





 DEVELOPMENT ASSESSMENT REPORT			
Application No.	DA/2023/0341		
Address	20 Walker Avenue HABERFIELD		
Proposal	Alterations and additions to dwelling house including garage, pool, rear deck and tree removal.		
Date of Lodgement	10 May 2023		
Applicant	Meelad Yaqo		
Owner	Mr Mark A O'Connor Mrs Angela R O'Connor		
Number of Submissions	1		
Value of works	\$65,000		
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10%		
Main Issues	Section 4.6 Variation for Landscaped Area Heritage Stormwater Design		
Recommendation	Approved with Conditions		
Attachment A	Recommended conditions of consent		
Attachment B	Plans of proposed development		
Attachment C	Section 4.6 Exception to Development Standards		
Attachment D	Statement of Heritage Impact		
			
LOCALITY MAP			
Subject Site		Objectors	 
Notified Area		Supporters	

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to a dwelling house including garage, pool, rear deck and tree removal at 20 Walker Avenue, Haberfield.

The application was notified to surrounding properties and 1 submission was received in response to the notification which was in support of the proposal.

Following the preliminary assessment, Council issued a Request for Further Information (RFI) letter and amended plans were provided.

The main issues that have arisen from the application include:

- The variation to the development standard for landscaped area
- Heritage
- Stormwater

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 dwelling house including garage, pool, rear deck and tree removal.

Specifically, the proposal involves the following works:

- Demolition of the deck to the rear of the existing dwelling;
- Demolition of the driveway;
- Construction of a new deck to the rear of the existing dwelling;
- Construction of a new tandem garage incorporating a bathroom and store room;
- Construction of an inground swimming pool
- Construction of driveway strips;
- Tree removal; and
- Miscellaneous external works including landscaping, paving and fencing.

3. Site Description

The subject site is located on the northern side of Walker Avenue, between Parramatta Road and Ramsay Street, Haberfield. The site consists of one allotment and is rectangular shaped with a total area of 632sqm.

The rear of the property adjoins landscaped open space adjacent to the section of the M4 Motorway known as Wattle Street. A high acoustic wall is located just outside and parallel to the northern boundary.

An existing single storey detached dwelling is located on the site. Surrounding land uses are predominantly single storey dwelling houses. A park with playing equipment is located to the western side of 18 Walker Avenue and the remainder of the western side of Walker Avenue is comprised of facilities associated with the M4.

The property is located within the Haberfield Conservation Area (HCA) under Schedule 5 of the Inner West Local Environmental Plan 2022.

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

- One *Plumeria spp.* (Frangipani) is located in the rear setback of the property with the base of the trunk located beneath the rear deck, in close proximity to rear wall/footings.
- One *Lophostemon confertus* (Brush Box) - Council owned tree within the road pit at the front of the property.

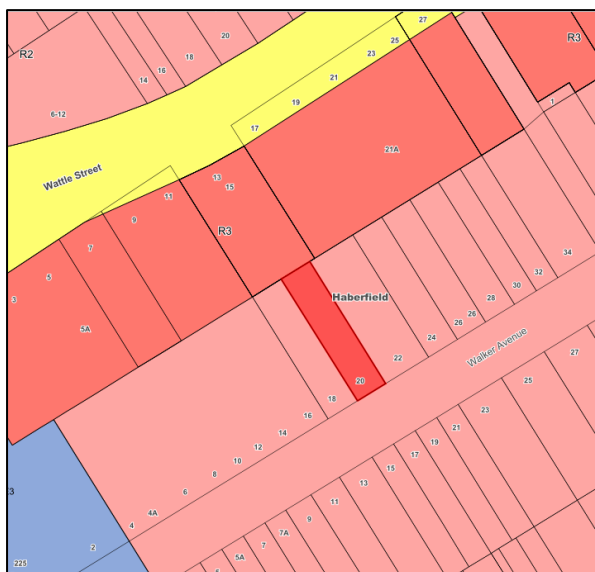


Figure 1 – Zoning Map* (subject site in red)



Figure 2 – Aerial Shot Showing M4 to north

*Note: The zoning map hasn't been updated however, the SP2 Zone now incorporates the previous R3 zone and the dwellings to the north have been demolished as shown in Figure 2.



Figure 3 – Site Photo from Street

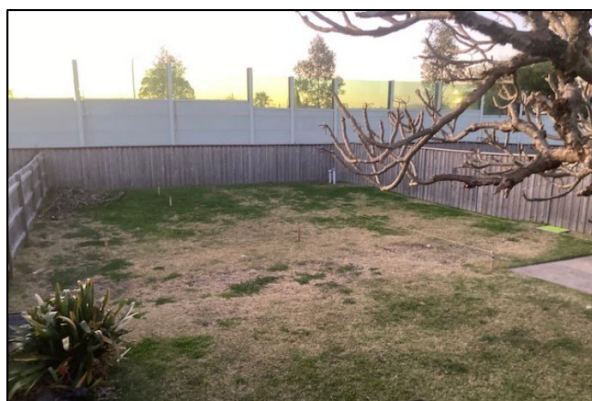


Figure 4 – Photo of rear yard showing acoustic wall

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
006.1975.00009958.001 20	Swimming Pool	3 November 1975
006.1978.00000021.001	Timber sundeck	23 January 1978

The subject site was acquired by WestConnex in 2015. The original dwelling was retained, however the majority of the rear yard was cleared of all structures, vegetation and paved surfaces (along with the neighbouring properties) so it could be used for works and facilities associated with the construction of WestConnex. Once the adjacent road and associated works were completed, the rear yard was turfing, boundary fencing was installed and the property was resold in 2022.

Surrounding properties

Application	Proposal	Decision & Date
DA/2023/0451 22 Walker Avenue Haberfield	Alterations and additions to dwelling house including rear deck, pool, pool shed, landscaping and tree removal.	5 October 2023
DA/2023/0893 18 Walker Avenue Haberfield	Alterations and additions to an existing dwelling, including construction of a new rear addition with deck and construction of a new detached out building.	Under Assessment

4(b) Application history

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

Date	Discussion / Letter / Additional Information
10/5/2023	Application lodged
1/6/2023 – 15/6/23	Application notified
31/7/23	<p>Council issued a Request for Further Information (RFI) letter which requested the following information:</p> <ul style="list-style-type: none"> • The plans to be updated to increase the landscaped area; • The colour schedule to be updated; • The bulk and scale of the garage to be reduced; • The 4.6 Variation to be updated to reference the correct legislation; • Further information regarding stormwater drainage. In particular, as the plans indicated that stormwater was to connect to existing, the system was to be checked and certified by a licensed plumber or qualified practising civil engineer to be in good condition and operating satisfactorily including confirmation that the existing stormwater system was not connected to the sewer; • Clarification regarding the floor level and size of the deck; • Revision to the wheel strip configuration; and • Privacy screening to be provided to raised deck.
22/9/23	<p>The applicant submitted amended plans and additional information in response to Councils RFI Letter which generally addressed the matters raised.</p> <p>However it is noted that the stormwater drainage inspection report did not demonstrate that connecting to the existing stormwater system was viable.</p> <p>The amended plans are the subject of this assessment report.</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 (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

A BASIX Certificate was submitted with the application.

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

Chapter 2 Vegetation in non-rural areas

The protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions Chapter C, Part 4 *Tree Management* of IWCDP 2016.

The following trees are located within the subject site:

- One *Plumeria spp.* (Frangipani) is located in the rear setback of the property with the base of the trunk located beneath the rear deck, in close proximity to the rear wall/footings of the dwelling;
- One *Lophostemon confertus* (Brush Box) – is a Council owned tree and located within the road at the front of the property. This tree is to be retained and protected before the commencement of works and maintained during and post works.

The *Plumeria spp.* (Frangipani) is a mature species of fair health and structure however is located in an unsuitable location directly adjacent to the dwelling. Removal of this tree is supported, subject to replacement planting that will contribute to the local canopy cover.

A minimum of 1 x 100L size tree that will reach a minimum mature height of 10m is to be planted in a suitable location, that provides the space above and below ground within the property at a minimum of 1.5m from any boundary or structure and allowing for future tree growth.

Overall, the proposal is considered acceptable with regard to the SEPP and Chapter C, Part 4 *Tree Management* of IWCDCP 2016 subject to the imposition of conditions, which have been included in the recommendation of this report.

5(a)(iv) 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?
Section 2.3 Zone objectives and Land Use Table <i>R2 – Low Density Residential</i>	<p>The proposal satisfies this section as follows:</p> <p>The application proposes alterations and additions to the existing dwelling house and construction of an ancillary garage and swimming pool.</p> <p>Dwelling house means a building containing only one dwelling. Dwelling houses are permissible with consent in the R2 zone.</p> <p>It is noted that the ancillary garage structure includes a bathroom. A condition has been included in the recommendation that the garage is not permitted to be</p>	Yes, subject to conditions

	used or adapted to be used to accommodate a kitchen or kitchenette area or operate as a separate occupancy. 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.	
Control	Proposed	Compliance
Section 2.7 Demolition requires development consent	The proposal satisfies the section as follows: <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. 	Yes, subject to conditions

Part 4 – Principal development standards

Control	Proposed		Compliance
Section 4.3 Height of building	Maximum	7m	Yes
	Proposed	3.9m	
	Variation	N/A	
Section 4.4 Floor space ratio	Maximum	0.5:1 or 316sqm	Yes
	Proposed	0.35:1 or 222.1sqm	
	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
Section 4.6 Exceptions to development standards	The applicant has submitted a variation request in accordance with Section 4.6 to vary Landscaped Area under Section 6.20(3)(d).		See below

The proposed development does not comply with the provisions of Section 6.20(3)(d) landscaped area of *IWLEP 2022*.

A minimum landscaped area of 50% of the site or 316sqm applies under *IWLEP 2022*. The application proposes 224sqm or 35%. This represents a 29% variation to the landscaped area development standard.

Under Section 4.6 development consent must not be granted for a development that contravenes a development standard unless the consent authority has considered a written request from the applicant that demonstrates:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objective of Section 6.20 of *IWLEP 2022* is as follows:

- *The objective of this clause is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area.*

The development maintains a single storey appearance and is therefore considered to meet the objectives of the section.

The objectives of the R2 zone of *IWLEP 2022* are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide residential development that maintains the character of built and natural features in the surrounding area.*

The proposal has been designed to meet the day to day needs of the residents, while also ensuring a variety of housing types within the low-density residential zone. The proposed variation does not diminish the attributes of the Haberfield HCA and ensures the intention of the garden suburb is retained. The proposed variation results in a development which satisfies the objectives of the zone.

A written request in relation to the contravention to the landscape area development standard in accordance with Section 4.6 Exceptions to Development Standards of *IWLEP 2022* was submitted with the application. In summary the applicant's written request justifies the non-compliance on the basis that:

- *The architectural plans attached demonstrate that the proposed development offers sufficient private open space that is functional, accessible, and suitable for residents' use. The private open space features a variety of amenities, including landscaping, large areas of soft turf, a swimming pool, and an alfresco area. Additionally, the design of the development promotes a seamless connection between the indoor and outdoor living areas.*
- *While the proposed works could have been approved through a complying development application under the State Environmental Planning Policy 2008 (Exempt and Complying Development), which requires a 30% landscaped ratio, we believe that*

such an approach would not align with the objectives of the Inner West Council LEP, DCP, and the Haberfield Conservation Area.

- Notably, the proposed detached garage and swimming pool are essential amenities for the property tenants and are a reinstatement of what was previously on the property prior to being removed by Transport NSW during the Westconnex works, although this will mean a reduced landscaping ratio it does not mean the objectives of the council LEP and DCPs will not be met.*
- The proposed development includes amenities such as vehicular storage and a swimming pool that are essential for the property tenants. However, meeting the proposed 50% landscaped ratio requirement would make it difficult to provide these amenities, thereby depriving the tenants of them. Thus, it is impractical to meet the 50% ratio, and a lower percentage is more appropriate in this case. Moreover, it is worth noting that the proposed works were previously present on the site, including the swimming pool and detached garage, which provided similar landscaped areas. The removal of these facilities was only due to the acquisition of the property by Transport NSW during the Westconnex works. Therefore, the proposed development is simply reinstating what was already present on the site, rather than introducing new elements that would significantly alter the landscape.*
- Although the proposed development falls short of the required 50% minimum landscaping ratio in the Haberfield Heritage Conservation area, it still complies with the local environmental plan and relevant development control plan requirements. The proposed design is in keeping with the character of the locality and will not significantly impact the surrounding areas, as the site previously supported similar landscaped areas. Additionally, the proposed landscaping is designed to withstand an urban setting and mitigate hazards. The development also meets other DCP requirements to improve the environmental performance of the locality, including stormwater infiltration, tree coverage, and urban wildlife habitat. Therefore, the proposed development is consistent with the objectives of the relevant standards and zone and is acceptable from an environmental perspective.*

Council has considered the justification provided in the applicant's written request which seeks to address the matters in Clause 4.6(3).

The minimum landscaped area control for the Haberfield HCA was introduced to ensure that developments maintain a single storey appearance and retain the original garden suburb attributes.

The proposal maintains a single storey dwelling appearance. The proposed development is considered to be consistent with both the objectives of the zone and the objectives of the development standard.

Furthermore, the site currently does not comply with the minimum landscaped area requirement with an area of 292.5sqm or 46%. Notwithstanding the current non-compliance, it is acknowledged that historically, the subject site supported a greater non-compliance before it was acquired by WestConnex and cleared of all the previous structures and paved surfaces in the rear portion of the rear yard. The existing surrounding pattern of development (as shown in aerial views) for properties on the northern side of Walker Avenue is consistent with the pre WestConnex arrangement for the subject site. I.e. surrounding rear yards generally comprise of a combination of pools, outbuildings, garages and paving.

Given the unusual situation regarding the resumption of land, it is considered reasonable to allow for variation to the minimum landscaping requirement to provide for reinstatement of previous structures. Figures 5 below, shows the subject site in November 2015 with a pool, garage, shed, paving and rear deck. Figure 6 shows the proposed plans incorporating similar structures in the same general locations.



Figure 5 Nearthmap image of rear yard in 2015



Figure 6 Proposed Plans

A calculation of the pre WestConnex landscaped area based on analysis of historic aerial shots and real estate floor plans indicate a landscaped area of approximately 180sqm or 28%. The proposal provides a landscaped area of 224sqm or 35% which is considered to be reasonable in the unique context and history of the site and surrounding development.

The contravention of the development standard does not raise any matter of significance for State and Regional environmental planning, and there is no public benefit in maintaining strict compliance with the standard in the circumstance.

The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the *IWLEP 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the landscape area development standard and it is recommended the Clause 4.6 exception be granted.

Part 5 – Miscellaneous provisions

Control	Compliance	Compliance
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<p>Section 5.10 Heritage conservation</p>	<p>The subject site is located within the Haberfield Heritage Conservation Area (HCA). The proposal achieves the objectives of this section as follows:</p> <ul style="list-style-type: none"> • The site is a contributory building within the Haberfield HCA and as such a heritage statement was submitted with the application, which satisfactorily demonstrates that the proposal achieves the relevant controls and objectives; and, • The application has been adequately designed to conserve the heritage significance of the HCA, as the proposed deck, garage and pool will have limited visibility from the street, and the form and fabric of the original dwelling is maintained. <p>Given the above, the development preserves the environmental heritage of the Inner West.</p>	<p>Yes</p>
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Part 6 – Additional local provisions

Control	Proposed	Compliance
<p>Section 6.2 Earthworks</p>	<p>The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.</p>	<p>Yes</p>
<p>Section 6.3 Stormwater Management</p>	<p>The development maximises the use of permeable surfaces, includes on site retention as an alternative supply and subject to standard conditions would not result in any significant runoff to adjoining properties or the environment.</p>	<p>Yes, subject to conditions</p>
<p>Section 6.20 Development on land in Haberfield Heritage Conservation Area</p>	<p>The proposal does not provide for at least 50% of the site to be landscaped area. A Section 4.6 has been submitted which has been assessed above under Section 4.6. In summary Council is satisfied that strict compliance with the development standard is unnecessary and that there are sufficient environmental planning grounds to justify the contravention.</p> <p>Notwithstanding, the proposal satisfies the following:</p> <ul style="list-style-type: none"> • The proposal maintains the single storey appearance of dwellings in the Haberfield Heritage Conservation Area • The proposal does not involve excavation greater than 3m in depth. 	<p>No – Refer to section 4.6</p>

	<ul style="list-style-type: none"> The proposal will not involve the installation of dormer or gable windows. 	
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5(b) Development Control Plans

The application has been assessed and the following provides a summary of 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 proposal satisfies the minimum of one, off street carparking space. 	Yes
Part 15 – Stormwater Management	<ul style="list-style-type: none"> As previously indicated, the Stormwater Concept Plan submitted with the proposal showed the proposed structures connecting to the existing stormwater services. In response to the RFI request, an investigation was carried out to determine the viability of this option. The investigation showed that it wasn't feasible to connect to the existing service as the stormwater is currently running to a pipe which has an outlet which discharges above ground just outside the rear boundary fence. As such an alternate drainage system connecting to the street has been recommended as a condition of consent. 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

Part 4 – Tree Management	<ul style="list-style-type: none"> The proposal is considered acceptable with respect to the relevant provisions of Part. Refer to SEPP discussion above. 	Yes, subject to conditions
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Chapter E2 – Haberfield Heritage Conservation Area

Control	Proposed	Compliance
Part 2 - Detailed Planning Measures for Residential Properties	<p><u>2.2 Pattern of development</u></p> <ul style="list-style-type: none"> Site coverage is similar in pattern and size to that established by the original development of the suburb. The footprint of the swimming pool, garage and shed (as revised) is similar to the previous configuration of similar structures on the subject site, prior to the site being acquired by WestConnex. 	Yes
	<p><u>2.3 Building form</u></p> <ul style="list-style-type: none"> The proposal maintains the existing built form and reflects the established pattern of development. 	Yes
	<p><u>2.10 Siting, setbacks and levels</u></p> <ul style="list-style-type: none"> The established pattern of front and side setbacks is maintained. Site coverage is similar to the traditional pattern of development and historic site coverage on the subject site. The proposed garage is set back 900mm from the side boundary and 1200mm from the rear boundary. 	Yes
	<p><u>2.33 Garages and carports</u></p> <ul style="list-style-type: none"> The garage is located in the rear yard in a similar location of to the original garage. The garage is of a simple utilitarian design and does not challenge the mass or bulk of the individual house. The garage is free standing. 	Yes
	<p><u>2.39 Colour schemes</u></p> <ul style="list-style-type: none"> Appropriate traditional colours and materials are used. 	Yes
	<p><u>2.42 Fences and gates</u></p> <ul style="list-style-type: none"> The pool safety fencing is unobtrusive and will not be visible from a public place 	Yes
	<p><u>2.45 Garden Elements, Including Paving, Driveways, Pergolas and Pools</u></p> <ul style="list-style-type: none"> The proposed driveway consists of two strips of hard surface paving with grass in between. The swimming pool is at the rear of the property. 	Yes

	<ul style="list-style-type: none"> The amended plans incorporate a reduction in the size of the swimming pool which helps retain an adequate garden setting. 	
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Chapter F – Development Category Guidelines

Control	Proposed	Compliance
	<p><u>PC7 Boundary fences and gates</u></p> <ul style="list-style-type: none"> The boundary fence adjacent to the pool is being altered to ensure a minimum fence height of 1.8m for safety purposes. 	Yes
	<p><u>PC9 Principal private open space</u></p> <ul style="list-style-type: none"> The proposed private open space is directly accessible from the ground floor living area, is at least 20sqm with a minimum dimension of at least 3.5m and has an appropriate level of solar access, natural ventilation and privacy. 	Yes
	<p><u>PC13 Solar access</u></p> <ul style="list-style-type: none"> The proposal maintains sunlight to at least 50% (or 35sqm with minimum dimension 2.5m, whichever is the lesser) of private open space areas of adjoining properties for at least 3 hours between 9.00am and 3.00pm on 21 June. Existing solar access is maintained to at least 40% of the glazed areas of the neighbouring north facing primary living area windows for at least 3 hours between 9.00am and 3.00pm on 21 June. 	Yes
	<p><u>PC14 Visual privacy</u></p> <ul style="list-style-type: none"> The proposed rear deck is raised above natural ground level and in close proximity to the boundary shared with 18 Walker Avenue. To ensure an adequate level of visual privacy is maintained, a condition is included in the recommendation to provide a privacy screen to the western side of the deck. The privacy screen could either be located on the western edge of the deck with a minimum block out density of 75% and a minimum height of 1.6 metres above the finished floor level of the deck. Alternatively, the boundary fence (which is wholly located on the subject site) could be extended to a height that is 1.6m above the finished floor level of the deck. 	Yes, subject to condition
	<p><u>PC20 Swimming pools</u></p> <ul style="list-style-type: none"> The finished ground level of the areas around the swimming pool is not raised. The pool is located in the rear yard away from bedroom areas of the adjoining dwellings. 	Yes, subject to conditions

	<ul style="list-style-type: none"> • Conditions have been included to ensure that the noise levels associated with pool pumping unit will not result in adverse noise impacts for surrounding properties. 	
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5(c) 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(d) 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(e) Any submissions

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

One submission was received in response to the initial notification. The submission was in support of the proposal.

5(f) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Specialist;
- Urban Forest; and
- Development Engineer.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions or 7.12 levies are not payable for the proposal as the development does not result in population growth and the cost of works is less than \$200,000.

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. The applicant has made a written request pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Landscape Area development standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. 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/2023/0341 for alterations and additions to dwelling house including garage, pool, rear deck and tree removal. at 20 Walker Avenue, Haberfield subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA02 a Rev. 06	Site Plan - 8m Pool Option	28 August 2023	Prebuild Design
DA03 a Rev. 04	Proposed Floor Plan	28 August 2023	Prebuild Design
DA04 a Rev. 04	Proposed South Elevation	28 August 2023	Prebuild Design
DA04 EXTRA Rev.03	Proposed South Elevation	28 August 2023	Prebuild Design
DA05 a Rev. 05	Proposed West Elevation	28 August 2023	Prebuild Design
DA06 a Rev. 04	Proposed East Elevation	28 August 2023	Prebuild Design
DA07 a Rev. 05	Proposed Sections - Revised Levels	28 August 2023	Prebuild Design
A487391_02	Basix Certificate	5 May 2023	Mark O'Connor

As amended by the conditions of consent.

FEES

2. 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:	\$2,996.00
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.

GENERAL CONDITIONS

3. 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 throughout the development:

Tree No.	Botanical/Common Name	Location
-	<i>Lophostemon confertus</i> (Brush Box)	Council owned street within road pit at front of property.

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.

4. 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
<i>Plumeria spp.</i> (Frangipani) - Rear setback of property	Removal

The removal of any street tree approved by Council must include complete stump removal (to a minimum depth of 400mm) and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the tree/s 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*.

5. Noise Levels and Enclosure of Pool/spa Pumping Units

Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Noise Control) Regulation 2008*.

Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

6. 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.

7. 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.

8. Works Outside the Property Boundary

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

9. Screening to Deck

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with plans showing:

- a) Screening to the entirety of the western edge of the rear deck with a minimum block out density of 75% and a minimum height of 1.6 metres above the finished floor level of the deck.
- OR
- b) The western (side) boundary fence is to be extended so that its height is 1.6m above the finished floor level of the deck. The length and location of the fence being extended must match the length and location of the deck.

10. Garage Not Permitted to be Used as a Separate Occupancy

The garage is not permitted to be used or adapted to be used as a separate occupancy or to accommodate a kitchen or kitchenette area.

PRIOR TO ANY DEMOLITION

11. 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.

12. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of

the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

13. 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.

14. Construction Fencing

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

PRIOR TO CONSTRUCTION CERTIFICATE

15. 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.

16. 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 following conditions shall be read in conjunction with Condition Easement - Over Downstream Landholders.

- 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 pipelines from 5000 L rainwater tank, by gravity to the kerb and gutter of a public road. Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street shall be drained to an absorption system subject to, no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer;

- 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 5000 L rainwater tank. To achieve this requirement, the rainwater tank shall be located in the front yard. A tank located in the front yard must be underground given the site is in the Haberfield Conservation Area;
- 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 rainwater tank must be connected to a pump system for internal reuse for flushing of all new toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tank;
- f. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows;
- g. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- h. Existing local overland flow paths must be provided within the setback to the side boundaries;
- i. 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;
- j. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- k. No nuisance or concentration of flows to other properties;
- l. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- m. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- n. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for the stormwater outlet;
- o. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- p. New pipeline within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm;
- q. New stormwater outlet through sandstone kerb must be carefully core drilled in accordance with Council standard drawings; and
- r. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

17. 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

18. Tree Protection

To protect the following tree, trunk and branch protection must be installed prior to any works commencing in accordance with Council's *Development Fact Sheet—Trees on Development Sites*:

Tree No.	Botanical/Common Name/Location
-	<i>Lophostemon confertus</i> (Brush Box) - Council owned tree within road pit at front of property.

19. 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.

PRIOR TO OCCUPATION CERTIFICATE

20. 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 AQF3 Certificate of Horticulture or Arboriculture that:

A minimum of one (1) 100 litre size tree, which will attain a minimum mature height of ten (10) metres, must have been planted in a suitable location within the property at a minimum of 1.5 metres from any boundary or structure and allowing for future tree growth. The tree is

to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species (up to 3 occurrences).

21. 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.

22. 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 installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) 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.

ADVISORY NOTES

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*.

Permits

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

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

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

Insurances

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

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within 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.

Swimming Pools

Applicants are advised of the following requirements under the *Swimming Pools Act 1992*:

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

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.

Dial before you dig

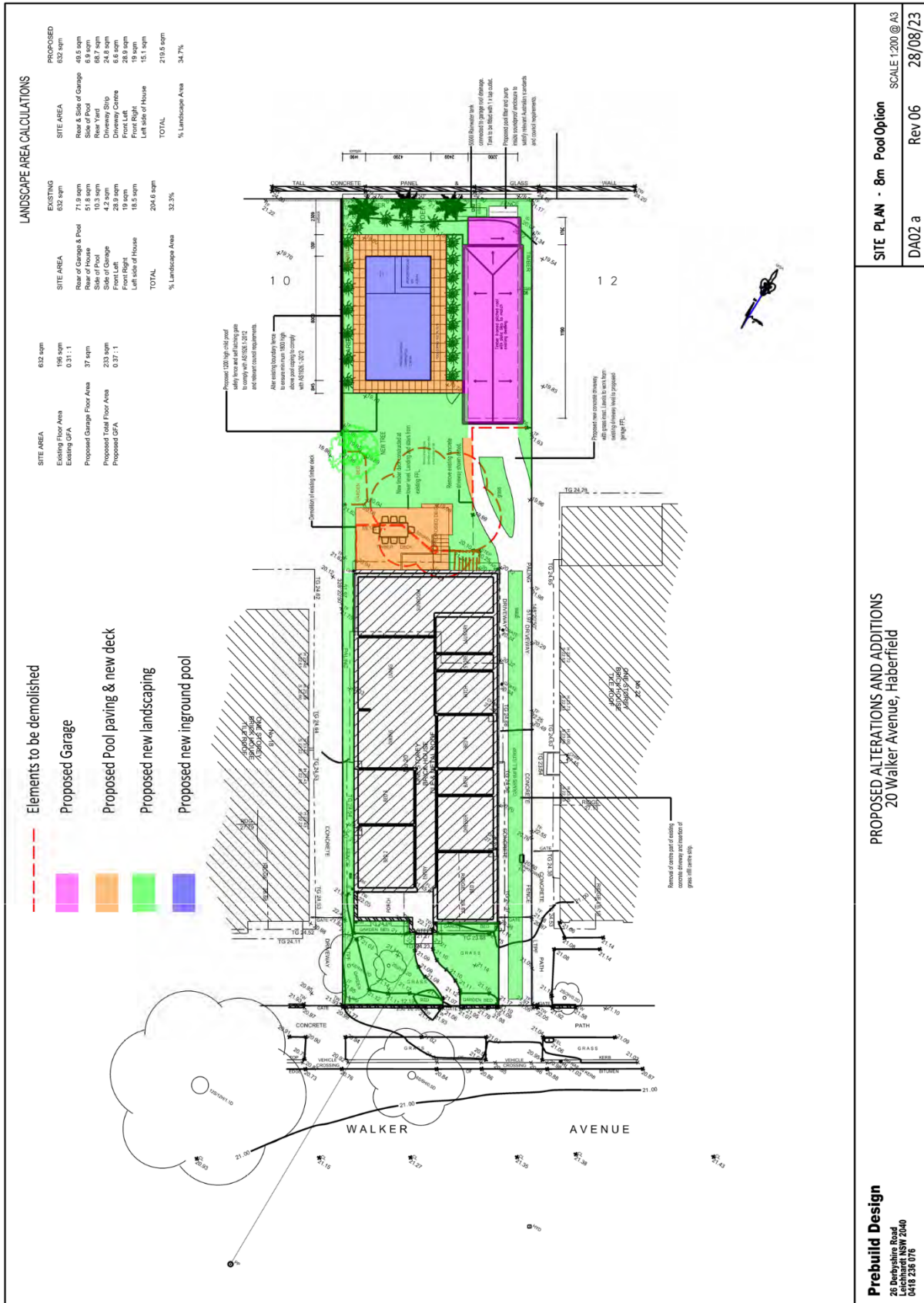
Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

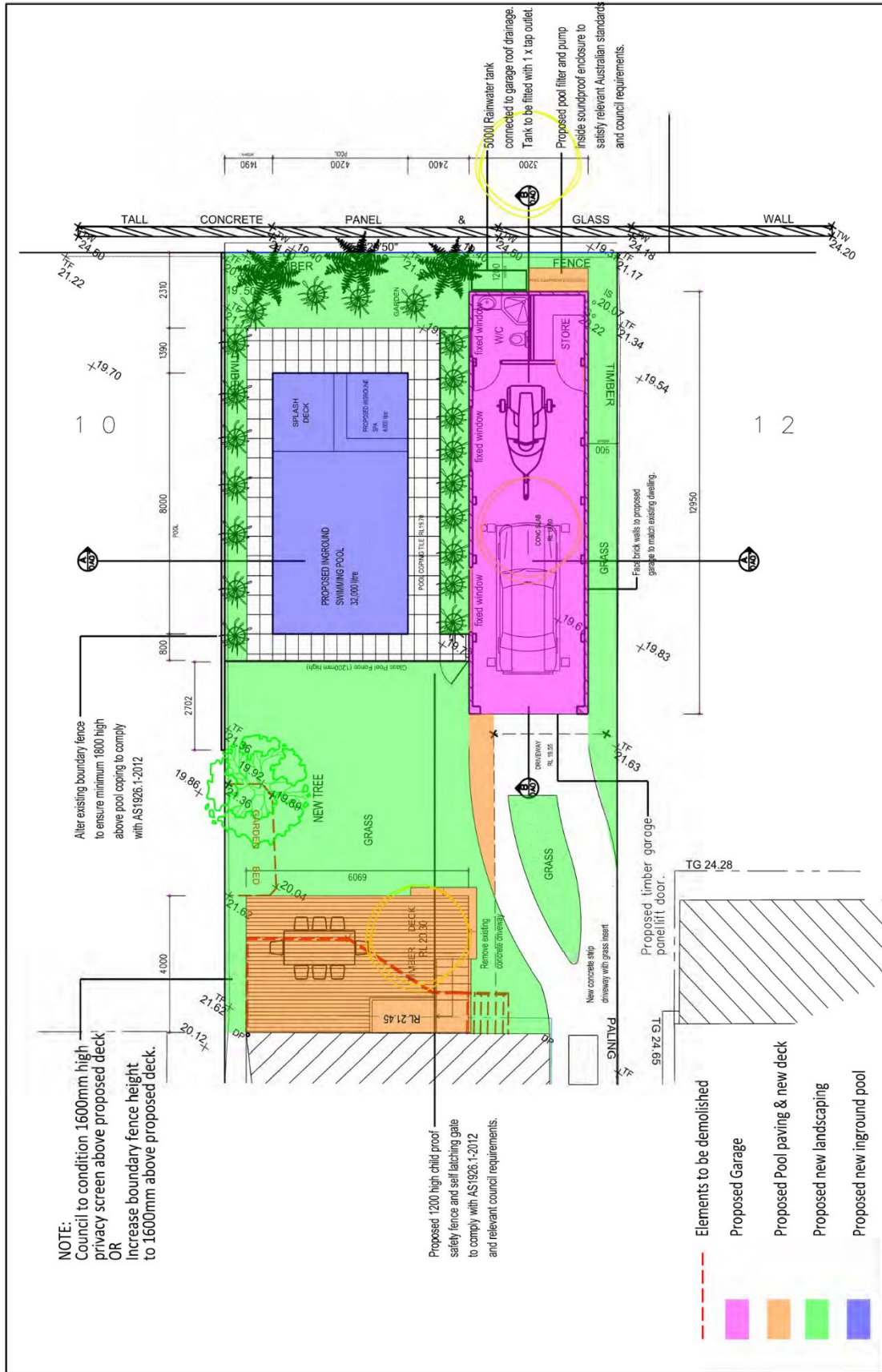
Useful Contacts

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.

Attachment B – Plans of proposed development

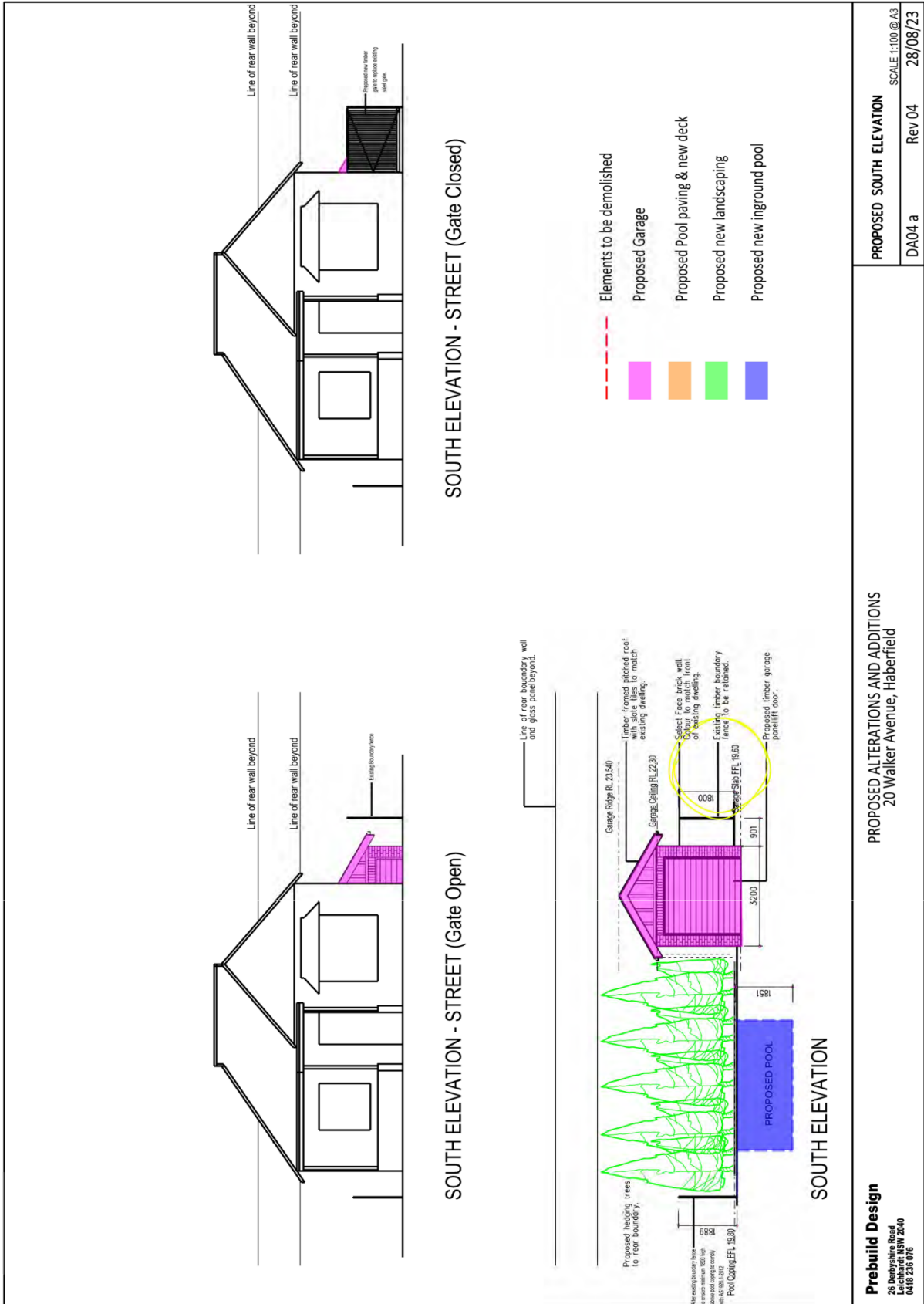




PROPOSED ALTERATIONS AND ADDITIONS
 20 Walker Avenue, Haberfield

PROPOSED FLOOR PLAN
 SCALE 1:100 @ A3
 DA03 a Rev 04 28/08/23

Prebuild Design
 28 Beckwith Road
 Caberfaive NSW 2040
 0418 236 076



SOUTH ELEVATION - STREET (Gate Closed)

SOUTH ELEVATION - STREET (Gate Open)

SOUTH ELEVATION

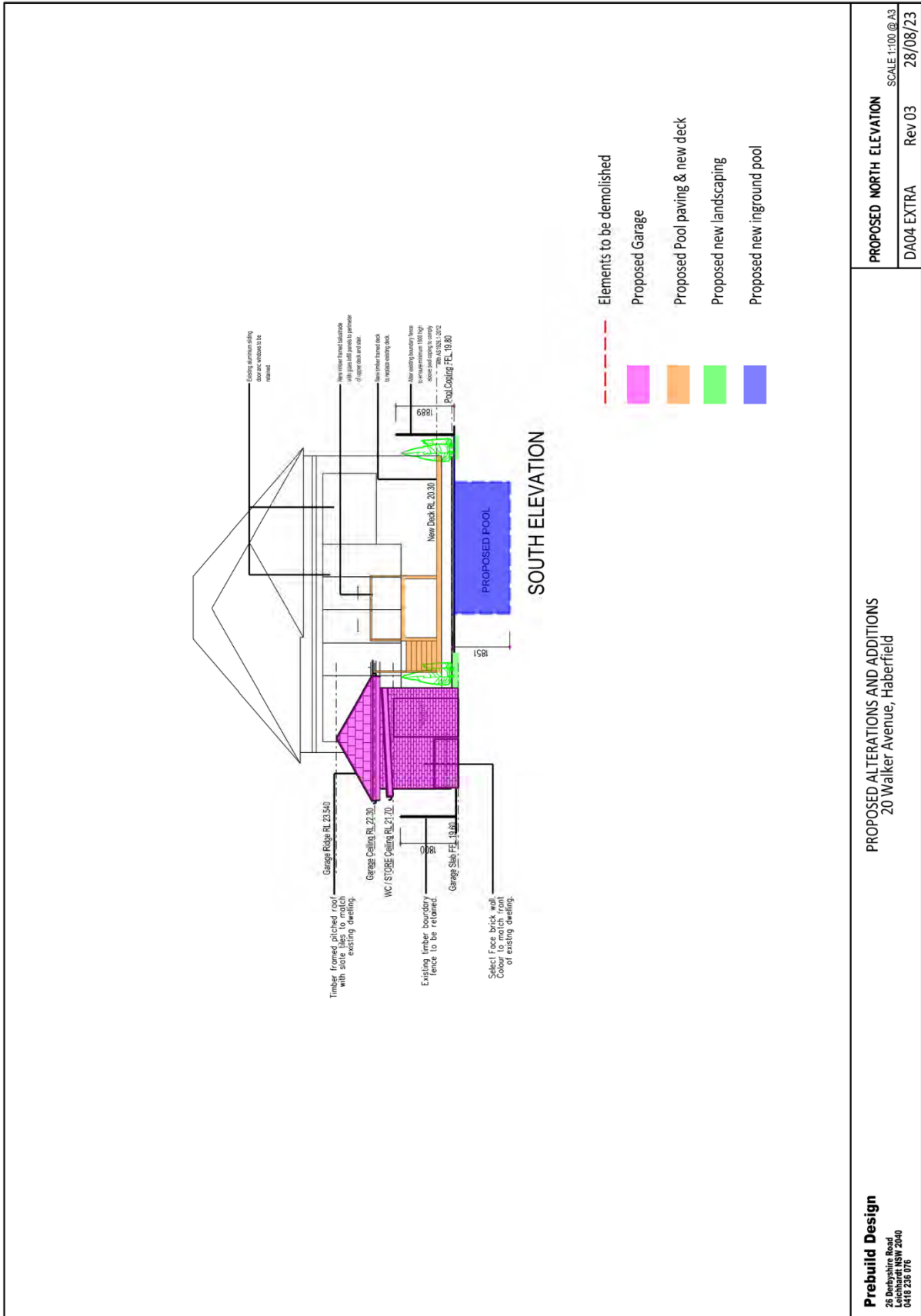
PROPOSED ALTERATIONS AND ADDITIONS
20 Walker Avenue, Haberfield

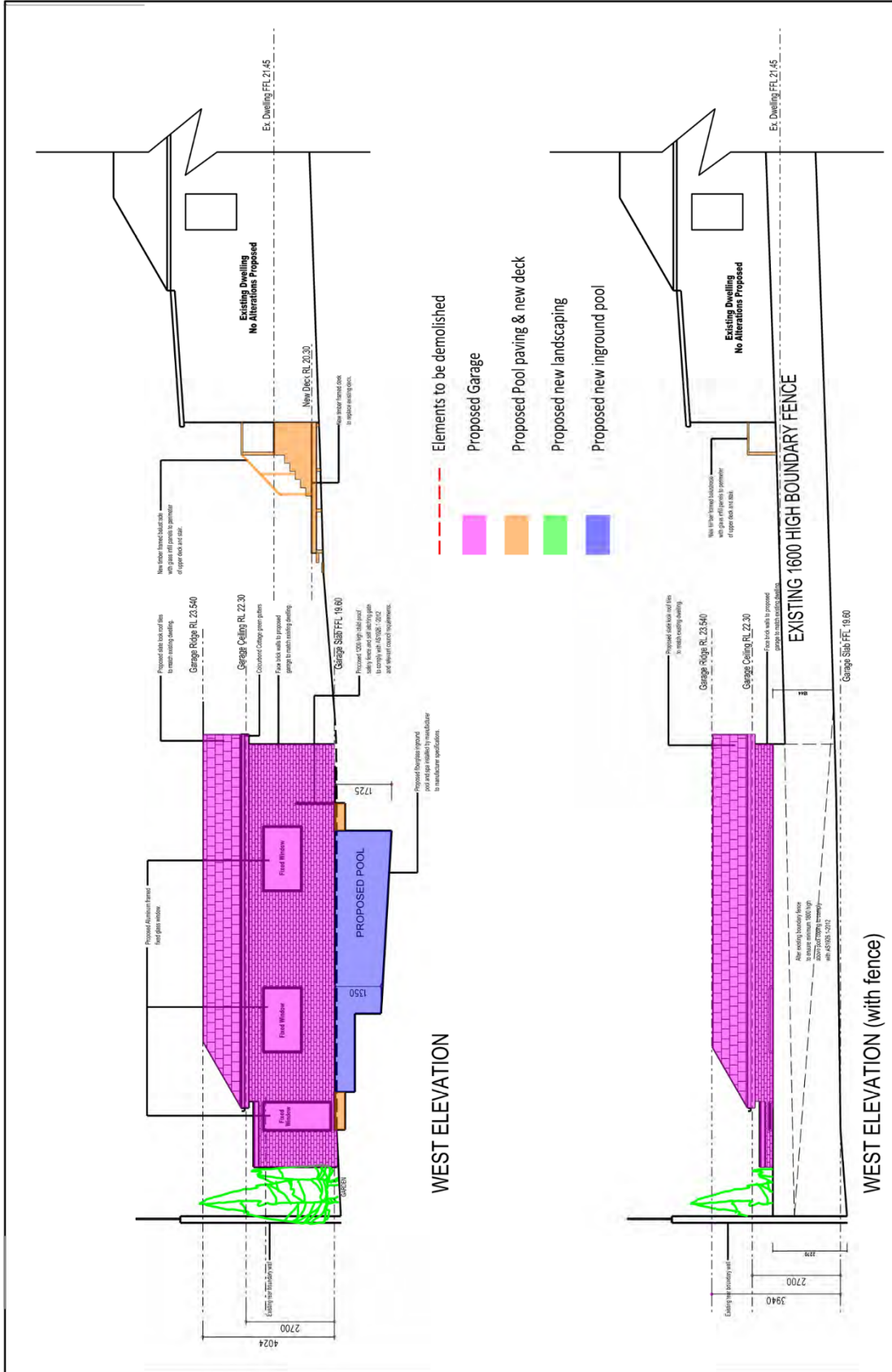
Prebuild Design
26 Berghelme Road
Leichhardt NSW 2040
0418 236 076

PROPOSED SOUTH ELEVATION

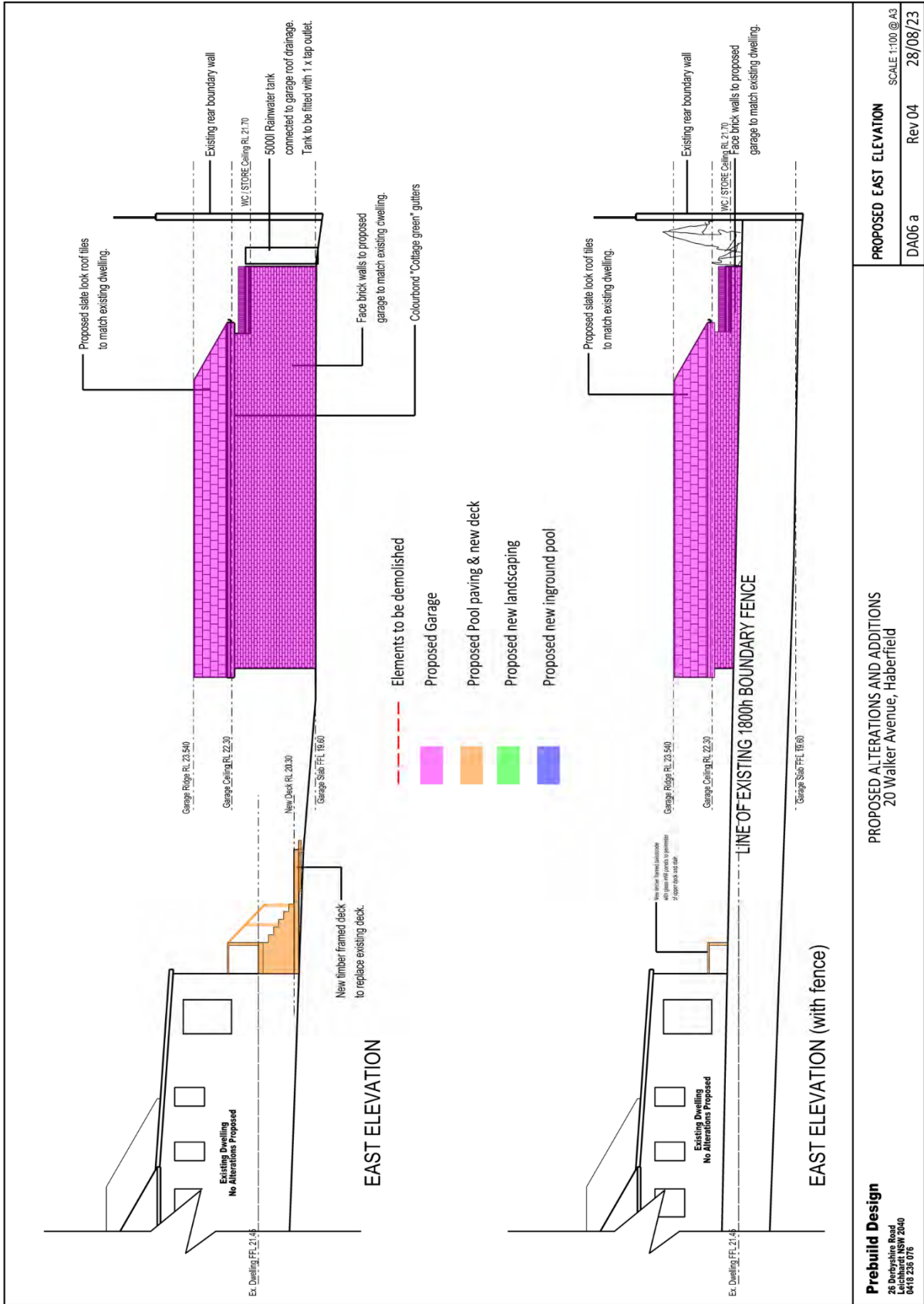
SCALE: 1:100 @ A3

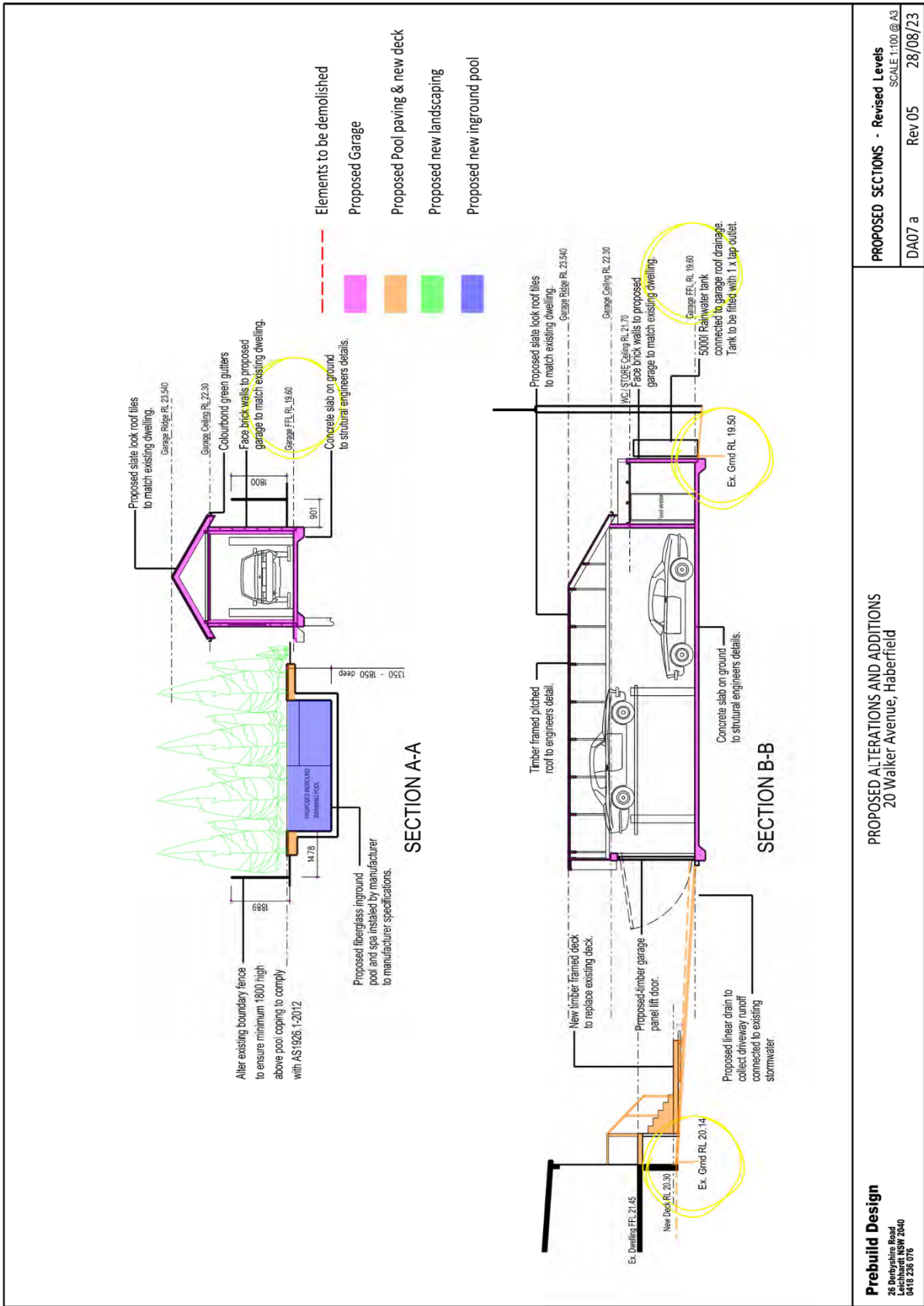
DA04 a Rev 04 28/08/23





Prebuild Design 26 Devoiding Road Leichhardt NSW 2040 0418 236 076	PROPOSED ALTERATIONS AND ADDITIONS 20 Walker Avenue, Haberfield		PROPOSED WEST ELEVATION	SCALE 1:100 @ A3
			DA05 a	Rev 05





Attachment C- Section 4.6 Exception to Development Standards



**Development Applications
Exceptions to Development Standards**

Pursuant to Section 4.6 of the Inner West Local Environmental Plan 2022

About this form:	Use this form to request a variation to a development standard for a Development Application.
How to complete:	<ol style="list-style-type: none"> 1. Ensure that all fields have been filled out correctly. 2. Once completed, please refer to the lodgment details section for further information.

Development Application Details:	
Address:	20 Walker Avenue Haberfield NSW 2045
Proposed Development:	Installation of fibreglass swimming pool, construction of detached garage, driveway and deck alterations.

Standard sought to be varied:	
<input type="checkbox"/>	Subdivision Allotment Size Section 4.1 of Inner West LEP 2022
<input type="checkbox"/>	Height of Buildings Section 4.3 of Inner West LEP 2022
<input type="checkbox"/>	Landscaped Area Section 4.3C(3)(a) of Inner West LEP 2022
<input type="checkbox"/>	Site Coverage Section 4.3C(3)(b) of Inner West LEP 2022
<input type="checkbox"/>	Floor Space Ratio Section 4.4 or Section 4.4A of Inner West LEP 2022
<input type="checkbox"/>	Foreshore Building Area Section 6.5 of Inner West LEP 2022
<input checked="" type="checkbox"/>	Development on land in Haberfield Heritage Conservation Area Section 6.20 of Inner West LEP 2022



**Development Applications
Exceptions to Development Standards**

The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items

Where an applicant wishes to vary a development standard, the application must be accompanied by a well- founded, written request which seeks to justify the contravention of the development standard by demonstrating:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case
- b. that there are sufficient environmental planning grounds to justify contravening the development standard.

What are the environmental planning grounds that justify contravening the development standard?
The architectural plans attached demonstrate that the proposed development offers sufficient private open space that is functional, accessible, and suitable for residents' use. The private open space features a variety of amenities, including landscaping, large areas of soft turf, a swimming pool, and an alfresco area. Additionally, the design of the development promotes a seamless connection between the indoor and outdoor living areas.
While the proposed works could have been approved through a complying development application under the State Environmental Planning Policy 2008 (Exempt and Complying Development), which requires a 30% landscaped ratio, we believe that such an approach would not align with the objectives of the Inner West Council LEP, DCP, and the Haberfield Conservation Area.
Notably, the proposed detached garage and swimming pool are essential amenities for the property tenants and are a reinstatement of what was previously on the property prior to being removed by Transport NSW during the Westconnex works, although this will mean a reduced landscaping ratio it does not mean the objectives of the council LEP and DCPs will not be met.



**Development Applications
Exceptions to Development Standards**

<p>Why is compliance with the standard unreasonable or unnecessary? What are the special circumstances in this case? (To answer consider whether a development that complies is unnecessary or unreasonable)</p>	
<p>The proposed development includes amenities such as vehicular storage and a swimming pool that are essential for the property tenants. However, meeting the proposed 50% landscaped ratio requirement would make it difficult to provide these amenities, thereby depriving the tenants of them. Thus, it is impractical to meet the 50% ratio, and a lower percentage is more appropriate in this case. Moreover, it is worth noting that the proposed works were previously present on the site, including the swimming pool and detached garage, which provided similar landscaped areas. The removal of these facilities was only due to the acquisition of the property by Transport NSW during the Westconnex works. Therefore, the proposed development is simply reinstating what was already present on the site, rather than introducing new elements that would significantly alter the landscape.</p>	
<p>Is the proposed development consistent with the objectives of the particular standard? Is the proposal consistent with the objectives of the relevant zone?</p>	
<p>Although the proposed development falls short of the required 50% minimum landscaping ratio in the Haberfield Heritage Conservation area, it still complies with the local environmental plan and relevant development control plan requirements. The proposed design is in keeping with the character of the locality and will not significantly impact the surrounding areas, as the site previously supported similar landscaped areas. Additionally, the proposed landscaping is designed to withstand an urban setting and mitigate hazards. The development also meets other DCP requirements to improve the environmental performance of the locality, including stormwater infiltration, tree coverage, and urban wildlife habitat. Therefore, the proposed development is consistent with the objectives of the relevant standards and zone and is acceptable from an environmental perspective.</p>	

Applicant's signature:		Date:	16/ 08 / 2023
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Privacy statement



Development Applications Exceptions to Development Standards

Application forms and/or names and addresses of people making an application is information that is publicly available. In accordance with section 18(1)(b) of the *Privacy and Personal Information Protection Act 1998 (NSW)*, you are advised that all application forms received by Council will be placed on the appropriate Council file and may be disclosed to Councillors, Council officers, consultants to Council or members of the public. Pursuant to the provisions of the *Government Information (Public Access) Act 2009*, Council is obliged to allow inspection of its documents, including any application you make. However, should you wish for your contact details to be suppressed, please indicate on this application form.

Instructions for applicants

Lodging an application requires a completed application form, all relevant information and the payment of the required fee. The Application will be checked at lodgment to ensure the required information is provided.

Required Documentation/Information

- [Development Application Checklist](#)
- [DA Documentation Requirements](#)

Incomplete/illegible applications will not be accepted and will be returned to you.

Lodge online: <https://www.planningportal.nsw.gov.au/onlineDA>

Fees and charges:

Find fees and charges on the Council website: www.innerwest.nsw.gov.au/FeesAndCharges

Upon review of the documentation, if found to be satisfactory, the application will be entered into our system. You will then be sent an invoice. Please note that the application is not considered to be 'Lodged' until the fees have been paid.

Inconsistency in Lodgment Information:

Where information on this form differs from information entered into the Planning Portal Application (PAN) the information on this form will prevail.

Attachment D – Statement of Heritage Impact



Statement of Heritage Impact

20 Walker Avenue, Haberfield
New rear garage and swimming pool

March 28, 2023

3plus1heritage.com.au

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1.0 INTRODUCTION

This Statement of Heritage Impact has been prepared in accordance with the Standard Guidelines of the NSW Heritage Office, the Inner West Local Environmental Plan 2022 (LEP) and the Inner West Comprehensive Development Control Plan Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill 2016 (DCP) to accompany a Development Application (DA) for 20 Walker Avenue, Haberfield NSW (subject site). The proposal involves addition of a new, rear garage and inground swimming pool, along with associated rear yard landscaping, fencing and paving.

The documentary research and assessment of potential heritage impacts have been undertaken by Steven Nix, Heritage Consultant (M. Heritage Conservation, University of Sydney) and Laura Myers, Heritage Consultant (M. Heritage Conservation, University of Sydney).

Details of the development proposal have been prepared by Prebuild Design.

This report aims to:

- Provide a brief history of the subject site;
- Provide a description of the proposed works;
- Assess the impact of the proposed works on the heritage significance of the site, relevant heritage conservation areas and nearby listed items in accordance with the relevant legislative controls.

2.0 LIMITATIONS

This assessment of impacts has been based on available site evidence along with historic research. A site visit was undertaken in March 2023.

This report does not include or consider potential impacts on Aboriginal heritage or archaeological heritage within the site or vicinity.

3.0 THE SITE

20 Walker Avenue, Haberfield sits on the northern side of Walker Avenue between Parramatta Road and Allum Street [figures 1 and 2]. The property adjoins the neighbouring dwellings along its eastern and western boundaries, with the Westconnex motorway located to the northern (rear) boundary. The site is identified as Lot 11, DP1265433.

Street Address	Suburb/Town	LGA	Lot/DP	Parish	County
20 Walker Avenue	Haberfield	Inner West	Lot 11, DP1265433	Concord	Cumberland



Figure 1 - Aerial image of the local area, with subject site outlined in red (Source: SIX Maps, accessed 20.3.23).



Figure 2 - Lot boundary plan of local area, with subject site outlined in red (Source: SIX Maps, accessed 20.3.23).



Figure 3 – Local streetscape, view looking north-east along Walker Avenue, with subject site indicated by red arrow (Source: Google Maps, 2017)



Figure 4 – Local streetscape, view looking south-west, with subject site indicated by red arrow (Source: 3+1 Heritage, 2023)

4.0 STATUTORY LISTINGS

4.1 HERITAGE LISTINGS

The subject site is not listed as a heritage item within Part 1 of Schedule 5 of the Inner West Local Environmental Plan 2022 (LEP). It is located in the vicinity of the following items listed at a Local level.

Listing Number	Description	Address	Lot	Listing Level
I1077	House, including interiors *Now demolished	9 Wattle Street	Lot 9, Section B, DP 1756	Local
I333	Commercial building, including interiors	476 Parramatta Road	Lot 100, DP 1223025	Local
I1066	Houses, including interiors	146-148 Ramsay Street	Lots 3 and 4, DP 228097	Local
I1068	Houses, including interiors	150-152 Ramsay Street	Lots 1 and 2, DP 228097	Local

The site is located within the 'Haberfield' Heritage Conservation Area, which has been nominated as being of Heritage Significance at a State level, outlined below.

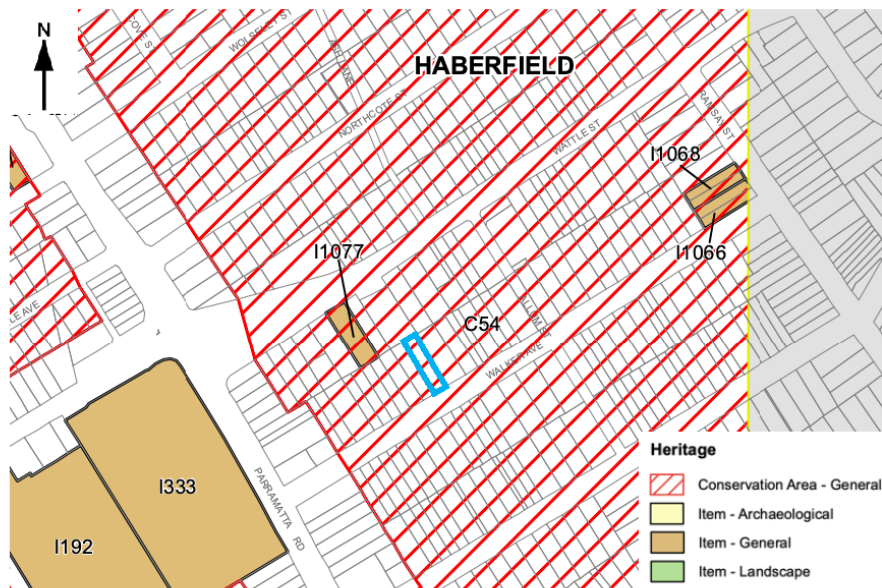


Figure 5 - Heritage map with the subject site (shaded in blue) and surrounding heritage context (Source: Inner West LEP 2022, Heritage Map - Sheet HER_001)

5.0 DOCUMENTARY EVIDENCE

5.1 PRE-EUROPEAN OCCUPATION

The Sydney basin is referred to as Eora Country, the name given to the coastal Aboriginals around the Sydney region which was comprised of 29 clans.¹ Prior to European settlement, the Haberfield area was inhabited by the Wangal Clan, who occupied the Balmain peninsula, Goat Island and along the south bank of the Parramatta River to Parramatta. There were two main languages spoken within the Sydney region - Darug and Tharawal (or Dharawal), with the Wangal Clan speaking the Darug language, along with the neighbouring Gadigal Clan to the east.²

Prior to European occupation, the Wangal people had lived for generations near river flats and creeks, fishing and gathering shellfish, and small game.³ The mangrove-lined estuaries of Iron Cove (formerly Long Cove), and Cooks River provided a rich source of fish and shellfish. The land between Iron Cove and Cooks River, known in early colonial times as the 'Kangaroo Grounds', was formerly heavily wooded with Eucalypts, and was home to numerous native animals which were also an important food source for the Wangal Clan.⁴ Following European Settlement in 1788, Wangal populations were decimated through introduced diseases like small-pox, violence from colonisers and loss of traditional food sources through the dispossession of their land.⁵

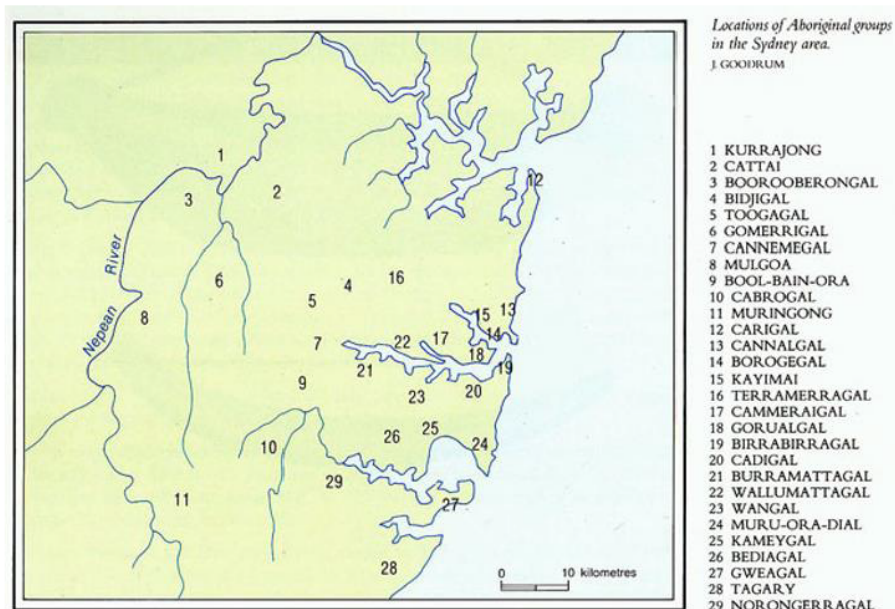


Figure 6 - Locations of Aboriginal groups within the Sydney area (Source: Goodrum J Goodrum in Mulvaney, D J and White, Peter, 1987, *Australians to 1788*, Fairfax, Syme & Weldon, Sydney, p. 345)

¹ Anita Heiss and Melodie-Jane Gibson, "Aboriginal People & Place," Sydney Barani – City of Sydney, last modified 2013, <http://www.sydneybarani.com.au/sites/aboriginal-people-and-place/>

² Anita Heiss and Melodie-Jane Gibson, "Aboriginal People & Place," Sydney Barani – City of Sydney, last modified 2013, <http://www.sydneybarani.com.au/sites/aboriginal-people-and-place/>

³ Smith, An Aboriginal History of Ryde, (2005),1

⁴ Chris Patten, "A Short Walk Through Ashfield's Past," Ashfield Municipal Council, last modified 1996, http://www.ashfield.nsw.gov.au/files/your_council/ashfields_past.pdf

⁵ Anita Heiss and Melodie-Jane Gibson, "Aboriginal People & Place," Sydney Barani – City of Sydney, last modified 2013, <http://www.sydneybarani.com.au/sites/aboriginal-people-and-place/>

5.2 BRIEF HISTORY OF THE LOCAL AREA

In August of 1803, 194 hectares of land was granted to Lieutenant Nicholas Bayley of the New South Wales Corps, located less than ten kilometres from Sydney, encompassing the inlet of Iron Cove and present-day Haberfield. Bayley dubbed it "Sunning Hill Farm", bounded by Hawthorn Canal to the East, Iron Cove Creek to the West and Parramatta Road to the South. Under suspicious circumstances, the land was acquired by businessman Simeon Lord in 1826, who renamed the Estate 'Dobroyde' after his castle home in Lancashire, England.⁶ When Lord's eldest daughter, Sarah, came to be married, the land was presented as dowry to her husband, David Ramsay. The pair lived in Dobroyde House which fronted Paramatta Road until David's death in 1860, leaving Sarah to divide the Estate amongst their ten children.⁷

The suburb was slowly developed over the next couple of decades, with limited residential subdivision occurring in the 1880s. Major changes did not occur in Haberfield until the turn of the twentieth century when, in 1901, Sydney realtors W.H. Nicholls and Richard Stanton purchased a portion of the Dobroyde Estate, renaming it the 'Haberfield Estate' to honour the maiden name of Stanton's wife.⁸ Stanton's plan for Haberfield was influenced by town-planning expert John Sulman, and was modelled on the Garden Suburb movement which had originated in the USA and Great Britain in the nineteenth century. The Garden Suburb movement was a direct response to the overcrowded, slum-like conditions that were becoming increasingly present in major urban cities around the world, exacerbated by plagues and pollution. Planned suburbs such as Haberfield provided wider streets, private gardens and uniform streetscapes, and separated residential and commercial precincts.⁹



Figure 7 – Ramsay Street, Haberfield, 1906 (Source: Inner West Council Library)

⁶ Robert Moore, in association with Penelope Pike, Meredith Walker and Lester Tropman, 'Haberfield Conservation Study', prepared for Ashfield Municipal Council, Ashfield NSW, 1988: 12.

⁷ Robert Moore, in association with Penelope Pike, Meredith Walker and Lester Tropman, 'Haberfield Conservation Study', prepared for Ashfield Municipal Council, Ashfield NSW, 1988: 12.

⁸ Robert Moore, in association with Penelope Pike, Meredith Walker and Lester Tropman, 'Haberfield Conservation Study', prepared for Ashfield Municipal Council, Ashfield NSW, 1988: 12.

⁹ Sue Jackson-Stepowski, 'Haberfield' Dictionary of Sydney, <https://dictionaryofsydney.org/entry/haberfield#ref-uuid=0f5c0a62-b7d3-d568-f84c-2784fc989420>

By 1903, 45 residences were claimed to have been completed in Haberfield, with Stanton purchasing additional land as members of the Ramsay family continued to sell their shares. The layout of the streets was already largely determined by the initial Ramsay divisions in 1860, however Stanton developed specific controls regarding setbacks, materials, forms and detailing of each site that were incorporated into the land titles as the dwellings were sold.¹⁰ Houses were predominantly designed by architect J. Spencer Stansfield, with some being attributed to D. Wormal, each with their own individual yet complimentary detailing and character, with residents assured that “no two properties [are] of the one design”.¹¹

As Haberfield was primarily constructed over a 25 year period, the rapid development ensured a consistency in architectural form and style, comprising of single-storey residences that came to be described as Federation bungalow or Arts and Crafts style. Stanton debarred two-storey dwellings, asserting that “one of the strong points [of Haberfield] is that the line of sight is uniform”.¹²

Haberfield was one of the world’s first planned ‘model suburbs’, and the earliest of its kind to be established in Australia. Its success inspired development in its immediate surrounds, expanding into Dobroyd Point and Dobroyd Park, as well as further south and east in greater Sydney. The suburb remained largely untouched until the 1950s, a period which saw a significant population growth largely due to an immigration influx of Italian migrants, who created a strong Mediterranean culture in the suburb that still survives today.¹³ During this period, many of the suburb’s houses underwent substantial alterations, sparking a wave of community sentiment in the 1980s calling for greater protection of the original character of the suburb. The Haberfield Association was formed in 1980, with draft Council plans and conservation guidelines resulting in the creation of the Ashfield LEP in 1985. Haberfield was listed by the National Trust in 1987, and has recently been put forward to be included on the NSW State Heritage List as of 2022.¹⁴



Figure 8 - Stanton & Son promotional pamphlet for Haberfield Estate, pp. 9 (Source: Haberfield Association)

¹⁰ Robert Moore, in association with Penelope Pike, Meredith Walker and Lester Tropman, 'Haberfield Conservation Study', prepared for Ashfield Municipal Council, Ashfield NSW, 1988: 17.

¹¹ Stanton & Son Ltd. 'Haberfield: the garden suburb' Promotional Pamphlet, 15.

¹² Stanton, The Ashfield Advertiser, 1915.

¹³ Sue Jackson-Stepowski, 'Haberfield' Dictionary of Sydney, <https://dictionaryofsydney.org/entry/haberfield#ref-uuid=0f5c0a62-b7d3-d568-f84c-2784fc989420>

¹⁴ Inner West Council, 'Haberfield State Register Listing Proposal: Engagement outcomes report' December 2021.

5.3 BRIEF HISTORY OF SUBJECT SITE

The subject site is located on the northern end of the land that had been granted to Isabella Helen Ramsay. The area remained relatively untouched until the land was put to sale in the largely unsuccessful subdivision of 1885, with the general pattern of streets having been formed, including Ramsay Street and The Avenue (now Walker Avenue).



Figure 9 - Ashfield Municipality, 1883, with approx. location of subject site indicated in blue (Source: State Library NSW)

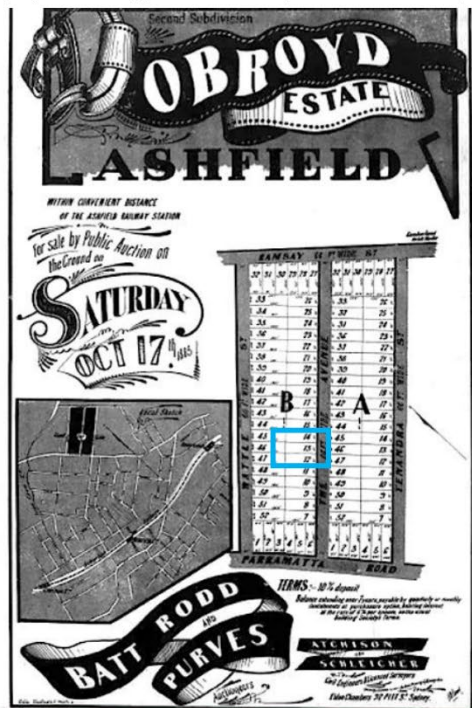


Figure 10 – 1885 subdivision map of the area, with approx. location of subject site indicated in blue (Source: State Library NSW)

The site was part of the land purchased by the Sydney realtors W.H. Nicholls and Richard Stanton in the early 1900s. They began to slowly develop the surrounding land to the east and north of the subject site, with the area between Alt and Wattle Streets first put up for sale as 'Haberfield Heights' on the 30th May, 1908 [figure 11]. At this time it appears that the subject site was not available as one of the potential building lots, and likely sold in the years immediately following the initial subdivision.

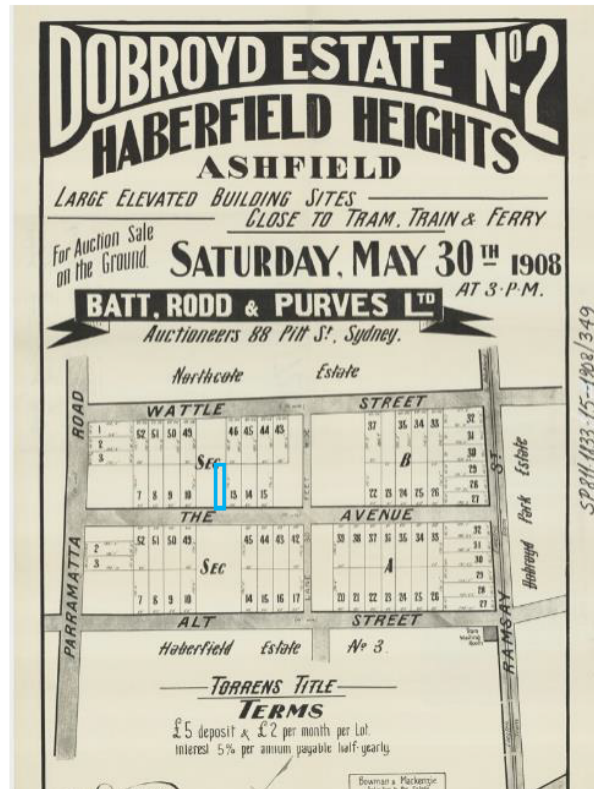


Figure 11 - 1908 subdivision with approx. location of subject site indicated in blue (Source: State Library of NSW)

'The Avenue' is not recorded in the Sands Postal Directory under its original name. Walker Avenue first appeared in 1914, with twelve unnumbered houses on the west (north-western) side and sixteen on the east (south-eastern).¹⁵ At this time it appears that no. 4 and no. 26 (named but not yet numbered) were occupied, with no residences recorded on the land between them. Walker Avenue slowly developed over the following years, with the subject site at no. 20 first listed in 1918, occupied by Nurse M. Cameron.¹⁶ Cameron remained in the dwelling until at least 1933, where she is listed as Nurse H. Cameron and Nurse J. Cameron.¹⁷

The existing Federation cottage dwelling on site remains relatively intact, with minor alterations to the façade and interior along with additions to the rear of the dwelling. Significant change has occurred to the site's rear yard across the twentieth century, with a shed added to the northern corner of the site c. 1970 and an inground pool and further landscaping c. early 1980s.

¹⁵ Sands Directory, 1914: 221.
¹⁶ Sands Directory, 1918: 182.
¹⁷ Sands Directory, 1932-3: 184.



Figure 12 - Historic aerial image, 1929, with subject site outlined in blue (Source: Historical Image Viewer)



Figure 13 - Historic aerial image, 1943, with subject site outlined in blue (Source: Historical Image Viewer)



Figure 14 - Historic aerial image, 1970, with subject site outlined in blue (Source: Historical Image Viewer)

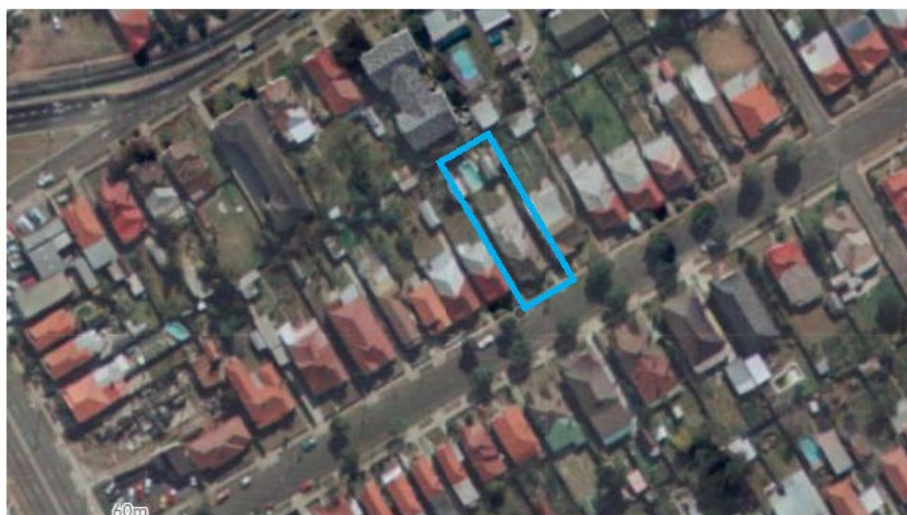


Figure 15 - Historic aerial image, 1982, with subject site outlined in blue (Source: Historical Image Viewer)

The pool, shed, and landscaped garden remained in place until c. 2017 when the surrounding area including the majority of the subject site's rear yard was used as part of the construction area for the Westconnex project, as shown in the below aerial image (fig. 16). At this time the garden and rear boundary of the subject site were significantly impacted, while the dwellings along the north-western side of Walker Avenue were demolished from no. 16 to Parramatta Road.

The garden was reclaimed and re-turfed with new timber boundary fences and a new retaining/sound attenuation wall to the rear c. 2020-2022.



Figure 16 – Aerial view of site April 2018 showing construction site for arterial road and impact on the garden of the subject site (Source: SIX Maps)

5.4 SITE DESCRIPTION

THE SITE

The site is located on the north-western side of Walker Avenue between Parramatta Road and Allum Street. The eastern and western boundaries border the neighbouring properties, with the rear boundary adjoining a landscaped reserve fronting Wattle Street. The 632m² site slopes slightly towards the rear from Walker Avenue and includes a detached cottage with a small front garden, rear timber deck, lawn and concrete driveway along the eastern boundary.

THE DWELLING

The dwelling on site is a single-storey masonry cottage featuring a slate tiled hipped primary roof with a street-facing gable and front verandah. The front façade features characteristic Federation-era architectural detailing including timber brackets to the verandah, half-timbered detailing to the street-facing gable, and terracotta ridge capping. The dwelling also features original surviving masonry/rough-cast chimneys, exposed rafter ends and timber-framed casement/sash windows along the front and side elevations.

A weatherboard clad, framed rear addition with a metal clad skillion roof is located at the rear of the dwelling. The rear includes aluminium framed windows and aluminium framed glazed sliding doors which lead onto a rear deck. The deck is irregular in shape, extending across the width of the dwelling and is supported by a combination of steel and masonry pillars, with a steel balustrade along the border and timber staircase leading to the driveway.

The interior of the dwelling includes four bedrooms, a lounge, dining, kitchen, rear living space and laundry/ bathroom. While the kitchen and bathroom feature contemporary fittings and fixtures, the front bedrooms and hallway include characteristic Federation-era architectural detailing including decorative plaster ceilings, vents, skirtings, and fireplaces. There has been significant change to the later extension under the rear skillion roof to create an open-plan, contemporary space.

THE GARDEN

The site includes a long, narrow rear yard accessed via a concrete driveway running along the eastern side of the site. A steel sheet clad vehicular access gate is located at the side of the dwelling. A concrete car space is located at the end of the driveway at the rear of the dwelling, with the remainder of the rear yard consisting of lawn with simple timber paling boundary fences. A tall noise attenuation wall is located behind the site's rear boundary fence. A mature frangipani tree is located adjacent to the timber deck, with a smaller bush along the western boundary fence.



Figure 17 - Primary façade facing onto Walker Avenue, to be retained with changes to be made to existing vehicle gate, view looking northwest (Source: 3+1 Heritage, 2023)



Figure 18 – Existing front facade, to be retained, view looking northwest (Source: 3+1 Heritage, 2023)



Figure 19 – View of front driveway and neighbouring dwelling , gate to be replaced, view looking northwest (Source: 3+1 Heritage, 2023)



Figure 20 – View of driveway towards rear garden, view looking northwest (Source: 3+1 Heritage, 2023)



Figure 21 – View of the rear of the dwelling with weatherboard extension, looking towards rear garden, northwest (Source: 3+1 Heritage, 2023)



Figure 22 – View of driveway looking south-east towards Walker Avenue (Source: 3+1 Heritage, 2023)



Figure 23 – View of the rear of the dwelling, with timber deck to be replaced and tree to be removed, view looking south (Source: 3+1 Heritage, 2023)



Figure 24 – Timber deck to be replaced, tree to be removed, view looking south (Source: 3+1 Heritage, 2023)



Figure 25 – Rear deck to be replaced, tree to be removed, view looking southeast (Source: 3+1 Heritage, 2023)



Figure 26 – View towards rear of the dwelling and driveway, view looking southeast (Source: 3+1 Heritage, 2023)



Figure 27 – View of northeast corner of site, garage to be constructed, view looking northwest (Source: 3+1 Heritage, 2023)



Figure 28 – View looking towards western boundary fence, pool to be constructed, view looking southwest (Source: 3+1 Heritage, 2023)



Figure 29 – Rear garden with existing concrete car space, view looking northwest (Source: 3+1 Heritage, 2023)

6.0 SIGNIFICANCE

6.1 STATEMENT OF SIGNIFICANCE

The following Statement of Significance for the Haberfield Conservation Area has been extracted from the Inner West LEP 2022.

Haberfield has historic significance as the first successful comprehensively planned and marketed Garden Suburb in Australia. Designed and developed by real estate entrepreneur and town planning advocate, Richard Stanton, its subdivision layout and tree lined streets, its pattern of separate houses on individual lots (the antithesis of the unhealthy crowded inner suburbs of the period) and its buildings and materials, clearly illustrate his design and estate management principles. Haberfield pre-dates the first Garden Suburbs in Britain by some five years.

It is significant in the history of town planning in NSW. The separation of land uses, exclusion of industry and hotels, designation of land for community facilities and its comprehensive provision of utility services and pre-development estate landscaping profoundly affected housing trends, state subdivision practice and planning legislation in 20th century Australia.

It is significant in the history of Australian domestic architecture for its fine ensemble of Federation houses and their fences, and shops, most with their decorative elements intact.

It is outstanding for its collection of modest Federation houses displaying skilful use of materials and a high standard of workmanship of innovative design and detail particularly reflective of the burgeoning naturalistic spirit of the Federation era in which they were built.

The form, materials, scale and setback of buildings and their landscaped gardens fronting tree lined streets together provide mature streetscapes of aesthetic appeal.

*Haberfield is a major research repository of the Federation era, garden design and plant material, architectural detail, modest house planning, public landscaping and utility provision.*¹⁸

7.0 PROPOSAL

The proposed works are part of a Development Application relating to the subject site at 20 Walker Avenue, Haberfield. The application involves work to the rear yard, including:

1. Construction of a new masonry garage, including driveway and gate;
2. New inground pool and associated landscaping;
3. New timber deck to replace existing, including removal of existing frangipani tree.

¹⁸ Inner West Local Environmental Plan, 2022.

This Statement of Heritage Impact has assessed the attached preliminary drawings provided by Prebuild Design.

TABLE 7-1: LIST OF DRAWINGS

Drawing No	Title	Date	Revision
DA02 a	SITE PLAN	6.2.23	01
DA03 a	PROPOSED FLOOR PLAN	6.2.23	01
DA04 a	PROPOSED SOUTH ELEVATION	6.2.23	01
DA05 a	PROPOSED WEST ELEVATION	6.2.23	01
DA06 a	PROPOSED EAST ELEVATION	6.2.23	01

8.0 HERITAGE IMPACTS

8.1 INTRODUCTION

The following assessment is based on the Standard Guidelines of the NSW Heritage Office (now Heritage NSW), the Inner West LEP (2022) and the Inner West Comprehensive Development Control Plan Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill DCP (2016) to accompany a Development Application for the site at 20 Walker Avenue, Haberfield, NSW.

8.2 IMPACTS ON SIGNIFICANCE

This section assesses how each of the proposed works will impact on the heritage significance of the subject site and nearby listed items. This assessment is based on the proposed architectural plans supplied by Prebuild Design.

In order to consistently identify the potential impact of the proposed works, the terminology contained in the table below is based on those contained within guidelines produced by the International Council on Monuments and Sites (ICOMOS). The method of assessment has been undertaken in accordance with the New South Wales Heritage Office (now Heritage NSW) guidelines *Statements of Heritage Impact, 2009*.

TABLE 8-2.1: IMPACTS TERMINOLOGY

Definition	Impact
Actions that would have a long-term and substantial impact on the significance of a heritage item. Actions that would remove key historic building elements, key historic landscape features, or significant archaeological materials, thereby resulting in a change of historic character, or altering of a historical resource. These actions cannot be fully mitigated.	Major
This would include actions involving the modification of a heritage place, including altering the setting of a heritage item or landscape, partially removing archaeological resources, or the alteration of significant elements of fabric from historic structures. The impacts arising from such actions may be able to be partially mitigated.	Moderate
Actions that would results in the slight alteration of heritage buildings, archaeological resources, or the setting of an historical item. The impacts arising from such actions can usually be mitigated.	Minor
Actions that would results in very minor changes to heritage items.	Negligible
Actions that would have no heritage impact.	Neutral

TABLE 8-2.2: ASSESSMENT OF HERITAGE IMPACTS

Proposed works	Heritage Assessment	Impact
<p>1. Construction of a new masonry garage within rear yard, including:</p> <ul style="list-style-type: none"> a. New masonry garage with tiled gabled roof; b. New rainwater tank; c. Replace existing side gate; d. Alterations to existing driveway. 	<p>The subject site is not listed as a local heritage item within the Inner West LEP (2022). However, it is located within the 'Haberfield' HCA, which is a nominated area of State significance. Despite extensive changes to the rear of the site (as part of Westconnex project), the subject dwelling remains relatively intact and continues to positively contribute to the surrounding streetscape.</p> <p>a. The proposal involves the construction of a new single-storey masonry garage, with a W/C and storage room to the rear.</p> <p>The proposed garage will be completely detached from the existing dwelling on site, and its construction will not involve any intervention with any original or early fabric.</p> <p>The proposed garage will be located in the north-eastern corner of the site, in a similar position to a previous garage that was demolished c. 2017 as demonstrated in section 5.3.</p> <p>The new garage will be positioned predominantly behind the existing dwelling and will be recessive in scale when viewed from Walker Avenue, with only a minor section of the gable visible.</p> <p>The ridge line of the new roof will be set well below the ridgeline of the existing dwelling, ensuring the garage will be subservient in scale. This will also maintain the hierarchy of structures on site.</p> <p>The proposed simple gabled roof structure will include a street-facing gable end, which references the subject dwelling. Its pitched roof will also be consistent with other similar outbuildings and garages within the immediate area.</p> <p>Rear garages are common within the immediate area and throughout Haberfield and the proposed addition will not interrupt any identified significant streetscape patterns or uniformity.</p> <p>The proposed addition will not adversely impact any identified significant views to or from the site or impact the appreciation of any nearby listed items.</p>	<p>Negligible</p>

Proposed works	Heritage Assessment	Impact
	<p>The garage will feature a half-timbered gable facing the driveway, a timber panelled garage door, slate-look roof tiles to the pitched roof, and face brick chosen to match the existing dwelling. The fixed glazing windows along the western elevation will be aluminum framed, allowing the addition to be read as new construction. The nominated materials are sympathetic to the character of the dwelling and consistent with neighbouring dwellings/outbuildings within the immediate area.</p> <p>The proposed garage will be sited behind the existing dwelling, will be subservient in scale and will utilise a compatible form using sympathetic materials/finishes. Given this, it is considered to have 'Negligible' impact on the site's contribution to the HCA.</p> <p>b. The proposed 5000L rainwater tank will be located to the rear of the garage, connected to the garage roof drainage, and will be completely obscured from view from the streetscape and neighbouring properties. As such, it will have a 'Negligible' impact on the HCA.</p> <p>c. A new timber panelled gate will replace the existing side gate across the driveway (adjacent to dwelling). The existing gate is of steel framed/sheet construction. It is a later addition to the site and its removal will have minimal impact. The proposed replacement fence will be of a comparable size to the existing. It will be simple in design and in keeping with neighbouring properties and the timber detailing of the dwelling's primary façade. Replacement of the existing gate is considered to have a 'Negligible' impact on the site's overall contribution to the HCA.</p> <p>d. A concrete driveway runs along the site's eastern boundary to a car space at the rear of the dwelling. A central strip of concrete (approx. 900mm wide) will be removed from the existing driveway and replaced with a lawn. The existing rear car space will also be reconfigured to accommodate the proposed new garage and will also include a new central lawn strip. These changes are more in keeping with the controls set out within the DCP for the Haberfield area, and will enhance the overall garden setting of the site. The proposed driveway changes are considered to have a 'Neutral' impact on the site's contribution to the HCA.</p>	

Proposed works	Heritage Assessment	Impact
<p>2. New inground pool and associated landscaping/fencing;</p>	<p>The proposal involves construction of a new inground swimming pool with a new pool fence, pavers and landscaping to its surrounds within the site's rear yard. It will also involve minor changes to the existing rear yard boundary fences to ensure they are at least 1.8m in height.</p> <p>The proposed new pool will include a rectangular inground 44,000L pool, splash deck and spa, with a glass pool fence (1200mm high) and self-latching gate adjacent to the garage. Pool coping tiles will be installed around the perimeter of the pool, with landscaping along either side and hedging trees to the rear.</p> <p>The new fibreglass pool will sit in a similar position to the previous pool on site, originally constructed c. 1980s and demolished c.2017. The pool and associated fencing will be set entirely behind the existing dwelling, and will not be visible from the public domain, and as such will have no impact on the local streetscape.</p> <p>Due to the recent construction to the rear of the site, the rear yard has undergone extensive change, thus there are no significant garden elements or views to or from the garden that will be impacted by the addition of a pool or the associated landscaping.</p> <p>The proposed swimming pool will be set at a reasonable distance from the primary dwelling, and will maintain the open, recreational use of the rear yard, ensuring that the proposed changes will not negatively impact the site's garden setting.</p> <p>The proposed pool and associated fencing will be finished with simple contemporary detailing. This will allow the additions to be clearly identifiable as new construction, whilst not visually detracting from the heritage dwelling.</p> <p>The proposed swimming pool installation is considered to have a 'Negligible' impact on the site's overall contribution to the HCA.</p>	<p>Negligible</p>

Proposed works	Heritage Assessment	Impact
<p>3. New timber deck to replace existing, including removal of existing frangipani tree.</p>	<p>The existing timber deck at the rear of the dwelling is a later addition to the site. Therefore, its removal will have little to no impact on the significance of the original dwelling, and its contribution to the HCA.</p> <p>Construction of the new deck will not involve any alteration to the primary dwelling and will involve no intervention with early or significant fabric.</p> <p>The deck will be set entirely behind the existing dwelling and will have no impact on the appearance of the dwelling from the local streetscape.</p> <p>The new timber deck will be set lower than the existing deck and will extend slightly further towards the rear of the garden, however will retain a section of lawn between the deck and proposed pool.</p> <p>The deck will be simple in design and form, will be readily readable as new construction and will not visually complete with the heritage sections of the dwelling.</p> <p>As part of the construction of the new deck, the existing frangipani tree located directly behind the existing dwelling will be removed, with an offcut to be replanted on site. Based on historic aerial images, the frangipani tree is a later addition to the site, potentially planted as part of the landscaping undertaken to construct the former pool. The tree has not been identified as having specific heritage significance or relevance to the Haberfield Garden suburb and is not visible from the rear arterial road or from the Walker Avenue streetscape. However, the tree does make a positive contribution to the setting and garden area of the existing dwelling, therefore its removal and replanting should be undertaken in accordance with the project arborist's advice.</p> <p>The proposed deck replacement and tree removal is considered to have a 'Minor' impact on the site's overall contribution to the HCA.</p>	<p>Minor</p>

9.0 RELEVANT LEGISLATION

The Comprehensive DCP prepared by the Inner West Council (2016) outlines objectives and controls specifically for the Haberfield Conservation Area in relation to new design, alterations and additions, and changes to existing garden settings. The below section responds to the relevant objectives and controls in relation to the proposed works.

CHAPTER E2 – HABERFIELD HERITAGE CONSERVATION AREA – COMPREHENSIVE INNER WEST DCP (2016)

C2.33 Garages and Carports

- b) New garages and carports are to be located at the back or at the side of the house;
- e) Garages and carports shall be of simple utilitarian design, they shall not challenge the mass or bulk of the original house;
- f) Garages and carports are to be freestanding.

The proposed work complies with each of the above controls.

C2.45 Garden Elements, Including Paving, Driveways, Pergolas and Pools

- e) Driveways shall consist of two (2) strips of hard surface paving with grass, garden or gravel in between.
- f) Concrete paving for driveway strips is to be natural off-white, pale grey or have a red-tinted finish. Bright white concrete is not permitted.
- g) Swimming pools shall be at the rear of the property, and shall be small enough to retain an adequate garden setting.

The proposed work complies with each of the above controls. The removal of sections of concrete from the existing concrete driveway and addition on new garden beds and trees will enhance the garden setting of the site. The proposed swimming pool will be set at a reasonable distance from the primary dwelling, and will maintain the open, recreational use of the rear yard, ensuring that the proposed changes will not negatively impact the site's garden setting.

10.0 RECOMMENDED MITIGATION MEASURES

It is recommended that the following measures are implemented to reduce/avoid impacts to the subject dwelling, HCA and nearby listed items.

Proposed works	Mitigation Measure
Tree removal	Removal of the existing frangipani tree and replanting should be undertaken in accordance with arborist's advice.

11.0 CONCLUSION

No. 20 Walker Avenue, Haberfield is not listed as a heritage item within the Inner West Local Environmental Plan (2022). However, it is located within the 'Haberfield' Heritage Conservation Area, which has been nominated as having significance at a State level. The site sits within part of the original Stanton Estate, subdivided in the early twentieth century as a 'Garden Suburb', with specific architectural design and street layout requirements modelled on the success of the English garden suburbs. The subject dwelling is estimated to have been constructed c. 1917, and retains much of its historic character and detailing to the front façade, positively contributing to the streetscape along Walker Avenue and the surrounding HCA. The rear garden area of the subject site has undergone extensive change over the last decade as a result of the Westconnex project, including removal of the previous pool and garage/shed.

The proposal involves the construction of a new masonry garage, inground pool and replacement of the existing deck within the rear yard of the site, along with alterations to the existing driveway.

The proposed new garage will be located in the north east corner of the site, and will be only partially visible behind the existing dwelling. It will be subservient in scale and will utilise a compatible form, using sympathetic materials/finishes, and is considered to have 'Negligible' impact on the site's contribution to the HCA.

The proposed swimming pool will be sited entirely behind the existing dwelling, will not require removal of any significant landscape elements and will maintain an adequate garden setting. Installation of the new pool along with associated landscaping/fencing is considered to have an overall 'Negligible' impact on the site's contribution to the HCA.

The proposed new deck will also be sited entirely behind the existing dwelling, will not involve any changes to the existing dwelling and will have little to no visual impacts. The new deck will require removal of the existing mature frangipani tree. Although the tree has not been identified as being of specific significance, it contributes to the garden setting of the site, and its removal and any replanting should be in accordance with arborist advice. The proposed new deck and tree removal is considered to have a 'Minor' impact on the site's overall contribution to the HCA.

Overall, the works are considered to have a 'Negligible' to 'Minor' impact on the site's contribution to the HCA, with no impacts to nearby listed items. I would therefore recommend the heritage aspects of this application be approved subject to the above recommended mitigation measure (#10) being implemented as part of the works.

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