local heritage significance.

Those heritage items in the wider vicinity are discussed in the **9.1 Assessment pursuant to Inner West LEP 2022** section of this report.

2.6 Conservation Area

The subject property is situated within the Federal - Fyle Heritage Conservation Area shown as “C5” on Heritage Map HER_001 from the Inner West Local Environmental Plan 2022.

This conservation area is of local heritage significance.

The Inner West Ashfield DCP 2016 refers to the subject conservation area as “C13”. A map showing the Federal – Fyle HCA from the DCP is shown below:

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C13 Federal Fyle, Ashfield
Heritage Conservation area



(Source:

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The Inner West DCP 2016 – Chapter E1 – Heritage with IWLEP 2022 Amendment includes the following description of the historical development of the subject heritage conservation area:

Historical Development

*This area occupies part of what were three original grants. Most of the land was in **William Faithful's 1799 grant**. A little of it was in **John Forrester's grant of 1794**, and a little more in one made jointly to four grantees, **Thomas Rowdon, John Jones, Francis McKewen and John Butcher, in 1795**. Such are the complications of land development that by about **1820** the area still spread over parts of two large land holdings, viz, **Joseph Underwood's Ashfield Park Estate** and **Henry Kable's (or Cable's) farm**.⁴ In the following decades the area was further subdivided for residential exploitation by many interesting entrepreneurs, some of whose activities will be mentioned.*

Elizabeth Street, the southern edge of the conservation area, was formed in 1838** and named for Elizabeth, eldest daughter of **Elizabeth Underwood**. It did not reach its present form here until nearly a century later. **Bruce Street was formed in 1841** along the east boundary of Faithful's grant. **Wallace Street, parallel with the north boundary of Faithful's

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⁴ 1 Ashfield Heritage Study 1993, vol 1, pp 32, 36.

grant, **was also laid out also in 1841. Ormond Street appeared 1879,⁴ Federal Avenue in 1899, and Oak Street in 1903, facilitating the complete subdivision of the area.⁵**

*In the 1870s this roughly triangular area was still not subdivided for residential development and the only interior roads were Bruce and Wallace Streets. Elizabeth Street ended near Wallace Street, where, as Matilda Street,⁶ it turned south across a bridge over the railway lines and connected to Liverpool Road. **The present junction of Elizabeth Street and Liverpool Road, north of the railway, was not made until the 20th century.⁷** This extension of Elizabeth Street required the demolition of some of the outbuildings of the house 'Studley', which addressed Bruce Street.*

*Before residential subdivision the landholders were Fyle, Haigh, Henson and Jones, whose names appear on the subdivision plan made for the **1879 auction sale** of the surrounding land. Some of the activities of these four follow.*

***John Fyle (1814-1887), who died at his residence Ashfield on July 5 1887⁸ was a brickmaker who became a well-known citizen and alderman, with large holdings in Ashfield dating from 1839.⁹** Part of his land was auctioned in 1914 as the **Fyle Estate No 1**, comprising six allotments. Four of these were at the southwest end of Wallace Street; the other two addressed the road that became the extension of Elizabeth Street, on one of which stood a dwelling. Another parcel, larger in extent, was auctioned in 1917 as the **Fyle Estate No 2**. It comprised 30 allotments facing Oak and Wallace Streets.¹⁰ Estate No 2 was covered by a building covenant which provided that:*

□ any building erected shall be constructed in a proper and workmanlike manner, to be of brick or stone or concrete, the roof to be of slate or tile, to cost not less than £450.

This requirement ensured the high quality of building which is still evident today in Oak and Wallace Streets.

***Benjamin Haigh** owned the large block of land at the north-east end of what is now Oak Street, but then accessed from Wallace Street, and on this he built a substantial residence. The site was eventually acquired by the Corinthian Bowling Club and in more recent years became the venue for the present complex of town houses.*

***William Henson** was an alderman of the first Ashfield Council who also became an MLA.*

⁴ Ashfield Heritage Study 1993, vol 1, Appendix G; Higinbotham & Robinson map of Ashfield, 1883.

⁵ Ashfield Heritage Study 1993, ibid; H E C Robinson map of Ashfield, north ward, c 1912.

⁶ This street is so shown on the Federal Estate subdivision plan of 1899 done for Ernest C V Broughton, auctioneer, A8/228, in Ashfield Council Archives.

⁷ Subdivision plan by Richardson & Wrench, 1879, in Ashfield Council Archives. The old bridge across the railway is still shown on the Fyle Estate No 2 subdivision plan.

⁸ The Sydney Mail and NSW Advertiser, 16 July 1887 p152, death notice.

⁹ Nora Peek and Chris Pratten, Working the Clays: The Brickmakers of the Ashfield District, (Ashfield, 1996), pp.9-10.

¹⁰ Fyle Estate No 1, 7 March 1914, number not known; Fyle Estate No 2, 21 April 1917, A8/151; both auctioned by J A Somerville & Co: subdivision plans at Ashfield Council Archives.

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His house, 'Gliula', the site of which is now **No 21 Elizabeth Street**, was built in about 1867. After his death in 1903 the subdivision bearing his name, then comprising 24 allotments, was auctioned. The east boundary of the one on which 'Gliula' was situated influenced the bend in Oak Street where it joined Elizabeth Street.¹¹ The large oak trees on Henson's property are believed to have given the name to Oak Street.¹²

— **Jones**: little is known about this man (he was not the John Jones of the 1795 grant) except that he was the owner of the land at the corner of Bruce and Wallace Streets, later acquired and subdivided by **Robert Hudson** as mentioned later. A subsequent owner was **W. A. Cramsie, of Glen Innes**.¹³ **Cramsie's name also appears on the H. E. C. Robinson map as the owner of the land on the east side of Federal Avenue that included the property 'Balranald', which was offered for private sale as the Balranald Estate, of nine allotments, by Stanton & Son.**¹⁴

Other purchasers acquired and subdivided parts of these holdings. Among them were: **Robert Hudson**, who owned the land at the corner of Wallace and Bruce Streets mentioned earlier, on part of which, in the 1880s, he built the house 'Woniora', now **No 19 Wallace Street, a heritage item**. On the H. E. C. Robinson map, about 1912, the remainder of his block, not then subdivided, was shown in the ownership of the London Bank of Australasia.

John Ireland: the piece of land owned by Ireland at the north-east end of Oak Street, adjoining Haigh's land, was subdivided by Ireland's descendants into nine lots, six facing Oak Street (which was extended to serve them) and three facing Wallace Street. These nine blocks were purchased by a builder, **Arthur William Coleman**, who is believed to have built the houses now standing on them.¹⁵

William Adams, one of the early owners of this land, was the man possibly responsible for creating Federal Avenue.¹⁶

Some historic subdivision plans for the subject locality are shown below:

(The subject property is highlighted in the Balranald Estate Subdivision Plan.)

¹¹ Subdivision plan for Henson's Estate, auctioned 5 September 1903 by Richardson & Wrench, A8/421 in Ashfield Council Archives.

¹² Reported by a grand-daughter of William Henson; Ashfield Heritage Study 1993, vol 1, p 191; the Richardson & Wrench subdivision plan of 1903 shows 'Henson's Estate, the Pick of Ashfield'.

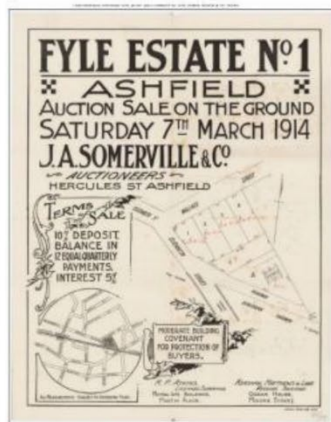
¹³ Ashfield Heritage Study, 1993, vol 2, reference No 287.

¹⁴ H E C Robinson map of Ashfield North Ward, undated but about 1912; the subdivision plan for the Balranald Estate, undated, is No A8/393 at Ashfield Council Archives.

¹⁵ Ashfield Heritage Study 1993, vol 1, p 191.

¹⁶ Ashfield Heritage Study, 1993, vol 2, reference No 091; H E C Robinson map of Ashfield, North Ward, undated but c 1912.

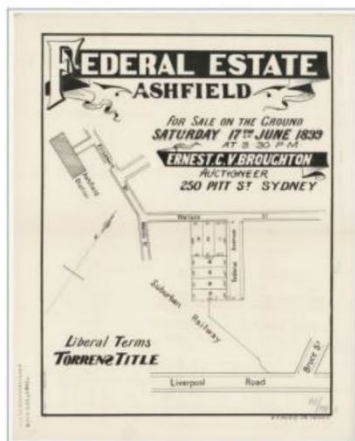
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Above: Fyle Estate No. 1 subdivision plan 7 March 1914 Source: Ashfield subdivision plans online, NSW State Library Call No. Z/SP/A8



Above: Fyle Estate No. 2 subdivision plan April 21 1917. Source: Ashfield subdivision plans online, NSW State Library Call No. Z/SP/A8



Above: Federal Estate subdivision plan 17 June 1899 Source: Ashfield subdivision plans online, NSW State Library Call No. Z/SP/A8/178.1



Above: Balranald Estate subdivision plan (undated). Source: Ashfield subdivision plans online, NSW State Library Call No. Z/SP/A8

(Source:

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Version: 1, Version Date: 08/03/2023



Henson's Estate subdivision plan 5 September 1903. Source:
Ashfield subdivision plans online, NSW State Library Call No.
Z/SP/A8

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%20Heritage%20with%20IWLEP%202022%20amendments%20(15).pdf)

3.0 HERITAGE STATUS

3.1 Statutory Listing

It is noted that the subject property is situated within the Federal - Fyle Heritage Conservation Area C5 as shown on the heritage map to the Inner West LEP 2022 and as listed under Schedule 5 to the LEP.

There are heritage items within the immediate vicinity of the site, and also heritage items within the wider area.

The subject property is not individually listed as being a heritage item.

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3.2 Non-Statutory Listing

Reference within the former Ashfield Council heritage studies.

(*There is an individual listing inclusion for the Federal – Fyle Heritage Conservation Area on the NSW State Heritage Register Database Heritage Item ID: 1020755.)

4.0 PRE-DA ADVICE

A Pre - Development Application (PDA) meeting has been held between Inner West Council planning staff and the applicants (including representatives from *The Site Foreman* and the owner). Minutes from this meeting were issued on 17 August, 2022.

A summary of the matters discussed at this meeting is set out in section **9.3 Key Assessment Issues** of this report.

The issues discussed include heritage and design, and submission of a Heritage Impact Statement.

It is noted that the subject document is a Heritage Impact Statement (HIS) as required.

5.0 PLANNING CONTROLS AND LEGISLATIVE CONSIDERATIONS

5.1 Inner West Local Environmental Plan 2022

The comprehensive Inner West LEP 2022 was gazetted on 12 August 2022, and supersedes the previous Ashfield LEP. The subject LEP is an “umbrella” planning instrument which consolidates the 3 previous separate LEPs (Marrickville, Ashfield and Leichhardt) of the former LGAs within the Inner West municipality.

The Inner West LEP 2022 has an aim under clause 1.2(2)(b) to conserve and maintain the natural, built and cultural heritage of Inner West, and contains further objectives and heritage provisions under clause 5.10 which aim to conserve the heritage significance of heritage items, heritage conservation areas and heritage items in the vicinity. There are also requirements for the conservation of archaeological sites and places of Aboriginal heritage significance.

These clauses also determine when consent is required and when a heritage management document is required, and they also provide definitions and incentives for conservation of heritage items.

5.2 Inner West Comprehensive Development Control Plan 2016

The Inner West Comprehensive DCP 2016 provides detailed guidelines necessary to implement the Inner West LEP 2022.

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The Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill came into effect on 10 January 2017.

This DCP supplements the provisions of the Inner West Local Environmental Plan 2022.

5.3 Draft Planning Instruments, Controls, Policies and Reviews

Comment: There is no applicable draft Planning Instrument.

5.4 State Environmental Planning Policies and SREPs

The proposal will not contravene any State Environmental Planning Policies (SEPPs) nor SREPs on heritage grounds.

5.5 Other Planning Controls, Strategies, Codes, Policies, Heritage Reviews & Studies

Numerous heritage studies have been carried out within the Inner West Council area over the years, including Main Street heritage studies for business centres.

The proposed alterations and additions and secondary dwelling are not considered to contravene the heritage studies for design reasons as discussed throughout this report, and do not contravene any Main Street studies, policies or strategic plans and studies.

Comment: The proposal will not conflict with the above plans and strategies nor any further applicable policies, heritage reviews and studies.

6.0 SUMMARY OF SIGNIFICANCE

6.1 Background Character

The subject site is situated within the Federal - Fyle Heritage Conservation Area (C5) under **Part 2 Heritage conservation areas** to **Schedule 5 Environmental heritage** of the Inner West LEP 2022 as noted above.

The Inner West DCP 2016 – Chapter E1 – Heritage with IWLEP 2022 Amendment includes the following stated Key Character Elements for the subject heritage conservation area:

KEY CHARACTER ELEMENTS

Subdivision and public domain elements:

- Pre-1943 brush box street tree plantings in the road carriageway in Oak Street and **Federal Avenue**
- Relatively wide carriageway in Oak Street, **Federal Avenue**, Bruce Street
- Narrower road carriageway in Wallace Street

Elements that contribute to the consistency of the streetscape (visible from the public domain):

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- Predominantly detached face brick single storey housing in Federation Queen Anne and Inter-war California bungalow styles
- Some 1920s -1930s brick single storey bungalows
- Some Federation Queen Anne and Inter-war period semi-detached pairs of housing (Nos. **18-20, 22-24 Federal Avenue, Nos 1-3 Federal Avenue**)
- Inter-war Art Deco style 2-storey brick flat buildings (example 8A Oak Street)
- A few detached Victorian period masonry houses (examples 4, 6, 8 Ormond Street, 19 Wallace Street)
- A few single storey detached weatherboard houses circa 1890-1910 (examples 9, 11, 13 Wallace Street)

Original details such as:

- Front verandahs or balconies with original detailing
- Original roof forms with original cladding of slate, corrugated steel (Victorian period) or slate, unglazed terracotta tile or corrugated steel (Federation period), or unglazed terracotta tile (Inter-war period) and original chimneys
- Gable ends facing the street with original timber shingled, roughcast stucco or imitation half-timbered finishes (Federation, Inter-war periods)
- Face brickwork or weatherboard walls (Federation, Inter-war periods)
- Rendered brickwork or weatherboard walls (Victorian period)
- Original timber-framed windows and timber panelled doors consistent with the periods and styles of houses
- Original front fences - timber picket, low brick, brick & timber picket, or timber framed wire mesh, for Federation and Inter-war period houses; timber pickets or cast iron palisade fences for Victorian period houses.

The Inner West DCP 2016 – Chapter E1 – Heritage with IWLEP 2022 Amendment includes the following identified Non-Contributory Elements for the subject heritage conservation area:

NON-CONTRIBUTORY ELEMENTS

- Recent or heavily altered houses with difficult to reverse uncharacteristic alterations (examples 8A-8B Bruce Street, 5 Bruce Street, 15 Elizabeth St, **4-6, 7, 14 Federal Avenue**, 21, 27, 34 Oak Street, 5 Ormond Street, 23, 25, 14, 28 Wallace Street)
- 1960s-1970s residential flat buildings (examples 7, 7A Bruce Street)
- Changes to materials: Cement rendering of face brickwork to Federation, Inter-war period houses; modern roof cladding and loss of chimneys (examples concrete roof tiles)
- Carports in front gardens (example 18, 22 Federal Avenue)
- Front verandah enclosures (14 Bruce Street, 17 Elizabeth Street)
- Modern front fences of unsympathetic design and materials, particularly high solid masonry front fences

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6.2 Statement of Heritage Significance

The Inner West DCP 2016 – Chapter E1 – Heritage with IWLEP 2022 Amendment includes the following Statement of Significance for the subject heritage conservation area:

KEY PERIOD OF SIGNIFICANCE: 1879 to 1940s

HCA TYPE 3: MIXED RESIDENTIAL

STATEMENT OF SIGNIFICANCE

The Federal-Fyle Heritage Conservation Area is of local heritage significance.

*The area is of historical significance as an area **developed after 1879**, predominantly in the **Federation to Inter-war period**, with its variety of housing periods and styles reflecting the different subdivisions and periods of subdivision during its development, some of which involved building covenants to ensure development of higher quality housing.*

*The area is of aesthetic significance for its varied streetscapes within the development period **1879-1940s** encompassing **predominantly detached single storey houses in Victorian Filigree, Federation Queen Anne and Inter-war California Bungalow styles**, however also including Federation period semi-detached and detached weatherboard houses and one 2storey Inter-war Art Deco style flat building. The early 20th century **street tree plantings of brush box** in the carriageways of Oak Street and **Federal Avenue** increase the aesthetic appeal of these streetscapes.*

7.0 DESCRIPTION OF SITE AND SURROUNDS

7.1 Subject Site

The subject property is occupied by a single-storey brick and rendered residence with tiled roof of Queen Anne / Arts and Crafts design (**Fig. 4**).

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Figure 4

View of the front of the subject property, displaying Federation Queen Anne and Arts and Crafts architectural features such as decorative gable, bay window and verandah fretwork, within a garden setting with entrance pathway.

(Source: Diana Fellows, 28 October, 2022)

The subject house is known as “Springvale” (Fig. 5):



Figure 5

Nameplate of the subject house.

(Source: The Author, 28 October, 2022)

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Below are photographs showing features inside the original front section of the building (Figs. 6 -10):

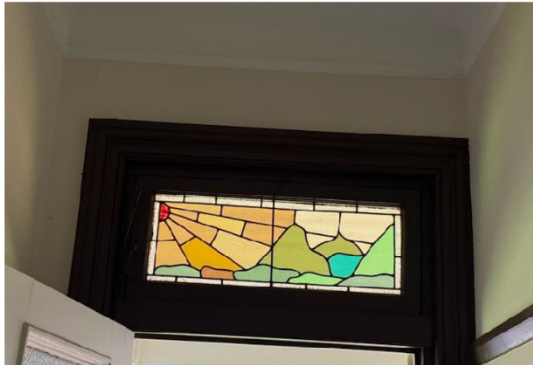


Figure 6
View of leadlight above the front door.
(The Author, 28 October, 2022)



Figure 7
View of ceiling rosette in front room within the subject building.
(Source: The Author, 28 October, 2022)

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Figure 8
View of existing fireplace with tiling surround.
(The Author, 28 October, 2022)



Figure 9
View of another existing fireplace within the front section of the building, with marble surround.
(The Author, 28 October, 2022)

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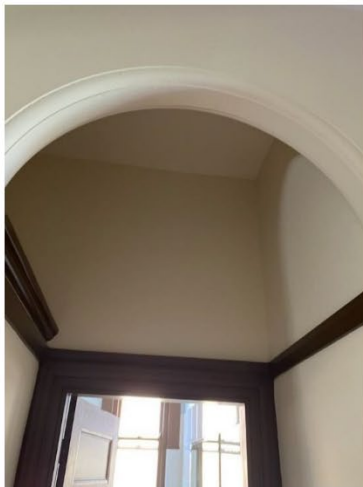


Figure 10

View of archway within entry hallway of the house.

(Source: The Author, 28 October, 2022)

The existing house contains 4 bedrooms and a front study room, loungeroom, hallway, shower room and rear dining room, kitchen and w.c. There is a later addition at the rear of the building.

There is also a verandah and awning - covered deck at the rear which is part of the later addition to the building (**Figs. 11-16**):



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Figure 11

View of the rear of the existing building, showing the rear verandah, covered deck and rear bedroom wing.

(Source: Diana Fellows, 28 October, 2022)

**Figure 12**

Closer view of the existing rear verandah and covered deck, showing decorative timberwork which is considered to be less significant than the front verandah facing Federal Avenue.

(Source: Diana Fellows, 28 October, 2022)



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Figure 13

Closer view of the awning over part of the rear of the building and rear bedroom wing.
(Source: Diana Fellows, 28 October, 2022)

**Figure 14**

Southeastern view of the rear section of the building, containing the w.c. and part of existing bedroom 4. The brick arching above the double-hung window here is considered to be of somewhat lesser quality than the tuck-pointing in the front section of the building.
(Source: Diana Fellows, 28 October, 2022)

**Figure 15**

View of arched brick lintel above door to rear w.c.
(Source: Diana Fellows, 28 October, 2022)

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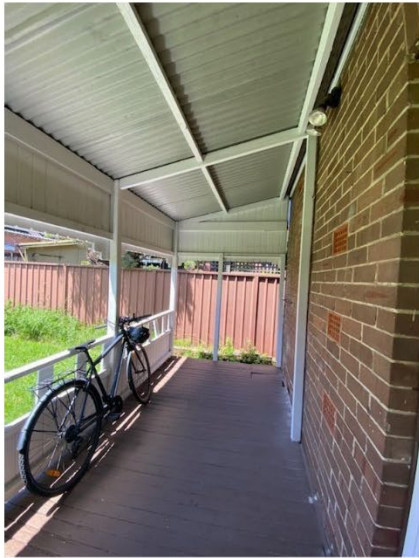


Figure 16

View of underside of zincalume roofing of rear verandah.

(Source: Diana Fellows, 28 October, 2022)

The three photos below show the northwestern side of the existing property (**Figs. 17 & 18**):



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Figure 17

View of the northwestern side of the existing house, showing pairs of double-hung windows and rustication.

(Source: Diana Fellows, 28 October, 2022)

**Figure 18**

View of the northwestern side of the building, looking towards the front. Features including exposed rafters, a double-hung window and verandah timberwork are evident. (Source: Diana Fellows, 28 October, 2022)

The photograph below shows the side boundary between the site and No. 4 Federal Avenue, Ashfield (**Fig. 19**):

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Figure 19

View of the side boundary between the subject property and the adjacent property at 4 Federal Avenue, Ashfield. The proximity of the neighbouring two-storey building is evident. (Source: Diana Fellows, 28 October, 2022)

The next photos show the appearance of the site from Wallace Street (**Figs. 20 & 21**):



Figure 20

Presentation of the subject property as seen from Wallace Street, Ashfield. (Source: Diana Fellows, 28 October, 2022)

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Figure 21

View of the existing driveway and fencing from Wallace Street, Ashfield.
(Source: Diana Fellows, 28 October, 2022)

The next 2 photographs show the existing rear outbuilding (Figs. 22 & 23):



Figure 22

The existing garage outbuilding in the rear southeastern corner of the property. This fibro and metal-roofed shed is in a rundown condition.
(Source: Diana Fellows, 28 October, 2022)

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Figure 23

An alternate view of the existing rear outbuilding. Although it has a few historical features (such as its finial and decorative side gable), this shed is in dilapidated condition and presentation.

(Source: Diana Fellows, 28 October, 2022)

The next 3 photographs show vegetation in the rear gardens of the site (Figs. 24 – 26):

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Figure 24

View of the northeastern corner of the property, showing a substantive grassed area and a cluster of trees. The concrete driveway from Wallace Street is somewhat overrun by grass.
(Source: Diana Fellows, 28 October, 2022)



Figure 25

View of an existing tree proposed to be removed. It is recommended that a similar replacement tree be provided subject to Arborist's report.
(Source: Diana Fellows, 28 October, 2022)

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Figure 26

Trees situated within the northeast corner of the property.

(Source: Diana Fellows, 28 October, 2022)

7.2 Surrounding Development

The site is adjoined at 4 Federal Avenue, by a double-storey brick and tile residential building (Figs. 27 & 28).



Figure 27

View of the neighbouring two-storey building at 4 Federal Avenue, Ashfield.

(Source: Diana Fellows, 28 October, 2022)

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Figure 28

The adjacent 2-storey house is visible in the background here in this photograph taken from the rear of the site.

(Source: Diana Fellows, 28 October, 2022)

The site is adjoined at the rear at 15 Wallace Street, Ashfield, by a one-storey brick and tile residence (Fig. 29):



Figure 29

View of the neighbouring property at the rear of the site. This residence has skylights and solar panels (which can be seen here). (Source: Diana Fellows, 28 October, 2022)

Opposite the site is further residential development (Figs. 30 & 31).

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Figure 30
View of house located opposite the subject site.
(Source: Diana Fellows, 28 October, 2022)



Figure 31
Street view opposite the site showing further residential development to the southwest.
(Source: Diana Fellows, 28 October, 2022)

There are established Brush-box trees in Federal Avenue (**Fig. 32**):

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Figure 32

Streetscene showing established tree planting in Federal Avenue, Ashfield. (Source: Diana Fellows, 28 October, 2022)

The photograph below shows the streetscene in Federal Avenue, taken further to the southeast of the site (**Fig. 33**):



Figure 33

Additional houses shown in Federal Avenue to the southeast of the site. A tree canopy is also visible.

(Source: Diana Fellows, 28 October, 2022)

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The next photos below show the streetscape in Wallace Street, Ashfield (**Figs. 34 – 38**):



Figure 34

Further residential buildings in Wallace Street which exhibit features of Federation Queen Anne design.

(Source: Diana Fellows, 28 October, 2022)



Figure 35

An existing brick dwelling in Wallace Street which has a modern, clad first-floor addition is shown here.

(Source: Diana Fellows, 28 October, 2022)

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Figure 36

Further streetscape view of houses in Wallace Street, Ashfield. These buildings are considered to be contributory to the Federal – Fyle Heritage Conservation Area. (Source: The Author, 28 October, 2022)



Figure 37

Streetscene view in Wallace Street, Ashfield, looking northwest. Again, contributory buildings can be seen.
(Source: Diana Fellows, 28 October, 2022)

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Figure 38

A further streetview of Wallace Street, taken to the northeast, showing contributory fencing and another two-storey building in the background.

(Source: Diana Fellows, 28 October, 2022)

Summary

While the front pitched roof section of the existing house is assessed as being original, (including the four – five front rooms and hallway) and front verandah, there is a later rear skillion addition and verandah and covered deck.

These later modifications are considered to have altered the original form of the building at its rear.

Internal features considered to be of heritage significance are the 2 chimneys and fireplaces, ceiling rosettes and archways. Of these features, one ceiling rosette is to be removed, however this is seen to be acceptable given the number of rosettes which will be retained.

Featured external rustication on the house should be retained as far as practicable.

The retention of double-hung windows at the sides of the property is considered to be satisfactory.

Demolition of the rear outbuilding is also considered to be permissible given the rundown status of this shed.

8.0 DESCRIPTION OF PROPOSAL

Proposed Works

The applicant is seeking consent to carry out alterations and additions, including addition of a secondary dwelling to an existing single-storey dwelling, including works as follows:

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Demolition and removal works

- Demolition of part of the rear of the existing dwelling (including the existing kitchen, dining room, bedroom 4 and w.c.).
- Demolition of the existing deck and its awning roof.
- Removal of some existing concrete paving from the front and rear garden.
- Removal of two existing trees to be replaced subject to Arborist's report. □ Existing driveway from Wallace Street to be demolished.
- Existing rear single garage to be demolished.
- Existing concrete paving on southeastern side of the existing dwelling to be partially demolished for new French drain.
- Existing driveway gate to be replaced and relocated.
- Existing fence on the northwestern side of the property to be replaced with new gate location to Council's requirements.

Alterations and Addition to the existing House

- Construction of a single-storey rebuilt section and addition at the rear of the existing house.
- The rebuilt rear section of the existing building will have a very shallow skillion and gable (5 degree pitch) which will serve to delineate the rear of the building, with a 27 degree gable roof over the rear open plan living area. This provides a 'pavilion-style' addition. Another shallow covered link is proposed to be positioned between the rear addition and new secondary dwelling.
- The alterations / additions will accommodate a larger kitchen / dining area / living area in open plan arrangement, and a study nook, bathroom and laundry.
- There will be one less bedroom within the main dwelling (3 bedrooms + a front study instead of 4 bedrooms + a front study as existing).
- A raked ceiling is proposed to the rear addition.
- A verandah is proposed on the northwest side of the addition.

Secondary Dwelling

- Rebuilding of the rear garage outbuilding in the rear southeastern corner of the property to provide a single-bedroom secondary dwelling.
- The new dwelling is proposed to accommodate an open plan living / kitchen / dining area, one bedroom and a bathroom / laundry.
- A new single garage is proposed and incorporated into the design, with access via a new driveway ramp and extended vehicular crossing from Wallace Street.

Deck Connection

- A deck measuring approx. 21sqm in size is proposed to connect the rear addition with the new secondary dwelling.
- Pergola with transparent roof above.
- The covering will be near flat (1 degree). □ A small bbq area is also proposed.

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Site Works

- Landscaped private open space provided to the northwest of the dwellings.
- New 1.5m fence and gate to the northwestern side of the existing front building. □ New gate to the side of the new garage, and new gates to the driveway crossing.
- New 1.8m fence, masonry retaining wall and gates to the private open space.
- Feature screen between the private open spaces.
- Provision of 2 vertically-proportioned skylights to the rear addition.
- New gate to the southeastern side of the main dwelling.
- Tree protection to tree at the rear adjoining the proposed deck. □ Installation of solar panels to the rear secondary dwelling.

GFA and Landscape Calculations

- Landscaped area and site coverage is detailed on the GFA and Landscape Calculations drawing no. A10 Rev. A (issued for lodgement), dated 22/11/22.
- Private open space areas of 79.3sqm and 23.3sqm are proposed.
- Alfresco area is 42.4sqm.
- GFA of secondary dwelling is 42.92sqm with garage being 17.17sqm.
- Area of proposed connecting deck is 21.00sqm.

Height

- The additions will be substantially lower than the maximum ridge height of the existing house, with the maximum ridge height of the secondary dwelling and link being approx. 2.76m lower than the maximum ridge height of the existing house.

Materials and Colours

- A schedule of colours and materials will be prepared. □ The existing fireplaces and chimneys are to remain.

Front of Building and Façade

- No changes are proposed. Minor maintenance work may be carried out if needed.

* Details of the proposed works are shown in the assessment documentation as referenced in **section 1.6 Assessment Documentation of this report**.

9.0 ASSESSMENT OF HERITAGE IMPACT**9.1 Assessment pursuant to Inner West LEP 2022**

The proposed development has been assessed under the relevant heritage clauses of the Inner West Local Environmental Plan 2022 as discussed below:

Part 1 Preliminary**1.2 Aims of Plan**

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The Inner West LEP 2022, aims to make local environmental planning provisions for land in the Inner West in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

Clause 1.2 (2) includes the following aims:

- (b) to conserve and maintain the natural, built and cultural heritage of Inner West,*
- (g) to encourage diversity in housing to meet the needs of, and enhance amenity for, Inner West residents,*
- (h) to create a high quality urban place through the application of design excellence in all elements of the built environment and public domain,*
- (i) to prevent adverse social, economic and environmental impacts on the local character of Inner West,*

Comment: The proposed development will not conflict with the listed generic aims of clause 1.2 (2) of the LEP.

Part 2 Permitted or prohibited development

2.1 Land use zones

Comment: The subject site is zoned R2 – Low Density Residential and under this Plan secondary dwellings are permissible with consent in this zoning. The proposal is therefore permissible with consent within this zone.

2.7 Demolition requires development consent

Comment: Consent is being sought as required in respect to the partial demolition work proposed.

Part 3 Exempt and Complying Development

3.3 Environmentally sensitive areas excluded

(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

Comment: This clause is noted.

Part 5 Miscellaneous Provisions

Clause 5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Inner West,*

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

Comment: The proposed development does not contravene the above objectives. The proposal complies with the objectives listed in section 5.10(1)(a) and (b) of the LEP as the heritage significance of the subject contributory dwelling, and heritage conservation area and heritage items in the vicinity will be conserved.

The fabric of the significant portion of the front of the building will not be adversely affected and the setting and views of the property are retained due to the single-storey height and rear siting of the additions and rear secondary dwelling.

- ☐ Should any archaeological relics or artefacts and / or Aboriginal objects or artefacts be found on site during the course of construction, these will be appropriately documented and recorded.

(2) Requirement for consent

Comment: Development consent has been sought as required pursuant to sub-clauses (2)(a)(iii) and (2)(e)(i).

(3) When consent not required

Comment: This clause is not applicable to this proposal as consent is required in respect to the proposed work as the proposal does not just involve minor maintenance work and the subject property is a contributory building and is located within a conservation area within the vicinity of heritage items.

(4) Effect of proposed development on heritage significance

Subclause (4) requires Council before granting any future consent under this clause in respect of a heritage item or heritage conservation area to consider the effect of the proposed development on the heritage significance of the heritage item and conservation area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

Comment: This heritage management document has evaluated the impact of the proposed works on the heritage significance of the heritage conservation area as required. The effect of the proposal on the heritage items in the wider vicinity of the site is also considered as part of this assessment.

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(5) Heritage assessment

The subject document is a heritage management document which assesses the extent to which the carrying out of the proposed development will affect the heritage significance of the heritage conservation area concerned as well as the effect of the proposed development on heritage items in the vicinity of the site in accordance with (5)(b) and (c).

(6) Heritage conservation management plans This

clause is noted.

(7) Archaeological sites

Comment: Should any significant archaeological items or relics be found during the course of the works, these will need to be appropriately recorded, documented and maintained subject to the notification requirements of the Heritage Act. The amount of excavation proposed is not substantial.

The proposed development will be carried out in accordance with the requirements of this clause.

(8) Aboriginal places of heritage significance

Should any significant Aboriginal artefacts be found during the course of the works, these will need to be retained and appropriately recorded, documented and maintained. Significant excavation is not being proposed.

The proposed development will be carried out in accordance with the requirements of this clause.

(9) Demolition of nominated State heritage items

The subject property is not a state-listed heritage item.

(10) Conservation incentives

The provisions of this clause are noted but this clause is not applicable to the subject proposal as the proposed development is permissible with consent under this LEP.

Schedule 5 Environmental heritage**Part 2 Heritage conservation areas**

The subject property is situated within the Federal - Fyle Heritage Conservation Area (C5) under **Schedule 5 Environmental Heritage Part 2 Heritage conservation areas** of the Inner West LEP 2022 as shown on the Heritage Map to the LEP below (**Fig. 39**).
The site is not an archaeological item nor within an Aboriginal place of heritage significance.

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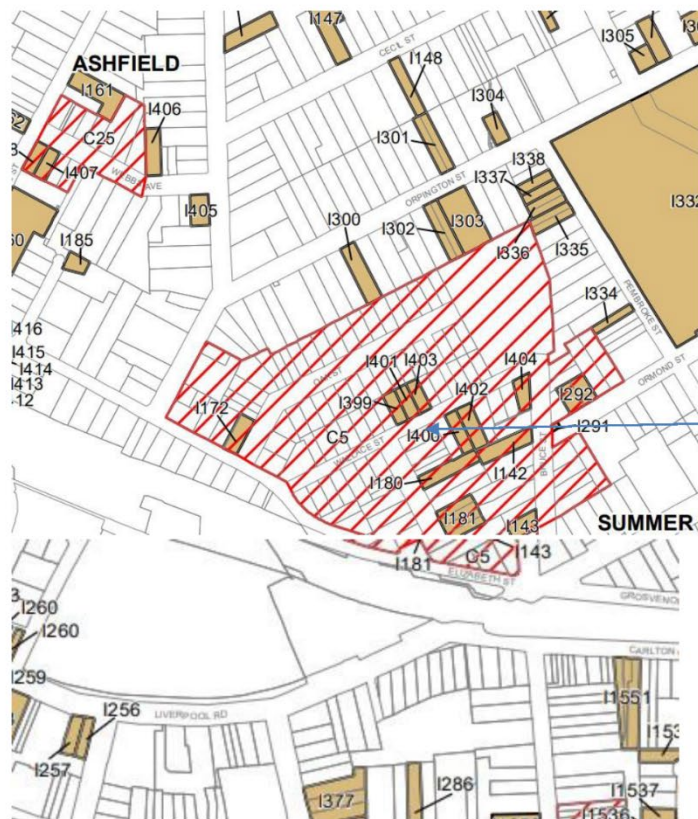


Figure 39

Heritage Map HER_001_010 from the Inner West LEP 2022 which shows the location of the subject property within the Federal - Fyle Heritage Conservation Area "C5". The location of adjoining heritage items as well as heritage items within the wider vicinity of the site is shown on this map.

The Webbs Avenue Heritage Conservation Area “C25” is located further to the northwest.

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The Federal - Fyle Heritage Conservation Area is of *local* heritage significance.

The subject property at 2 Federal Avenue, Ashfield is a *contributory* dwelling located within the Federal - Fyle Heritage Conservation Area (C5 in Schedule 5 of the Inner West LEP 2022). The existing single-storey, free-standing brick and tile house displays features characteristic of Federation Queen Anne and Arts and Crafts-style architecture.

The closest adjoining heritage items have been discussed in section 2.5 Adjoining Heritage Items of this report.

The heritage items in the wider vicinity include the following:

Item **I181** located further southeast – 18-20 & 22-24 Federal Avenue, Ashfield – 2 pairs of houses, including interiors, of Queen Anne / Arts & Crafts design, of local significance.

Item **I143** located further southeast – 11 Bruce Street, Ashfield – House, including interiors of Californian Bungalow design, of local significance.

Item **I404** located further to the rear – 27 Wallace Street, Ashfield – House, including interiors, of local significance.

Item **I292** situated further to the rear – 4 Ormond Street, Ashfield – House, including interiors, of local significance.

Item **I291** sited further rear – Road reserve, pavement (inlaid) street naming Ormond Street (corner of Bruce Street), of local significance.

Item **I171** located west – 17 Elizabeth Street, Ashfield – House of Arts & Crafts design, including interiors, of local significance.

*These items are further away from the site but are still within the HCA>

Comment: The proposed development is not considered likely to adversely impact on either the subject conservation area nor heritage items in the wider vicinity nor the Webbs Avenue HCA.

Dictionary

The following definitions are relevant to this proposal:

"heritage conservation area" means an area of land of heritage significance:

(a) shown on the Heritage Map as a heritage conservation area, and

(b) the location and nature of which is described in Schedule 5, and

includes any heritage items situated on or within that area. **heritage**

impact statement means a document consisting of:

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- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

heritage management document means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

Comment: The subject heritage impact statement has been prepared in accordance with the above definitions.

Accordingly, the proposal is seen to be in accordance with the heritage standards and objectives of the Inner West LEP 2022.

9.2 Assessment pursuant to Inner West Comprehensive DCP 2016

The Inner West Comprehensive Development Control Plan 2016 applies to the following suburbs (including Ashfield): Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The proposal has been assessed under the relevant primarily heritage parts of the Inner West Comprehensive Development Control Plan 2016 as discussed below:

The Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill came into effect on 10 January 2017.

This DCP supplements and supports the Inner West Local Environmental Plan (LEP) 2022. It outlines planning and design guidelines for particular types of development that require Council approval.

The following sections and chapters are applicable and include the following objectives and controls for consideration:

Section 2 – General Guidelines

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A Miscellaneous

Part 2 Good Design

The purposes include to ensure development is well-designed and appropriately considers context, scale and built form and aesthetics.

Performance criteria include response to context and reinforcing the desirable elements of the established street and neighbourhood character. Density is to be appropriate for a site and its context and is to comply with the IWLEP 2022.

The scale is to suit the street and surrounds, and development is to contribute to the identified desired future character. Landscaping is also to contribute to the neighbourhood character.

The development is to have an appropriate composition and architectural standard.

Comment: The development complies with the relevant parts of this DCP in respect to streetscape outcomes.

The additions are only single-storey in height and have been designed to be sensitive to the site context and surrounds.

The scale of the additions is also compatible with the surrounding built form in this conservation area. The visual appearance and height of the additions conforms with the surrounds. The articulated, rear-sited, single-storey additions and secondary dwelling accord with the desired future character of the Federal - Fyle Heritage Conservation Area.

Importantly, the development retains the contributory façade of the existing building. Existing complementary landscaping will largely be retained and maintained.

The appearance of the secondary dwelling has been designed to complement the main building as altered at the rear.

Two dwellings are permitted on the property within the zoning of the land under IWLEP 2022, subject to development consent.

The development will conform with the desired future character of this HCA as a singlestorey detached dwelling of Federation Queen Anne appearance and design will be maintained on the property, with additions sited at the rear and subsidiary in scale to the main dwelling.

The contributory façade features of the main dwelling such as unpainted brickwork, verandah, exposed rafters, chimneys, double-hung windows and bay window will continue to be assets to the HCA.

Part 11 Fencing

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The purposes include to ensure fencing is compatible with the heritage values of the site and streetscape. A maximum height of 1.2m is recommended for a front fence.

Comment: No change is being proposed to the existing front fence.

Chapter D

Precinct Guidelines

Part 1 Ashfield Town Centre

Comment: The site is adjacent to Ashfield Town Centre. Controls include incorporation of heritage items into developments. The subject property is outside the Ashfield Town Centre area, therefore these controls are not applicable to the subject development and this property is not a heritage item.

Chapter E1 – Heritage Items and Conservation Areas (excluding Haberfield)

Part 1 General Controls

1.1 Application

Part E1 applies to sites which are listed as Heritage Items listed in the Inner West LEP 2022, and to sites and places contained within Heritage Conservation Areas listed in the Inner West LEP 2022.

1.2 Purpose

The purpose of this DCP is to:

- *Ensure that heritage significance is considered for development involving: - heritage items, - buildings and sites within heritage conservation areas, and - archaeological sites and places of Aboriginal heritage significance.*
- *Enhance the character and heritage significance of heritage items and heritage conservation areas and ensure that infill development is designed to respond positively to the heritage character of adjoining and nearby heritage buildings and heritage features in the public domain.*

Comment: The subject alterations and additions have been designed in positive response to the heritage character of the surrounding heritage buildings, and features in the public domain.

This is because the design will retain the detached single-storey Federation Queen Anne / Inter-war Arts & Crafts style of the subject house. This appearance is consistent with the desired future character of this heritage conservation area.

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The secondary building has been sensitively designed as an infill, being setback from the Wallace Street frontage and adjoining buildings and has been suitably articulated with a pitched roof and sympathetic materials.

There will be no adverse impact on archaeological sites or places of Aboriginal significance.

1.3 General

Heritage conservation does not preclude change but does require heritage values to be retained and managed when development takes place.

This Development Control Plan (DCP) is consistent with the Australia International Council on Monuments and Sites (ICOMOS) Charter for Conservation of Places of Cultural Significance (The Burra Charter) 2013.

This Charter guides all heritage and conservation in NSW. The provisions in this DCP are based on the underlying principles that:

- *Change should be based on an understanding of heritage significance; and*
- *The level of change should respect the heritage significance of the item or area.*

The intention of these provisions is to ensure that decisions about change are made with due regard to heritage significance, and that opportunities to improve the understanding and appreciation of this significance are taken.

This DCP does not remove the requirement to comply with the Inner West LEP 2022 or other relevant DCP's that may affect a heritage item or a building within a Heritage Conservation Area.

1.4 Definitions

Contributory Building 1:

Buildings that clearly reflect a Key period of Significance for the HCA and are key elements of the character of the HCA. Contributory 1 buildings generally have a good level of intactness in their external form and materials with only visible minor changes.

Explanatory Note: *Contributory buildings as such buildings as houses within Heritage Conservation Areas.*

Comment: The subject building is a Contributory Building Rank 1 within the Federal - Fyle Heritage Conservation Area. The amount of “change” proposed has due regard to the heritage significance of the building. The siting of the additions and secondary dwelling at the rear respect the heritage significance of the original Queen Anne building, and the removal of the unsympathetic rear addition will improve the appearance of the subject house at the rear.

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The development has been designed in accordance with Burra Charter principles and change is only proposed as necessary, particularly in regard to the roof interaction between the rear roof of the existing building and the addition connection. Alterations have been designed in compatibility with the existing building.

A number of definitions of terms are listed in this section. The following definitions are considered necessary to explain as used in Chapter E1 as they relate to specific to Heritage Conservation principles and terminology which pertain to the subject development:

***Conservation** means all the processes of looking after a place so as to retain its cultural significance.*

***Fabric** means all the physical material of the place including elements, fixtures, contents and objects.*

***Form and Massing:** Form and massing is the overall shape and proportion of the building. Massing refers to the whole of the bulk of the building and form relates to height, width, pitch of roofs, proportion of openings, proportion of elements to each other, how elements such as verandahs are designed, etc. While the terms can be used separately they are often used together to describe a place within a streetscape.*

Infill Development:

Infill development includes new buildings on vacant sites and new buildings on existing occupied sites where the new building is separate from the existing building and forms part of the identified streetscape. Infill development is not alterations and additions.

Massing:

Massing is the overall shape and form of a building including its roof.

Main roof form:

The main roof form is generally the roof (original) that is viewed from the street frontage that extends over the principal rooms in a building. The roof form may have a range of shapes and finishes. The main roof form may extend to wings, particularly where they are located at the side of a building and are clearly visible from the street.

1.5 Styles of Buildings in the LGA

Comment: The subject building is considered to be characteristic of Queen Anne / Arts & Crafts Interwar design (WWI to WWII).

1.6 Where Heritage Controls Apply

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Comment: Development consent is being sought as required for the proposed works to the subject contributory building and new secondary dwelling. It is noted that there are “no set design solutions” for alterations / additions to a building of heritage value.

As required, the additions will not be visible from Federal Avenue, and will not dominate the existing building and heritage conservation area setting. The secondary dwelling is setback substantially from Wallace Street. The secondary dwelling infill building will be of conforming appearance, scale, form and height, and its setbacks will be compatible with the HCA surrounds.

1.7 Aboriginal Heritage

Comment: Reference to the National Parks & Wildlife Act 1974 can be made should an Aboriginal archaeological object be found during excavation.

1.8 Non-Aboriginal Archaeological Sites

Comment: Should any non-Aboriginal archaeological relics be considered likely to be unearthed, compliance with the relevant sections of the Heritage Act 1977 will be made.

1.9 Development in the vicinity of Heritage Items

Objectives

O1 To ensure that adjacent development does not detrimentally impact upon the heritage significance of heritage items and their settings.

O2 To ensure that new development is compatible with the heritage values of adjacent heritage items.

Controls

The design of new development adjacent to a heritage item should:

C1 Be designed to respond to the setting, setbacks, form, scale and style of nearby heritage items.

C2 Maintain significant views to and from the heritage item.

C3 Ensure adequate setbacks from the site of the heritage item to retain its visual setting. C4 Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.

C5 Use materials, finishes and colours selected to avoid strong contrast with the heritage item in order to retain the visual importance or significance of the heritage item.

Comment: The proposed works will not impact on heritage items in the vicinity nor their curtilages and settings as the addition and infill building are only single-storey in height, and will not extend beyond the existing side setbacks of the house. The visual setting of heritage items will therefore be maintained, as will their landscape features including gardens and street tree plantings.

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The form and scale of the additions and secondary infill building will be consistent with the surrounds. Colours, materials and finishes will be compatible with the surrounds and avoid contrast.

Part 2 Heritage Items

Comment: As discussed above, there will be no adverse impact on heritage items in the vicinity. The setting and features and details of heritage items will be retained. There will be negligible obstruction of views / vistas to and from heritage items.

Part 3 Heritage Conservation Areas (HCA's)

3.1 Heritage Conservation Areas (HCA's)

Part 3 applies to Heritage Conservation Areas, and includes identifying which parts of contributory buildings are to be retained, where rear building additions may occur, and how key building elements are to be treated. Reference is to be also made to **Part 4** which pertains to particular building elements for buildings and structures within Heritage Conservation Areas.

1.1 General

Comment: This Heritage Impact Statement refers to the applicable Character Statement for the Federal - Fyle HCA. (It is noted that the subject building has received a Ranking of 1 within this HCA.)

3.2 Contributory Buildings (Building Rankings Contributory 1 and 2) 1.1 General

Contributory buildings, such as houses (Building rankings 1 and 2) are buildings that make an important and significant contribution to the character and significance of the HCA.

They are buildings that:

- *date from the Key period of significance for the HCA (as outlined in the Area Character Statement for the HCA);*
- *have a high to reasonable degree of fabric integrity.*

The most important part of a contributory building that is required to be retained is the building under the *main roof* form. The elements of the building, under the *main roof form*, that these controls require to be retained are:

- the roof form and any original use of materials
- original wall finishes
- original joinery
- original verandahs and applied detail such as chimneys, window hoods, etc.

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Explanatory Note: Reference is made to the part of the building under the main roof form. Take for example a queen anne style/ federation era house. This main roof form will be the part that is above four rooms off a central hallway, forming a rectangle over which a hipped roof is pitched/constructed. This is the “front part” building form of the house whose extent are defined by the roof, it is this building form which is “visually seen” and the main contributor to the historic streetscape.

While the rear section of buildings (often under a skillion roof or as a minor rear wing) may have significance, Council does not require the retention of these elements for contributory buildings.

In their simplest form the controls apply to what can reasonably be seen from the street frontage of both the existing building and any proposed additions.

The **Diagrams 1 and 2** set out how these controls may apply to a range of different building types found in the Council area.

The following objectives and control apply to Contributory buildings:

Objectives

- O1 Ensure that contributory buildings are retained, conserved and maintained for their streetscape heritage value.*
- O2 Ensure that additions and alterations are designed to retain and complement the character and significance of the conservation area as set out in the Area Character Statements, generally with new work located at the rear or away from the public domain.*
- O3 Encourage uncharacteristic, unsympathetic or intrusive elements to be removed or reversed and the significant form of contributory buildings to be recovered.*

Controls

- C1 Contributory buildings (buildings ranked Contributory 1 or 2) are to be retained and conserved with their significant setting except in exceptional circumstances where the consent authority determines replacement is justified.*
- C2 Original or largely intact main roof forms are to remain unaltered. Where it is stylistically appropriate, minor changes such as dormer windows, skylights and solar panels may be considered. Where minor changes are proposed they should be located towards the rear and not on main roof planes.*
- C3 The front or main section of contributory buildings are to be retained (this is usually the building below the main roof form).*

Comment: The proposal complies with these objectives and controls as the main original front roof form (including 4-5 original front rooms and hallway) within the front section of the building are being retained. The rear skillion addition (minor rear wing) is less significant and therefore is not required to be retained.

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The streetscape appearance of the building is retained and the alterations / additions will complement the character of the conservation area in accordance with the Area Character Statement.

Work is also at the rear and not readily visible from the public domain from Federal Avenue. Work will be visible from Wallace Street, however Federal Avenue is the primary frontage and the contributory façade of the existing building is intact on the Federal Avenue frontage.

The rear lean-to addition is considered intrusive and no objection is raised to its removal.

This contributory building 1 is retained and conserved in its setting, and the original main roof is to be left largely intact.

The two proposed skylights are considered to be minor changes and are vertically proportioned and positioned at the rear and not on the front roof planes.

The front main section of this contributory building including its verandah, is to be retained as required.

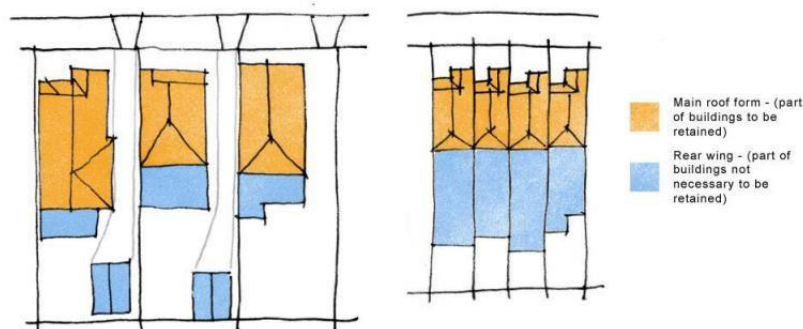


Diagram 1 – Parts of buildings to be retained

C4 Alterations and additions to a Contributory building are to:

- a) respect significant original or characteristic built form;*
- b) retain significant fabric;*
- c) retain, and where possible reinstate or reconstruct significant features and building elements. Such work should be based on research rather than conjecture.*
- d) remove unsympathetic alterations and additions, including inappropriate building elements;*
- e) use appropriate materials, finishes and colours; and*
- f) respect the pattern, style and dimensions of original windows and doors, verandahs and other design features.*

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*g) alterations and additions to contributory buildings including for rear additions, which apply to existing parts of buildings to be retained such as shown in locations in **Diagram 1** in orange, are not required to have previously altered building elements brought back to their original state. Owners may choose to reinstate original features in accordance with Clause 4 (c) should they wish to do so.*

Comment: The development complies with the controls listed in C4 for the following reasons:

Diagram 1 – The front original section of the existing building is to be retained as well as a substantial portion of the rear roof.

- a) The front original characteristic built form is respected.
- b) Significant fabric is retained such as the front bay window.
- c) Front façade features are retained.
- d) The unsympathetic rear skillion addition is to be removed.
- e) Appropriate materials, finishes and colours will be used such as lightweight cladding to the addition, and a schedule of proposed materials, finishes and colours is to be prepared.
- f) The original pattern of openings is respected.
- g) It is noted that reinstatement of original architectural features is optional – at the owners' discretion.

C6 Single storey rear additions should be designed to be in sympathy with the scale and form of the existing contributory building. They should:

- a) not be visually dominant on the site*
- b) where they are a direct addition from the rear of the existing main building not extend the building form without modulation, step backs and articulation from the existing building*
- c) where a direct roof extension is required set new roofs within the existing rear plane so that the rear roof plan remains discernible.*

Rear pavilion additions are encouraged as a design approach to maintain the main building form without affecting the main building.

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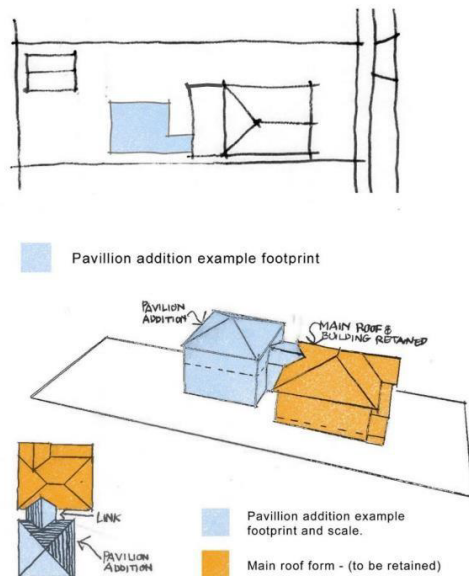


Diagram 2 - Conceptual examples of Pavilion additions

Comment: In accordance with C6, the additions are at the rear and are single-storey and are not visually dominant. Modulation has been provided to the rear additions as the additions including the infill building, are articulated. The rear addition has importantly been designed as a pavilion-type addition, with a link connection enabling retention of the main roof form and building.

The new roof of the rear addition has been set within the roof plane so that the rear roof of the original building is still discernible.

The bulk of the existing building and main roof of the original building is retained.

C7 Retain established garden settings, including mature trees, original and early pathways, gates and front fencing particularly forward of the building line.

C8 Development should not obscure or reduce the visual relationship of Contributory buildings to each other within a precinct, or to the street frontage.

Comment: Compliance with C7 is achieved as the established garden settings (at the front and rear) are to be maintained, including pathways. Only 2 smaller trees are to be removed at the rear.

In respect to C8, no interference with the visual relationship between the subject building and surrounding contributory buildings in this locality is foreseen.

3.3 Form, Massing and Scale

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A key aspect of the consistency of heritage conservation areas is the overall effect of the form, scale and massing of similar buildings. While there are variations within areas and some heritage conservation areas contain a range of periods and styles, a key control is to ensure that any changes to a place are undertaken to retain the overall, form, mass and scale of the area not just the individual site.

Explanatory Note: The term “form” (morphology) also incorporates buildings style e.g. whether something is a Queen Anne style or a California Bungalow style due to its design composition.

Objectives

O1 To ensure that development maintains and enhances the identified streetscape character of each heritage conservation area.

O2 To ensure that alterations and additions are compatible with existing buildings and streetscapes.

O3 To ensure that the established historical pattern of development is continued in terms of siting, levels and front, side and rear building setbacks.

O4 To retain the patterns of height, bulk and scale that are significant and distinctive to individual streetscapes and heritage conservation areas.

O5 To maintain visual consistency of building forms to ensure that new buildings do not dominate.

Controls

C1 Alterations and additions should reflect the bulk, mass, scale, orientation and setbacks of surrounding heritage and contributory items as well as the immediate property. C2 Alterations and additions should complement the predominant architectural scale and form of the area but are not required to imitate the existing style of buildings (Owners may wish to add to their building in matching style and this is appropriate, however, contemporary design approaches may also be acceptable - see C5).

C3 Established or characteristic front setbacks or building alignments are to be retained. C4 Alterations and additions should adopt the pattern of side setbacks of heritage and contributory items in the vicinity of the site.

Comment: The alterations / additions and infill building are subservient to the existing building and visual consistency within the HCA will be maintained.

In compliance with objectives O1 and O2, the single-storey detached Federation Queen Anne and Inter-war morphology of this area will be maintained. The historic subdivision and existing setbacks are retained in accordance with O3. O4 – the existing single-storey height and scale and bulk pattern within this HCA is retained and reflected within the infill secondary building.

In accordance with C1, the alterations / additions and infill are reflective of the bulk, mass, scale, orientation and setbacks intrinsic to the HCA.

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Compliance is achieved with the above controls, as the works proposed will complement the surrounds and existing front and side setbacks are maintained.

3.4 Infill Development within a Heritage Conservation Area

New infill development in HCAs must be designed to respect neighbouring buildings and the identified heritage character of the area. This particularly applies to roofscapes, overall massing and built form, door and window proportions and the use of materials.

Infill development should enhance and complement the existing character and should not replicate the historic appearance of Contributory buildings.

Explanatory Note: Infill development is defined as: includes new buildings on vacant sites and new buildings on existing occupied sites where the new building is separate from the existing building and forms part of the identified streetscape. An infill development might be a dual occupancy, rear garage, or rear commercial building addition in historic town centre.

Objectives

O1 To ensure development within a HCA is compatible with the surrounding built form and urban pattern by addressing the Area Character Statement and responding sympathetically to:

- a) topography and landscape;*
- b) views to and from the site;*
- c) significant subdivision patterns and layout;*
- d) front and side setbacks;*
- e) the type, siting, form, height, bulk, roofscape, scale, materials and details of adjoining or nearby contributory buildings;*
- f) the interface between the public domain and building alignments and property boundaries;*
and
- g) colour schemes that have a hue and tonal relationship with traditional colour schemes.*

Comment: The proposed infill building is considered to have responded sympathetically to the above objectives as discussed throughout this report.

Controls

C1 New infill buildings in a heritage conservation area are not to be designed as a copy or replica of other buildings in the area, but are to complement the character of the heritage conservation area by sympathetically responding to the matters identified in (O1)(a) to (g) above.

C2 Infill development is not to include garages and car access to the front elevation to the principal street frontage of the development where these are not characteristic of the HCA.

C3 Infill development in heritage conservation areas is to respond positively to the setting

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and special character of the area, as outlined in the relevant Area Character Statement. C4 The bulk, height, scale and building envelope of infill development must be consistent with nearby contributory buildings and that of the heritage conservation area as a whole. C5 Where infill development is adjacent to or in the vicinity of a building that is intrusive in design or excessive in height, conformity is inappropriate and will not be supported by Council.

C6 Solid to void ratios of elevations (that is the shape and extent of windows and door openings in relation to the scale of walls) are to be consistent with nearby contributory items.

C7 Street facing balconies are generally not supported.

Comment: In compliance with C1, the new infill building has not been designed as a copy or replica, and will complement the character of the conservation area.

Compliance with C2 is achieved, and C3. The bulk, height and scale of the infill is consistent with the surrounding buildings within the HCA. The infill is single-storey and not doublestorey like the neighbouring building. The solid: void ratio is acceptable relative to the nearby contributory items.

A street-facing balcony is not being proposed to the infill building.

Part 4 Particular Building Types and Building Elements for Heritage Items and Contributory Buildings within Heritage Conservation Areas

Heritage Items and buildings within Heritage Conservation Areas

The following sections apply to Heritage Items and Contributory Buildings and the particular building elements identified below.

Explanatory Note. The purpose of this section to provide controls for parts of buildings that would be found on either Heritage items or on buildings within an HCA.

4.1 Roofs, Dormers, Chimneys and Skylights

Some change to roofs is possible; however, generally changes to existing roofs should be confined to the rear of properties and should be stylistically appropriate to the building.

Objectives

O1 To maintain the characteristic roof profiles, forms and materials of heritage items and contributory properties within heritage conservation areas.

O2 To ensure new roofs and alterations to existing roofs are consistent with the character and historic context of the conservation area.

O3 To retain and conserve original and significant chimneys.

O4 To ensure dormer windows (when they are stylistically appropriate) are compatible with the period and style of the existing building and are secondary in scale to the main roof form.

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O5 To ensure roof windows do not detrimentally impact on the significance or appearance of heritage conservation areas.

Controls

Roofs

C1 Original and significant roof forms, materials, finishes and details to roofs are to be retained.

C2 Where the replacement of deteriorated roof elements or features is required, materials are to be replaced with the same or similar materials or where historically associated with the building style. If changes to materials are to take place Council consent will be required. C3 The roof form and detail of the main building and any significant rear wings are to be retained except where a dormer or skylight is permitted.

Comment: In respect to O1 and O2 and C1, near flat roofing and gable roofing are being proposed to the rear of the extension, which is in character with the existing surrounds. Most of the existing roof is being retained.

In respect to O3, the existing chimneys are being retained.

No dormer window is being proposed.

In regard to O5, skylights are positioned at the rear on the rear addition and will not be discernible from the street.

C2 is noted.

C3 – The proposal complies substantially with this control.

Dormer Windows

Comment: No dormer window is being proposed.

Chimneys

C9 Original and significant chimneys are to be retained, conserved and maintained. C10 Chimneys to the rear of buildings may be considered for removal to facilitate new work where they do not form part of the main streetscape appearance of the place.

Comment: In adherence with C9, the existing chimneys are to be retained.

Skylights

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C11 Skylights are not to be located on the front roof plane of a heritage item or contributory buildings. Skylights may be approved on a side roof plane of a building where they do not affect the appearance of the roof from the public domain.

Comment: The 2 skylights proposed are within the roof of the rear addition, and no skylights are proposed within the front roof plane of this contributory building. These skylights are acceptable as they will not affect the appearance of the roof form from the public domain.

4.2 Verandahs, Porches and Balconies

For contributory buildings the controls apply to features that can be seen from the public domain.

Objectives

*O1 To retain original verandahs, porches and balconies.
O2 To encourage reinstatement of altered or missing verandahs, porches and balconies. O3 To ensure that new verandahs, porches and balconies do not detrimentally impact upon the significance of heritage items and heritage conservation areas.*

Controls

*C1 Original verandahs, porches and balconies (including structure, detail and roofs) are to be retained.
C2 Reinstall or restore missing verandahs, porches and balconies and associated detailing.
C3 Reopen front verandahs, porch or balconies that have been enclosed.
C4 Enclosing or infilling original or significant front verandahs, porches or balconies is not supported.
C5 The design, proportions and detailing of new verandahs, porches and balconies are to relate to the style, detail and period of the building, and any characteristic elements of the conservation area identified in the relevant character area statement.
C6 Glass or clear balustrades are generally not permitted where visible from the public domain.*

Comment: The proposal complies with the objectives and controls for verandahs as the existing front original verandah is to be retained in entirety, in satisfaction of O1 and C1. No enclosure of the front verandah is proposed. No glass or clear balustrades are being proposed on the streetfront, only sliding glass louvre panels to the verandah to the rear addition and new deck, however these will be in keeping with the character of the surrounds.

The verandahs to be removed at the rear are not original.

4.3 Driveways, Garages and Carports

While parking is an increasing problem, the controls are designed to retain heritage and visual values of heritage conservation areas and to allow car access where it can be achieved without adversely affecting heritage values.

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There is existing side driveway access from Wallace Street.

Comment: Compliance with the objectives is met as the new garage will replace an existing rundown garage and the new garage will be setback 5.5m from Wallace Street. A new driveway is proposed in the same location off Wallace Street as existing. The new outbuilding will remain as a secondary structure.

It is preferable as continued, that parking is not adjacent to the front garden area and is behind the front building line. No part of the existing building will be demolished to accommodate car parking. Driveway access is as existing, with slight widening to the vehicle crossing proposed.

Parking will be behind the front building line as required, and the scale of the garage is not excessive. The appearance of the garage will complement the contributory building and not mimic an earlier style. Only one driveway crossing is proposed, and no loft is proposed. The existing side access is to be utilised.

Landscaping will continue to be provided in the rear yard.

The proposal will comply with the objectives and controls of this section in the DCP.

4.4 Fences

Comment: No change to fencing is being proposed.

4.5 Building Materials, Finishes and Colour

This section addresses both the retention and conservation of existing built elements and building materials and finishes for additions and infill development. While the controls can apply to new infill development, there is greater scope for material variation in new buildings to reflect the period in which they are constructed. The controls on infill development are set out separately.

Objectives

O1 To retain and conserve traditional materials, finishes and details where they are found in heritage items and contributory buildings.

O2 To conserve original significant external finishes.

O3 To provide for flexibility in the use of external paint schemes to reflect changing tastes.

O4 To promote high quality design, materials, finishes and detailing to additions and alterations that is appropriate to the architectural style of the place and the historic context.

O5 To allow for infill development to be of contemporary design but to 'fit' within the overall form and context of the setting.

Comment: In accordance with these objectives, traditional materials, finishes and details are retained and conserved on the original front section of the building. In compliance with O5,

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the infill secondary dwelling has been designed to conform within the overall form and context of the HCA.

A condition will require submission of a schedule of materials, colours and finishes.

Controls

Repair and Conservation Work

C1 Surviving original materials, finishes, textures and details on elevations visible from the public domain are to be retained and conserved.

C2 Where materials are missing or altered, reinstatement or repair is encouraged to return those features to their early form.

C3 Original brickwork, sandstone, terracotta, glazed or tessellated tiling that is unpainted or unfinished with other mediums must not be rendered, coated, painted or otherwise refinished in a manner inappropriate to the architectural style of the building.

C4 Provide external paint schemes that are characteristic of the style of the building in the use of tone, and palette of colours but not necessarily to be limited to standard traditional colour schemes. A paint scheme is to be submitted with any proposal for work to a heritage item or within a heritage conservation area.

Comment: Conditions can be imposed to address the above controls in relation to any repair and conservation work where applicable.

Alterations and Additions

C5 New materials, finishes, textures and details on elevations visible from the public domain, must be appropriate to the architectural style of the building. Materials may but do not have to replicate original materials, however if different materials are proposed a design statement must be provided to support any visual change to the building and streetscape.

Comment: No change is being proposed to the street presentation of the building. Appropriate materials, finishes, textures and details on the elevation visible from Wallace Street will be used, to conform with the architectural style of the building. This requirement can also be conditioned.

New infill development

C6 Infill buildings should be well-designed contemporary buildings that 'fit' into the form, character and general pattern of material use that is found with the heritage conservation area. Materials may be contemporary but should not dominate the setting or stand out. Infill development should not replicate traditional forms or details.

Comment: The rear secondary dwelling is a new infill building. The alterations and additions and infill building will not dominate the setting but will 'fit' into the form, character and pattern of materials found in the surrounds. Lightweight materials are favoured for the additions and infill building, with brickwork maintained on the original building.

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Direct replication or imitation of surrounding building details is not directly envisaged. The infill secondary building is not imitating the historic surrounds.

Part 7 Subdivision and lot consolidation affecting heritage items or in heritage conservation areas

Comment: No land subdivision is being proposed and there will be no change to the existing historic subdivision pattern. Subdivision of a dual occupancy (if permissible) is a separate planning assessment.

Part 8 Demolition

8.1 Demolition affecting heritage items or within heritage conservation areas

Demolition of a heritage item, a contributory building or the significant heritage features of those places will not be supported by Council.

To facilitate the provision of additions and alterations and, in some situations, the recovery of more significant earlier forms of a place (such as removing an inappropriate addition), some demolition is likely to be required to allow that work to take place

The intent of the demolition controls is not to prevent well-designed additions and alterations taking place where some demolition may be required, rather it is to ensure that the significant elements and features of a place are retained.

Demolition of neutral or detracting buildings within heritage conservation areas is permissible.

Where demolition is proposed, it requires the support of a statement of heritage impact that specifically considers the impacts of demolition on the significance of the place or Heritage Conservation Area and which also adequately justifies why demolition is warranted. It must also be accompanied by the details for what will be replacing any building.

Where demolition is proposed of any nature, it requires the support of a statement of heritage impact that specifically considers the impacts of demolition on the significance of the place.

Objectives

O1 Buildings that are Heritage Items or are Contributory buildings are to be retained. Demolition will only be considered in exceptional circumstances.

O2 Where demolition of a building that is a Heritage Item or is within a Heritage Conservation Area is proposed, documentation requirements in this section are to be adhered to.

*O3 Minor demolition as part of a proposal for alterations or additions will be considered by Council on a merit basis based on the impact of the demolition on the significance of the place. **Generally it is expected that demolition of significant parts of a building would be***

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limited to the rear of the property and will not affect the main or street elements of the building.

Controls

Heritage items and Contributory buildings

C1 The demolition of heritage items and contributory buildings will not be supported by Council.

C2 Where in exceptional circumstances a development application proposes the full or substantial demolition of a heritage item, or a contributory building the Heritage Impact Statement is to:

- a) the demolition must adequately justify why the demolition is warranted and is acceptable, including the impacts of demolition on the significance of the place or Heritage Conservation Area. include a report by a suitably qualified structural engineer if the demolition is proposed on the basis of poor structural condition; and*
- b) include a pest inspection report if the building is a weatherboard building and the condition of the building is cited as a reason for demolition.*
- c) Note: Council reserves the right to commission independent heritage, structural engineers or other expert reports in relation to any proposed demolition of a heritage item or contributory building in order to assist with proposal assessment.*

C3 Where partial demolition to facilitate alterations and additions (or similar) is proposed include in the SOHI an assessment of the impact on heritage values of that work, including any alternative solutions that may have been considered.

C4 If demolition is approved Council will require a full archival recording of the property to NSW OEH Heritage Division standards.

Comment: The proposed development conforms with the intent of the demolition objectives and controls within the DCP. Demolition of the original main front component of this contributory building is not being proposed, only demolition of a less significant and unsympathetic lean-to rear addition and verandah.

This complies with objective O3 and control C3 as minor demolition as part of a proposal for alterations and additions can be considered by Council on a merit basis. The heritage value of the property is not considered to be diminished because of the proposed demolition of part of the rear of the building. The rear section of the building, including skillion later addition, is of less significance than the front of the building. Therefore no objection is raised on heritage grounds to demolition of part of the rear of the building.

In this case, this minor demolition is seen to be acceptable as it will not have any adverse effect on the heritage significance of the place, and the skillion is at the rear and its removal will not affect the main or street elements of the building, nor its contribution to the streetscape. The rear skillion is a later add-on and is not of high heritage value.

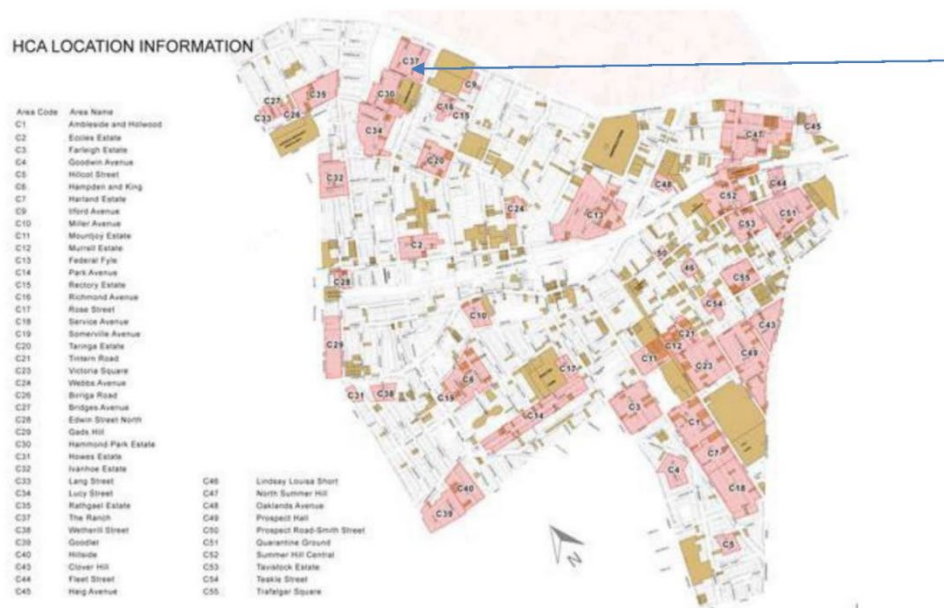
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No objection is raised to demolition of the existing garage outbuilding as it is dilapidated and no longer is considered to be contributory to the heritage significance of the property.

Part 9 Heritage Conservation Areas Character Statements and Rankings

The location of the subject heritage conservation area is shown on the map below from the DCP:



Map 1 – Heritage Conservation Area Location Map The Federal - Fyle HCA is denoted above in area code C13.

Reference No. C-03-13 The Federal - Fyle Conservation Area

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C13 The Federal – Fyle, Ashfield Heritage Conservation Area

The map above from the DCP shows a close-up view of the location of the Federal - Fyle Heritage Conservation Area. Adjoining heritage items can also be seen.

KEY PERIOD OF SIGNIFICANCE: 1879 to 1940s HCA TYPE 3: MIXED RESIDENTIAL

The **Statement of Significance** for the Federal - Fyle Heritage Conservation Area has been set out in Section 6.2 **Statement of Heritage Significance of this report**.

The **Key Character Elements** and **Non-Contributory Elements** have been set out in Section 6.1 **Background Character** of this report.

Historical Development has also been set out under Section 2.6 **Conservation Area** of this report.

Building Ranking Definitions:

The subject building has been defined as a Queen Anne / Arts and Crafts building, situated on the northeastern side of Federal Avenue and has received a Building Ranking of 1 meaning:

Contributory 1: Buildings that clearly reflect the Key period of Significance for the HCA and are key elements of the character of the HCA.

Comment: The proposal will not have any adverse impact on the subject Federal - Fyle HCA nor the adjoining heritage items. This is primarily because there will be no adverse impact on the streetscape, the additions are sited at the rear, and are single-storey. The outbuilding will complement the existing house in terms of appearance and will be subservient in scale to the existing house.

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Chapter F - Development Category Guidelines

Part 1 Dwelling Houses

Comment: This Part sets out general planning requirements. As discussed, the proposed development will be sympathetic with the prevailing development in this HCA. The alterations and additions have been well-designed and appropriately consider context, scale, built form, proportioning of openings, solid: void distribution, landscaping and aesthetics.

The character and cohesiveness of the streetscape is maintained.

In accordance with PC2 (Performance Criteria 2), the development does not detract from the heritage values of the Federal - Fyle Heritage Conservation Area, and in accordance with DS2.1 (Design Solution 2.1) development within this HCA as identified in the Inner West LEP 2022 is consistent with Part E - Heritage of this DCP.

The development complies with the performance criteria regarding scale.

The subject building retains the appearance of a detached single-storey building of domestic scale on the Federal Ave. frontage as the rear addition is a pavilion form, and a covered deck separates the main house from the secondary building. Articulation has also been incorporated into the design. The outbuilding will also complement the existing house.

The following comments are made in regard of further design criteria within this DCP:

Solar heating and photovoltaic installations

Comment: In respect to PC18 and D518.1, the visual impact of solar heating and photovoltaic installations on the streetscape has been minimised as the solar panels are to be located on the roof of the rear building in the rear of the garden.

Stormwater Disposal

Comment: In accordance with PC19, the proposed French drain will not detract from the streetscape quality.

Part 2 Secondary Dwellings

Purpose

- *To provide greater housing choice and promote housing affordability*
- *To ensure a secondary dwelling is secondary in size, scale and nature, and subservient to the principal dwelling*
- *To ensure secondary dwellings do not detract from the form, scale and height of development in the streetscape and locality in which it is located*

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- *To ensure no significant adverse amenity impacts on other premises, in particular through ensuring adequate solar access, natural ventilation, privacy, noise and retention of significant views.*

Performance Criteria and Design Solutions

Comment: Although this Part applies predominantly to planning assessment, broad consideration is given in light of the heritage assessment:

Site area

Comment: The site area appears adequate to accommodate this development.

Floor area

Comment: The size of the secondary dwelling will be less than the main dwelling house, and the appearance of a typical house and ancillary outbuilding will be maintained.

DS2.1 and DS2.2 form part of the planning assessment.

Building height

Comment: The proposal complies with PC3 as the secondary dwelling will be lower than the existing house and is compatible with the desired future character. The height of the secondary building is single-storey as required by DS3.1.

Setbacks

Comment: These performance and design criteria form part of the planning assessment.

Landscaped area

Comment: PC6 and DS7.1 are part of the planning assessment. It is noted that the secondary dwelling is not located forward of the front building line of the principal dwelling.

Accordingly, it is considered that the proposal will comply with the provisions and objectives of the Inner West Comprehensive Development Control Plan 2016.

9.3 Key Heritage Assessment Issues

Pre – Development Application Advice

Pre-Development Application advice was issued by Council's development assessment staff on 17 August, 2022.

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Heritage & Design

The issued advice in respect to Heritage and Design is as follows:

“A key element of your particular site is that it is identified as a contributory building within a Heritage Conservation Area under IWLEP 2022. Assessment of the proposal against the requirements of Clause 5.10 of the LEP found:

- *As part of any development application, it must be demonstrated that all attempts to reduce the interaction of the rear addition (to the main dwelling) and main roof have been explored.*
- *Original fabric is to be retained within the main portion of the house. This is to be indicated on the architectural drawings and repairs included where necessary.*
- *Any material finishes must detail a palette of materials to conform to the medium solar absorptancy range under BASIX.*

Overall the proposed scheme is considered to be generally acceptable with regards to heritage and design.

As indicated as part of your application, you will need to submit a Heritage Impact Statement (HIS). This statement will analyse the building stages of your site and all original parts of the building. It will then assist with any future design and also establish whether, for example, modifications have occurred that have altered its original form.

It is advised that you engage a suitably qualified person to assist with the HIS and this form part of a further PDA.”

Comment: The following comments are made in response to the issued heritage and design advice:

- Disturbance to the existing main roof of the principal dwelling has been minimised. This is because a substantial portion of the front original roof is to be retained, including its hipped form and front verandah and bay window.
- The shallow link between the addition and the existing main roof of the contributory building provides a pavilion-style addition and reduces impact. The intricacies of this design which include articulation and setbacks and variation in roof pitches, works to mitigate visual bulk and effect on the existing principal front roof.
- Coupled with the significantly lower height of the additions and sensitive use of compatible materials and colours, the alterations / additions have been designed to reduce interaction between the existing contributory building and the proposed rear additions.
- The original fabric of the existing contributory main portion of this Queen Anne / Arts & Craft house is to be retained as far as practicable. For example, the chimneys and fireplaces and original internal configuration and openings are retained, including the existing 4-5 front rooms and hall. Internal ceiling rosette decorations are mostly retained. The existing front verandah is also retained.
- A condition can be imposed to require any necessary repairs to be conducted and shown on the Construction Certificate drawings.

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- A condition can be imposed to require any material finishes to detail a palette of materials to conform to the medium solar absorptancy range under BASIX.
- HIS – The subject document is a Heritage Impact Statement, and has been prepared by a suitably qualified Heritage Consultant.
- In preparation of this HIS and upon inspection of the site, the building stages of the existing development on the site have been documented and the original parts of the contributory building have been identified. *This information has been set out in section 7.0 Description of Site and Surrounds 7.1 Subject Site of this report.
- It has been found that modifications have occurred to the rear of the existing building that have altered its original form.

Permissibility / Existing Use Rights

The Pre-DA Advice issued states the following:

“The Inner West Local Environmental Plan 2022 (IWLEP) was gazetted on the 12th of August 2022 and is now the relevant LEP. Under this Plan secondary dwellings are permissible with consent within the R2 Low Density Residential Zone. Any development application must demonstrate compliance with the requirements of the IWLEP 2022, including the requirements of clause 5.4”

Comment: It is acknowledged that a new Inner West LEP has been gazetted, and secondary dwellings are permitted with consent within the subject zoning of this property. The proposal has been assessed under the heritage requirements of the IWLEP 2022, (including clause 5.4, which is a planning consideration).

Impact on Heritage Conservation Area

This key issue has been considered throughout this report, and it is concluded that the proposal will not have an adverse impact on the heritage conservation area. The proposed works do not present any heritage issues, subject to the use of sympathetic materials and finishes.

Impact is mitigated primarily due to retention of a substantial component of the front contributory dwelling, the lower height difference between the original house and the additions, and the rear siting of the additions.

Streetscape / Local Character

The issues of streetscape and local character have been previously addressed in this report. The additions are lower in height and sited at the rear and the front significant portion of the building is retained as discussed. There will be no adverse effect on the streetscape.

Bulk and Scale, Siting, Envelope

The bulk and scale of the additions is considered to be acceptable as discussed. The incorporation of articulation to the building envelope, setbacks and utilisation of lower height and rear siting, means the additions will not dominate the front dwelling and are acceptable in bulk and scale.

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Neighbouring Amenity Impacts (Visual bulk, solar access, privacy, views)

Comment: These matters are discussed in the accompanying Statement of Environmental Effects (SEE).

Stormwater

Comment: Stormwater is discussed in the SEE and the proposed French drain is considered acceptable on heritage grounds.

Vehicular Access and Parking

Comment: A new single garage has been successfully incorporated into the secondary dwelling, without issue. Access is via a driveway entrance from Wallace Street in same location as existing. No concerns are raised in regard to heritage.

Urban Forests

Comment: Tree removal and protection is to be as per the Arborist's report.

Conclusion

The Pre-DA Advice from Council concludes with the following comment:

"Council has undertaken an assessment of your proposal and it is considered that in principle, alterations and additions (including a secondary dwelling) can be contemplated on the site. However, the design and location of the addition needs to be reviewed and further analysis undertaken to address the proposed impacts on heritage and neighbouring amenity."

Comment: It is recognised that Council contemplates the proposal in principle. The design and siting of the additions has been discussed in this Heritage Impact Statement and reviewed, and is considered to be satisfactory without any adverse impact on the HCA and heritage items in the vicinity.

9.4 Positive Impacts

The proposed development will have a positive impact on the surrounding area for the following reasons:

- There will be no adverse impact on the Federal - Fyle Heritage Conservation Area.
- The proposed one-storey rear additions have been appropriately sited and the main significant front component and room configuration of the building will be predominantly retained.
- Height – is single-storey throughout and substantially lower than the existing maximum ridge height.
- The part of the building to be demolished is a less significant later skillion addition.
- Appropriate articulation has been provided to the additions and secondary dwelling.
- The front façade of the contributory (Rank 1) Queen Anne / Arts & Crafts building will be retained.

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- The maximum height of the addition will not exceed the maximum ridge height of the existing building.
- The additions are single-storey and will not dominate the existing building.
- The contributory streetscape appearance of the existing building will be retained.
- The appearance of the additions and secondary dwelling will complement the appearance of the house.
- The proposed development conforms with the residential intent of use and zoning of the subject land, and is permissible with consent in the R2 – Low Density Residential zone.
- Acceptable vistas will remain toward the subject building and its surrounds.
- The design of the proposed additions and alterations is generally suitable within the surrounds in terms of architectural features such as roof pitch, opening design and materials/colours.
- The skylights proposed are at the rear and vertically-proportioned.
- The existing fireplaces and chimneys are retained.
- The proposed materials, finishes and colours will be compatible with the existing building or match the existing building.

9.5 Necessity for proposed Development

The proposed works are necessary to provide a more functional floor configuration, open space and additional space. The proposed works will result in a better utilisation of the site.

9.6 Consideration of Alternatives

The subject form of development work, being rear single-storey additions and secondary dwelling, is seen to be the most suitable given the residential zoning of the site, and historic significance of the building and its surrounds. The rear addition is similar to a pavilion addition with a low roof connection and the heritage objectives are further achieved as appropriate articulation has been included in the design, and the additions will not overwhelm the existing significant front section of the building.

The Wallace Street elevational appearance of a dominant front dwelling with 2 pavilion-style rear additions is suitable within the context of the surrounds.

The proposed design also offers the ability to achieve the heritage objectives, without impacting on the adjoining heritage-listed properties and conservation area.

Additional space is needed, therefore a ground level rear extension, deck connection and secondary dwelling is appropriate as there will be no impact on the streetscape presentation of the building.

There will still be a considerable amount of open space available at the rear of the property for recreational and drainage purposes.

A two-storey addition or an addition with mezzanine would have been inappropriate and would have impacted on the heritage significance of the building.

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This form of development is considered to be the most sensitive to the existing conservation area and surrounding heritage items for the above reasons.

9.7 NSW Heritage Office Guidelines

Guidelines for Infill Development in the Historic Environment

Infill development (as defined in Council's DCP) includes new buildings on existing occupied sites and therefore the design criteria for consideration set out within these Guidelines prepared by the NSW Heritage Office enables evaluation of the merits of this proposal.

These design criteria are considered below as follows:

(i) Character

Infill design requires careful analysis and evaluation of historical context. The character of a place is shaped by contributing factors such as:

- Underlying natural landform
- Date and style
- Street and subdivision patterns
- Play of light and shadow on facades
- Solid to void relationships
- Proportions of openings
- Similarly proportioned openings

Comment: The proposal responds to the surrounding character criterion by retaining the predominant streetscape presentation of its historic surrounds. The proposal responds to the character of the area by its rear siting and use of both traditional and contemporary materials. The trees to be removed on the Wallace Street elevation should be replaced with similar Brush Box trees subject to Arborist report.

(ii) Scale

Infill design should recognise the predominant scale (height, bulk, density, grain) of the setting and then respond sympathetically.

Comment: The proposal follows the traditional house scale by retaining the typical width, height and massing, with design interest and articulation provided via the layout of the rear design of the additions and secondary dwelling and roof form. The scale of the rebuilt outbuilding will also complement the surrounds. The works will still be lower than the adjacent 2-storey building at 4 Federal Avenue.

(iii) Form

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Infill design should be sympathetic with the predominant form of its neighbours. The roofline should reinforce existing ridge or parapet lines and other features such as party walls and chimneys. The treatment of the façade in terms of proportion, material and numbers of openings affects how a building relates to its neighbours.

The form need not copy that of the neighbours, but should relate positively.

Comment: The proposal retains the typical Federation Queen Anne house form in terms of street presentation, and reinterprets the form at the rear to respond and provide for modern living requirements. The overall shape, volume and arrangement of the parts and openings of the existing building are largely retained and sympathetic with the predominant form of the surrounding development.

The proposed rooflines and ridge heights are lower in scale than the neighbouring and subject buildings.

(iv) Siting

The siting of the new infill should be designed with the following in mind:

- Predominant setbacks
- Boundary walls and fences
- Orientation
- Design strategies to reduce the visual impact of garages and driveways
- Retention of views and vistas
- Retention of natural features of significance
- Retention of significant archaeological remains
- Quality of spaces created

Comment: The proposed configuration and setbacks generally conform to the existing, and views and vistas are maintained. Orientation to the street frontage is maintained for the front house, with the secondary dwelling oriented to Wallace Street..

There is no garage intrusion on the frontage, and the rebuilt and refurbished secondary dwelling will be sited in the rear southern corner of the property. The new garage and driveway will not have excessive visual prominence.

The building works allow for retention of the façade features.

No significant natural or topographical features are affected, only removal of 2 less significant trees is proposed (and these will be replaced in accordance with an Arborist's report), and it is unlikely archaeological remains will be recovered given the small amount of excavation involved.

(v) Materials and Colours

Good infill design is to:

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- Respond to the predominant materials, textures and colour palette – harmonious, complementary and contrasting.
- Recognise characteristic materials, textures and colours used locally and in adjacent buildings. These should be re-interpreted and included as part of the new building. Materials and colours of surrounding buildings need not be simply copied but used as a point of reference.
- Modern materials can be used if their proportions and details are suitable within the surrounding historic context. Colour, texture and tonal contrast can be unifying elements. - The quality of new materials should be commensurate with those of the existing buildings.

Comment: The proposal recognises characteristic materials, textures and colours used locally and incorporates them and uses them as a point of reference and harmony. The quality of new materials will be commensurate with those of the existing buildings.

A colour scheme will be used which is sympathetic to the heritage objectives.

(vi) Detailing

Details that contribute to the character of a conservation area should be identified. They can be used to inform or inspire the design of the new building. Modern details can reinterpret traditional details and create new relationships between new and old.

Contemporary detailing of materials and junctions can provide levels of visual interest that contribute positively to the character of a place.

Landscape details such as fences, garden walls and planting treatments can play a role in defining local character.

New fences and walls should relate to adjacent properties, and new planting schemes should recognise and reinforce their height, form and character.

New requirements for ecologically sustainable design such as solar panels and water tanks should be sensitively located and designed in a way that does not intrude on the cohesiveness of the area.

Comment: The fine grain of the area, proved by landscaped garden settings, scale of openings and verandahs has been maintained. The proposed skylights have been sensitively positioned and designed with rear orientation.

The detailing of the rear additions and secondary dwelling has provided levels of visual interest that contribute positively to the character of the place.

Conditions can require a suitable planting scheme and appropriate positioning of ESD devices. Solar panels are proposed to the roof of the rear dwelling, but will not impact on the Federal Avenue frontage and they have been setback from the Wallace Street frontage. As such, they will not interfere with the cohesiveness of the HCA.

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10.0 CONCLUSION

The proposed rear additions and dwelling are appropriate in scale and their rear locations enable retention of the front more significant component of the building. The additions will not be visible from Federal Avenue and have been designed as sympathetic connected additions, pavilion in form, to minimise impact on the rear roofline of the contributory building.

Importantly, the proposed alterations and additions are single-storey and have been restricted to the rear, and will not detract from the existing character, scale and presentation of this Federation Queen Anne building and its relationship to the surrounds. The proposed rear secondary dwelling will also complement the architecture of the main house and its rear addition.

There will be no adverse impact on the Federal - Fyle Heritage Conservation Area nor on the adjacent heritage items nor on heritage items in the wider vicinity.

Significant features, including the existing fireplaces will be retained, and there is potential for further restorative works in the future.

Furthermore, the proposal complies with the Inner West Council's controls and objectives in respect to heritage conservation and will continue the building's contribution to the Federal - Fyle Heritage Conservation Area.

Sympathetic materials and colours can be used which respond to the heritage environs. Accordingly, the proposed development is seen to make a positive contribution to the Federal - Fyle Heritage Conservation Area, and is put forward for approval.

11.0 RECOMMENDATIONS

The following heritage-specific recommendations are suggested:

Artefacts and relics

- Should any significant archaeological items or relics be found during the course of the works, these will need to be appropriately recorded, documented and maintained subject to the notification requirements of the Heritage Act.
- Should significant Aboriginal artefacts be found during the course of the works, these will need to be retained and appropriately recorded, documented and maintained.

Colour scheme and materials

- Materials, finishes, textures and colours must be complementary to the colour schemes of contributory dwellings within the streetscape.
- A schedule of materials, colours and external finishes to be used is to be submitted.
- Reflective wall cladding is not to be used.
- The proposal is to incorporate recessive (muted and low reflective) materials and hues.
- Cement rendering of existing face brick walls is not to be carried out.

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- Painting over unpainted features such as external masonry is not permitted.

Repair and Conservation Work

- Any necessary repairs to the original fabric within the main original section of the house are to be shown on drawings submitted with a Construction Certificate and carried out during the works.
- The original fabric and decoration is to be retained within the main front original section of the house as described in the report.
- The existing front façade of the building is to be retained, and surviving original materials, finishes, textures and details on elevations visible from the public domain are to be retained and conserved as far as practicable.
- Appropriate materials, finishes, textures and details on the elevation visible from Wallace Street are to be used, to conform with the architectural style of the building.
- Where materials are missing or altered, reinstatement or repair is encouraged to return those features to their early form.
- Original brickwork, sandstone, terracotta, glazed or tessellated tiling that is unpainted or unfinished with other mediums must not be rendered, coated, painted or otherwise refinished in a manner inappropriate to the architectural style of the building.
- Provide external paint schemes that are characteristic of the style of the building in the use of tone, and palette of colours but not necessarily to be limited to standard traditional colour schemes. A paint scheme is to be submitted for work to the subject contributory building which is within a heritage conservation area.

Secondary dwelling

- The colours, materials and finishes used on the new outbuilding are to complement those of the existing house. *Landscaping*
- The existing complementary garden landscaping is to be maintained as far as practicable.

Chimney

- The existing chimneys and fireplaces are to be retained.

Modern technologies

- Skylights are to be in-plane.
- Modern technological devices are to be discreetly located, recessive and nonreflective in colour and visually unobtrusive.
- Other modern technologies should have similar regard to their siting, such as satellite dishes and microwave receivers. They should not be visible from a public place nor loom large in the vistas gained from neighbouring properties.
- Exterior fixtures, such as roller shutters, security bars, aluminium awnings, satellite dishes and air conditioning units, and rainwater tanks or similar devices shall not be installed at the front of the existing contributory building as they could obscure significant architectural elements of this heritage property's facade and detract from the character of the streetscape. Roller shutters and security bars will generally not be permitted.

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BASIX

- Any material finishes must detail a palette of materials to conform to the medium solar absorptancy range under BASIX.

Tree removal

- The trees to be removed on the Wallace Street elevation are to be replaced with similar subject to the Arborist's report.

12.0 BIBLIOGRAPHY

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