
Bayside Planning Panel

14/12/2017

Item No	6.2
Application Type	Development Application – Multi Dwelling Housing
Application Number	DA-2017/1162
Lodgement Date	20 September 2017
Property	190 King Street, Mascot Lot 5 Sec 3 in DP 1873
Owner	Kabouchi Holdings Pty Ltd
Applicant	Urban Link Pty Ltd
Proposal	Proposed alterations and additions of an existing heritage item single storey residential dwelling facing King Street and construction of new 2 x 2 storey 4 bedroom terraces with attic level and attached garages with access from King Lane, including removal of trees
No. of Submissions	Four (4) submissions
Cost of Development	\$1,372,154.00
Report by	Olivia Yana, Acting Senior Development Assessment Planner

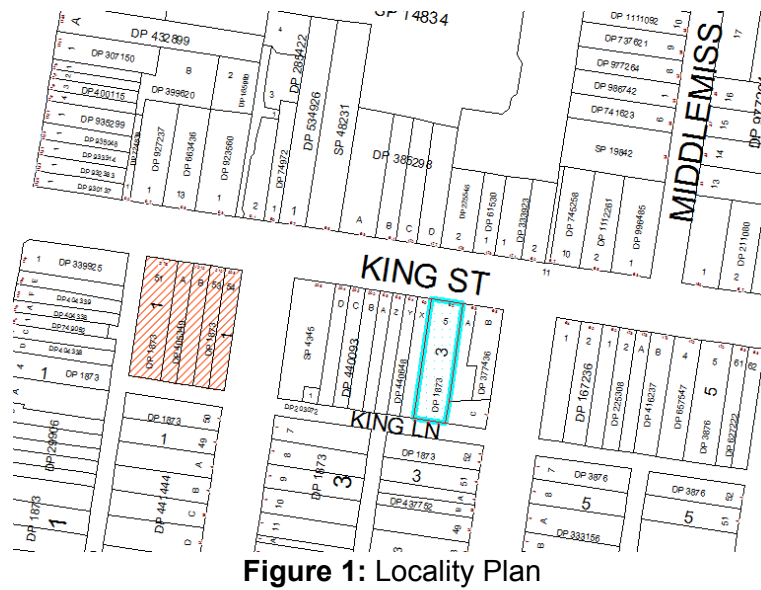
Officer Recommendation

- 1 That Development Application DA-2017/1162 for the proposed alterations and additions of an existing heritage item single storey residential dwelling facing King Street and construction of new 2 x 2 storey 4 bedroom terraces with attic level and attached garages with access from King Lane, including removal of trees at 190 King Street, Mascot be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
 - 2 That the objectors are advised of the Bayside Planning Panels decision.
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Attachments

- 1 Planning Assessment Report
- 2 Heritage Impact Statement
- 3 Survey Plan
- 4 Existing Plan
- 5 Attic and Roof Plan
- 6 Elevation
- 7 Section and Streetscape
- 8 Shadow Diagrams

Item 6.2



BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	2017/1162
Date of Receipt:	20 September 2017
Property:	190 King Street, Mascot Lot 5 Sec 3 in DP 1873
Owners:	Kabouchi Holdings Pty Ltd
Applicant:	Urban Link Pty Ltd
Proposal:	Proposed alterations and additions of an existing heritage item single storey residential dwelling facing King Street and construction of new 2 x 2 storey 4 bedroom terraces with attic level and attached garages with access from King Lane, including removal of trees.
Recommendation:	Approve the development, subject to conditions.
Value:	\$1,372,154.00
No. of submissions:	Four (4) objections
Author:	Olivia Yana, Acting Senior Development Assessment Planner
Date of Report:	1 December 2017

Key Issues

Bayside Council received Development Application No. 2017/1162 on 20 September 2017 seeking consent for alterations and additions to an existing heritage item single storey residential dwelling facing King Street and construction of new 2 x 2 storey 4 bedroom terraces with attic level and attached garages with access from King Lane, including removal of trees at 190 King Street, Mascot.

The application is referred to the Bayside Planning Panel as it involves partial demolition of a heritage item.

The application was placed on public exhibition for a fourteen (14) day period from 18 October to 1 November 2017. Four (4) objections were received.

Key issues with this application relate to permissibility, heritage item, setbacks, parking, and overshadowing.

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979 (EPA Act)* and is recommended for approval, subject to conditions of consent.

Recommendation

It is RECOMMENDED that Council, resolve:

1. That Development Application DA-2017/1162 for the proposed alterations and additions to an existing heritage item single storey residential dwelling facing King Street and construction of new 2 x 2 storey 4 bedroom terraces with attic level and attached garages with access from King Lane, including removal of trees at 190 King Street, Mascot be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report; and
2. That the objectors are advised of Councils decision.

Background

History

Integrated Development Application No. 2016/215 was withdrawn for alterations and additions to the existing single storey heritage residential dwelling and proposal for a three storey residential flat building with 7 units and basement car parking.

Development Application History

Prior to the application being lodged with Council, the proposal was presented at a Pre-DA meeting with Council staff.

Amended plans and shadow diagrams were submitted at numerous times throughout the application process with the latest submission received on 30 November 2017 to address stormwater and proximity to electricity asset issues, and to rectify survey plan and shadow diagrams. Re-notification of amended plans were not required as no significant changes proposed to the development.

Proposal

The development application seeks consent for alterations and additions of an existing heritage item single storey residential dwelling facing King Street and construction of new 2 x 2 storey 4 bedroom terraces with attic level and attached garages with access from King Lane, including removal of trees.

The specifics of the proposal are as follow:

Dwelling facing King Street

Ground Floor

- Removal of street trees and the trees at the rear yard.
- Removal of dilapidated rear weatherboard outbuilding, including kitchen and bath.
- The new ground floor layout consists of two (2) bedrooms, living room, kitchen, dining area, bathroom, laundry, and covered alfresco at the rear.
- Landscaping and 1.2 metres high timber front fence.

Two (2) attached terraces facing King Lane

Ground Floor

- The ground floor of each terrace consists of attached double garage with access from King Lane, entry to the dwelling through the garage, open plan living, kitchen and dining area, bathroom with laundry, and covered alfresco at the rear.
- Landscaping, including rainwater tank and OSD.

First Floor

- The first floor of each terrace consists of three (3) bedrooms with walk in wardrobe and ensuite for the master bedroom, bathroom and sitting area.

Attic Level

- The attic level of each terrace consists of one (1) bedroom with ensuite and dormer window.
- Skylights.

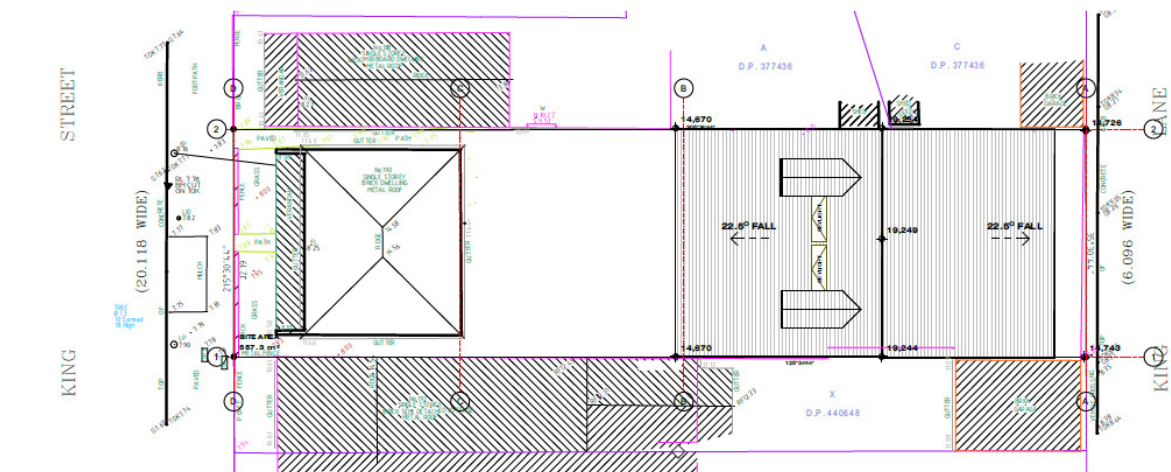


Figure 1: Proposed Roof Plan

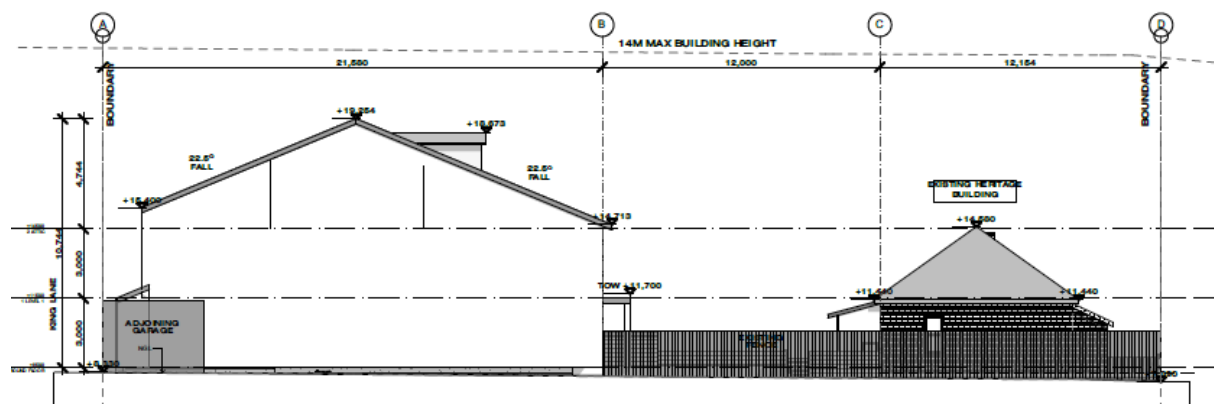


Figure 2. Proposed Eastern Elevation

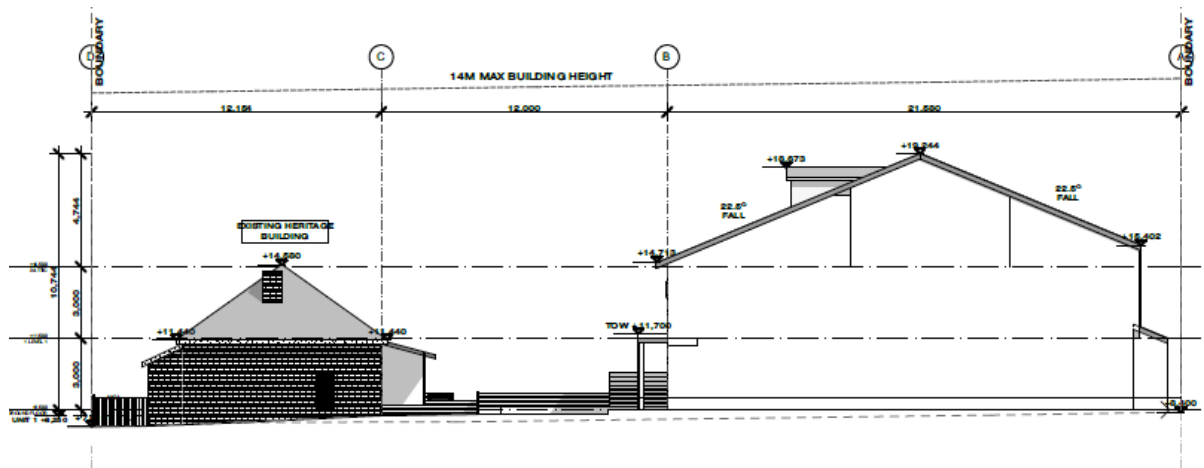


Figure 3: Proposed Western Elevation

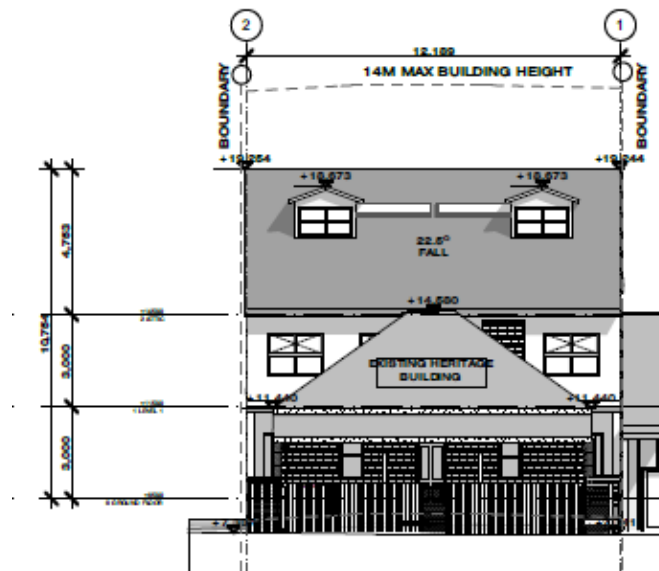


Figure 4: Proposed Northern Elevation

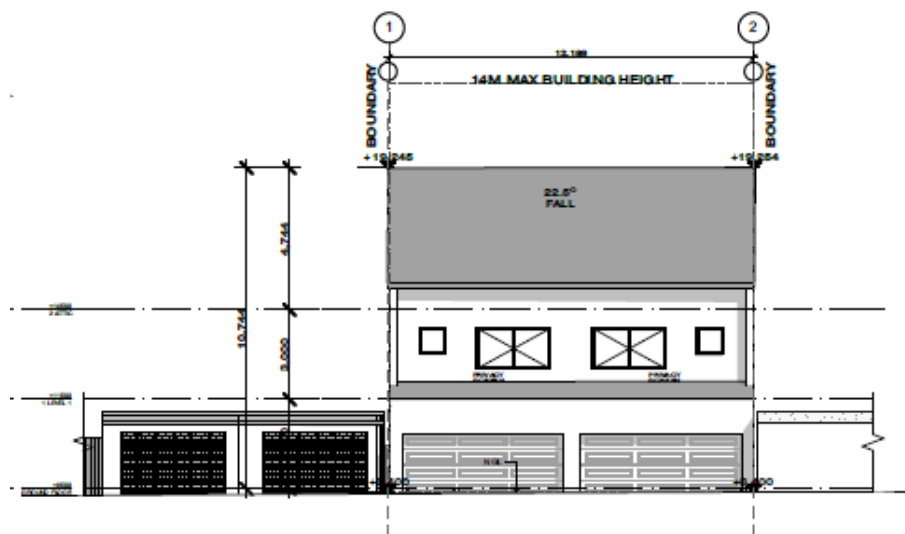


Figure 5: Proposed Southern Elevation

Key Controls

The key controls relevant to the proposal are provided below:

Control	Required	Proposal	Complies (Yes/No)
Site Area	-	557.3m ²	N/A
BBLEP 2013			
Zone	B2 – Local Centre	Multi dwelling	No – Refer to Clause 5.3 of BBLEP 2013 and Note 1
FSR	2:1	0.9:1	Yes
GFA	1114.6m ²	506.7m ²	Yes
Height	14 metres	10.9 metres	Yes
BBDGP 2013			
Car Parking	2 spaces/two (2) or more bedrooms dwelling	2 spaces for each dwelling facing King Lane	No – Refer to Part 3A discussion
Landscaped Area	35% (195m ²)	95.7m ² or 17.2%	Acceptable as no landscaping controls within Part 5
Site Coverage	45%(250.785m ²)	296.85m ² or 53.2%	Acceptable as no site coverage controls within Part 5
POS	2 bedrooms – 35m ² 4 bedrooms – 56m ²	2 bedrooms – 36m ² 4 bedrooms – 56.5m ²	Yes
Setbacks	Front – 3 metres minimum Side - 3 metres (building greater than 7 metres in height) Rear – 1 metre (garage fronting laneway)	Single dwelling – existing Terraces (2 storey with attic): Laneway – Nil Side - Nil	No – Refer to Note 2

Site Description

The site is legally known as Lot 5 Sec 3 in DP 1873. It is located on southern side of King Street between King Lane to the south, Tunbridge Street to the north, Hardie Street to the west and Johnson Street to the east. The site has a north to south orientation with south being the rear of the site and north being the front of the site. The site contains a local heritage item known as 'Beverley House', a detached single storey brick dwelling with metal roof, which is listed as a local heritage item (I147) under the Botany Bay Local Environmental Plan (BBLEP) 2013. The site is located in the B2 Local Centre zone.

The subject site has relatively flat topography with slight slope upwards from north to south and cross fall to southwest. It is rectangular in shape with total area of 557.3m². The site has frontage width of 12.19 metres and length of 45.72 metres.

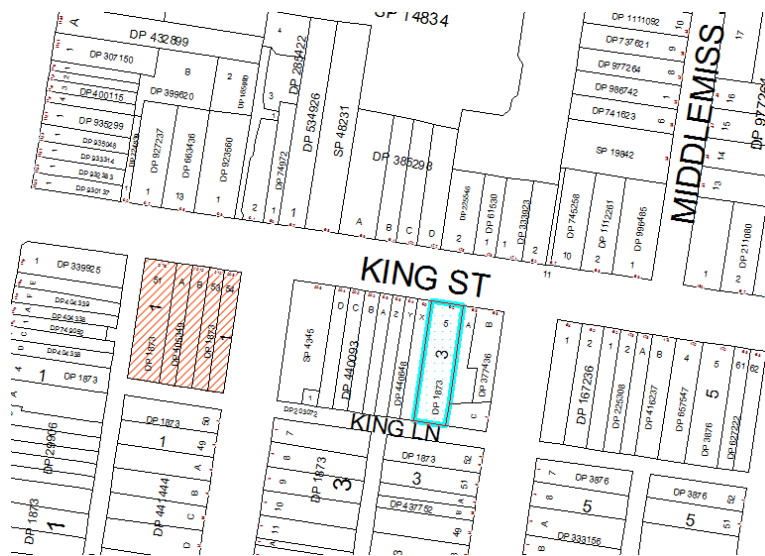


Figure 6: Locality Plan



Figure 7: Aerial Map of the subject site



Figure 8: Front and rear view of the subject site



Figure 9: Adjoining group of heritage terrace at 192-204 King Street



Figure 10: Adjoining residential development



Figure 11: Adjoining mixed development

Description of the Surrounding Development

Development surrounding the site consists of mixed use/commercial and residential dwellings including three storey walk up flat on the corner of King and Hardie Streets, single to double storey detached and semi-detached dwellings with parking facilities at the rear. Few heritage listed items are located within the immediate vicinity, including Nos. 192-204 King Street (Terrace group - I149). Council's at-grade carpark is located further east to cater for the row of local Mascot shops facing Botany Road.

Referrals

Internal

The development application was referred to Council's Development Engineer, Tree Preservation Officer, and Heritage Planner. Appropriate comments have been provided relating to the stormwater management, car parking and tree removal.

External

The development application was referred to Ausgrid for comments. The plans have been amended to satisfy the clearance required from Ausgrid asset. No objection was provided subject to conditions attached.

Statutory Considerations

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979*.

S.79C(1) - Matters for Consideration – General

S.79C(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development as the total cost of works are more than \$50,000. A BASIX Certificate (Certificate Number 776586M_03, dated 11 September 2017, prepared by Greenworld Architectural Drafting) has been submitted committing to environmentally sustainable measures.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of Part 3K - Contamination of the Botany Bay Development Control Plan 2013. The likelihood of encountering contaminated soils on the subject site is considered to be extremely low given the following:

- 1 The site adjoins to existing residential dwelling, which appears to have been continuously used for residential purposes.
- 2 The adjoining and adjacent properties are currently used for residential purposes.
- 3 The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guide in State Environmental Planning Policy 55, in particular industrial, agricultural or defence uses.

On this basis, the site is considered suitable in its present state for the proposed residential development. No further investigations of contamination are considered necessary.

Botany Bay Local Environmental Plan 2013

Botany Bay Local Environmental Plan 2013 has been considered in the assessment of the Development Application and the following information is provided:

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
Land use Zone	Y	The site is zoned B2 Local Centre zone under the Botany Bay Local Environmental Plan 2013.
Is the proposed use/works permitted with development consent?	Y	The proposed use as multi dwelling housing is not permissible under the Botany Bay Local Environmental Plan 2013, which is defined as: multi dwelling housing means 3 or more dwellings (whether attached or detached)

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
		<p>on one lot of land, each with access at ground level, but does not include a residential flat building.</p> <p>Note. Multi dwelling housing is a type of residential accommodation—see the definition of that term in this Dictionary.</p> <p>The applicant has provided the following justification.</p> <p>Clause 5.3 of the LEP relates to development near zone boundaries. The subject site is zoned B2 Local Centre and is immediately adjacent to R2 Low Density Residential to the south across King Lane. Clause 5.3 seeks to provide flexibility where a more logical and compatible land use is appropriate to that permissible within the zone. Consistent with sub clauses (1) and (2) of Clause 5.3, the proposed multi dwelling development is permissible within the R2 Low Density zone, the site is considerably less than 25 metres from the R2 zone and considered to be a far more compatible land use for the site and local context.</p>
Does the proposed use/works meet the objectives of the zone?	Y	<p>The proposed development is consistent with the following objectives of the B2 Local Centre:</p> <ul style="list-style-type: none"> • To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. • To encourage employment opportunities in accessible locations. • To maximise public transport patronage and encourage walking and cycling.
Does Schedule 1 – Additional Permitted Uses apply to the site? If so what additional uses are permitted on the site?	N/A	Schedule 1 does not apply to the site.
What is the height of the building?	Y	A maximum height of 14 metres applies to the subject site.

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
Does the height of the building comply with the maximum building height?		The maximum height of the development 10.9 metres complies with Council's requirements under the Botany Bay Local Environmental Plan 2013.
What is the proposed Floor Space Ratio? Does the Floor Space Ratio of the building comply with the maximum Floor Space Ratio?	- Y	The maximum Floor Space Ratio requirement is 2:1 (1114.6m ²). Proposed development: GFA: 506.7m² FSR: 0.9:1 The Floor Space Ratio of the development complies with Council's requirements under the Botany Bay Local Environmental Plan 2013.
Is the proposed development in a R3/R4 zone? If so does it comply with site of 2000m ² min and maximum height of 22 metres and maximum Floor Space Ratio of 1.5:1?	N/A	The site is not located within the R3 Medium Density Residential or R4 High Density Residential zone.
Is the site within land marked "Area 3" on the Floor Space Ratio Map? If so, does it comply with the sliding scale for Floor Space Ratio in Clause 4.4A?	N/A	The site is not located in an Area 3 zone.
Does the propose use/works satisfy the objective of Clause 5.3?	Y – Refer to Note 1	The applicant has provided the following justification, which is satisfactory to address the objective of Clause 5.3 of the Botany Bay Local Environmental Plan 2013.
Is the land affected by road widening?	N/A	The subject site is not affected by road widening.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	Y	The existing dwelling at the subject site is listed as a local heritage item (I147) under the Botany Bay Local Environmental Plan (BBLEP) 2013. The existing house on the site "Beverley" is located near the King Street frontage of the site, and is a single storey red face brick house (built 1901-1902 for William

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
		<p>Edward Hickson of North Botany, market gardener, according to the Statement of Heritage Impact report), with a hipped corrugated iron roof with one chimney on the western side and a skillion corrugated iron front verandah roof on modern timber posts. Verandah floor is concrete. The front elevation is symmetrical, with central timber panelled front door flanked by timber framed double hung windows. The front fence to King Street is modern. The house is currently vacant. There is a rear skillion roofed weatherboard wing described as “dilapidated” on the survey. There also appears to be a small gabled brick outhouse at the rear of the weatherboard wing. The rear yard is bisected by a timber paling fence. There is a colorbond fence to the rear boundary to King Lane. The adjacent heritage items (single storey terrace row) to the west feature single storey brick garages facing King Lane, and most of the terraces appear to have modern rear additions which extend beyond the rear setback of the house at 190 King Street.</p> <p>Few heritage listed items are located within the immediate vicinity, including Nos. 192-204 King Street (Terrace group - I149). The application has been referred to Council’s Heritage Planner and the following comments are provided. The proposal is supported subject to the conditions attached.</p> <p><i>The proposal for a pair of 4 bedroom two storey and attic townhouses at the rear of the site involves no basement excavation and increasing the separation between the new building and the existing house. The proposed new building is to have a gabled roof with dormer windows to the attic. The existing house retains its residential use, and is conserved and adapted as a new strata titled residence. A new rear terrace is proposed to the existing house, and some minor external changes, however the majority of the internal walls to the house are retained. The existing house is</i></p>

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
		<i>proposed to be conserved with a sympathetic colour scheme and new front timber picket fence.</i>
<p>The following provisions in Part 6 of Botany Bay Local Environmental Plan apply–</p> <ul style="list-style-type: none"> 6.1 – Acid Sulfate Soils 6.2 – Earthworks 6.3 – Stormwater Management 6.9 – Development in areas subject to aircraft noise 6.15 – Active Street frontage 	<p>Y</p> <p>N/A</p> <p>Y</p> <p>Y</p> <p>N/A</p>	<p>The site is located in a Class 4 Acid Sulfate Soils Area. An Acid Sulfate Soils Management Plan has been provided with the application. Appropriate conditions have been recommended in the consent.</p> <p>No significant cut and fill proposed.</p> <p>The proposed development has provided an on-site detention tank located within the basement. The proposal has been reviewed by Council's Development Engineer who has no objection subject to conditions in the consent.</p> <p>The site falls within the 25-30 ANEF Contour. An Acoustic Report has been submitted with the application that demonstrates the internal noise attenuation will satisfy the requirements of AS2021-2015.</p> <p>The site is affected by the active street frontage requirement on the King Street frontage. However, the proposal does not involve business or retail premises to this frontage, given the existing heritage item and the desire to protect and preserve this building for residential use. This is acceptable in this instance.</p>

Note 1 – Permissibility – Applicant's Clause 5.3 Justification

The proposal involves three dwellings on one lot of land that will be further subdivided under separate application. Essentially, *multi dwelling housing* is prohibited in the B2 Local Centre zone, however is permitted under Clause 6.12 in the R2 – Low Density zone. Despite this, Council recommended the applicant address Clause 5.10(10) – the heritage conservation incentives of the LEP, under which Council may consent to development for a use which is prohibited, provided that a heritage management document is submitted for the conservation works to the heritage item. In this instance, dwelling houses are permitted with consent under

Clause 6.12 where the existing building was designed and constructed as a dwelling house. The existing dwelling at 190 King Street is the heritage item dwelling and is proposed to be retained and restored. Council's Heritage advisor has reviewed the proposed development application and raises no objection to the application.

Notwithstanding the above, the applicant has argued that it is not economically feasible to address Clause 5.10(1) and that consideration of the application should be under Clause 5.3 – development near zone boundaries of BBLEP 2013. The Applicant provides the following justification under Clause 5.3.

The objectives of the R2 zone are:

- *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 encourage development that promotes walking and cycling.*

The objectives of the B2 – Local Centre Zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

Consistent with sub-clause (4) of Clause 5.3, the proposed development is entirely consistent with the above stated objectives for the R2 zone in that the development will provide upgrades to the existing heritage dwelling, fit for residential occupation and provide an additional two low density dwellings at the rear of the site. The proposal will provide additional low density housing stock within close proximity to walking or cycling to public open space and community / commercial facilities along Botany Road.

The proposed development is not inconsistent with the relevant objectives of the B2 zone. The proposal includes a terrace-style development comprising two dwellings, incorporating the existing heritage listed building on the site. As stated above, the site is within close proximity to suitable for walking or cycling to public open space and community / commercial facilities along Botany Road. The site is also close to public transport options and employment opportunities.

Whilst there is some older residential flat development within the vicinity of the site and this form of development is permissible within the B2 zone, contextually, the proposed scale of development is appropriate with adjoining development, noting the single storey heritage dwellings to the west, the retained single storey heritage dwelling at the site fronting King Street, surrounding low density built form and the large low density catchment to the south across King Lane. The proposed development represents an increased density at the site consistent with the site zoning, yet a lower scale form of development appropriate to the site context and constraints.

The development results in a suitable level of development capacity at the site and relates more appropriately to adjoining development than would a residential flat development, as demonstrated through previous iterations of development forms presented under the previous proposal. It is highlighted that the current building form has had informal support from Council as most appropriate for the site and context and proposes a lower density form of development well below the height and density permitted at the site.

In conclusion and consistent with Clause 5.3 of the LEP, it is provided that the "multi-dwelling" use permissible on the other side of the zone boundary, being the adjacent R2 land, would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

Officer Comment: The proposed development results in a built form which has reduced the level of adverse impacts from the previous residential flat development proposal under DA-16/215. The resulting development now proposed is more in keeping with the low density nature of the surrounding locality and complies with the height and floor space ratio controls. The proposal retains the heritage item and minimises the heritage impacts on the

item and adjoining group item. The development incorporates at grade garages and is two storey in form, maintaining the historic residential use of the land. On this basis, the proposed development is acceptable in terms of Clause 5.3 and is supported.

S.79C(1)(a)(ii) - Provisions of any Draft EPI's

There are no current Draft EPIs applicable to this development

S79C(1)(a)(iii) - Provisions of any Development Control Plan

Botany Bay Development Control Plan 2013

The development proposal has been assessed against the controls contained in the Botany Bay Development Control Plan 2013 as follows:

Part 3A – Parking and Access		
Control	Proposed	Complies
3A.2 Parking Provisions of Specific Uses		
C2 Car parking shall be provided in accordance with Table 1, which identifies that dwelling houses with more than two (2) bedrooms are to provide two (2) car parking spaces per dwelling.	Compliant parking spaces are provided for the terraces facing King Lane. However, no parking spaces will be provided for the existing dwelling facing King Street. Non compliance with the parking requirement is however supported given the heritage item property that has no existing parking, the location of the property within close proximity of the Mascot Local Centre and 100 metres distance from a bus stop.	Y – non compliance as existing
Part 3B – Heritage		
Control	Proposed	Complies
3B.7 Development in the Vicinity of Heritage Items or Heritage Conservation Areas		
C1 New development in the vicinity, (nearby, adjoining or adjacent) of a Heritage Item or a Heritage Conservation Area must be designed to maintain the setting and the character of the street in which it is located. Note: A preferred approach is to design new buildings in a contemporary manner, which is sympathetic to the surrounding area, and to the Heritage Item or Heritage Conservation Area to which it is nearby, adjoining or adjacent to. C2 New development should be consistent in scale with the Heritage Item or Heritage Conservation Area.	The proposed adaptive reuse of the existing heritage listed dwelling and the proposed addition of terraces facing King Lane are considered satisfactory in satisfying the controls of the DCP in that the design is sympathetic with the adjoining heritage items, consistent with the siting and bulk and scale of the existing single to three storey development in the immediate vicinity by maintaining a two storey development with attic level at the rear, adopted similar type of roof as the heritage item for the new	Y – subject to condition

Part 3A – Parking and Access

Control	Proposed	Complies
<p>Note: To prevent changes in the scale of development, the building height of the Heritage Item or Heritage Conservation Area should be used as a benchmark for the maximum achievable building height of the proposed new development.</p> <p>C3 Parking facilities and driveways must be designed and located so as not to dominate the character of the street.</p> <p>C4 The design and siting of new work must compliment the form, orientation, scale and style of a Heritage Item or Conservation Area in the vicinity of the site.</p> <p>C7 New development must adopt the same eave lines, height of floors, stringcourses and rooflines (pitches and eave overhangs) of the Heritage Item or Heritage Conservation Area in the vicinity.</p> <p>Note: New or infill development must not match the existing Heritage Item, but rather sympathetically interpret the façade elements of the adjoining Heritage Item and the pattern of development within the street.</p> <p>C10 Notwithstanding the maximum height limit under Botany Bay LEP 2013, new or infill development shall not exceed the height of an adjoining, adjacent or nearby Heritage Item.</p> <p>C11 Where the Heritage Item is single-storey or where buildings in the Heritage Conservation Area are predominantly single-storey, new development must also be single-storey.</p> <p>C12 Where a Heritage Item or a majority of buildings in the Heritage Conservation Area are two storey, new or infill development in the vicinity may also be two-storeys.</p> <p>C13 Any new development or additions, which have a negative impact on the character of the streetscape or a Heritage Item, will not be permitted.</p> <p>C15 The roof shape and materials of new development or existing development shall relate to adjoining or nearby heritage buildings (refer to Figure 36).</p> <p>C16 New developments that utilise a variety of roof forms such as gabled or hipped roof plans are encouraged.</p> <p>C17 Materials and finishes used in the roof plans of new developments should be</p>	<p>dwellings at the rear, compliant with the BBLEP height requirement, proposed materials and finishes to the new works are complementary, and maintained 1.2 metres high front timber picket fence. Conditions are to be included in the consent to ensure that the works to the existing heritage building will be certified by a qualified Heritage Architect.</p>	

Part 3A – Parking and Access		
Control	Proposed	Complies
<p>sympathetic in character to that of the Heritage Item or Heritage Conservation Area.</p> <p>C24 Fences and gates for new or infill development should be contemporary, simple and compatible in style and in materials by making reference to adjoining Heritage Items (refer to Figure 37).</p> <p>C25 All front fences for new or infill buildings shall not exceed a height of 1.2 metres, except where it is to continue an existing pattern of period fences.</p>		
Part 3E – Subdivision and Amalgamation		
Control	Proposed	Complies
3E.3 Strata Title Subdivision		
<p>C1 Development Applications shall demonstrate that the proposed subdivision is consistent with the Desired Future Character of the area (refer to relevant sections in Part 8 - Character Precincts, Part 5 - Business Centres and Part 6 - Employment Zones).</p>	<p>The application has not been supplied with information of the proposed subdivision for multi dwelling housing on the subject site. However, the Heritage Impact Statement refers to strata subdivision, which is consistent with the Desired Future Character of the area. Separate application is to be submitted for subdivision.</p>	Y – subject to condition
Part 3L – Landscaping and Tree Management		
Control	Proposed	Complies
3L.2 General Requirements		
<p>C1 Existing trees including street trees must be preserved</p>	<p>The proposed removal of street tree and trees at the rear yard was referred to Council's Tree Management Officer for review. No objection was provided subject to the provision of a mature tree being planted within the front and rear yards as proposed in the landscaped plan submitted with the application. The street tree has been removed prior to the issue of consent as the tree was diseased.</p>	Y
Part 3N – Waste Minimisation and Management		
Control	Proposed	Complies
3N.2 Demolition and Construction		
<p>C1 A Site Waste Management Plan in accordance with Part 1 – Model Site Waste Minimisation and Management Plan (refer to</p>	<p>A waste management plan has been provided to Council.</p>	Y

Part 3A – Parking and Access		
Control	Proposed	Complies
Part 3N.4 – Appendices) must be submitted for Development application.		
Part 4B – Multi Dwelling Housing		
Control	Proposed	Complies
4B.2.7 Site Coverage		
<p>C2 Development will not exceed site coverage of 45%.</p> <p>C3 Site coverage of development will be assessed with consideration of the following:</p> <ul style="list-style-type: none"> (i) Bulk of the proposed/existing development; (ii) Impacts on adjoining land and buildings; (iii) Setbacks; (iv) Overshadowing and privacy; (v) Streetscape considerations (visual bulk and scale); (vi) Parking and landscape requirements; (vii) Existing views & sightlines; (viii) Impact to significant trees on site; (ix) The provision of private open space on site; and (x) Site topography and allotment size. 	Proposed site coverage of 296.85m ² (53.2%) exceeds the maximum site coverage permissible for multi dwelling housing. However, it is acceptable as no site coverage control applies to development within the local centre area. Furthermore, the proposed bulk and scale of the proposed development and its impact has been assessed in details within Part 5 of the DCP.	Refer to Part 5 assessment below
4B.2.8 Landscaped Area and Deep Soil Planting		
<p>C25 A minimum of 35% of a site is to comprise a deep soil planting area (refer to Table 2 and Figure 6), of which:</p> <ul style="list-style-type: none"> (i) A minimum of 50% of this area is to be located at the rear of the site. For sites with dual or rear lane frontages, this area may be relocated to allow buildings to address the secondary frontage or provide for rear lane carparking access; (ii) A minimum of 30% of this area is to be located within the front setback; (iii) A minimum 1.5 metre wide strip of landscaping is to be located along side and rear boundaries; and (iv) Where building height is greater than 7 metres, a minimum 3 metres wide landscape planter bed for the purposes of dense, layered landscape screening is to be located on both the side and rear boundaries. <p>Note: Deep soil planting may be constrained by the provision of basement carparking. Constraints are to be demonstrated and justification is required if C19 cannot be met.</p>	Proposed landscaped area of 95.7m ² (17.2%) does not meet the minimum landscaped area required for multi dwelling housing. However, it is acceptable as no landscaped area requirement applies to development within the local centre area. Access to car parking spaces is provided at the rear. Due to the existing constraints of the site, landscaped area is to be provided within the private open space situated in the middle of the site and within the front setback.	Y
4B.2.9 Private and Communal Open Space		

Part 3A – Parking and Access

Control	Proposed	Complies												
<table><tr><th>No of Bedrooms</th><th>Private Open Space Required per Dwelling</th></tr><tr><td>Studio</td><td>24.5 m²</td></tr><tr><td>1 bedroom</td><td>24.5 m²</td></tr><tr><td>2 bedrooms</td><td>35 m²</td></tr><tr><td>3 bedrooms</td><td>45.5 m²</td></tr><tr><td>4 bedrooms</td><td>56 m²</td></tr></table>	No of Bedrooms	Private Open Space Required per Dwelling	Studio	24.5 m ²	1 bedroom	24.5 m ²	2 bedrooms	35 m ²	3 bedrooms	45.5 m ²	4 bedrooms	56 m ²	Private Open Space (POS) area of 36m ² is to be provided for the 2 bedroom dwelling and an area of 56.5m ² is to be provided for the 4 bedrooms dwellings.	Y
No of Bedrooms	Private Open Space Required per Dwelling													
Studio	24.5 m ²													
1 bedroom	24.5 m ²													
2 bedrooms	35 m ²													
3 bedrooms	45.5 m ²													
4 bedrooms	56 m ²													
4B.2.10 Setbacks, Building Frontage and Separation														
<p>C7 Building setbacks from the existing front boundary are to match the characteristic setback of adjoining properties, but are to be a minimum of 3 metres (or 4 metres if fronting a classified (SP2 Zoned) road).</p> <p>C8 All garages are to be setback a minimum of 6 metres from the front boundary if the garage fronts the street (refer to Figure 10).</p> <p>C9 Garages fronting a rear laneway are to have a 1 metre minimum setback from the lane.</p> <p>C10 The following side boundary setbacks apply (refer to Figure 10):</p> <p>(i) A minimum setback of 900mm for single storey development (for buildings up to 4 metres in height);</p> <p>(ii) A minimum setback of 1.5 metres for two storey development (for buildings up to 7 metres in height);</p> <p>(iii) A minimum setback of 3 metres (for buildings greater than 7 metres in height); and</p> <p>(iv) A minimum setback of 3 metres where a site adjoins a business or industrial property.</p>	There are no changes proposed to the setbacks of the existing single storey heritage listed dwelling facing King Street. The new two (2) storey with attic terraces facing King Lane will maintain 12 metres separation with the main dwelling facing King Street and nil setbacks to the side and rear boundaries. The proposed setbacks to the terraces do not comply with the DCP requirements. However, garages facing King Lane are generally built to the boundary.	Refer to assessment in Part 5 below												
4B.3.1 Building Entries														
<p>C1 Each building entry is to be clearly defined from the street. Each dwelling shall be designed to have an individual identity from the street (refer to Figure 14).</p> <p>C2 Entrances to individual dwellings are to be well-lit, provide shelter and a safe space to enter the building for residents and visitors. The front door is to be orientated to the street and have direct access to the street.</p> <p>C4 Street numbering and mailboxes are to be clearly visible from the primary street.</p> <p>C5 A main pedestrian entry is to be provided where three (3) or more dwellings are</p>	Given the dual frontages on the site, entry to the dwellings facing King Lane will be accessed through the garage. However, the street numbering and mailboxes are to be clearly visible from the main King Street frontage. Conditions are included in this report to comply.	Y – subject to condition												

Part 3A – Parking and Access		
Control	Proposed	Complies
proposed within a development, and not all dwellings have direct access to the street. The entry is to be separate from car parks or car entries.		
4B.4.1 Dwelling Mix, Room Size and Layout		
C1 Development is to comply with the following minimum dwelling sizes: Studio: 60m ² 1 bedroom: 75m ² 2 bedrooms: 100m ² 3 bedrooms: 130m ² 4 bedrooms: 160m ² Note: Dwelling size refers to the area inside the enclosing walls of a dwelling but excludes wall thickness, vents, ducts, staircases and lift wells.	The proposed dwelling size for the 2 bedrooms is 78m ² and for the 4 bedrooms is approximately 217m ² . Non compliance with the size of the 2 bedrooms dwelling is acceptable given the proposal retains the existing footprint of the heritage listed building.	Y – non compliance as existing

Part 5 – Business Centres

The site is located within the Mascot Local Centre. The objectives of the Centre that apply to the site under Part 5.2.2.8 of the BBDGP is as follows:

Objective	Response
O3 To ensure that development recognises predominant streetscape qualities (i.e. setbacks & design features);	The architectural style proposed is visually aesthetic and complements the character of the locality and the adjoining heritage buildings.
O4 To ensure development complements the height and architectural style found in the immediate vicinity, particularly where this has a clearly established character;	The ground and first floor of the development is built to the boundary at the rear to allow for neighbouring development to transition well with the subject site should the neighbouring site be redeveloped. Amenity impacts from the rear terraces have been addressed below.
O5 To retain existing trees and provide additional landscaping within the streetscape;	Conditions are recommended to be imposed to ensure additional landscaping is to be provided on site.
O6 To allow reasonable redevelopment and to improve the architectural quality of building stock;	The proposal is generally consistent with the maximum height of 14 metres. The development is one of the first that is proposed to be redeveloped within the vicinity of existing heritage items therefore the scale and height of the existing built stock does not reflect the proposal. However it is anticipated that the surrounding sites could be redeveloped in this manner.
O7 To retain a coherent streetscape with a consistent street wall and parapet line;	The existing streetscape will be maintained and site improvement is transitioned to the rear of the site.

Control	Proposed	Complies
5.3 General Controls		
5.3.1.1 Floor Space Ratio		
C2 In determining an appropriate FSR, applicants must demonstrate to Council that the bulk and scale of development is acceptable and will not result in adverse impacts on adjoining dwellings or the streetscape in terms of loss of privacy, overshadowing, loss of views, visual amenity and increased traffic generation.	<p>The maximum permissible FSR for the subject site is 2:1 (1114.6m²).</p> <p>An FSR of 0.9:1 (506.7m²) is proposed and complies with the development standard.</p> <p>Further discussion relating to impact from the development is provided below.</p>	Y
5.3.1.2 Height		
C1 The maximum height of buildings must comply with the Height of Buildings Map and Clause 4.3 of the Botany Bay Local Environmental Plan 2013.	<p>A maximum height of 14 metres applies to the subject site.</p> <p>The maximum height of 10.9 metres complies with Council's requirements under the Botany Bay Local Environmental Plan 2013.</p>	Y
5.3.1.3 Street Setbacks		
C1 Buildings are to be aligned along the street frontage to create a consistent street wall no higher than two storeys. A variation to the two storey street wall height along the street frontage will only be permitted in certain circumstances where the height of adjoining buildings on the street exceeds two storeys. In this instance, the applicant is to submit a written justification to Council for this variation and will be considered by Council on its merits.	No changes proposed to the height of the proposed adaptive reuse building facing King Street.	N/A
5.3.1.4 Side and Rear Setbacks and Building Separation		
C1 Where a site adjoins residential development appropriate rear or side setbacks must be provided to ensure that potential impacts on adjoining or surrounding residential properties are minimised in terms of loss of privacy, sunlight and daylight access and visual amenity.	The new two (2) storey with attic terraces facing King Lane will maintain 12 metres separation with the main dwelling facing King Street and nil setbacks to the side and rear boundaries.	Refer to Note 2
5.3.2.9 Landscaped Area		
C1 Residential setbacks from streets and parks are to support planting, at a scale that allows passive surveillance of the public domain. This requirement may vary with each block	Condition is to be imposed to ensure that planting within the front setback of King Street will be provided.	Y – subject to condition
5.3.2.10 Private Open Space and Communal Open Space		
C1 The primary area of outdoor private open space must not be located at grade on the street frontage.	Primary area of outdoor private open space is to be located within the middle part of the site and not on the street frontage.	Y

5.3.2.11 Materials and Finishes		
C1 A Schedule of Finishes and a detailed Colour Scheme for the building facade is to accompany all Development Applications involving building works	A Schedule of Colours and Finishes has been provided with the development application.	Y
5.3.3.2 Visual Privacy		
C1 In some cases potential visual privacy impacts can be mitigated by incorporation of one or more of the following design measures: (i) Fixed screens of a reasonable density (min 75% block out); (ii) Fixed windows with translucent glazing (providing natural ventilation is not compromised); (iii) Appropriate screen planting or planter boxes.	Condition is to be imposed to ensure that the dormers and windows on the northern and southern elevations will not adversely impact visual privacy of the adjoining properties.	Y – subject to condition
5.3.3.5 Solar Access & Shadow		
C1 Development must demonstrate: (i) Neighbouring developments will obtain at least two hours of direct sunlight to 50% of the primary private open space and 50% of windows to habitable rooms; and (ii) 30% of any common open space will obtain at least two hours of direct sunlight between 9am and 3pm on 21 June.	The site has a north-south orientation therefore a majority of the shadow cast by the proposed development will be cast mainly to the properties that adjoin the side boundaries in the morning and the afternoon. The applicant has provided shadow diagrams demonstrating the proposed development showing that the rear yards of a group of terraces at 192-204 King Street will be entirely overshadowed between 9am to 11am and the entire rear yard of 2 Johnson Street will be entirely overshadowed between 1pm to 3pm. The proposed development will allow at least two hours of direct sunlight to 50% of the primary private open space at 192-204 King Street and no habitable windows will be affected. No details have been provided in relation to solar provision of habitable windows at 2 Johnson Street. The shadow diagrams submitted by the applicant on 30 November 2017 indicate that the garage of 2 Johnson Street is situated on King Lane. Nonetheless, the garage is actually accessed from Johnson Street and this structure is the affected properties kitchen. Considering the subdivision pattern of 2 Johnson Street that is perpendicularly east of	N – Refer to Note 2

	<p>the subject site, the proposed two storey sheer wall with attic level and nil setbacks on the boundary will not provide overshadowing relief to the private open space of 2 Johnson Street and will exacerbate the solar provision taking into account the self imposed overshadowing between 9am to 11am. The proposed development has yet to demonstrate that the neighbouring development at 2 Johnson Street will obtain at least two hours of direct sunlight to 50% of the primary private open space and 50% of windows to habitable rooms between 9am and 3pm on 21 June.</p> <p>Therefore, overshadowing from the proposed terraces facing King Lane will severely impact 2 Johnson Street and is not considered acceptable.</p>	
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Note 2 – Setbacks and Overshadowing to Adjoining Residential Development

Although the overall height is generally consistent with the permissible height in the B2 zone, nil side setbacks proposed to the two (2) storey terraces with attic level facing King Lane will adversely impact the amenity of the adjoining properties. Articulation to part of the upper level including the attic of the rear terraces is recommended to soften visual impact on the side boundary, and to reduce bulk and scale and overshadowing. Partial side setbacks of 900mm along the eastern and western side boundaries could be applied to the rear section of the terraces starting from the wall between the sitting area and bathroom towards the south. This would result in a favourable outcome as development within the laneway is currently dominated by single storey forms. Further, the partial articulation at the rear would not encumber the neighbouring development to transition well with the subject site, should the neighbouring site be redeveloped.

Part 8 – Mascot Character Precinct

While Part 8 contains general objectives for the future character of the Mascot Area, Part 5 of the BBDCP contains specific controls and objectives for the desired future character of the Mascot Local Centre which has been addressed in detail above.

S.79C(1)(a)(iv) - Provisions of regulations

The proposed development is not inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

S.79C(1)(b) - Likely Impacts of Development

As outlined in the assessment above, the proposed development will have no significant adverse environmental, social or economic impacts in the locality, subject to the conditions of consent.

S.79C(1)(c) - Suitability of the site

The issue of likely site contamination has been considered, however, given the nature of the development, and the long-standing use of the land for residential purposes, onsite investigation is not warranted.

The proposed development is permissible in the zone and satisfies the objectives of the zone. The issues relating to permissibility, heritage item, setbacks, parking, and overshadowing have been addressed in the report above and have been found to be acceptable on balance when considering the aspects of the site. The site is considered suitable for the proposed development.

S.79C(1)(d) - Public Submissions

In accordance with Part 2 of the Botany Bay DCP 2013 – Notification and Advertising, the application was placed on public exhibition for a fourteen (14) day period from 18 October to 1 November 2017. Four (4) objections were received. The issues raised in the objections are summarised as follows:

- *The proposed design is not sympathetic with the appearance of the existing heritage building*

Comment: The proposed development on the subject site has significantly been amended from the previous application as a residential flat building (DA-16/215) to a pair of terraces at the rear of the site with no basement excavation. The design has incorporated details from the existing heritage dwelling and increased the separation between the new building and the existing house. The proposal has been reviewed by Council's Heritage Planner and assessed in accordance with the heritage provisions under BBLEP and BBDCP 2013, which are satisfactory. The proposal is supported as it is considered to be sympathetic with the existing heritage items.

- *Visual impact/eyesore from height of boundary wall*

Comment: Refer to Note 2 above.

- *Non compliance with site coverage, and building ratio and land*

Comment: The site has been rezoned to B2 Local Centre in which site coverage control does not apply. The proposed development complies with the permissible FSR for the site and it is supported.

- *Nil side and rear setbacks*

Comment: Refer to Note 2 above for the nil side setbacks discussion. Rear setbacks of 1 metre requirement apply to the garage facing King Lane. However, garages facing King Lane are built to the boundary. The first floor level of the terraces will have rear setbacks of 2 metres.

- *Overshadowing*

Comment: Refer to Shadow Diagrams assessment above.

- *Demolition of heritage item*

Comment: Only partial demolition proposed to the dilapidated section of the existing heritage building to allow adaptive reuse. The proposal has been accompanied with heritage impact statement to address the proposed demolition. Improvement to the existing dilapidated heritage item is supported, subject to the conditions attached.

- *Removal of 100 year old Crepe Myrtle tree*

Comment: The application has provided an arborist report that has been reviewed by Council's Tree Protection Officer. The findings within the report are supported and the approval to remove the tree is granted. The proposed landscaped plan indicates that Crepe Myrtle trees replacement will be planted within the front setback of the dwelling and mature trees are to be provided within the rear yards of the terraces facing King Lane.

- *Visual privacy impact from dormers*

Comment: Conditions are recommended to ensure that the dormers and any openings on the northern and southern elevations of the upper levels will not result in adverse visual privacy impact to the adjoining properties. Obscured glazing is to be provided, or the sill height of windows is to be increased to a height of 1.5 metres above the finished floor level.

- *Increased traffic during construction*

Comment: The applicant will need to prepare and submit a Construction Traffic Management Plan following determination of this application, to ensure that traffic during construction will not adversely impact the existing laneway access.

- *Effect of development on traffic and pedestrian access on King Lane*

Comment: The site is undergoing transition as a local centre, which will allow a mixed use type of development to replace the existing low density dwellings.

- *Incorrect estimation of cost of development*

Comment: The application has been accompanied by a quantity surveyors report prepared by a qualified consultant, which is accepted by Council as the correct estimation of the cost of development.

- *Reduction in value of adjoining properties*

Comment: The assessment of development application under the *Environmental Planning Act 1979* does not consider the reduction in value of properties. The report as addressed the impact of the development to the adjoining properties as stated above.

- *Potential use as boarding house*

Comment: A separate application will need to be submitted to Council for the use as boarding house. This consent does not include the use of the property as boarding house and if unauthorised use occurs on the site, Council needs to be informed to undertake the relevant compliance action.

S.79C(1)(e) - Public interest

Granting approval to the proposed development will have no significant adverse impact on the public interest.

Section 94 Contributions

The City of Botany Bay's Section 94 Development Contributions Plan 2016 became effective on 14 June 2016.

Contribution Rates

1 x New 4 Bedroom dwelling: \$21,981.87

1 x New 4 Bedroom dwelling: \$21,981.87

Total Contribution: \$43,963.74

As the total amount of each dwelling is over \$20,000.00, the Section 94 contribution rate is capped at \$20,000.00

Total contribution

The total Section 94 Contribution applicable to the proposed development is **\$40,000.00**. In accordance with the Plan, the contribution is to be paid prior to the issue of the Construction Certificate.

Conclusion

Development Application No. 2017/1162 received on 20 September 2017 is seeking consent for alterations and additions to an existing heritage item single storey residential dwelling facing King Street and construction of new 2 x 2 storey 4 bedroom terraces with attic level and attached garages with access from King Lane, including removal of trees at 190 King Street, Mascot.

The application is referred to the Bayside Planning Panel as it involves partial demolition of a heritage item.

The key issues relating to permissibility, heritage item, setbacks, parking, and overshadowing have been addressed in the report above and have been found to be acceptable when considering the aspects of the site.

The development is suitable for the site as the multi dwelling housing will receive the minimum solar amenity requirement and provide sufficient private open space area. The area is serviced by ample public transport with a bus stop within 100 metres from the site. The proposed development generally complies with the future character of the Mascot Local Centre and provides a built form that is desirable in the street and is not considered to contribute to excess bulk and scale, whilst minimising heritage impacts. For these reasons, the development application is recommended for approval subject to conditions of consent.

Attachment

Schedule 1 – Conditions of Consent

Premises: 190 King Street, Mascot

DA No.: 2017/1162

GENERAL CONDITIONS

1. The development is to be carried in accordance with the following plans listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Drawing No.	Author	Date Received
1003 Rev B	Urban Link	Dated: 20 November 2017 Received by Council: 22 November 2017
1004 Rev B		
1005 Rev B		
1101 Rev B		
1102 Rev B		
2010 Rev A		Dated: 12 September 2017 Received by Council: 20 September 2017
LS01D	Melissa Wilson Landscape Architect	Dated: 11 September 2017 Received by Council: 20 September 2017

Reference Document(s)	Author	Date Received
Statement of Environmental Effects	Planning Ingenuity	Dated: 9 October 2017 Received by Council: 16 October 2017
Statement of Heritage Impact	NBRS Architecture Heritage	Dated: 11 September 2017 Received: 20 September 2017
2005A and 2005B, All Rev B	Urban Link	Dated: 22 November 2017 Received by Council: 30 November 2017
Survey Plan Rev C	ATS Land and Engineerig Surveyors Pty Ltd	Dated: 28 November 2017 Received by Council: 30 November 2017
BASIX Certificate No. 776586M_03	Greenworld Achitectural Drafting	Dated: 11 September 2017 Received: 20 September 2017
A7221 - Cover, SW01, SW02 and SW03, All Rev E	Alpha Engineering and Development	Dated: 21 September 2017 Received: 20 September 2017
Letter re: Proximity to Overhead Powerlines	AAPE Pty Ltd	Dated: 20 November 2017 Received by Council: 22 November 2017
Arboricultural Assessment Report	TALC Tree and Landscape Consultants	Dated: 11 November 2016 Received: 20 September 2017

Acid Sulphate Soil Assessment	Benviron Group	Dated: November 2016 Received: 20 September 2017
Acoustic Report	Acoustic Noise and Vibration Solution Pty Ltd	Dated: 7 September 2017 Received: 20 September 2017
Waste Management Plan	Urban Link	Undated Received: 20 September 2017

2. This Consent relates to land in Lot 5 Sec 3 in DP 1873, and as such, building works must not encroach on to adjoining lands or other public places, except as otherwise permitted by this consent.
3. A separate application is to be made for the subdivision of the site.
4.
 - a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
 - b) In accordance with Clause 94 *Environment Planning & Assessment Regulation 2000*, an automatic smoke detection and alarm system for early warning of occupants must be installed in the building (dwelling). The installation must satisfy the following:-
 - i) smoke alarms must comply with AS3786 – 1993;
 - ii) smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building; and
 - iii) be located in a position as required by Vol 2. BCA.
5. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate as referenced in Condition No. 1 for the development are fulfilled.
 - a) Relevant BASIX Certificate means:
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.
6. The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:

- i) The consent authority; or
 - ii) An accredited certifier; and
- b) The person having the benefit of the development consent:
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - iv) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

7. The following conditions imposed by **Ausgrid** are as follows:

a) **Overhead Powerlines**

There are existing overhead electricity network assets in King St and King Lane. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding. The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au Based on the revised design of the development provided, the level 3 ASP Designer has advised that the “as constructed” minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances. Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

b) **Underground Cables**

There are existing underground electricity network assets in King St and King Lane. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE DEMOLITION OF ANY BUILDING OR STRUCTURE

8. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with AS2601:1991 – ‘Demolition of Structures’, the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

- a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
 - b) Induction training for on-site personnel;
 - c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
 - d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
 - e) Disconnection of Gas and Electrical Supply;
 - f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
 - g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
 - h) Waterproofing of any exposed surfaces of adjoining buildings;
 - i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environment Operations Act 1997”;
 - j) Working hours, in accordance with this Development Consent;
 - k) Confinement of demolished materials in transit;
 - l) Proposed truck routes, in accordance with this Development Consent;
 - m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
 - n) Sewer – common sewerage system ad08.
9. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Council's road reserve must also have prior approval of Council.
10. Should any hazardous materials be identified a Work Management Plan completed in accordance with AS2601 – Demolition of Buildings shall be submitted to the Principal

Certifying Authority prior to the demolition of any building or structure. The report shall contain details regarding the type of hazardous material and the proposed methods of containment and disposal.

11.

- a) Demolition work shall be carried out in accordance with Australian Standards AS 2601-1991 Demolition of Structures and the requirements of the NSW WorkCover Authority; and
- b) The demolisher shall comply with Australian Standard 2601 - 1993 "*Demolition of Structures*".

12. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment and Climate Change and Water and with the provisions of:

- a) New South Wales Occupational Health and Safety Act, 2000;
- b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- d) Protection of the Environment Operations Act 1997 (NSW); and
- e) Department of Environment and Climate Change Waste Classification Guidelines (2008).

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

13. Prior to the issue of any Construction Certificate, detail design and construction plans shall be submitted to the Principal Certifying Authority for approval. The plan shall incorporate but not limited to:

- a) The Architectural Plans are to be amended to incorporate the correct site orientation, including the true north;
- b) Articulation to part of the upper level of the terraces with access to King Lane shall include partial side setbacks of 900mm along the eastern and western side boundaries to the rear section of the building starting from the wall between the sitting area and bathroom on the first floor level towards the south with a minimum length of 8.2 metres; and
- c) Obscured glazing is to be provided, or sill height of windows is to be increased, to the height of 1.5 metres above the finished floor level for the dormers and windows on the northern and southern elevations of the upper levels of terraces with access from King Lane.

14. The applicant must prior to the issue of the Construction Certificate pay the following fees:-

- | | | |
|----|---------------------------|--|
| a) | Footpath Crossing Deposit | \$5,276.00 (refer to Condition below); |
| b) | Development Control | \$3,000.00; and |

- | | | |
|----|--------------------------|--|
| c) | Section 94 Contributions | \$40,000.00 (refer to Condition below) |
| d) | Replacement street tree | \$202.00 (refer to Condition below) |
15. One (1) street tree shall be installed in the nature strip by Council at the Applicant's expense. The Applicant shall make a payment to Council of \$202.00 for the purchasing and installation of the new street tree, and it's establishment costs, prior to the issue of the Construction Certificate.
 16. Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of \$3,100.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
 17. Prior to the issue of any Construction Certificate, the payment of a monetary contribution of **\$40,000.00** in accordance with Council's Section 94 Contributions Plan 2005-2010 which is broken down as follows:

a)	Community Facilities	\$6,863.88
b)	Recreation and Open Space Facilities	\$29,815.32
c)	Transport Management	\$2,809.25
d)	Administration	\$511.54

Note: The Section 94 Contributions are subject to quarterly review and the current rates are applicable for the quarter year in which your consent is granted. If you pay the contribution in a later quarter you will be required to pay the indexed contribution applicable at the time.

18. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
19. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, a full photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and the Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the applicant being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
20. Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence

of the development and associated construction works shall be restored or repaired at the applicant's expense.

21. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval.

(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.)

The plans shall incorporate measures such as:

- a) The provisions made in the Stormwater Concept Plans by ALPHA Engineering and Development – Amendment E dated 21-11-2017;
- b) the provision for a On-site Stormwater Infiltration System designed to retain all 1 in 100 year storm events and satisfying all relevant Council and Australian Standards;

Note: a Rainwater Tank may be used as an alternative, for which up to half of the capacity may contribute towards the on-site detention system / infiltration trench;

- c) all calculations shall be submitted to Council for assessment.

22. Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall be designed to conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04, E-07 and E-16.

As part of this development, a new concrete driveway shall be constructed. Two (2) new five (5) metre wide driveway laybacks shall be constructed as part of the new driveway. A minimum of one (1.0) metre of kerb and gutter either side of the driveway laybacks shall be replaced to enable the correct tie-in with the existing kerb and gutter.

The design should be submitted to the PCA for approval. The approved design form part of the future road opening permit application.

23. The building shall be constructed in accordance with AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to Principal certifying authority prior to the release of the Construction Certificate and the building plans endorsed with the required acoustical measures. The measures required shall be undertaken in accordance with the provisions of AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.

The work detailed in the report includes:

- a) Appropriate acoustic glazing to stated windows and doors;

- b) Detailed roof and ceiling construction;
- c) Wall and ceiling corner details;
- d) External door specification; and
- e) Acoustically treated mechanical ventilation.

Note: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner (advice concerning noise from air conditioners is attached below).

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT WORK

24. Prior to the commencement of works, the applicant must inform Council, in writing, of:
 - a) The name of the contractor, and license number of the licensee who has contracted to do, or intends to do, the work; or
 - b) The name and permit number of the owner-builder who intends to do the work.
 - c) The Council also must be informed if:
 - i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.

25. The Council also must be informed if:-
 - a) In the case of work to be done by a licensee under the Home Building Act:
 - i) Has been informed in writing of the licensee name and contractor license number, and
 - ii) Is satisfied that the licensee has complied with the requirements of part 6 of the Home Building Act 1989; or
 - b) In the case of work to be done by any other person:
 - i) Has been informed in writing of the persons name and owner-builder permit number, or
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner builder work in Section 29 the Home Building Act 1989.
 - c) And is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

26. Building plans must be lodged through the 'Sydney Water Tap in' service for approval prior to commencement of works.
27. The following shall be complied with:
- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i) Stating the unauthorized entry to the work site is prohibited;
 - ii) Showing that unauthorized entry to the work site is prohibited;
 - b) The Development Approval number; and
 - c) The name of the Principal Certifying Authority including an after hours contact telephone number;
 - d) Any such sign is to be removed when the work has been completed.
28. The following shall be complied with during construction:
- a) Construction Noise
 - i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).
 - c) Time Restrictions
 - i) Monday to Friday 07:00am to 05:00pm
 - ii) Saturday 07:00am to 01:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing
 - i) All possible steps should be taken to silence construction site equipment.

29. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - i) must be standard flushing toilet; and
 - ii) must be connected:
 - 1 to a public sewer; or
 - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or
 - 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
30. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate:
- (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips;
 - c) Permit for roads and footways occupancy (long term/ short term);
 - d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve;
 - e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever;
 - f) Permit to place skip/waste bin on footpath and/or nature strip;
 - g) Permit to use any part of Council's road reserve or other Council lands;
31. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses,

bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. These device shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

DURING WORKS

32. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
33. The approved Waste Management Plan shall be complied with at all times during demolition works and construction works, and during the ongoing use of the premises.
34. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
 - a) The Erosion and Sediment Control Plan;
 - b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
 - c) Protection of the Environment Operations Act 1997.
35. The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
36.
 - a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
 - b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
 - e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other

locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.

37. During demolition, excavation and construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
38. During construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.
39. Inspections must be conducted by Council's Engineer at the following occasions:
 - a) Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete;
 - b) Formwork inspection of Council's kerb and gutter prior to laying of concrete;
 - c) Formwork inspection of Council's footpath prior to laying of concrete;
 - d) Final inspection of driveway layback and adjacent kerb and gutter;
 - e) Final inspection of Council's kerb and gutter;
 - f) Final inspection of Council's footpath.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

40. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.
41. Prior to the issue of the Occupation Certificate, the new street tree will be planted by Council once construction work is complete, including any driveway crossovers. It is the Applicant's responsibility to notify Council when construction is complete and the new street tree may be planted without risk of further damage. Species to be installed: *Cupaniopsis anacardioides*.
42. Prior to the issue of any Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
43. A Heritage Architect is to certify that works have been carried out to the existing house on the site in accordance with the requirements of this consent. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Works to the existing house on the site in accordance with the DA consent are to include the application of an external colour heritage scheme (as approved by the appointed Heritage Architect), and a new timber picket front fence.

44. Street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway. Details of street numbering shall be submitted to Council for approval.
45. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
46. Prior to the issue of any Occupation Certificate(s), inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
47. Prior to the issue of any Occupation Certificate(s), the applicant shall carry out the following works:
 - a) On King Lane, adjacent to development, reconstruct existing kerb and gutter for the full length property in accordance with Council Infrastructure Specifications, and
 - b) On King Lane, adjacent to development, reconstruct existing footpath for the full length of the property in accordance with Council Infrastructure Specifications.
48. Prior to the issue of any Occupation Certificate(s), documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
49. Prior to the issue of any Occupation Certificate(s), a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
 - a) Restriction on Use of Land for On-Site Infiltration System. Refer to Appendix A of the Stormwater Management Technical Guidelines for suggested wording.
50. Prior to release of the Occupation Certificate, the developer must submit to the Principal Certification Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

51. The Council nature strip shall be repaired and/or replaced in accordance with Council Specification at the completion of all construction work at the Applicant's expense.

52. The ongoing maintenance of the nature strip shall be undertaken by the occupier/owner. Maintenance shall include mowing, the removal of weeds and rubbish and maintaining a good, even coverage of grass at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees located on the nature strip under any circumstances at any time. Pruning is undertaken by Council only.
53. All intruder alarms must be fitted with a timing device in accordance with the requirements of *Protection of the Environment Operations (Noise Control) Regulation 2008*, and *AS2201, Parts 1 and 2 - 1978 Intruder alarm systems*.
54. A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
- a) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - b) Before 7 am or after 10 pm on any other day.
55. The operation of all plant and equipment must not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
- The operation of all plant and equipment when assessed on any residential property must not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
- The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises must not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.
- For assessment purposes, the above LAeq sound levels must be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
56. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.

STATEMENT OF HERITAGE IMPACT

Proposed Residential Redevelopment
190 King Street Mascot



11 SEPTEMBER 2017

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This report has been prepared under the guidance of the Expert Witness Code of Conduct in the Uniform Civil Procedure Rules and the provisions relating to expert evidence

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ISSUED	REVIEW	ISSUED BY
September 2017	Draft for review	Samantha Polkinghorne
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STATEMENT OF HERITAGE IMPACT FOR RESIDENTIAL REDEVELOPMENT AT 190 KING STREET MASCOT

1.0 INTRODUCTION

1.1 REQUIREMENTS FOR THIS REPORT

This revised Statement of Heritage Impact has been prepared to accompany a Development Application for residential development that includes a Heritage Item and is also located within the vicinity of heritage items. Under the provisions of the *Botany Local Environmental Plan 2013*, Part 5.10 Heritage, Council must take into consideration the potential impact that development would have on the significance of the heritage item and its setting or on a heritage item in the vicinity of a proposed development. This report provides information to allow the Council to make that assessment.

1.2 METHODOLOGY

This Statement of Heritage Impact has been prepared using the Guidelines of the NSW Heritage Office for assessing potential heritage impact of development. Documentary and physical evidence has been considered and the proposal assessed against the standardised questions relating to heritage impact.

Following meetings with Council's Design Review Panel a series of issues were identified which has led to substantial changes to the original concept which have been incorporated into this application.

Part 3B Clause 2.3 of the Botany Bay DCP 2013 includes the requirements for the provision of Statements of Heritage Impact for Development Applications as follows:

Council requires that a Heritage Impact Statement (for local heritage items) or a Conservation Management Plan (for State listed items), be prepared by a professional heritage consultant or a similarly qualified person and be submitted with all Development Applications for Heritage Items or development within Heritage Conservation Areas. These documents are to be prepared in accordance with the guidelines for Heritage Impact Statements and Conservation Management Plans issued by the NSW Heritage Office.

The NSW Heritage Office Guidelines and Model Form for the preparation of a Statement of Heritage Impact do not provide for a detailed Schedule of Conservation Works or a Maintenance Schedule to be provided at DA stage as requested by the Council. These detailed considerations are subjects for Conditions of Approval and would form the basis of detailed documentation at Construction Certification Stage of the project.

This report provides general guidelines for future conservation of the retained structure including its adaptation for a new use as part of the proposed redevelopment.

The Development Application does not rely on Clause 5.10 (10) of the Botany Bay Local Environmental Plan 2013.

1.3 SITE LOCATION

The site is located on the southern side of King Street, Mascot, west of Johnson Street. A free standing, single storey heritage listed early 20th century house, it adjoins a group of attached, single storey, late Victorian cottages located to the west which are heritage listed as a group and an unlisted timber freestanding cottage to the east.

The surrounding area includes a number of three storey walk up unit blocks which are located in the vicinity of the subject site.

The site extends to a rear laneway, King Lane which is dominated by garages, on the southern boundary.

The area has been zoned for increased development density while Clause 6.15 of the BBLEP 2013 requires that properties fronting the street to be used for business or retail premises.

NSW Land & Property Information describe the subject as Lot 5 Section 3 DP1873.

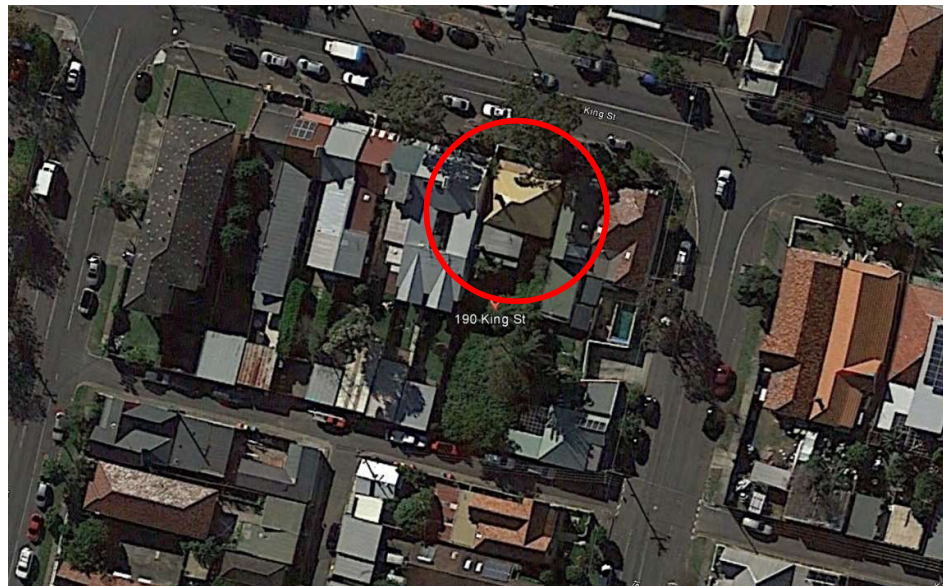


Figure 1 - Aerial view of the subject site in the context of surrounding development



Figure 2 - Aerial view showing the boundary of the subject site in relation to surrounding development.

1.4 HERITAGE LISTINGS

Heritage listing by Council is intended to provide appropriate information as to the reasons for the identification of a property as an item of Environmental Heritage in the Local Environmental Plan and to provide a Statement of Significance suitable for the assessment of any impacts arising from development.

Schedule 5 of the *Botany Bay Local Environmental Plan 2013*, Environmental Heritage, lists items which are shown on the accompanying Heritage Map that forms part of the BBLEP 2013.

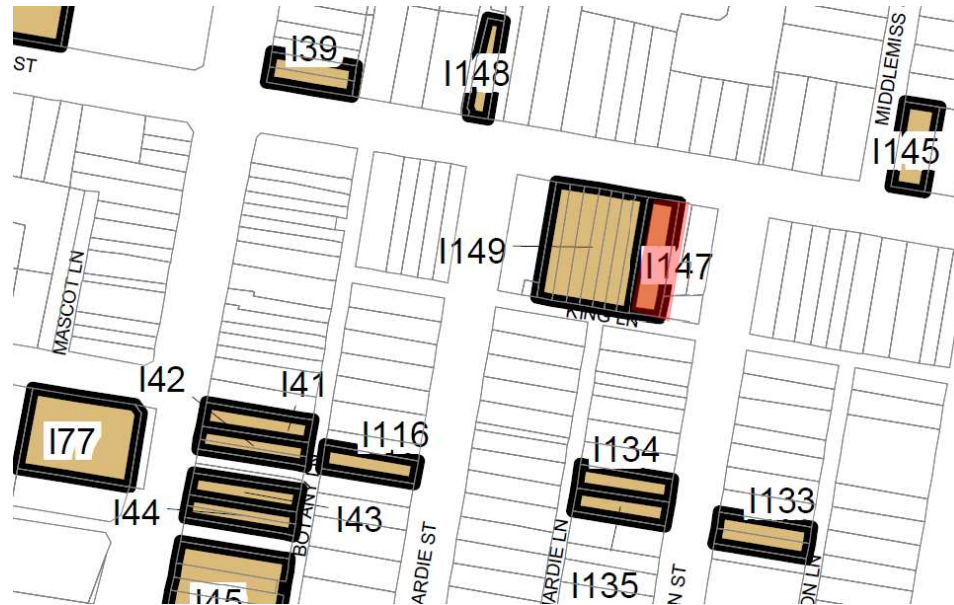


Figure 3 - Extract from Botany Local Environmental Plan Heritage Map showing the subject site (coloured red) and adjoining group of heritage items.

The subject site is identified as a local heritage item in Schedule 5 of the Botany Bay Local Environmental Plan 2013:

- I147 'Beverley' House 190 King Street Mascot.

There is no information regarding the property in the State Heritage Inventory, however the Botany Heritage Study by Tropman & Tropman, 1996 contains the following information and Statement of Significance:

"This is a representative example of Federation Period Bungalow Style construction."

"Original timber windows and doors. Rendered chimney. A verandah the width of the house facing the street. Early fence."

The house is identified as having *"Local, Representative Historical Significance for the Mascot area relating to the theme of housing, Depression to World War 1 land subdivision."*



Figure 3 - 190 King Street Mascot,, November 2016.

Adjoining the site to the west a group of attached Late Victorian cottages are listed as a group item in the Botany Local Environmental Plan 2013:

- *1149 Terrace Group, 192 – 204 King Street Mascot.*

There is no information regarding the property in the State Heritage Inventory, however the Botany Heritage Study by Tropman & Tropman, 1996 contains the following information and Statement of Significance:

"The building group is a representative example of Victorian Period Italianate Style."

"Row of 7 terraces. 202 alteration of window to street – Aluminium frame. Walls rendered masonry. 1888 land Subdivision"

This group is identified as having *"Local, Representative Historical Significance for the Mascot area relating to the theme of housing, Depression to World War 1 land subdivision."*



Figure 4 - Group of Victorian era attached cottages King Street Mascot from State Heritage Inventory.

1.5 AUTHORSHIP

This report was prepared by Samantha Polkinghorne, Associate Director, using research and a history written by Léonie Masson, Historian, of **NBR**SARCHITECTURE.

2.0 DOCUMENTARY EVIDENCE

2.1 EUROPEAN ERA HISTORY

The first land grants in the area were made in 1835, with market gardening being the main industry in the early years. Some of the first settlers in the Mascot district included Simeon Lord, Hon. John Macintosh, Robert Macintosh and Messrs Williamson, Hollingshed and Dougherty. Subdivision followed the construction of Botany Road in 1875 and a municipality known as North Botany was formed in 1888 (Figure 5).

In 1904, a racecourse opened on land formerly owned by the Australian Golf Club. The racecourse was named Ascot after its famous counterpart in England.

Until 1911, the borough was known as "North Botany". In that year, a referendum was held to choose a new name, namely "Ascot", "Boronia" or "Booralee". An objection from the postal authorities to the use of Ascot led the council to alter the name to Mascot.

In 1920, Mascot was chosen as the site of a public airfield. Nigel Love leased 200 acres (0.81 km²) from the Kensington Race Club and in 1921, the Commonwealth Government purchased 161 acres (0.65 km²) for this purpose. The first regular flights began in 1924. Cooks River was diverted away from the area in 1947-52 to provide more land for the airport.



Figure 5 – North Botany. Parish of Botany. / lithographed & published by Higinbotham & Robinson, ca1888-89. (Source: National Library of Australia, MAP F 138)

2.2 HISTORY OF THE SUBJECT SITE

The subject site is located on Lot 5 of Section 3 of Hollingsheds Estate (DP1873), originally part of Allotment 10 in the Parish of Botany granted to Henry Hollingshed on 27 May 1839. The land grant is outlined in the 1838 Parish of Botany Map (Figure 6). He planted an orchard in this area.

In October 1873, John Hardie purchased the whole of Hollingshed's land grant (Allotment 10), comprising approximately 53 acres (21.44 hectares). Hardie lodged an application in April 1886

to convert the land to Torrens title. According to a Primary Application No.6656, the land (including all improvements) was valued at £8000 and was partly occupied by various lessees.

Following conversion to freehold, Reuss & Nott, surveyors, laid out a subdivision of ten sections containing 265 allotments, bisected by five streets named Frogmore Street, Alfred Street, Wilson Street (now Johnson Street), Hardie Street and Hollingshed Street. King Street formed the northern edge of this subdivision. Hollingshed's South Waterloo Estate was advertised for auction sale on the ground on 27 November 1886; on the plan, only those lots shaded red were offered for sale on the day.

In 1892, the residue of unsold allotments in the estate were registered on Certificate of Title Volume 1046 Folio 18 in the name of John Hardie. In April 1899, Hardie sold Lot 5 in Section 3 to William Edward Hickson of North Botany, gardener for the sum of £100. The memorandum of transfer identifies Hickson at "King Street, North Botany".¹ The *Sands Directory* from 1886 to 1901, names Hickson in another site in King Street between Wilson Street and Blucher Street (now Hicks Avenue), undoubtedly the location of his market garden. Only in 1902 is Hickson listed in King Street, west of Wilson Street (the present study site).

Various members of the Hickson family occupied the subject residence until at least 1958, when Elsie Eva Hickson, Enid Elsie Hickson, Margaret May Hickson and William Thomas Hickson are all listed at 190 King Street, Mascot.² Of those named, Elsie Eva Hickson outlived her parents and siblings and died at 190 King Street in September 2012. The subject site was sold in 2016 to the present owner.

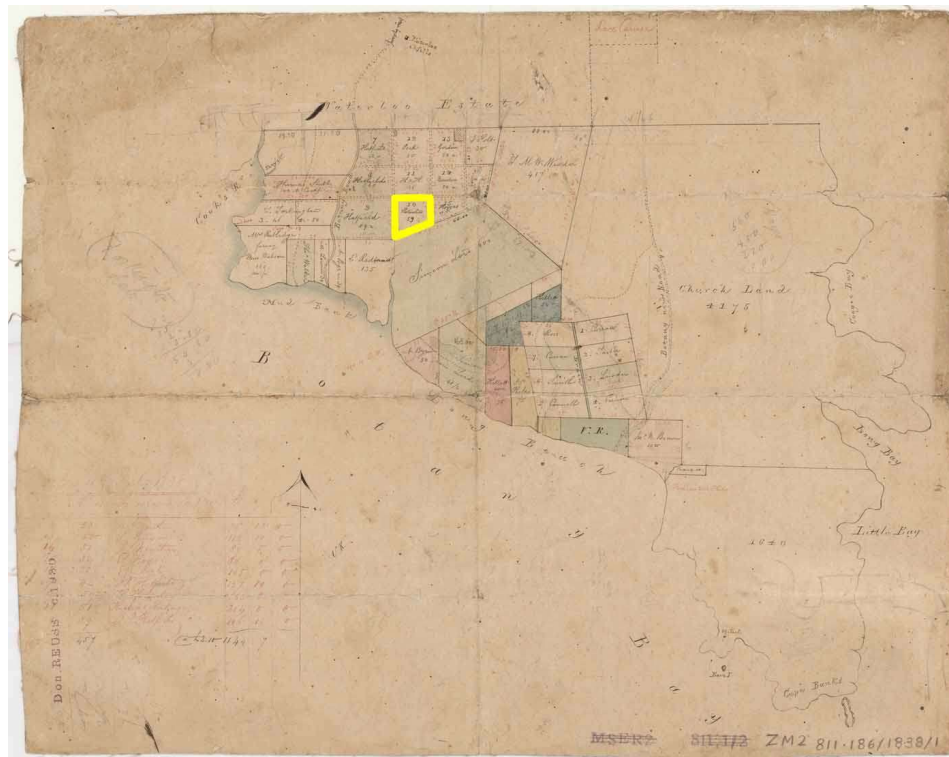


Figure 6 – [Parish of Botany Subdivision Plans], 1838 / PL Beni. Allotment 10 granted (outlined in yellow) in the name of Hollingshed [sic]. (Source: State Library of New South Wales, Digital Order No. c018870001)

¹ Memorandum of transfer 321031, NSW Land & Property Information

² Electoral rolls via ancestry.com.au

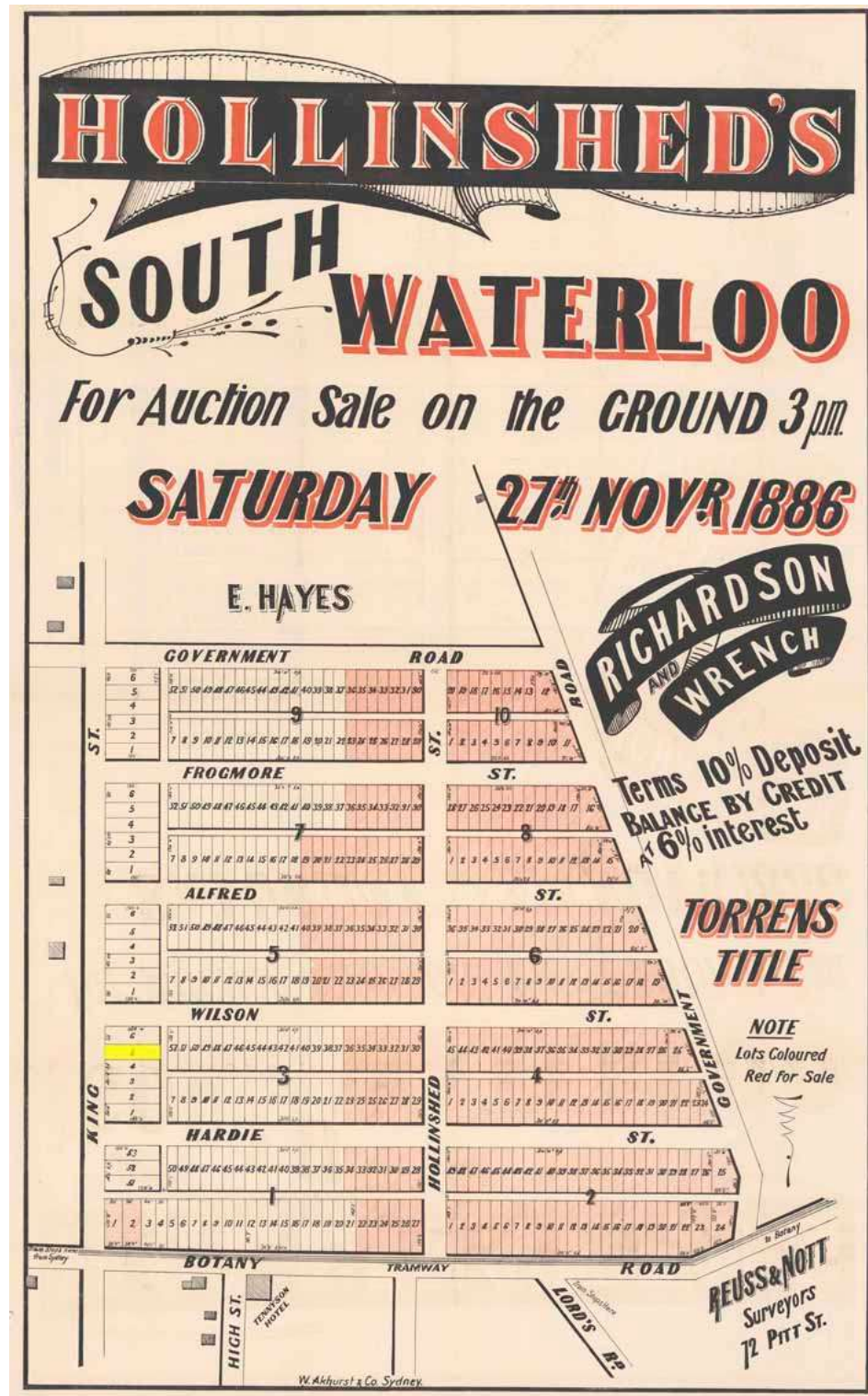


Figure 7 – Hollingshed's South Waterloo for auction sale...27th November 1886. Subject site shaded yellow thereon. (Source: National Library of Australia, MAP Folder 190, LFSP 2983)

FREEHOLD SUBDIVISION
on
MAIN BOTANY-ROAD, &c.,
at
SOUTH WATERLOO. SOUTH WATERLOO,
at King-street and opposite
TENNYSON'S HOTEL.

HOLLINSHED'S (now **HARDIE'S**)
well-known
PADDOCK,
in
NUMEROUS ALLOTMENTS (265),
of good frontages and depths.

••• This has been held by the proprietor, JOHN HARDIE,
Esq., for many years.

—
AUCTION on the GROUND,
at 3 p.m.,
THIS (SATURDAY) AFTERNOON.

—
ATTEND THIS SALE.

—
TERMS very easy—viz., 10 per cent. deposit, balance 3 or 5 years,
or 36 monthly payments at 6 per cent., discount for cash.
TITLE will be TORRENS'.

—
LITHOS. READY. Special Tram on day of Sale. Free Tickets
ready.

—
This Subdivision should command the notice of those desirous
of acquiring a FREEHOLD in one of the
BEST POSITIONS
procurable at **South Waterloo**, really an extension of Redfern, and
easily reached by the pleasant, quiet steam tram.

In view of the front situation of this Subdivision, and the great
scope of rear country yet to cut up, which must favourably affect
this land, residence allotments and
BUSINESS SITES, MAIN BOTANY-ROAD,
GOVERNMENT-ROAD,
and other chain wide streets, should be appreciated. All the
FRONTAGES are good sizes.
DEPTHS are liberal.
Lane to every Allotment.

—
Buyers have choice of easy terms.
Title will be Torrens' Act.

—
Get Lithograph and Inspect.
Attend Sale and Buy.
Special Tram on day of sale. Free Tickets ready.
265 ALLOTMENTS.

—
RICHARDSON and WRENCH. (714.)

Figure 8 – Auction sale advertisement. (Source: Sydney Morning Herald, 27 November 1886, p17)



Figure 9 – Detail from 1943 aerial showing subject site shaded yellow. The extent of the original kitchen and outhouse are clearly visible as are the extent and form of the adjoining cottages in King Street. (Source: NSW Land & Property Information, SIX Maps)

3.0 PHYSICAL DESCRIPTION

3.1 EXTERIOR DESCRIPTION

The existing house comprises a principal building form containing four rooms with a central corridor accessed from a centrally placed front door.

A simple, timber framed skillion style verandah extends across the entire façade and is supported on brick fin walls at either end. The fin walls have relieving arches on the verandah side. The verandah floor is of concrete and the timber support posts appear to be modern replacements.

The front façade is of red face brickwork (stretcher bond) with darker brick trims to the openings. The side and rear walls are of common brickwork some of which are painted. The chimneys are rendered and have stepped brick coursing at the top as a decorative trim.

The front fence is identified in the Heritage Study by Tropman & Tropman as being 'early' however it appears to be a later replacement with little significance.

The main hipped roof is pyramidal in form with corrugated metal roof sheeting. A single chimney serving back to back fireplaces is located on the western side of the building.

At the rear of the house the former kitchen and later weatherboard and fibro additions and a brick outhouse are located. These have skillion roof forms. A second chimney serves the former kitchen range. These areas are in a substantially dilapidated condition.

The rear yard is bisected by a timber paling fence and a paling boundary fence separates the property from its western neighbour. The eastern boundary is only partially fenced and the rear boundary fence is of colourbond steel.



Figure 10 - King Street presentation of 190 King Street showing existing facade treatment and front fence. While the Heritage Study suggests the fence is early it appears to be a modern replacement. Due to the closeness of the adjoining development views to the rear of the site are restricted.



Figure 11 - View of the front verandah showing the face brick fin walls, contrasting brick trims and modern replacement corrugated metal roofing. The verandah posts are modern replacements. The original may have had decorative brackets but these are no longer in evidence. Face brickwork is restricted to the front facade



Figure 12 -Detail showing original name plate (Beverley), brick detailing and moulded brick sills, slate threshold and concrete verandah floor. The verandah beam is original and has a stop chamfered detail. The timber posts are modern replacements.



Figure 13 - Rear view of 190 King Street, Mascot showing the rear service areas set under skillion roofs which are proposed to be demolished. The large chimney is the former kitchen fireplace. The rear and side walls appear to be solid 9 inch brickwork with no cavity.



Figure 14 - View of the rear yard from the laneway showing the area proposed for development.

3.2 INTERNAL DESCRIPTION

The house is typical of lower class, workers housing of the turn of the 20th century with plastered, single skin brick walls and flat plaster ceilings having no cornices. Standard painted skirtings, architraves and joinery are used throughout. Floors are covered with linoleum and some walls are wallpapered in designs of the Inter War period.

The ceilings are generally lath and plaster without detailed decoration or ceiling roses.

Electric light fittings are also from the Inter War period with suspended glass shades.

Two back to back fireplaces denote the living and dining rooms on the western side of the house, while the two rooms on the eastern side of the central hall would appear to have been bedrooms.

Beyond the main built form, a skillion section contains the original kitchen which has a range set in a fire place which has been bricked in. This area and the bathroom beyond were originally accessed via an external covered way which has been subsequently infilled.

The external walls of this area appear to be single 4 ½ inch brickwork.

An outdoor toilet is located at the very rear of these service rooms.

While the interiors are generally intact they are in poor condition with substantial areas of damp damage to original finishes.

The electrical installation is from the Inter War period and is unsafe.



Figure 15 - Front door and entry hall looking through to back door.



Figure 16 - View from the rear of the house looking through to the back door through to the front door.



Figure 17 - Later fibro additions to rear of existing house enclosing covered access to kitchen and bathroom, proposed to be demolished.



Figure 18 - Bathroom located in skillion addition to rear of existing house.



Figure 19 - The kitchen at the rear of the house which is proposed to be demolished.



Figure 20 - Front room on eastern side (Bedroom) showing severely deteriorated plaster wall condition.



Figure 21 - Rear room western side (Dining Room)



Figure 22 - Fireplace and projecting chimney breast in rear western room (Dining Room).



Figure 23 - Front western room showing existing fireplace with standard timber surround and cast iron register grate which are to be retained and conserved.

3.3 CONTEXT

The context is one of mixed character with a combination of remnant single storey residential development and later three storey unit blocks as well as nearby commercial strip development and open car parking sites. The surrounding area is zoned B2 (Local Centre) with a permissible building height of 14 metres and a permissible floor space ratio of 2:1.



Figure 24 - Extract from Botany bay LEP Zoning Map showing the subject site within the B2 zone.

Isolated and small groups of heritage items are scattered throughout the area which is not however identified as a conservation area and is identified as part of the local centre zone which is to encourage commercial use but which also permits residential flat development.

While there is a general dominance of single storey development in the immediate vicinity of the subject site, a number of higher developments have been approved in the past and the zoning adopted by Council suggests that further development of sites in the zone will undergo redevelopment in the future. This would include the buildings to the east of the subject site which have no further restrictions as to future development under the zone controls. Future development opposite the subject site is similarly capable of more extensive development subject to the planning controls.

The visual context of the site and its adjoining neighbours are shown in the following photographs.



Figure 25 - View along King Street to the subject site from the corner of Hardie Street. showing heritage listed group of cottages and existing three storey residential units.



Figure 26 - View to the subject site from the intersection of King Street and Johnson Street. These sites to the east of the subject site are within the B2 zone and capable of more intense development under the planning controls.



Figure 27 - Streetscape view of the subject property from King Street

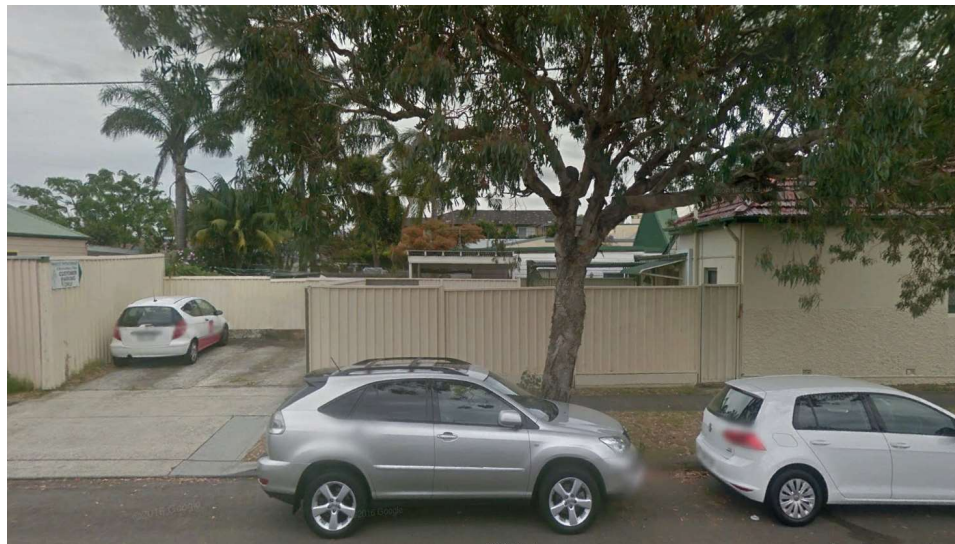


Figure 28 - View to the rear of the subject site from Johnson Street where future redevelopment is contemplated by the zoning.



Figure 29 - View of the rear of the subject site and adjoining sites looking towards Hardie Street and the existing three storey unit development on the corner adjacent to the group of heritage items. Potential redevelopment along King Lane on the adjoining sites is permissible under the existing zoning.

4.0 THE PROPOSAL

The proposal in this Development Application is for the construction of two three-bedroom residential terrace buildings set to the rear of the existing heritage item, access to each terrace will be via a private pathway from King Street along each boundary. An area of private open space will be provided for each terrace between the existing building and the new development.

The building retains a traditional pitched roof form with attic dormers. On grade parking is provided with vehicular access off King Lane to the rear of the site.

The heritage Item is proposed to be substantially retained and conserved / adapted for use as a separate dwelling unit. The dilapidated rear service areas are proposed to be demolished to allow for the connection of the development to King Street and to provide improved amenity to both the heritage item and the new dwellings.

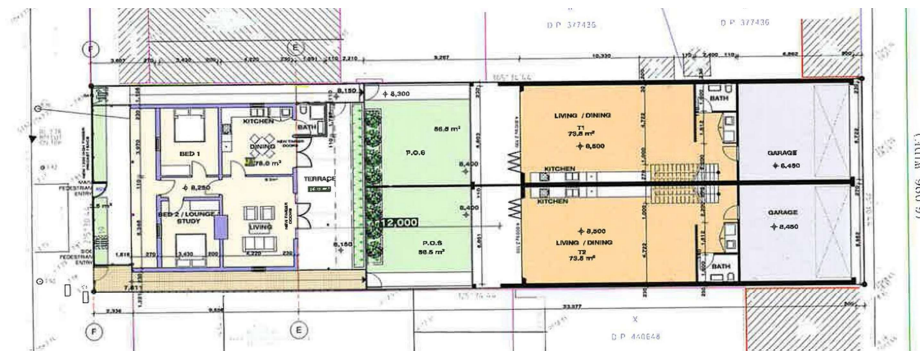


Figure 30 - Ground floor plan showing the proposed changes to the cottage and the layout of the terraces behind. (Source: Urbanlink)

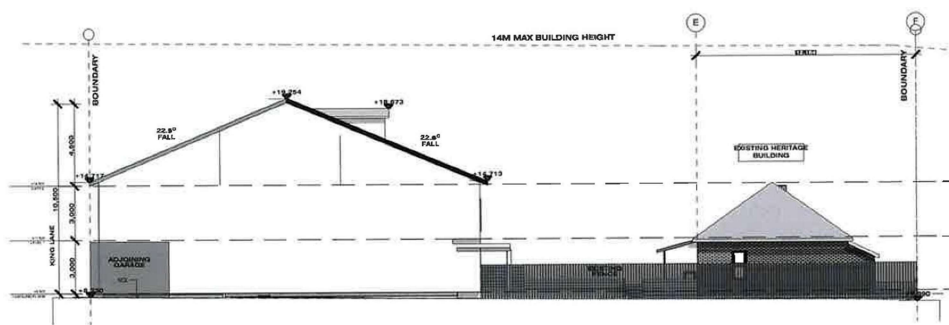


Figure 31 - Northern site elevation showing the relationship of the heritage cottage (to the right of the image) and the proposed development behind. (Source: Urbanlink)

The proposal is shown in the drawings prepared by Urban Link Architecture as listed below;

Drawing name	Drawing number	Issue	Date
Cover Page	0000	DA	22 August 2017
Perspectives	0004	DA	22 August 2017
Site Compliances	1001	DA	22 August 2017
Site Analysis Plan	1002	DA	22 August 2017
Existing Plans	1003	DA	22 August 2017

Floor Plan	1004	DA	22 August 2017
Attic	1005	DA	22 August 2017
Basix Commitments	1006	DA	22 August 2017
Elevations	1101	DA	22 August 2017
Section & Streetscape	1102	DA	22 August 2017
GFA Diagrams	2001	DA	22 August 2017
Cross Ventilation Diagram	2002	DA	22 August 2017
Solar Diagrams	2003	DA	22 August 2017
Demolition	2004	DA	22 August 2017
Shadow Diagrams	2005	DA	22 August 2017
Views from the Sun	2006	DA	22 August 2017
Likely Future Development Diagram	2007	DA	22 August 2017
Photomontage Views from King Street	2008	DA	22 August 2017
External Schedule & Finishes	2009	DA	22 August 2017

4.1 PROPOSED HERITAGE CONSERVATION WORKS

As part of the Development Application, it would be proposed that necessary conservation works are to be undertaken to the retained front section of the existing house. Where possible all original fabric is to be retained and repaired or replaced with matching finishes and details. Damp proofing will be required in areas of solid brick walling and an appropriate level of sub floor ventilation will be provided in the side walls of the building to ventilate the sub floor areas. All existing joinery is to be retained, repaired and refinished. Timber floors to be sanded and polished. Details of conservation works will be provided at construction Certificate Stage for the consideration of Council.

In undertaking adaptation of the interior where openings are proposed they are restricted to the rear façade to provide access to a private terrace and a door to give access to a new bathroom.

The front fence is to be replaced with a timber picket fence appropriate to the scale and age of the building.

An appropriate colour scheme for painted external elements is to be implemented.

Sympathetic landscaping of the front garden area will be undertaken to enhance the setting of the house in the streetscape. This will include a low hedge set behind the new picket fence.

The house will become a stratum in the proposed development which is proposed as a Strata Title development and all future maintenance and repair of the property will be carried out under the provisions of the strata management scheme for the development.

5.0 EVALUATION OF HERITAGE CONTROLS

5.1 COMPLIANCE WITH THE LEP AND DCP

The site is zoned B2- Local Centre under the *Botany Bay Local Environmental Plan 2013*. The proposed development is described as a residential development permissible with consent. Development on the site is limited in height to 14 metres while the current proposal has a height well below this limit.

Clause 6.15 of the LEP requires the properties fronting the street to be used for business or retail premises however Council's advice is that retention of the residential use of the item is preferred in heritage terms.

The planning provisions in the Botany LEP and DCP permit development of the type proposed subject to achieving the aims and objectives of the documents and addressing the potential impacts on the heritage status of the subject site and its listed neighbours. The heritage controls of the *Botany Bay Local Environmental Plan 2013* are standard and have no specific control implications for the proposed development.

The heritage section 3B of the Botany Bay Development Control Plan provides guidance for development but does not represent binding development standards in assessing proposed development.

6.0 HERITAGE IMPACT ASSESSMENT

6.1 INTRODUCTION

The following assessment of this application is based on the standard guidelines set out by the NSW Heritage Office (now Heritage Branch of the Department of Environment and Heritage) publication 'Statements of Heritage Impact', 2002. The standard format has been adapted to suit the circumstances of this application as is recommended in that publication.

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

- The development will provide impetus for the conservation and use of the heritage item while providing appropriate additional residential accommodation in the area.
- The street presentation will be enhanced by conservation works to the cottage setting with appropriate landscaping works to be carried out as part of any approval.
- The physical separation and traditional building form of the rear building ensures that the new development will not have a significant adverse impact on the presentation of the heritage items in the streetscape despite being wider than the existing item on the site, the setbacks and the height act to reduce the visual prominence when viewed from the street.
- The form of the development will not prevent appropriate redevelopment of adjoining heritage sites on King Lane or the sites to the east on Johnson Street. An indicative plan of potential future development of the entire block has been provided to illustrate how this could be achieved.

The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

- The development will introduce a new form of development to this location which will have some impact on the wider setting of the existing heritage items. The degree of impact is considered acceptable and reasonable in this location. The proposed design forms an

appropriate template for development of adjoining sites in this location which have been zoned for increased density.

- The demolition of the rear section of the existing house will remove some evidence of the former residential use however this section of the building is severely dilapidated and has lower significance than the contribution made by the front portion of the house to the public domain. The Council's heritage officer has indicated that *"replacement of the existing rear weatherboard wing of the house with a new single storey rear wing.... would be considered appropriate"*

The following sympathetic solutions have been considered and discounted for the following reasons:

- The design represents an appropriate approach to residential intensification on the site under the current zone planning controls while maintaining the visual character of the existing building in the streetscape and from areas in the public domain. The design has been informed by discussions with Council staff to achieve an acceptable outcome.

6.2 CHANGE OF USE

The heritage item has formerly been a single residence. In this application, a change of use is proposed to allow portion of the front yard of the house to provide access to the proposed development at the rear of the site. The remainder of the existing house is to be adapted as a single residence while a new multi-unit structure is proposed for the rear of the site.

Has the advice of a heritage consultant or structural engineer been sought? Has the consultant's advice been sought? Has the consultant's advice been implemented? If not, why not?

- Advice has been sought from a heritage consultant and from Council's officers in preparing the final design for this proposal.

Does the existing use contribute to the significance of the heritage item?

- The item is identified as a 'House' and the residential use is characterised by the design and scale of the building. The adaptation does nothing to limit the understanding of the former use or change the appearance of the property in views from the public domain. Changes made to allow the adaptation to maintain the principal planning of the residence and provide adequate interpretation of its residential use.

Why does it need to be changed?

- The proposed change of use is to permit the development of the site and to provide an appropriate street address for the new development that is not on a rear laneway. The proposed public access provided is in keeping with the requirements of the planning controls for the zone in which the building is located.

What changes to the fabric are required as a result of the change of use?

- Minor changes are required to allow the introduction of a kitchen and the addition of a new bathroom. French doors at the rear of the house are proposed to take advantage of the rear terrace area and improve amenity for the occupants.

What changes to the site are required as a result of the change of use?

- The proposed development utilises the currently vacant rear yard of the site up to the rear boundary providing for the creation of a paved terrace separating the new development from the existing building.
- No change is proposed to the front section of the site or its presentation to the street beyond replacement of the fence and general landscape works which will enhance its presentation.

6.3 PARTIAL DEMOLITION

The proposal includes the partial demolition of the rear wing of the heritage item which originally contained the service areas associated with the house and later additions and the creation of a small number of new openings within the existing building.

6.4 NEW DEVELOPMENT ADJACENT TO A HERITAGE ITEM

The proposed new residential development to the rear of the site is separated from the heritage item and adjoins the rear yards of the group of adjoining houses which are also identified as being heritage items.

How is the impact of the new development of the heritage significance of the item or area to be minimised?

- Appropriate design consideration has been given to ensuring that the scale of the new work does not dominate or detract unreasonably from the streetscape in King Street or the local significance of the heritage items and their public appreciation.

Why is the new development required to be adjacent to heritage item?

- Council has identified the area for increased development potential including in the form proposed which complies with all numerical standards for the proposed use. Intensification of residential use near the town centre is a desirable outcome reinforced by the zoning and the demand for accommodation of the type being proposed in this application.

How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?

- The identified heritage significance of the item does not rely on any identified curtilage associated with the rear of the site but rather with its presentation as a representative example of Federation Bungalow style construction in the area and as having representative historical value. An appropriate separation at the rear of the house has been achieved to maintain its ability to be understood as a former residence. No change is proposed to the street frontage of the site beyond enhancement of the landscape setting.

How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?

- Minor changes in existing views may result from the development however these have been minimised by the setbacks and the pitched roof form of the rear section of the site.

Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?

- There are no archaeological issues identified for this site which was undeveloped prior to the construction of the existing residence.

Is the new development sympathetic to the heritage item? In what way (eg form, siting, proportions, design)?

- The proposed development is of a contemporary character suitable for residential infill in this location and does not attempt to replicate forms or details of the heritage item. While its scale is larger than the item and its neighbours the distribution of mass is appropriate to ensure limited impact on their local significance.

Will the additions visually dominate the heritage item? How has this been minimised?

- The new development is set back from the rear of the retained heritage structure and is stepped to ensure that it has minimal visual impact when viewed from King Street. The proposal will not dominate appreciation of the heritage item from the public domain.

Will the public, and users of the item, still be able to view and appreciate its significance?

- Public visibility of the existing house will be retained and enhanced by proposed conservation and landscape works to the street frontage of the property.

6.5 SUBDIVISION

The site is proposed to be a Strata subdivision with the existing building as one of the stratum under the provisions of the Subdivision Act.

How is the proposed curtilage allowed around the heritage item appropriate?

- The heritage item will be separated from the main bulk of the new development by an outdoor terrace area and landscaped area in the form of open space associated with the new residences.

Could future development that results from this subdivision compromise the significance of the heritage item? How has this been minimised?

- The local significance is not such that the proposed development would have an unacceptable impact on it or on appreciation of its scale and character within the streetscape in this location.

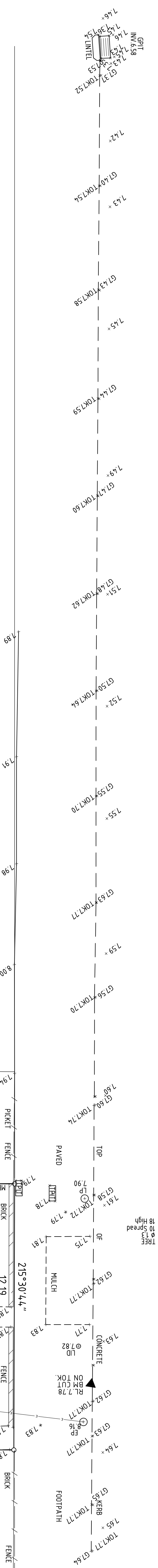
7.0 CONCLUSION

The proposed works described above in the development application do not substantially affect in an adverse manner the identified local heritage significance of the subject property as a representative example of Federation Bungalow style construction or the significance of the adjoining group of Victorian terrace style cottages. The new development provides a transitional scale that achieves the development potential without dominating the heritage items in public views from King Street. I recommend the heritage aspects of this application be approved.

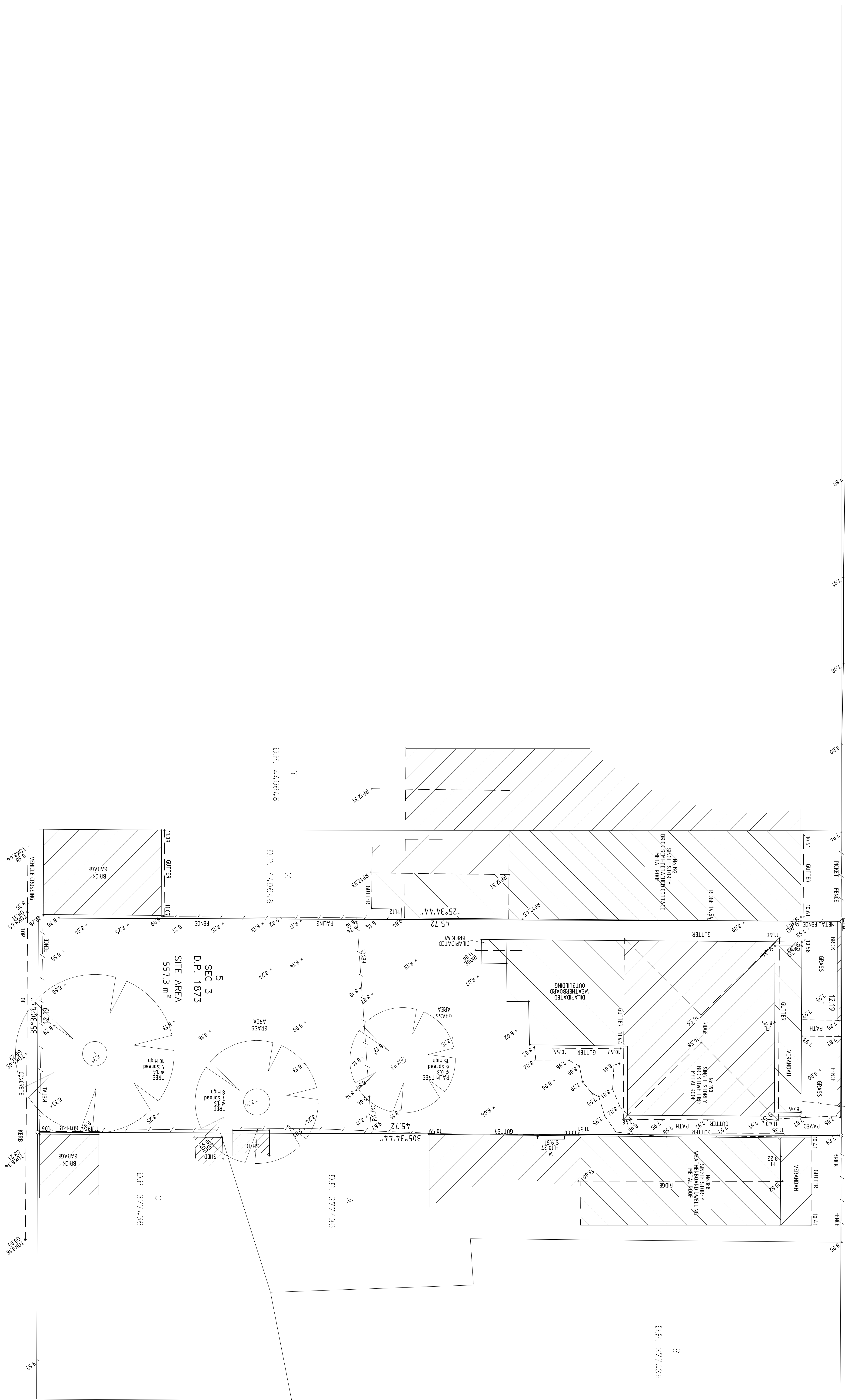


Samantha Polkinghorne
Associate Director / Heritage Consultant
NBRSARCHITECTURE

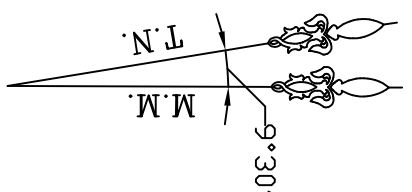
11 September 2017



KING (20.18 WIDE) STREET



LLL *



This plan is required from a combination of field survey and existing records for the purpose of designing any construction on the land and should not be used for any other purpose. The title boundaries shown hereon were not marked by the author at the time of survey and have been determined by plan dimensions only and not by field measurement. Services shown hereon are based on the best service possible by field survey. If not able to be located, the location of services have been plotted from the records of relevant authorities where available and have been noted accordingly on this plan. Where data records either do not exist or are considered inadequate, a notation has been made hereon. Prior to any development, excavation or construction on the site, the relevant authority should be contacted for any further information and/or services and/or installation of all services.

LEGEND:

- BM-BENCH MARK
- RL-REDUCED LEVEL
- FL-FLOOR LEVEL
- G-BOTTOM OF KERB
- TOK-TOP OF KERB
- FH-FIRE HYDRANT
- WM-WATER METER
- Ø-DIAMETER OF TRUNK
- W-WINDOW
- PAPT-PARAPET
- RF-ROOF
- BRW-BOTTOM OF RETAINING WALL

[illegible]

SCALE: 1:100	VERT. 1:	A0
HORIZ. 1:		
CONTOUR INTERVAL:		
MAJOR: 1	MINOR: 0.5	
HORIZONTAL ORIGIN		
COORD. SYSTEM	MARK ADOPTEP:	
M.M.	E	
N		
VERTICAL DATUM		
DATUM:	RM ADOPTEP:	

**ATIS LAND & ENGINEERING
SURVEYORS PTY. LTD.**

A. C. N. 003 402 426

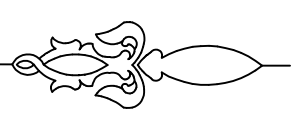
Suite 3, 75 Ryedale Road, WEST RIDE 2114
(P.O. Box 331 GLADESVILLE 1675)

Phone: (02) 9808 6654 Fax: (02) 9808 6653

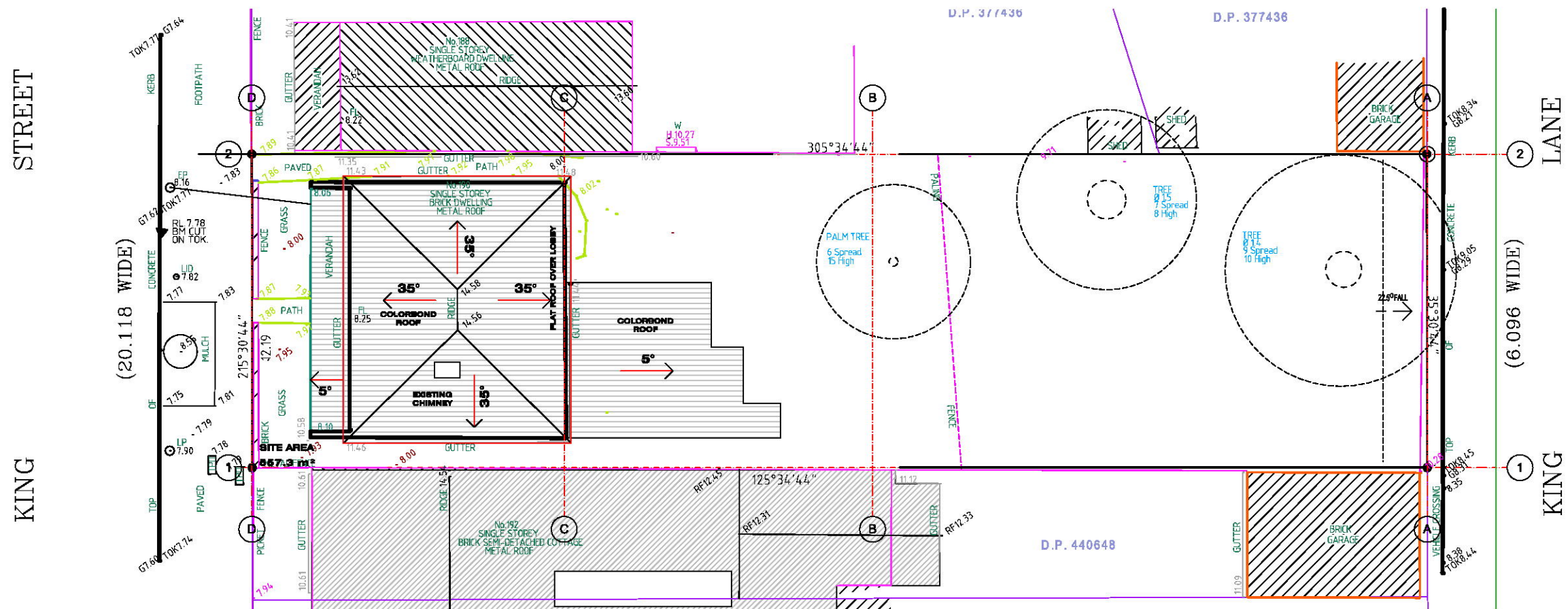
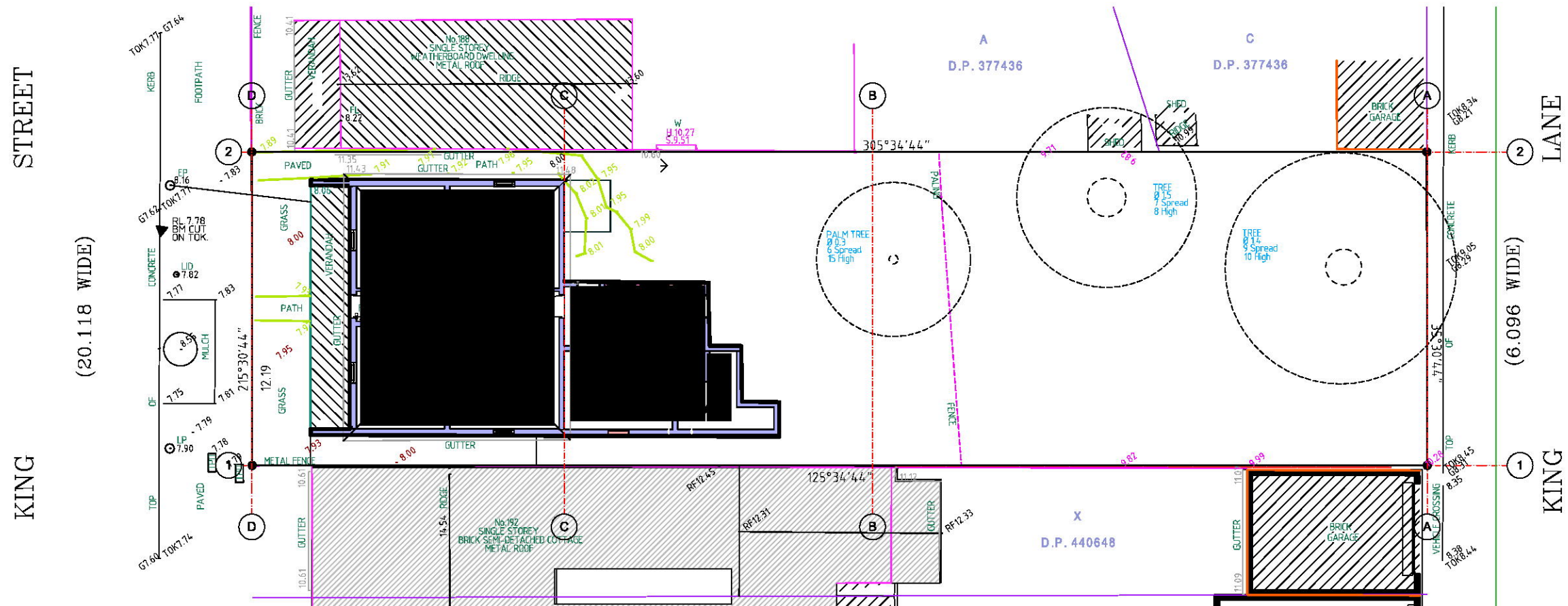
E-Mail: atsi@atsisurveyors.com.au

SURVEYED	DRAWN	CHECKED	PASSED
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PROJECT:
TOPOGRAPHICAL SURVEY PL
OF No.190 KING STREET, MASO
BEING LOT 5 SEC.3 IN D.P.1873



DATE	06 - 04 - 2016
SHEET 1 OF 1	
AWING No.	REV
07 - 00	C



LEGEND	
PROPOSED	
PROPOSED (UNIT)	
EXISTING	
DEMOLISHED	

Do not scale drawings. Verify all dimensions on site

B REVISED DWGS AS PER COUNCIL LET: 10/11/2017 20.11.17 ER
A DEVELOPMENT APPLICATION 24.08.17 MN

Rev Description Date App'd

Project
RESIDENTIAL DWELLING

190 King St
Mascot NSW

URBAN LINK

Business Address: Level 10, 11-15 Deane Street, Burwood NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 28745 2014

Nominated Architects:
Ziad Boumelhem Reg no 8008 Nicolas Toubia Reg no 9336
Youssef El Khawaja Reg no 8933

Drawing Title

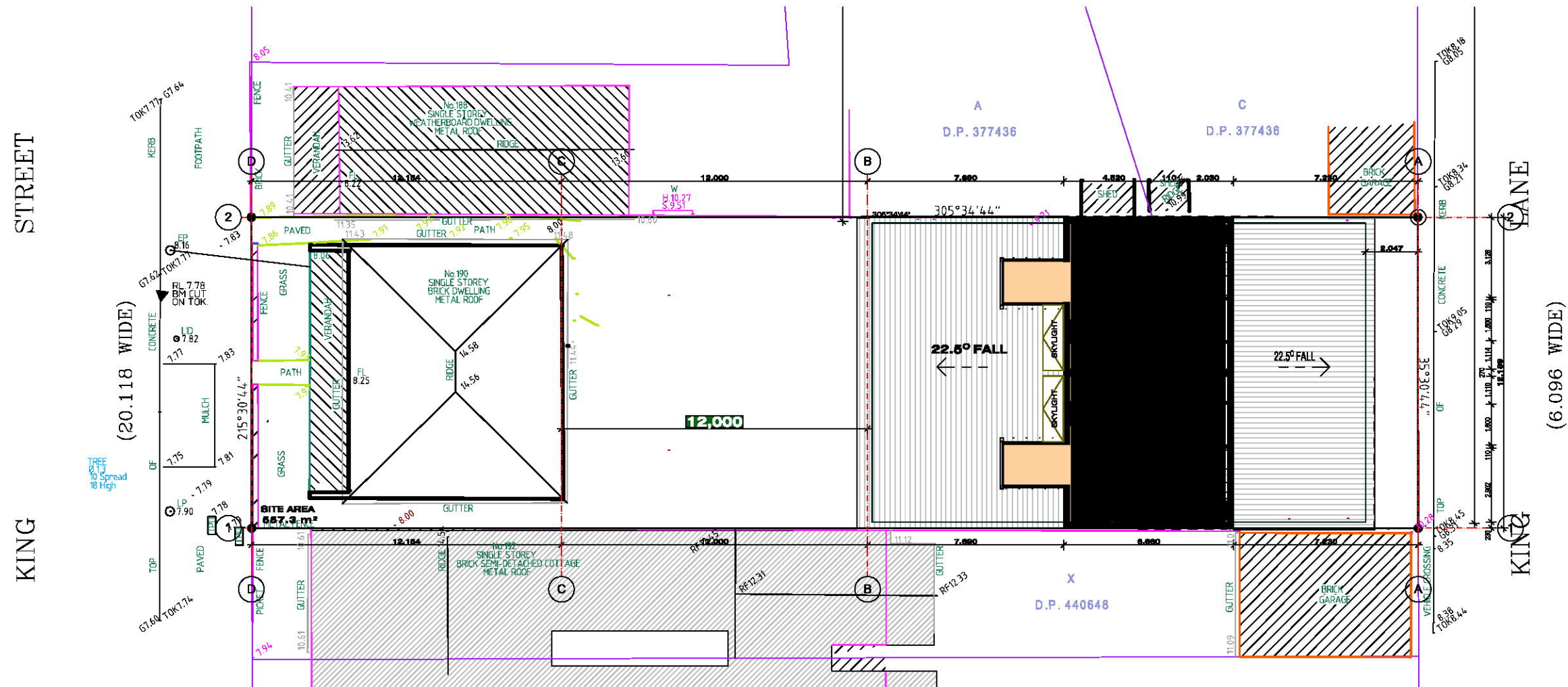
EXISTING PLANS

Checked JE Approved TJ

Scale AS SHOWN Date of Issue 22/11/2017
@A3 Sheet Size

Project Number 16-071 Drawing Number Revision 1003 B

Status
DEVELOPMENT APPLICATION



LEGEND	
PROPOSED	
PROPOSED (UNIT)	
EXISTING	
DEMOLISHED	

Do not scale drawings. Verify all dimensions on site

B	REVISED DWGS AS PER COUNCIL LET: 10/11/2017	20.11.17	ER
A	DEVELOPMENT APPLICATION	24.08.17	MN

Rev	Description	Date	App'd
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Project
RESIDENTIAL DWELLING

190 King St
Mascot NSW

URBANLINK
Business Address: Level 10, 11-15 Deane Street, Burwood NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 29745 2014

Nominated Architects:
Ziad Boumelhem Reg no 8008
Youssef El Khewaja Reg no 8933
Nicolas Toubia Reg no 9336

Drawing Title

ATTIC & ROOF PLAN

Checked
JE

Approved
TJ

Scale
AS SHOWN
@A3 Sheet Size

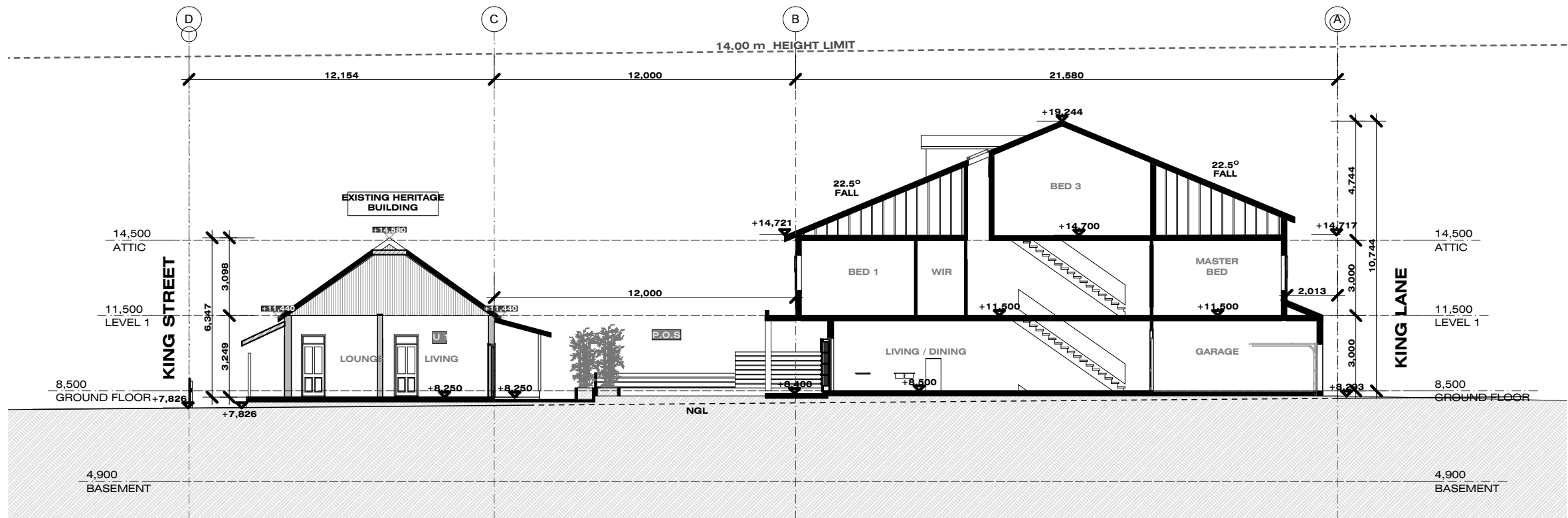
Date of Issue
22/11/2017

Project Number
16-071

Status
DEVELOPMENT APPLICATION

Drawing Number Revision
1005 B





1 PLAN SECTION A
1:200



1

STREETSCAPE - KING LANE

1:2001

STREETSCAPE - KING STREET

1:200

Do not scale drawings. Verify all dimensions on site

B REVISED DWGS AS PER COUNCIL LET: 10/11/2017 20.11.17 ER
A DEVELOPMENT APPLICATION 24.08.17 MN

Rev Description Date App'd

Project

RESIDENTIAL DWELLING

190 King St
Mascot NSW

URBAN LINK
Business Address: Level 10, 11-15 Deane Street, Burwood NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 29745 2014

Nominated Architects:
Ziad Boumelhem Reg no 8008 Nicolas Toubia Reg no 9336
Youssef El Khawaja Reg no 8933

Drawing Title

SECTION & STREETSCAPE

Checked
JE

Approved
TJ

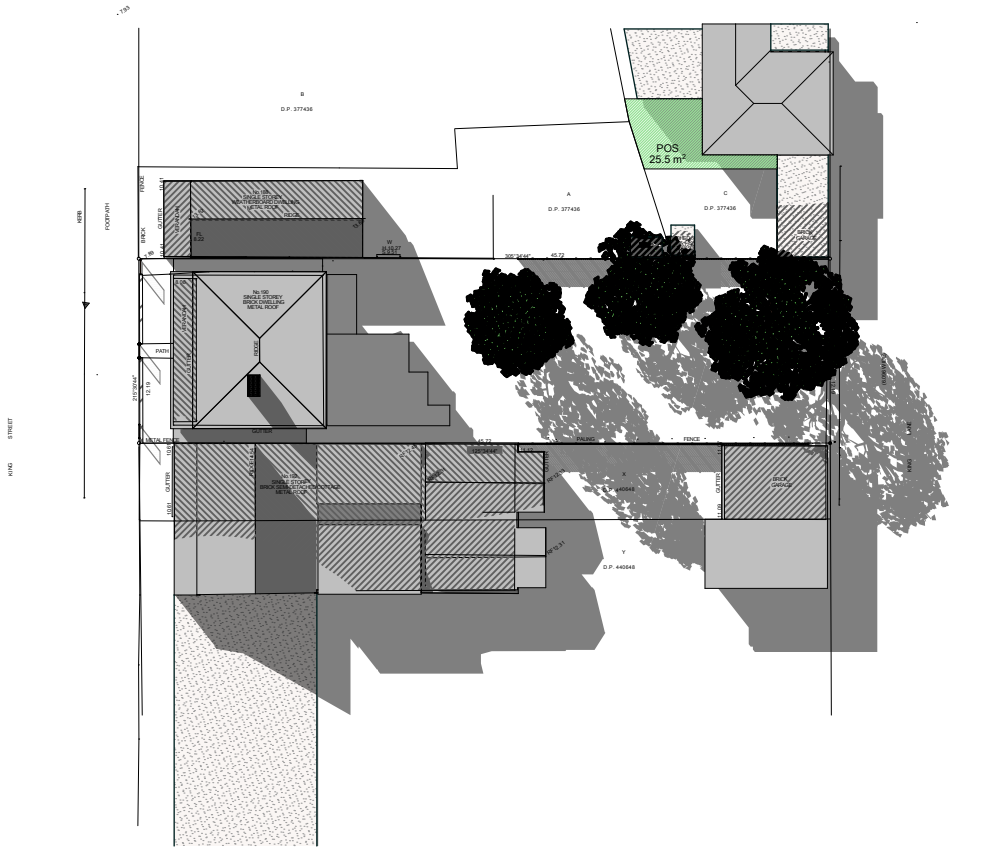
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Date of Issue
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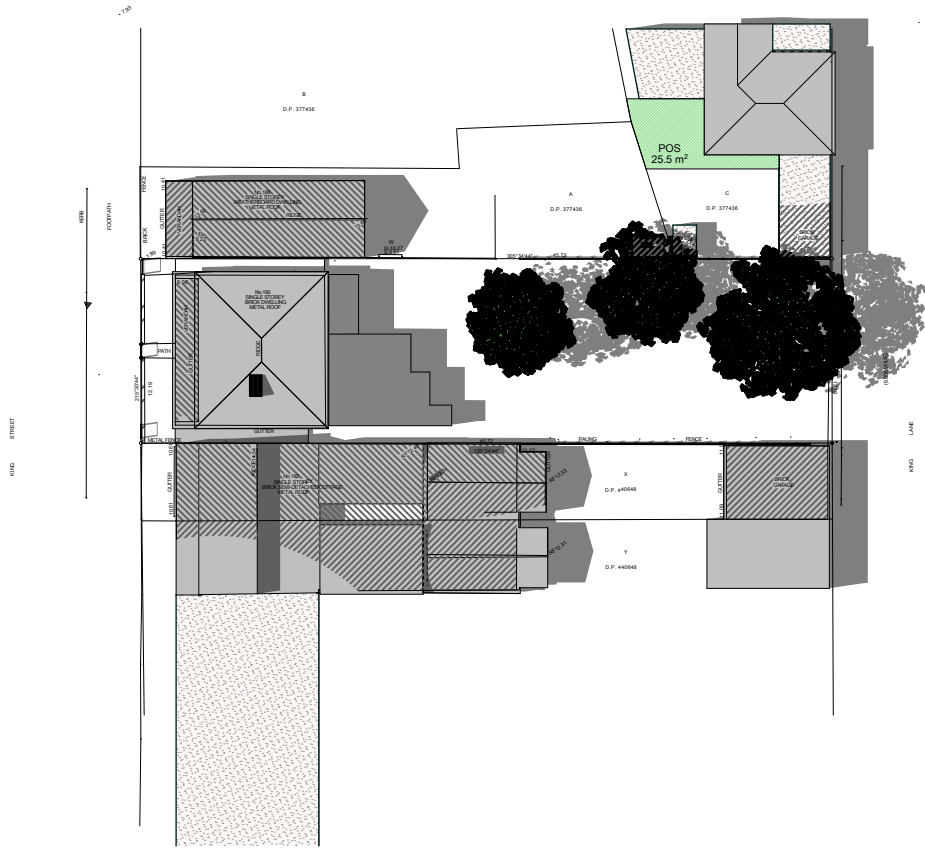
Project Number
16-071

Drawing Number Revision
1102 B

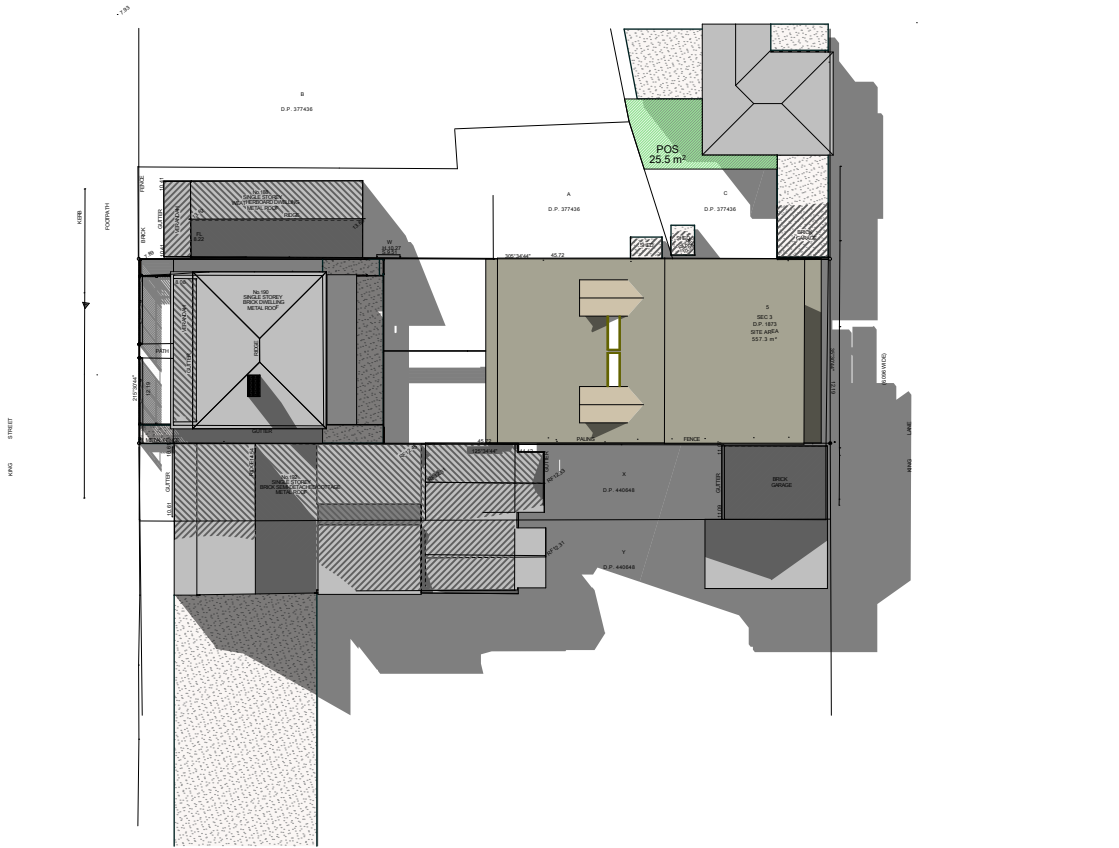
DEVELOPMENT APPLICATION



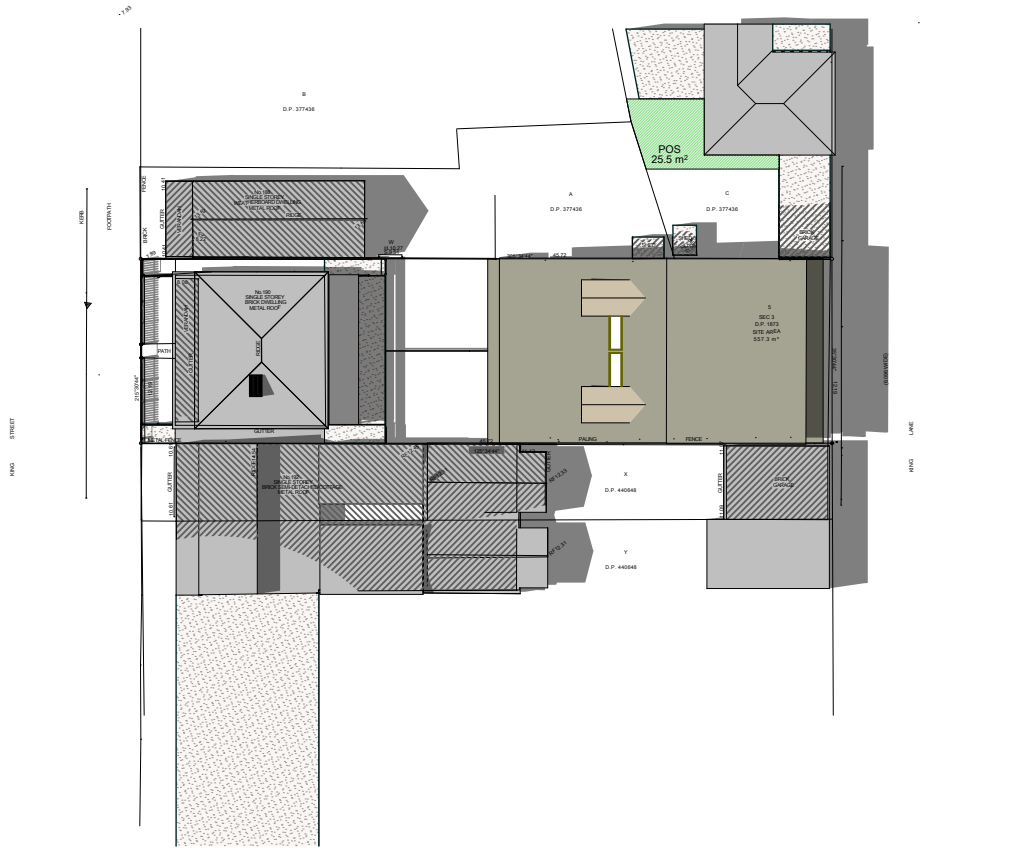
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1 EXISTING MARCH 1200 1:500



1 PROPOSED MARCH 0900 1:500



1 PROPOSED MARCH 1200 1:500

Rev	Description	Date	App'd
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B	REVISED DWGS AS PER COUNCIL LET: 10/11/2017	22.11.17	ER
A	DA SUBMISSION	12.09.17	MN

Project
RESIDENTIAL DWELLING
190 King St
Mascot NSW

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Nicolas Toubia Reg no 9336

Drawing Title
COMPLIANCES
21st MARCH - SHADOW DIAGRAMS

Checked
JE

Approved
TJ

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Date of Issue
30/11/2017

Project Number
16-071
Status

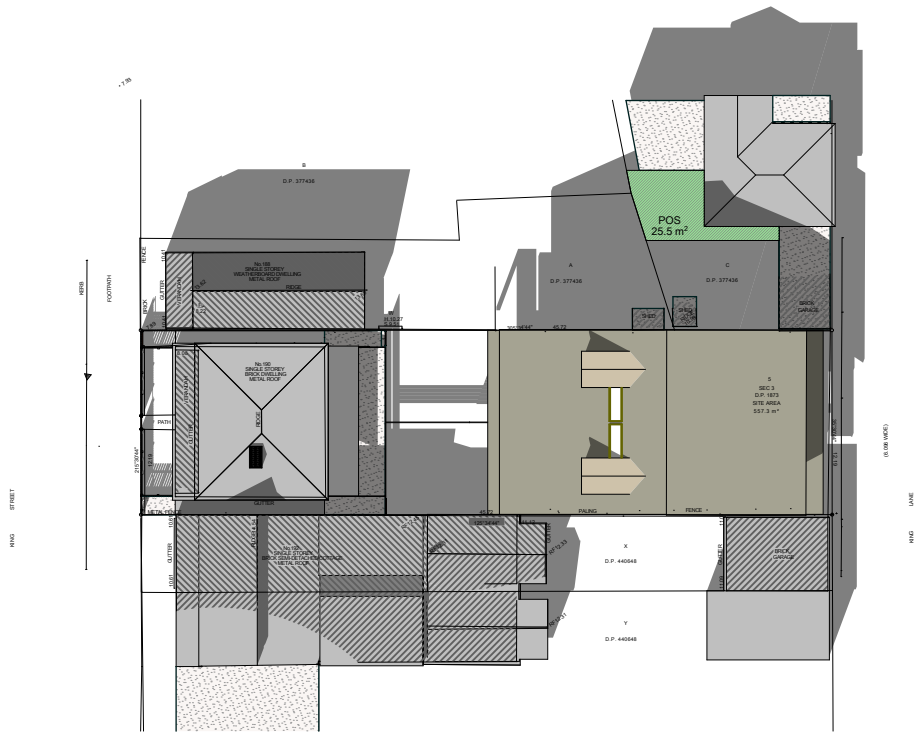
Drawing Number Revision
2005 B

DEVELOPMENT APPLICATION

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1 PROPOSED MARCH 1500 1:500

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B	REVISED DWGS AS PER COUNCIL LET: 10/11/2017	22.11.17	ER
A	DA SUBMISSION	12.09.17	MN

Rev	Description	Date	App'd
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Project
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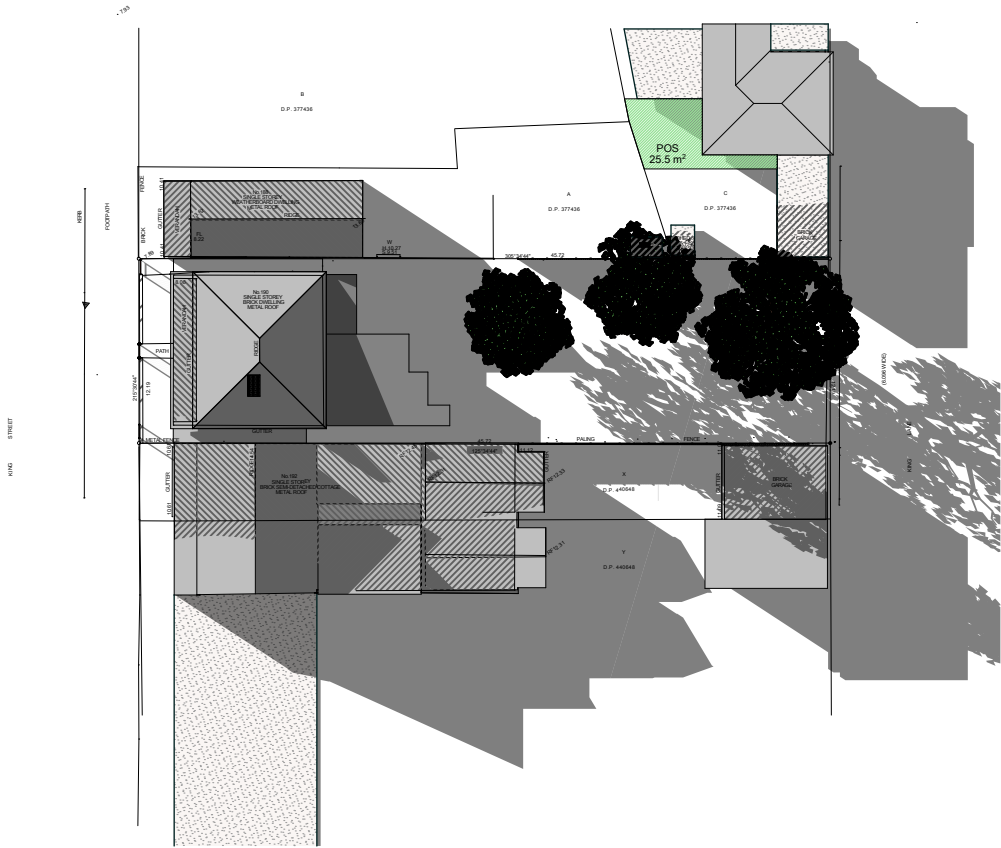
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COMPLIANCES
21st MARCH - SHADOW DIAGRAMS

Checked
JE
Approved
TJ

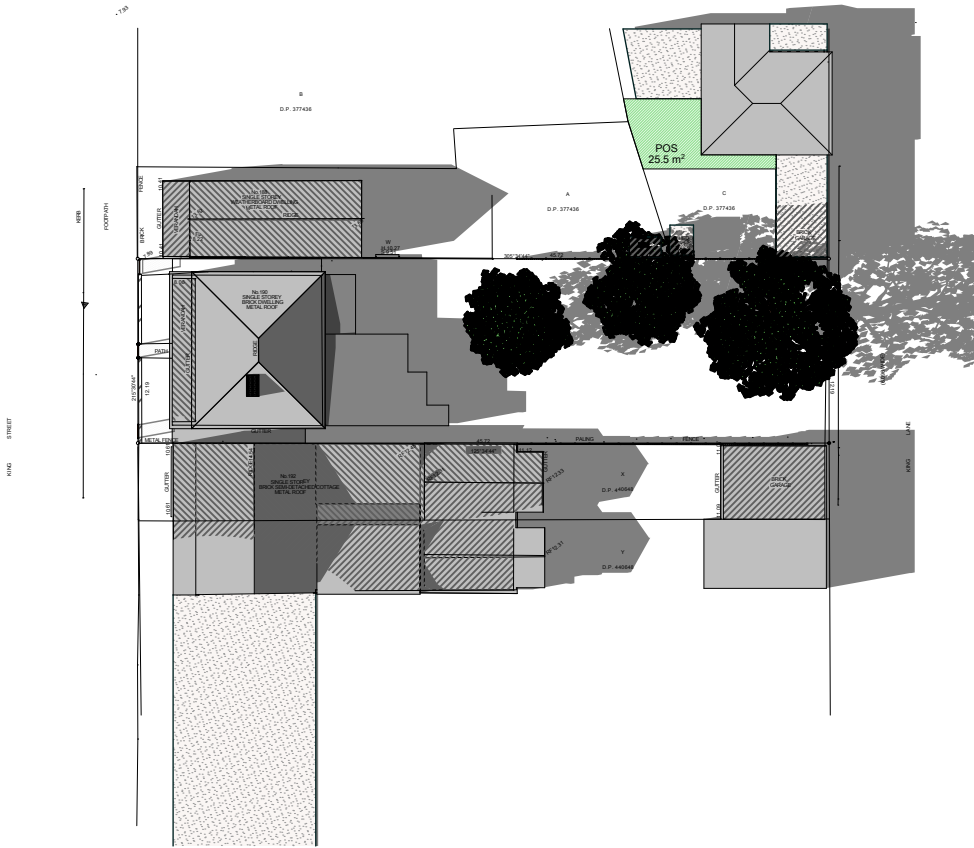
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Date of Issue
30/11/2017

Project Number
16-071
Drawing Number Revision
2005B B

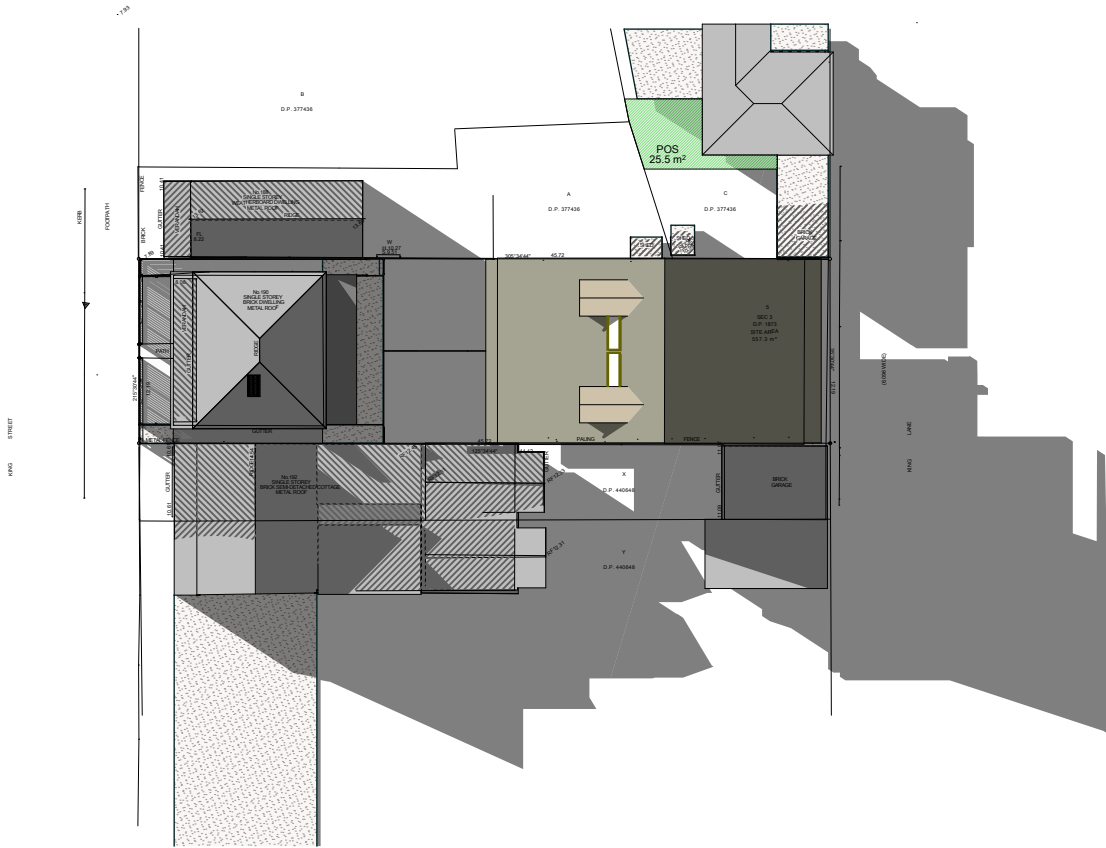
DEVELOPMENT APPLICATION



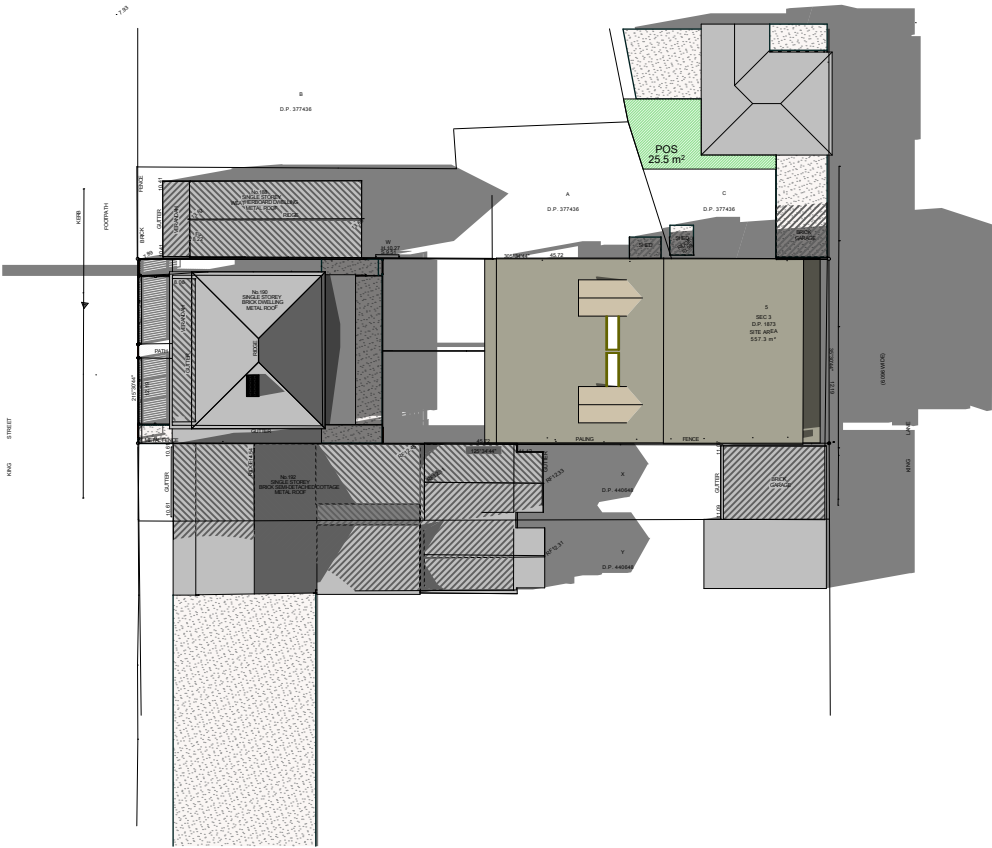
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1 PROPOSED JUNE 0900 1:500



1 PROPOSED JUNE 1200 1:500

Rev	Description	Date	App'd
C	REVISED SHADOWS	22.11.17	CH
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RESIDENTIAL DWELLING
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Drawing Title
COMPLIANCES
21st JUNE - SHADOW DIAGRAMS

Checked
JE

Approved
TJ

Scale
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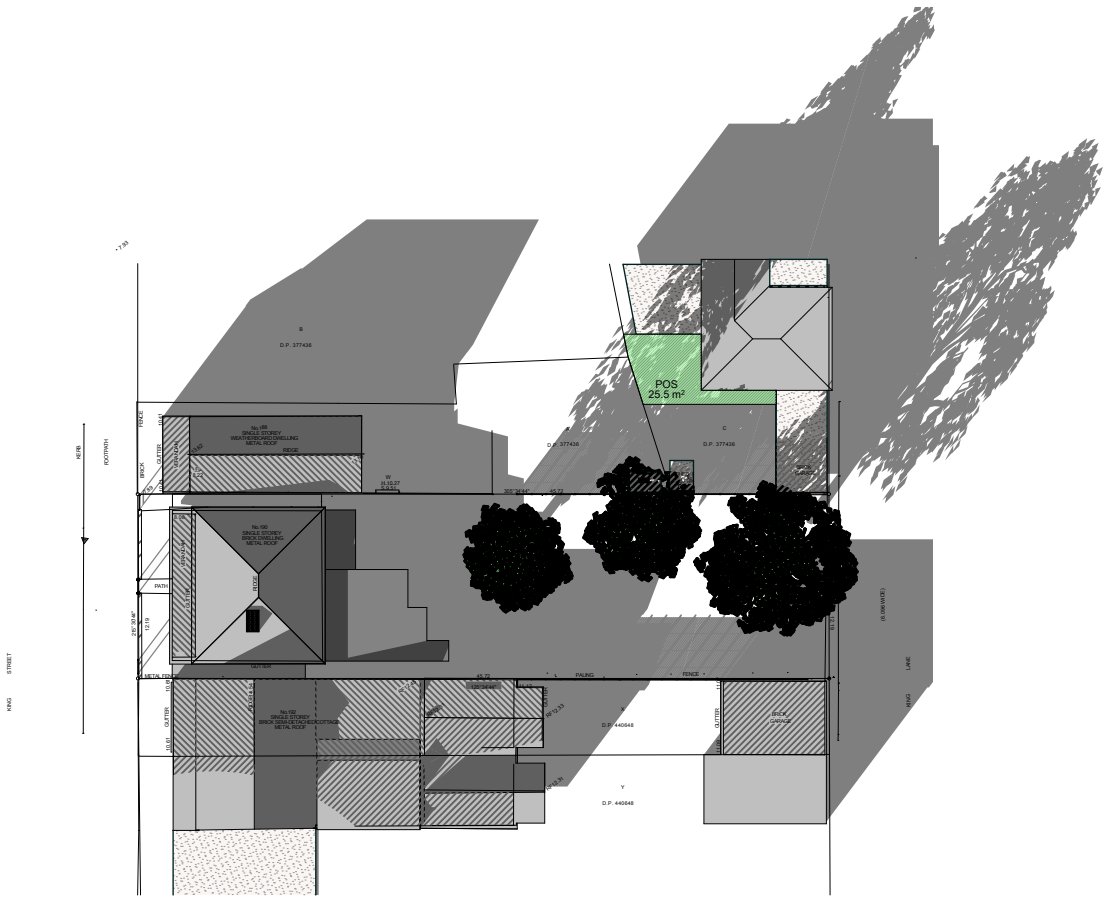
Date of Issue
30/11/2017

Project Number
16-071
Status

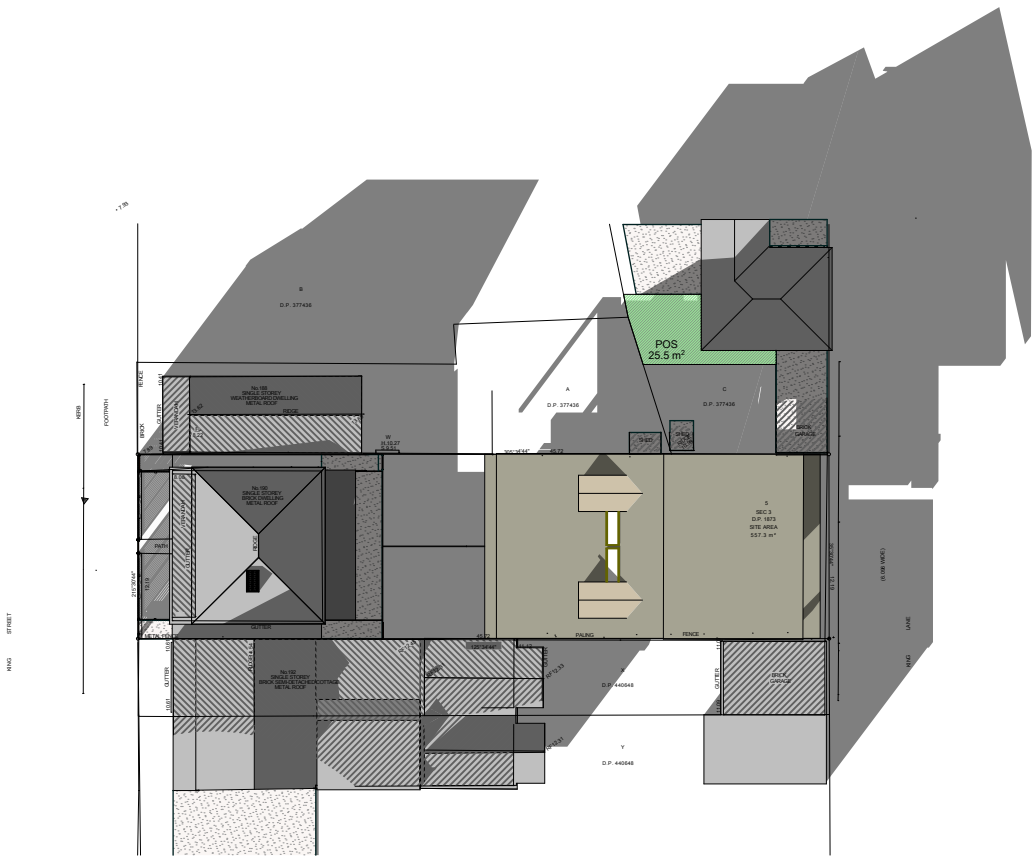
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DEVELOPMENT APPLICATION

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C	REVISED SHADOWS	22.11.17	CH
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21 JUNE - SHADOW DIAGRAMS

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Scale
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Status
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