
Bayside Planning Panel

13/03/2018

Item No	6.4
Application Type	Development Application – Multi Housing Dwellings
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 and attached garages with access from King Lane, including removal of trees
No. of Submissions	First Notification (18/10-1/11/2017) - four (4) objections Second Notification (25/1-13/2/2018) – four (4) objections
Cost of Development	\$1,372,154.00
Report by	Olivia Yana, Acting 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 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 Councils decision.
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Attachments

- 1 Supplementary Assessment Report
- 2 Response Letter
- 3 Heritage Cover Letter
- 4 Schedule of Conservation Works
- 5 Heritage Impact Statement
- 6 Survey Plan
- 7 Previous Report to BPP on 14 December 2017
- 8 Architectural Plans (under separate cover)

BAYSIDE COUNCIL

Supplementary 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 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:	First Notification (18/10-1/11/2017) - four (4) objections Second Notification (25/1-13/2/2018) - four (4) objections
Author:	Olivia Yana, Acting Senior Development Assessment Planner
Date of Report:	9 February 2018

Key Issues

On 14 December 2017, the subject Development Application was referred to the Bayside Planning Panel (BPP) for determination.

The BPP resolved as follows:

- 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 a x 2 storey 4 bedroom terraces with access from King lane, including removal of trees at 190 king Street, Mascot be DEFERRED to allow the applicant the opportunity to submit amended plans that have regard to the following matters:
 - The landscaped area;
 - Site coverage;
 - Side setbacks, including articulation and side walls;
 - Materials and finishes;
 - Roof form;

- Conservation of heritage item with a schedule of works; and
 - Permissibility and appropriateness of Clause 5.10.1 to rely on the heritage conservation.
- 2 Amended plans are to be resubmitted to the Council within one month with the aim of the matter being remitted back to a panel meeting in February.

This Supplementary Report provides a response to the amended information provided by the applicant to address the outstanding matters raised by the BPP as well as the issues identified in the submissions received as part of the re-notification process. The revised information has been reviewed and the application is recommended for approval subject to the conditions attached in this Supplementary Report.

Recommendation

It is RECOMMENDED that Council, resolve:

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 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.

Applicant's response to outstanding matters deferred by the panel

Summary of changes submitted by the applicant to address issues raised in the BPP meeting on 14 December 2017.

Key Controls	Required	Plans presented at BPP Meeting 14 December 2017	Plans to be presented at BPP Meeting 13 March 2018
Site Area	-	557.3m ²	557.3m ²
BBLEP 2013			
Zone	B2 – Local Centre	Multi dwelling	Unchanged
FSR	2:1	0.9:1	0.71:1
GFA	1114.6m ²	506.7m ²	397.3m ²
Height	14 metres	10.9 metres (RL19.24 AHD)	8.39 metres (RL16.73m AHD) – deletion of attic level lowered by 2.51 metres

Key Controls	Required	Plans presented at BPP Meeting 14 December 2017	Plans to be presented at BPP Meeting 13 March 2018
Heritage Conservation	Conservation Management Plan	Clause 5.3	Conservation Management Plan submitted
BBDCP 2013			
Car Parking	2 spaces/two (2) or more bedrooms dwelling	2 spaces for each dwelling facing King Lane	Unchanged
Landscaped Area	Soft Landscape – min. 35% (195m ²)	22.7% (127m ²)	24.9% (139m ²) – increased by 12m ²
	Hard Landscape – max 20% (111.46m ²)	19% (105.9m ²)	19.6% (109.7m ²)
Site Coverage	45% (250.785m ²)	57.5.2% (320.4m ²)	53.8% (300m ²) – reduced by 20.4m ²
Setbacks	<p>Front – 3 metres minimum</p> <p>Side - 3 metres (building greater than 7 metres in height)</p> <p>Rear – 1 metre (garage fronting laneway)</p>	<p>Single dwelling – existing</p> <p>Terraces (2 storey with attic):</p> <p>Laneway – Nil</p> <p>Side - Nil</p>	<p>Single dwelling – unchanged</p> <p>Terraces (2 storey):</p> <p>Laneway – 597mm - 1 metre (GF)</p> <p>2.383 metres (FF)</p> <p>Side – 230mm – 3 metres</p>
POS	<p>2 bedrooms – 35m²</p> <p>4 bedrooms – 56m²</p>	<p>2 bedrooms – 36m²</p> <p>4 bedrooms – 56.5m²</p>	<p>2 bedrooms – 36m²</p> <p>4 bedrooms – 65.5m²</p>
Roof Forms	Compliment heritage item roof form and not to dominate	Pitched roof with attic level to the height of RL19.24 AHD.	Deletion of the attic level, incorporating flat roof forms to part of the building facing the rear of the existing heritage item and the garage, and lowering the height of roof by 2.51 metres to RL16.73AHD and pitch to 22.5°.
Materials and Finishes	Sympathetic with character of heritage item	Schedule of colours and materials provided.	A more sympathetic schedule of colours

Key Controls	Required	Plans presented at BPP Meeting 14 December 2017	Plans to be presented at BPP Meeting 13 March 2018 and materials provided.

The following screen shots of the architectural plans briefly described the changes. However these pictures are not to scale, refer to original plans for the correct scale.

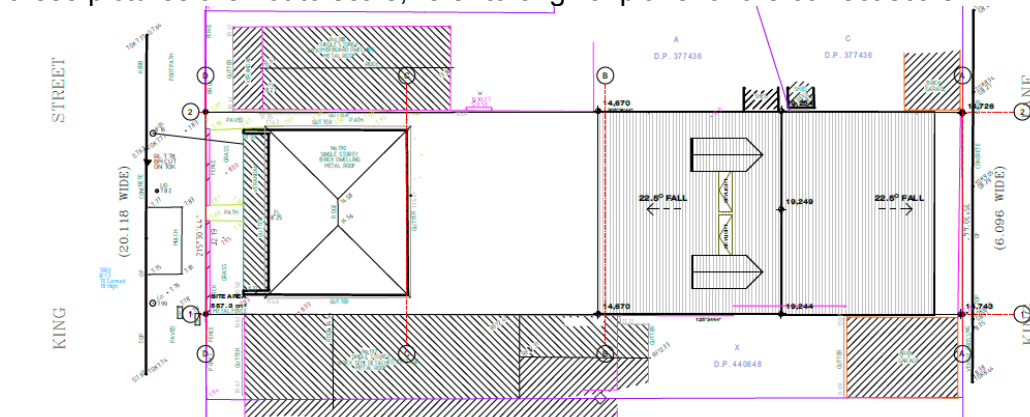


Figure 1: Original Proposed Roof Plan

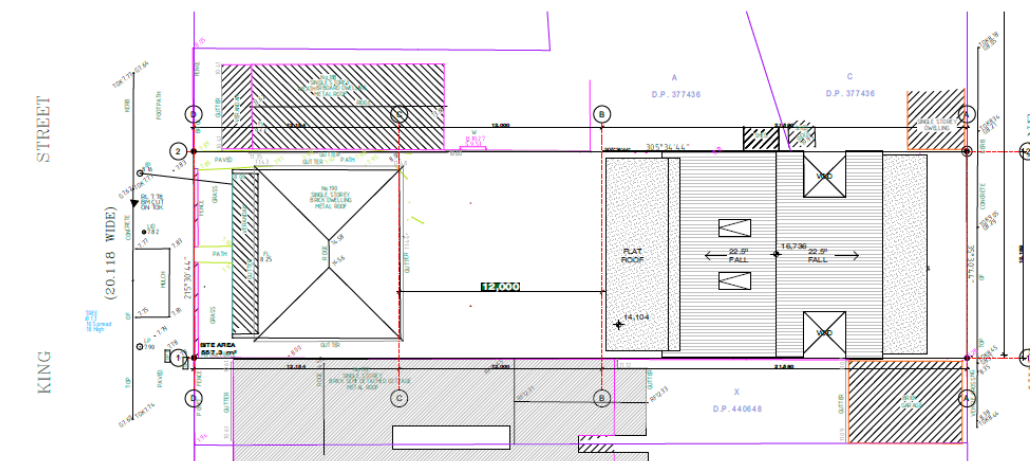


Figure 2: Amended Roof Plan Rev E

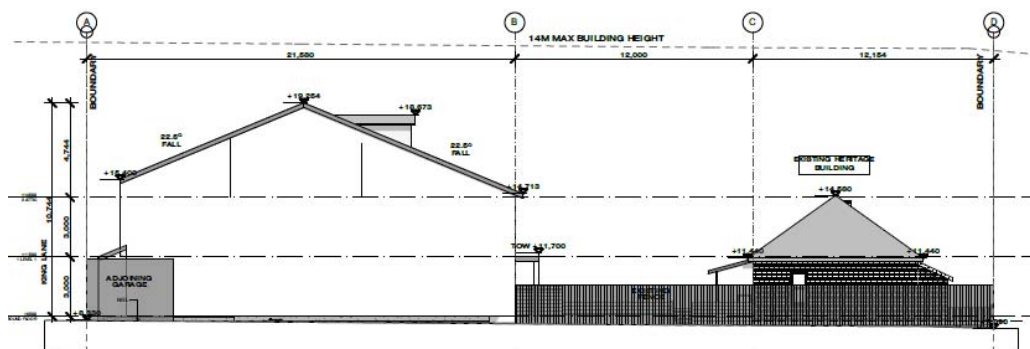


Figure 3. Original Proposed Eastern Elevation

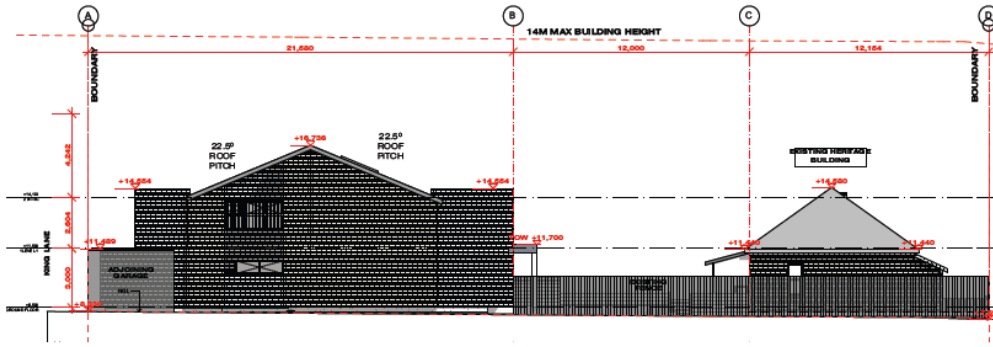


Figure 4. Amended Eastern Elevation Rev E

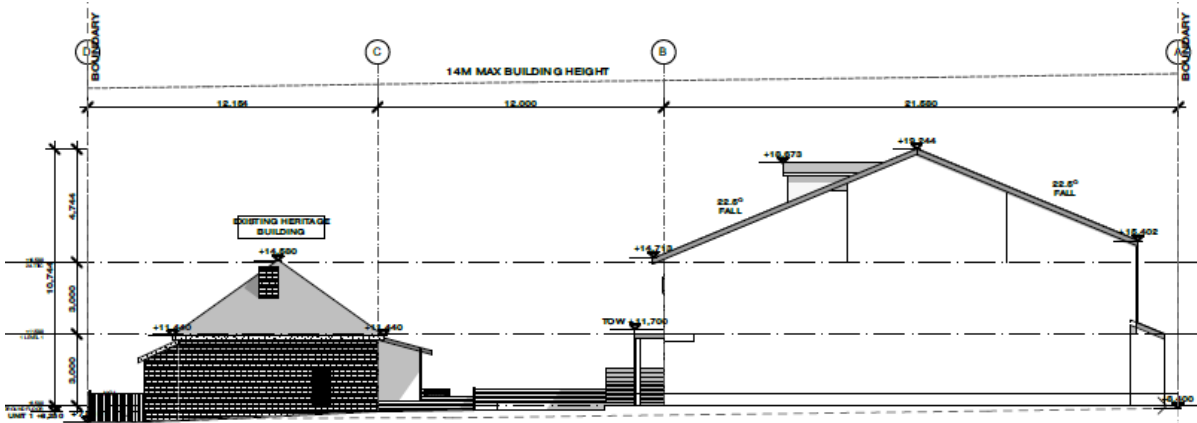


Figure 5: Original Proposed Western Elevation

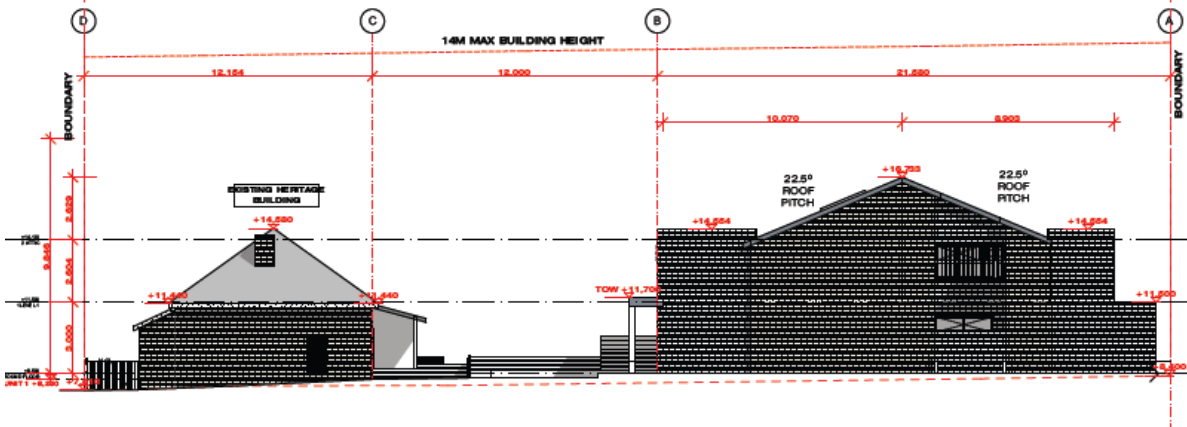


Figure 6: Amended Western Elevation Rev E

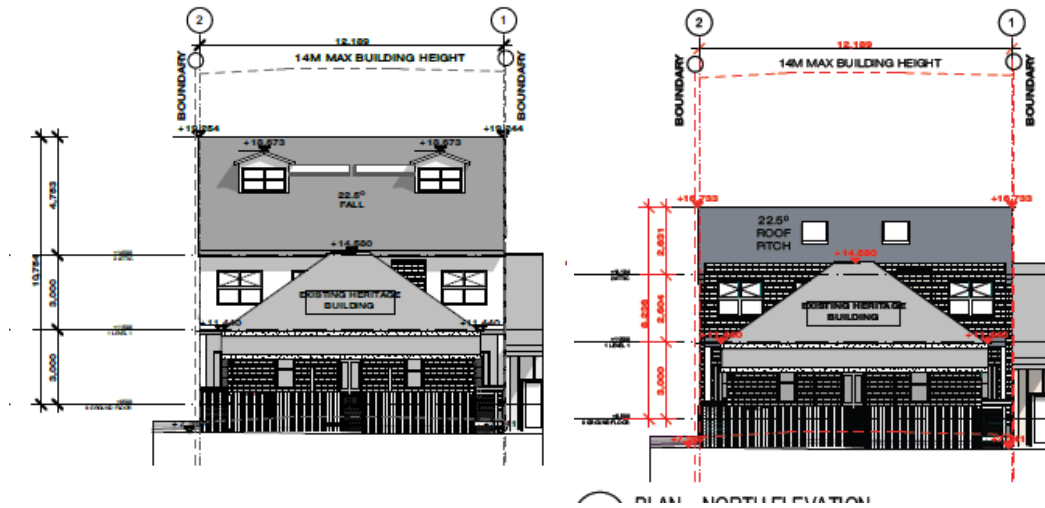


Figure 7: Original Proposed (L) and Amended (R) Northern Elevation Rev E

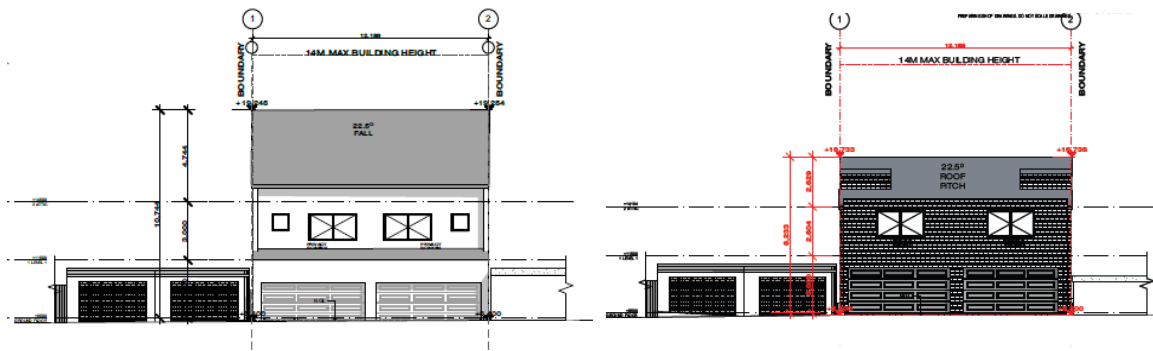


Figure 8: Original Proposed (L) and Amended (R) Southern Elevation Rev E

The BPP deferred the subject application for seven (7) reasons, each of these are discussed below.

1. Landscaped area

Planner's Comments:

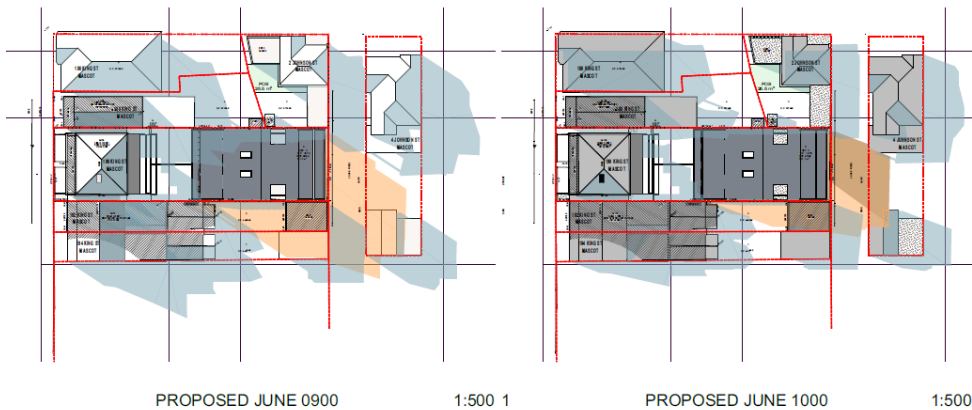
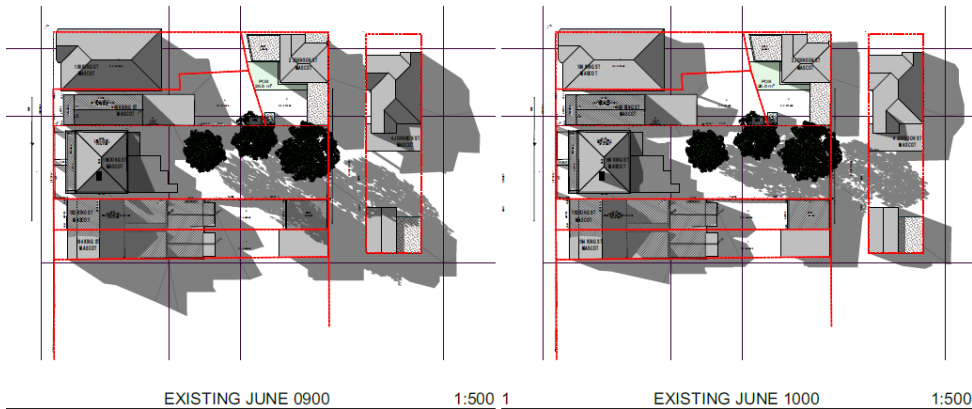
The applicant has provided additional side gardens with dimensions of 3 metres x 3 metres to the eastern and western side boundaries. Even though, the landscaped area has been increased by 12m², the proposed development is still deficient of soft landscaping required. Replacing hard landscaping area with permeable materials could increase the soft landscaping by providing porous pavers to the front setback of the main dwelling facing King Street, the walking paths within the side setbacks, and the decking within the gardens between the rear terrace and the garages. This is recommended as part of the condition of consent to improve soft landscaping on site, given that the proposed drainage infiltration trenches are proposed within the landscaped area of the rear terraces that should be excluded from the deep soil zone.

2. Site coverage

Planner's Comments:

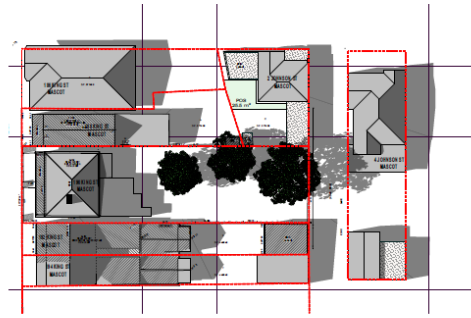
Additional side gardens area with dimensions of 3 metres x 3 metres are proposed in the amended plans. Despite reducing the site coverage by 20.4m², the proposal remains non-complying with the required site coverage for multi dwelling development. Full compliance

with the site coverage would require further increase in the rear terraces side setbacks and the deletion of car parking spaces and roofing for the decks. Provided that additional setbacks have been made to the side walls, including further articulation, the proposed site coverage would continue to satisfy Control C3 of Part 4B.2.7 Site Coverage of the DCP in terms of controlling site density, reducing the impacts from the bulk and scale to the adjoining properties, maintaining solar access (refer to Figure 9 below), lowering height by 2.51 metres to reduce impact to the existing views and sightlines, providing sufficient parking for the new development and private open space, and increasing landscaped area on site as discussed in point no. 1 above.

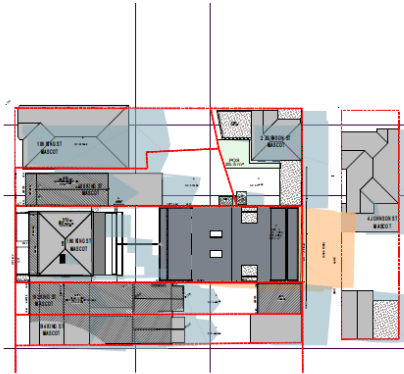




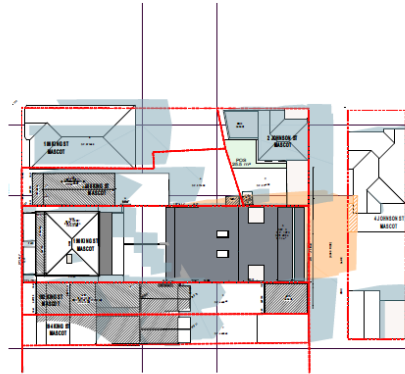
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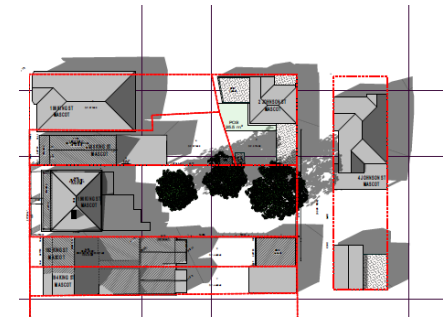
1 EXISTING JUNE 1200 (1) 1:500



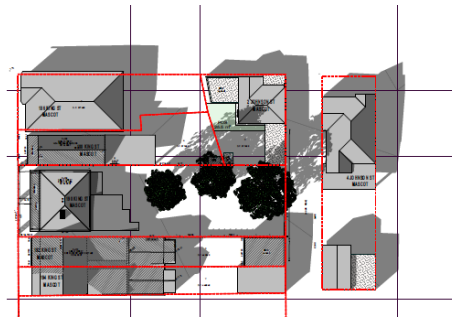
1 PROPOSED JUNE 1100 1:500



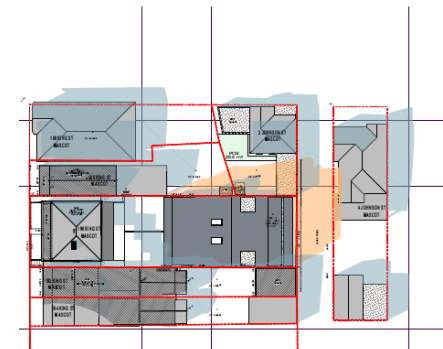
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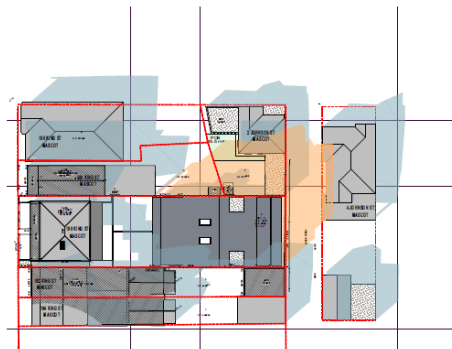
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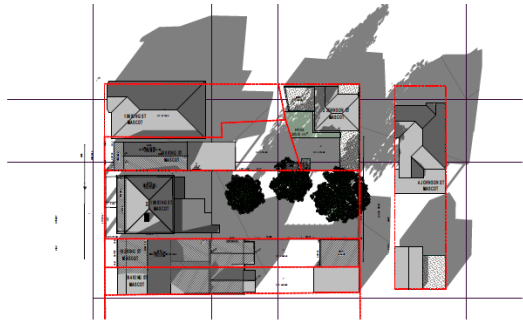
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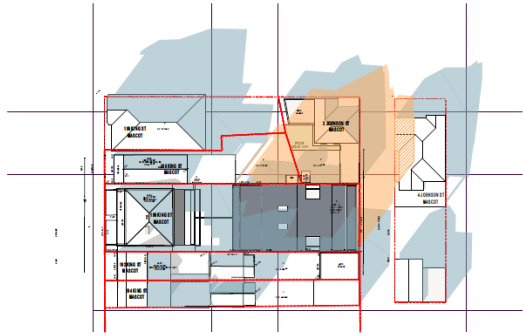
1 PROPOSED JUNE 1300 1:500



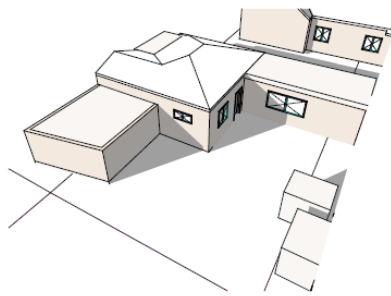
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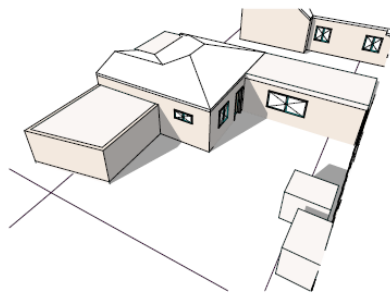
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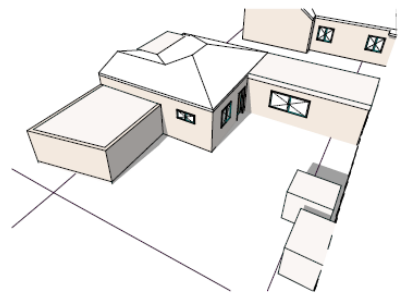
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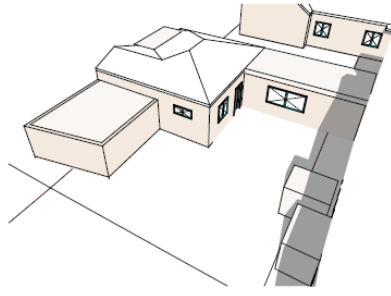
1 2 JOHNSON ST - JUNE 21ST 9AM



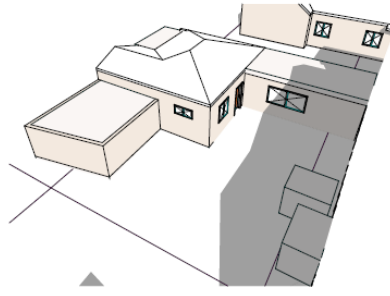
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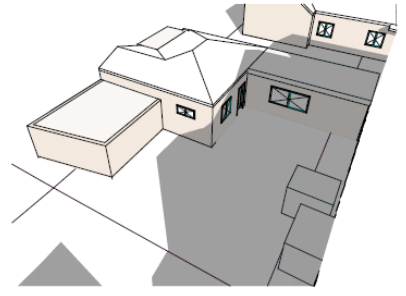
1 2 JOHNSON ST - JUNE 21ST 11AM



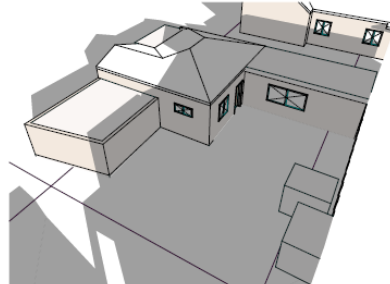
1 2 JOHNSON ST - JUNE 21ST 12PM



1 2 JOHNSON ST - JUNE 21ST 1PM



1 2 JOHNSON ST - JUNE 21ST 2PM



1 2 JOHNSON ST - JUNE 21ST 3PM

Figure 9: Shadow Diagrams Amended Plans Rev E

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 respectively. 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. Even though the shadow diagrams incorporate inconsistencies in terms of the location of private open space of 2 Johnson Street and incorrect representation of overshadowing from the trees at the rear yard of 190 King Street, 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 in which no habitable windows will be affected. The kitchen window of 2 Johnson Street will receive direct sunlight between 10am to 12pm to its entire glazing, which is reduced to only 40% of its glazing at 1pm in receiving direct sunlight. The solar access requirement as stipulated in C1 of Part 5.3.3.5 Solar Access of the DCP for development within the Business Centre zone is satisfied. The proposal will also continue to satisfy the solar access requirement as stipulated in C1 of Part 4B.4.4 Solar Access for multi housing dwellings development.

3. Side setbacks, including articulation and side wall

Planner's Comments:

Additional side gardens with dimensions of 3 metres x 3 metres are proposed in the amended plans, which provide the articulation and reduce the bulk from the side walls. The proposed articulation complies with control C10 of Part 4B.2.10 Setbacks, Building Frontage and Separation of the DCP for multi housing dwellings for buildings greater than 7 metres for the length of 3 metres.

4. Materials and finishes

Planner's Comments:

The applicant has provided a schedule of materials and finishes (refer to Figure 10 below) to complement with the proposed articulation and roof form, which will reduce the impact of the development to the existing views and sightlines from the heritage item and the immediate predominant single storey residential development.



Figure 10: Schedule of Materials and Finishes

5. Roof form

Planner's Comments:

Amendment to the development proposes the reduction in height with the deletion of the attic level, incorporating flat roof forms to part of the building facing the rear of the existing heritage item and the garage, and lowering the height of roof by 2.51 metres to RL16.73m AHD and pitch to 22.5°. The following sightlines diagram has been provided to demonstrate the impact from the proposed roof. No photomontage to establish the impact from the proposed development to the existing view and sightlines has been provided by the applicant. Nevertheless, the following diagram shows that the changes proposed will lessen the bulk and scale impact of the proposed development to the heritage item, the streetscape and the adjoining properties, which are predominantly single storey residential development.

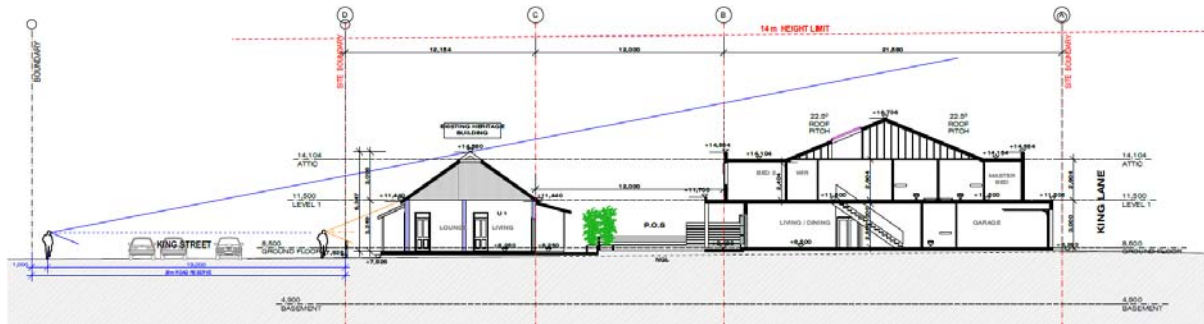


Figure 10: Sightlines from the proposed development.

6. Conservation of heritage item with a schedule of works

Planner's Comments:

The applicant has provided schedule of conservation works prepared by a qualified Heritage Architect. Condition of consent is to be incorporated to ensure that the conservation works have been carried out in the development.

7. Permissibility and appropriateness of Clause 5.10.1 to rely on the heritage conservation

Planner's Comments:

The applicant has provided permissibility and appropriateness of Clause 5.10.1 on the heritage conservation as the following.

Furthermore as discussed at the Panel, it was concluded that the proposed development relies on the provisions of Clause 5.10(10) of Botany LEP 2013, whereby 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. Clause 5.10(10) is reproduced below.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

The subject application seeks approval for development of 2 dwellings that would in combination with the existing dwelling result in multi-unit development, a use that is not permissible within Zone B2 - Local Centre. The site contains heritage item I147 "Beverley House". A Statement of Heritage Impact was submitted with the application which concludes the proposed development will have no adverse impact on the heritage item. Furthermore, pursuant to Clause 5.10(10) a Statement of Conservation Works dated December 2017, prepared by Heritage 21 was submitted to Council in December 2017. In correspondence dated 19 December 2017 Council has confirmed that the SCW is accepted and "provides technically appropriate instructions for the carrying out of conservation works to the dwelling".

Accordingly, the Statement of Conservation Works accompanies this submission and as confirmed by the cover letter by Heritage 21, this document provides the necessary mechanism to enable reliance on the conservation incentive provisions under Clause 5.10(10) of BLEP2013.

- (a) the conservation of the existing item will be facilitated through granting of consent to development at the site;
- (b) the proposed development involving alterations to the existing item will be carried out in accordance with the submitted Statement of Conservation Works;
- (c) All work identified within the SCW would be required, as anticipated to be imposed through consent conditions;
- (d) As concluded by the previously submitted Heritage Impact Statement reviewed by Council, the proposed development will not impact on the significance of the item or adjoining terrace houses to the south of the site; and
- (e) The proposed development (as amended) will not have any significant adverse impacts on the surrounding area achieving compliant solar provisions, suitable outlook and acoustic relationship.

Issues raised in the submissions received as part of the re-notification of the application

Council received four (4) submissions as part of the re-notification of the amended application. The matters raised in the submissions have been summarised below.

1. *The proposed design does not appear to be sympathetic and dwarfs the existing and surrounding heritage buildings*

Comment: The proposal has been amended. The height has been reduced, roof form modified and side walls articulated.

2. *Psychological impact from solid brick structure in the side elevation significant visual and overshadowing*

Comment: As stated in the assessment above, side walls have been articulated and shadow diagrams provided demonstrate compliance with the DCP requirements.

3. *Non-compliances with building and site ratio, including site coverage, landscaped area*

Comment: Additional conditions are recommended to increase non-compliances with site coverage and landscaped area.

4. *Non-compliances with side setback and setbacks between main dwelling and rear terraces*

Comment: Separation of 12 metres proposed between the rear of the main dwelling and rear terraces. Further setbacks between 230mm – 3 metres proposed within the side boundaries.

5. Removal of significant trees

Comment: The tree removal at the rear of the subject site has been assessed by Council's Tree Preservation Officer and there is no objection to the removal of these trees. The street tree was recommended for retention by the arborist report. However, it was found to be diseased and hazardous by Council's Tree Preservation Officer and has been removed.

6. The proposal does not comply with the rezoning intent

Comment: The proposal has provided permissibility and appropriateness of Clause 5.10.1 on the heritage conservation to allow for the construction of multi dwelling development on site.

7. The Statement of Conservation Works incorrectly represents the demolition of solid brick construction at the rear

Comment: The statement does not cover the demolition of the rear part of the heritage item, as it is not part of the conservation works. The Heritage Impact Statement submitted with the original application has addressed the removal of the structure. Further condition is to be included in the report to ensure that the Heritage Impact Statement incorporates the changes proposed under the amended versions.

8. No diagrams of easement provided for water, sewage, gas and electrical

Comment: The development proposes strata subdivision, which does not required the creation of any easements.

9. Parking issues

Comment: The number of car spaces provided complies for the new rear terraces and the main dwelling would rely on the existing parking arrangement on site.

10. Access to rear terraces from the garage

Comment: The entrance to the dwellings from the garage is consistent with access to rear structures facing King Lane. Further to that, the width of the site will not accommodate a separate residential entry from the rear.

11. Fire Brigade access

Comment: There are other adjoining dual frontage properties with sufficient access for the fire brigade.

12. Legality behind rezoning to B2 zone

Comment: The rezoning of the site to B2 Local Centre formed part of the BBLEP 2013 and was publicly notified to all of the affected properties. Submissions were considered by Council and the Department of Planning prior to gazettal in 2013.

13. Devalue 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.

14. Illegal boarding house attracting drugs and assaults

Comment: This development application 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. A separate application will need to be submitted to Council for the use as a boarding house.

15. Visual privacy impact from upper level windows

Comment: Condition is to be included to ensure that the upper level windows will be constructed with high window sill, obscured glazing, or privacy screen.

16. Set precedence for inconsistency and non-conformity

Comment: Non-compliances with the proposed development has been addressed in the discussions above. The amended design will not set undesired precedent to the locality in its current form. Shop top housing is permitted in the B2 Local Centre zone. The proposed development is considered to be the logical and appropriate form of development for the subject site, considering the constraints of the site and the surrounding locality.

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 and attached garages with access from King Lane, including removal of trees at 190 King Street, Mascot.

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.
- 2.

Drawing No.	Author	Date Received
Existing Plans - 1003 Rev E	Urban Link	Dated: 11 January 2018 Received by Council: 1 March 2018
Floor Plan - 1004 Rev E		
Roof Plan - 1005 Rev E		
Elevation 1101 Rev E		
Section & Streetscape - 1102 Rev B		
Demolition Plan – 2004 Rev E		
Schedule of Finishes - 2009 & 2010 Rev E		

Reference Document(s)	Author	Date Received
Response Letter	Planning Ingenuity	Dated: 11 January 2018 Received by Council: 12 January 2018
Response Letter		Dated and Received by Council: 25 January 2018
Statement of Environmental Effects		Dated: 9 October 2017 Received by Council: 16 October 2017
Heritage Cover Letter	Heritage 21 – Rappoport Pty Ltd	Dated: 11 January 2018 Received by Council: 12 January 2018
Schedule of Conservation Works		Dated: December 2017 Received by Council: 12 January 2018
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 Engineering Surveyors Pty Ltd	Dated: 28 November 2017 Received by Council: 30 November 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

3. 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.
4. A separate application is to be made for the subdivision of the site.
5.
 - 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.
6. 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*.
7. 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

8. 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

9. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared 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 Environmental 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.
10. 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 Councils road reserve must also have prior approval of Council.
11. 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.
- 12.
- 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*".
13. 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

14. Prior to the issue of any Construction Certificate, detail design and construction plans shall be submitted to the Council for approval. The plan shall incorporate but not limited to:
- a) The Landscape Plan is to be amended to incorporate approved changes in the architectural plans;
 - b) The BASIX Certificate is to be amended to incorporate approved changes in the architectural plans;
 - c) Heritage Impact Statement dated 11 September 2017 prepared by NBRS & Partners Pty Ltd is to be amended to incorporate approved changes in the architectural plans;
 - d) 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 of all the north facing bedroom windows on the first floor level of the terraces with access from King Lane;
 - e) Privacy screens proposed to the south facing bedroom, and the east and west facing hallway windows on the first floor level of the terraces with access from King Lane shall be constructed with fixed privacy screen to cover the entire glazing (with no individual openings of more than 30mm wide and total of all openings less than 30% of the overall surface of the screen); and
 - f) Hard landscaping areas within the front setback of the main dwelling facing King Street, the walking paths on the side setbacks, and the decking of the gardens between the rear terrace and the garages are to be replaced with permeable materials, such as porous pavers.
15. 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) |
16. 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 its establishment costs, prior to the issue of the Construction Certificate.
17. Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of \$5,276.00 (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.
18. 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 2016 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.
19. 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.
20. A dilapidation report of 188 and 192 King Street and 2 Johnson Street, including a photographic survey prepared by a Practising Structural Engineer, must be prepared in respect of the property known as 190 King Street. A copy of the dilapidation report together with the accompanying photographs shall be given to the above property owner/s, and a copy lodged with Certifying Authority prior to the release of the Construction Certificate.
21. 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.

22. 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.
23. 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.

24. 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, two (2) new five (5) metre wide driveway laybacks shall be constructed. 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.

25. 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

26. 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.

27. 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.
28. Building plans must be lodged through the 'Sydney Water Tap in' service for approval prior to commencement of works.
29. 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.
30. 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.
31. 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.
32. 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;
33. 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

34. 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.
35. 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.
36. 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.
37. 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.
- 38.
- 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.
39. 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.
40. 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.
41. 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

42. 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.
43. 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 anarcardiodes*.

44. 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.
45. 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.
46. A complete photographic archival record, before, during and after works, for the heritage item facing King Street external images, shall be submitted to and be approved by Bayside Council prior to an Occupation Certificate being issued. An electronic copy and one (1) hard copy of the complete photographic archival record are required.

Note: The photographic archival record will be available to the Council's Library for research purposes.

47. A Heritage Maintenance Plan shall be prepared to guide the future maintenance of heritage fabric on the subject site, and submitted to Council for approval prior to the issue of an Occupation Certificate. The Plan is to comply with the Office of Environment and Heritage Guidelines and must be a practical guide for future owners to ensure the long term conservation of significant fabric. The Plan is to be registered on title, on any future strata subdivision of the site, and included in the by-laws of any strata subdivision to ensure that future owners are aware of the requirements of the Plan to ensure the long term conservation of significant fabric.
48. 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.
49. 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.
50. 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.
51. 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
52. 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.

53. 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.
54. 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

55. 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.
56. 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.
57. Each residential dwelling (unit) is approved as a single dwelling for use and occupation by a single family. They are not to be used for separate residential occupation or as a separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council.
58. 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*.
59. 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.
60. 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.

61. 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.

11 /01 /2018

The General Manager
Bayside Council
141 Coward St,
Mascot NSW 2020

RE: 190 King Street, Mascot
Lot 5 Sec 3 in DP 1873 – **DA-2017/1162**
DEVELOPMENT APPLICATION

Dear Olivia,

In response to concerns raised by the panel and their recommendations we have amended our proposal in a manner which we are confident will satisfy their requirements. *Please find attached with this letter an amended set of drawings.*

In summary the changes to the Development Application proposal includes:

- The complete removal of the attic level which contained a bedroom and ensuite. *[refer to Ground Floor, First Floor & Roof Plan].*
- Lowering of the roof considerably – the ridge has been lowered from RL19.24 to RL 16.73 (or 2.51m). *[refer to Sections & Elevations].*
- The front and back parts of the roof have also been flattened to reduce the dominance of the roof element even more.
- The creation of two large 3m x 3m voids within Terrace house 1 & 2. This results in much greater articulation on the side boundaries, creates a private open space (garden) with a 1.8m high brick fence. Increases the amount of landscaping and deep soil by 18m². The voids achieve better amenity into the two terraces.
- The study's on the First Floor has been converted into a bedroom that overlooks the newly created 3m x 3m garden areas.
- We have created 200mm indents on the front and rear facades and treated these areas with a different brick to break up the side walls visually. *[Refer to perspectives attached]*
- Due to the deletion of the attic space and reduction of the roof pitch the proposed addition cannot be seen from King Street – the street view photomontages from King Street have been updated. *[refer to architecturals/ Section and Photomontages].*
- While the FSR was already under what is permissible, it has been reduced even more.

Furthermore as discussed at the Panel, it was concluded that the proposed development relies on the provisions of Clause 5.10(10) of Botany LEP 2013, whereby 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. Clause 5.10(10) is reproduced below.

(10) Conservation incentives



Architecture
Interior design
Urban design

Level10,11 – 15 Deane Street, Burwood NSW 2134 | PO BOX 2223 Burwood North NSW 2134 | +61 2 9745 2014 |

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

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

The subject application seeks approval for development of 2 dwellings that would in combination with the existing dwelling result in multi-unit development, a use that is not permissible within Zone B2 - Local Centre. The site contains heritage item I147 “Beverley House” . A Statement of Heritage Impact was submitted with the application which concludes the proposed development will have no adverse impact on the heritage item. Furthermore, pursuant to Clause 5.10(10) a Statement of Conservation Works dated December 2017, prepared by Heritage 21 was submitted to Council in December 2017. In correspondence dated 19 December 2017 Council has confirmed that the SCW is accepted and “provides technically appropriate instructions for the carrying out of conservation works to the dwelling”.

Accordingly, the Statement of Conservation Works accompanies this submission and as confirmed by the cover letter by Heritage 21, this document provides the necessary mechanism to enable reliance on the conservation incentive provisions under Clause 5.10(10) of BLEP2013.

- (a) the conservation of the existing item will be facilitated through granting of consent to development at the site;
- (b) the proposed development involving alterations to the existing item will be carried out in accordance with the submitted Statement of Conservation Works;
- (c) All work identified within the SCW would be required, as anticipated to be imposed through consent conditions;
- (d) As concluded by the previously submitted Heritage Impact Statement reviewed by Council, the proposed development will not impact on the significance of the item or adjoining terrace houses to the south of the site; and



- (e) The proposed development (as amended) will not have any significant adverse impacts on the surrounding area achieving compliant solar provisions, suitable outlook and acoustic relationship.

We trust the revised plans and accompanying documentation addresses the outstanding matters raised at the Bayside Planning Panel meeting in December 2017. We reiterate that the current application does not include subdivision which would be subject to a future application.

Should you have any questions please call our office or myself directly;

Office: 02 9745 2014

Direct: 02 9745 4602

Regards,
Ziad Boumelhem
Senior Associate
Registration No. 8008



Our Ref: 0241/16t1

25 January 2018

Bayside Council
PO Box 21
ROCKDALE NSW 2216

Attention: Ms Olivia Yana (Acting Senior Development Assessment Planner)

190 KING STREET, MASCOT

DA2017/1162

DA 2017/1162/1 – PROPOSED ALTERATIONS AND ADDITIONS OF AN EXISTING HERITAGE ITEM AND CONSTRUCTION OF NEW 2 X TWO STOREY TERRACES

INTRODUCTION

We act on behalf of the applicant for the proposed development at the abovementioned address. As you would be aware, the proposal was considered by Bayside Planning Panel on 14 December 2017 wherein the application was deferred subject to submission of revised plans being submitted by 12 January 2018.

Amended plans were sought that have regard to the following matters.

- Landscaped area;
- Site coverage;
- Side setbacks, including articulation and side walls;
- Materials and finishes;
- Roof form;
- Conservation of heritage item with a schedule of works; and
- Permissibility and appropriateness of Clause 5.10(1) to rely on the heritage conservation (unless legal advice provided).

Amended plans Revision E dated 11 January 2018, prepared by Urban Link Architecture were submitted to Council as required on 12 January 2018 with the following changes as detailed in the re-submission letter prepared by Urban Link accompanying the revised plans:

- Deletion of attic level which contained a bedroom and ensuite;
- Lowering of the roof by 2.51m from RL19.24 to RL 16.73;
- The front and rear of the roof has been flattened to reduce the dominance of the roof element ;
- The introduction of two 3m x 3m voids to each terrace side elevation;
- The study areas on the First Floor have been converted into a bedroom that overlooks the newly created 3m x 3m garden areas.;
- Provision of 200mm indents on the front and rear facades with different brick treatment to break up the side walls visually;
- Further reduction in FSR to 0.72:1.

The numerical changes to landscaping and site coverage are compared in the table below.





Control	Requirement	Original Plans submitted	Amended Plans (current)	Difference	Compliance
Site Coverage	45%	57.5% (320.4m ²)	53.8% (300m ²)	Reduction by 20.4m ²	No, however has been reduced. Refer below.
Landscape Area (Soft, including deep soil)	35%	22.7% (127m ²)	24.9% (139m ²)	Increase by 12m ²	No, however has been increased. Refer below.

Source: Urban Link Architecture: January 2018

The site is located within the B2 – Local Business Zone and the proposed development seeks approval for multi-dwelling development via the Heritage Incentive provisions under Clause 5.10(10) of Botany LEP 2013. Part 5 of Botany DCP 2013 applies within the B2 zone. As recognised by the previous assessment report presented to the Bayside Planning Panel, Part 5 of the DCP does not contain numerical landscape or site coverage controls.

As such, we have considered the proposed landscaped area and site coverage provisions under Chapter 4 of Botany DCP 2013 in relation to multi-dwelling housing.

Site Coverage

Chapter 4B.2.7 stipulates a maximum site coverage of 45%. The amended site coverage is 53.8%. Despite the numerical non-compliance, the proposal is well below the maximum density which has been further reduced following the subject amendments. The proposal is also well under the 14m height limit, with the overall height being reduced by a further 2.51m following the subject amendments. Furthermore, the development is limited to two storeys in height (with attic now removed), will not have adverse impacts on views or privacy, provides compliant areas of private open space (further enhanced by secondary gardens), does not require the removal of any significant trees and is of an improved bulk, scale and streetscape presentation to King Street and King Lane. The bulk and scale has been significantly reduced following the subject amendments to the height, roof form and façade articulation.

The site coverage control seeks to ensure that new development is consistent with the Desired Future Character of the area; creates a development that provides a balance between built form, landscaped area and private open space; and control site density. Despite numerical non-compliance the site coverage has been reduced and it is considered that the stated objectives are met in that the proposal meets the desired future character for the site through consideration and application of a lower density and building height compared to that which is permitted at the site under the B2 zone. Also, the balance of built form with landscaping and POS is achieved through the generous greenspace at the centre of the site and secondary gardens. Density has been controlled at the site in that the maximum FSR is not taken up as governed through a suitable building footprint and associated private open spaces for each dwelling and the reduction in site coverage (building footprint) has enabled increase in soft and hard landscaping.

Landscaped Area and Deep Soil Planting

Chapter 4B.2.8 requires a minimum 35% soft landscaped area (includes deep soil) and a maximum of 20% hard landscaped area. As indicated above the proposal provides 24.9% soft landscaping and compliant hard landscaping at 17.5% (being less than 20%).





The landscaping controls seek to increase tree and landscape coverage through the retention of existing vegetation and provision of substantial new landscaping; to effectively ameliorate impact within and to the streetscape; to provide well designed, located and functional open space areas through the site; to increase natural stormwater filtration and decrease impervious surfaces and runoff.

The proposed landscape arrangement does not contravene the objectives. The amended scheme provides soft landscaped area which is primarily located centrally within the site in the private open space areas of each dwelling and additional garden areas have been provided at the rear of the site adjacent to side boundaries. The landscape provision provides separation between the dwellings, is capable of growing canopy trees, and retains a green corridor through the site that connects to the landscaped areas of adjoining properties. Appropriate stormwater treatment is also provided to the site, which we understand has been supported by Councils Stormwater Engineer.

We trust the above commentary which is to be read in conjunction with the revised submission provided to Council by Urban Link on 12 January 2018 is self-explanatory, however you should have any questions please feel free to contact our office on 9531 2555.

Yours faithfully,
Planning Ingenuity Pty Ltd

Alison Davidson
PRINCIPAL PLANNER



Our reference: 8012
Date: 11.01.18

Bayside Council
444-446 Princes Highway
Rockdale NSW 2216

CONNECTION BETWEEN THE SCHEDULE OF CONSERVATION WORKS & CLAUSE
5.10(10) of the BLEP 2013 – DA-2017/1162

190 King Street, MASCOT

We write on behalf of the applicant, Urban Link, regarding the proposed development (DA-2017/1162) at 190 King Street, MASCOT (the site).

Heritage 21 produced a Schedule of Conservation Works (SCW) for the site in December 2017 which was received and approved by the Bayside Council (correspondence dated 19.12.17).

The purpose of this letter is to draw the attention of Council to the link between the approved SCW and the heritage incentive provisions under Clause 5.10(10) of the *Botany Local Environmental Plan 2013* (BLEP). In our opinion, the SCW fulfils the practical conservation aims of the required 'heritage management document' (Clause 5.10(10) of the BLEP 2013). Further, we understand that its recommendations would inform the proposed works to the heritage item and be a consent condition.

Consequently, we commend that the Council approved SCW enables the current DA to utilise the heritage incentive provisions offered under Clause 5.10(10) of the BLEP 2013.

Yours sincerely,

Patrick Wilson

Patrick Wilson
Historian and Heritage Consultant

SCHEDULE OF CONSERVATION WORKS

190 King Street

MASCOT



Job No. 3148
December 2017

Heritage 21
CULTURAL BUILT HERITAGE IN THE 21ST CENTURY

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CONSERVATION ARCHITECTS AND HERITAGE CONSULTANTS
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Heritage Impact Statements

Conservation Management Plans

On-site Conservation Architects

Photographic Archival Recordings

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Fabric Analyses

Heritage Approvals & Reports

Schedules of Conservation Work

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Cover page: Subject site at 190 King Street, Mascot, facing south to the front façade from King Street. (Source: NBRS ARCHITECTURE. HERITAGE, November 2016)

The following Table forms part of the quality management control undertaken by Heritage 21 regarding the monitoring of its intellectual property as issued.

Issue	Description	Date	Written by	Reviewed by	Issued by
1	Draft report (D1) issued for comment.	05.12.17	PW	PR	PW
2	Report Issued (RI)	07.12.17	PW		SR

1.0 INTRODUCTION

This Schedule of Conservation Works has been prepared for ‘Beverley’ House, a heritage item situated at 190 King Street, Mascot (‘the site’) on behalf of Kabouchi Holdings.

The site is situated at the southern of King Street, Mascot, west of Johnston Street and extends to a rear laneway, King Lane (see Figure 1). It is legally defined as Lot 5, Section 3 of Deposited Plan (‘DP’) 1873.

The site comprises a detached, single-storey residence with all the hallmarks of a working-class Federation-era Bungalow, constructed in c.1902. To the rear of the subject dwelling is situated a later addition service wing. A small front garden, with timber fence, separates the subject dwelling from King Street, while the remainder of the site is given over to rear garden.

The site is identified as an item of environmental heritage under Schedule 5 of the *Botany Bay Local Environmental Plan 2013*. Details of this listing follow:

Item	Address	Significance	Number
House – “Beverley”	190 King Street	Local	1147

This report describes the physical fabric of the site and is intended as a general guide for the essential conservation of the place. The purpose of this document is not to extinguish the patina or marks of age, nor to attain perfection of detail and finish. It should inform the nature, approach and extent of work required to avoid the loss of existing heritage fabric at the site as well as to retain its established cultural heritage significance. The following recommendations may be implemented independently of, or in conjunction with, works required to adapt the heritage item for the proposed development.



Figure 1. Aerial view of locality with subject site highlighted in yellow. (Source: NSW Land and Property Information, ‘Six Maps’, n.d., <http://maps.six.nsw.gov.au/>.)

This report recommends that the following general 'Conservation Philosophy' guide all decisions impacting heritage fabric at the place, be it permanent or temporary work:

- All work should be undertaken in accordance with the principles of Australia ICOMOS, *The Burra Charter*, 2013.
- All work to the remaining historic and/or significant fabric of the place should involve the least possible level of physical intervention. Options for repair or partial replacement of any fabric should be investigated as a preferred outcome. Replacement material should be like-for-like (except in exceptional circumstances or when substantial conservation benefits are offered).
- All work to the place should be informed by a respect for existing historical and/or significant fabric.
- Traditional techniques and materials are preferred for the conservation of historic and/or significant fabric. In some circumstances modern techniques, detailing or materials which offer substantial conservation benefits may be appropriate.
- The use of modern materials and techniques is supported for temporary protection works.
- Specialists carrying out investigative works should have proven experience assessing similar projects.
- All work should be carried out by professionals and/or contracts with appropriate levels of experience and knowledge of traditional construction skills and materials applicable to the place.
- If in doubt, seek expert advice.

Note: care should be taken where work is being undertaken to or in the vicinity of heritage fabric and a keen eye should be kept out for revealed original fabric and/or detailing. Should concealed fabric be uncovered a Heritage Consultant should be notified immediately to advise further action.

This report has been prepared by Patrick Wilson of Heritage 21, Heritage Consultants. Its content has been reviewed and endorsed by Paul Rappoport, Director of Heritage 21.

A site inspection carried out on 01.12.17, in which full access was provided to the subject dwelling, informs this report. The limitations of this report are as follows:

- This Schedule of Conservation Works is based on the physical evidence found on site. Aspects of the subject site that were not visually apparent, blocked, inaccessible, barred, obstructed or unsafe on the day of the arranged inspection (attic and sub-floor space) are excluded from this report and may be the subject of general recommendations for further inspection.
- All care has been given to provide an accurate assessment of the extant materials and conditions of the site in its current presentation; however, should there be any discrepancies between this report and the qualified trade experts' findings, the heritage architect should be consulted before any modifications are made to the specifications prescribed in this report.

- It is beyond the scope of this report to address Indigenous associations with the subject site; or to locate or assess potential or known archaeological sub-surface deposits.

Unless otherwise stated all images in this report are copyright of Heritage 21. Reference to or copying of the report or information contained in it must be referenced and acknowledged, stating the report's name, date and Heritage 21's authorship.

2.0 HERITAGE SIGNIFICANCE

'Beverly' house is of Local significance. The following Statement of Significance derives from the *Botany Heritage Study* prepared by Tropman & Tropman Architects (1996):

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.

3.0 SCHEDULE OF CONSERVATION WORKS

3.1 Outline

The following Section investigates each element of the subject dwelling, both externally and internally, starting from the top (roof/ceiling) and working down towards the (floor). Each element is described, and its condition and significance individually assessed with general conservation recommendations then provided. For the purposes of clarity, the various building elements have been grouped into broad categories, such as openings or walls. A reference floor plan (refer to Section 3.1.2) and representative photographs are also provided for easy referencing.

While care and maintenance of all the components would be ideal – and indeed is the responsibility of the owner of any heritage place – it may not always be financially feasible to undertake these works all at once. In such circumstances, Heritage 21 recommends that priority be given to those components which are assessed as being of the highest levels of significance and which display the lowest conditions.

3.1.1 Significance and Condition Grading

The methodology used to assess the heritage significance of elements is based on NSW Office of Heritage directive, the *NSW Heritage Manual: Assessing Heritage Significance* (2001), which determines five grades of significance (see Table 1). This system can be used as a planning tool as the various grades of significance generate different requirements for retention and conservation of individual spaces. Based on the same guidelines, the fabric is also graded in terms of condition, of which there are also five grades (see Table 2).

Table 1. SIGNIFICANCE GRADING KEY		
SIGNIFICANCE GRADING	EXPLANATION OF FABRIC ELEMENT SIGNIFICANCE GRADING	CONSERVATION ACTIONS/COMMENTS
EXCEPTIONAL	Rare or outstanding element directly contributing to an item's local and State significance.	<i>Loss or alteration of these elements would detract from the heritage significance of the place.</i>
HIGH	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	<i>Elements identified as High should generally be retained, restored and conserved in situ. Minor intervention into fabric including adaption and alteration as defined by The Burra Charter is permissible provided that the level of significance of each element is retained giving preference to changes which are reversible.</i>
MODERATE	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	<i>Building fabric and relationships which are supportive of the overall significance of the item and have some heritage value, but do not make an important or key contribution to the identified heritage values of the place. A greater level of intervention is permissible. Adaption and alteration is permissible provided that it protects the identified heritage values of the place.</i>
LITTLE	Alterations detract from significance. Difficult to interpret.	<i>Includes fabric which distracts from the heritage value of the item or fabric related to unsympathetic alteration. These are components generally of neutral impact on the significance of the place. These elements are generally not regarded as essential to the major aspects of significance of a building or place. Both retention and removal are acceptable options. Any major interventions to the item are best confined to the areas where the fabric is of little significance.</i>
INTRUSIVE	Damaging to the item's heritage significance.	<i>Includes elements and features which adversely affect the significance of the place. Removal of these elements would directly increase the overall heritage value of the item.</i>

Table 2. CONDITION GRADING KEY	
CONDITION GRADING	EXPLANATION OF FABRIC ELEMENT CONDITION GRADING
VERY GOOD	<i>Little or no deterioration.</i>
GOOD	<i>Stable fabric unlikely to require much attention in the next 5 years other than regular inspections and maintenance as required.</i>
FAIR	<i>Fabric of less stable integrity requiring monitoring in the next 5 years. Likely to require sundry repairs/conservation.</i>
POOR	<i>Fabric identified as having lost its essential structural integrity on the basis of observed deterioration. Likely to require essential maintenance and repair in the immediate to medium term.</i>
VERY POOR	<i>Fabric requiring immediate attention due to its observed dilapidation.</i>

3.1.2 Reference Floor Plan

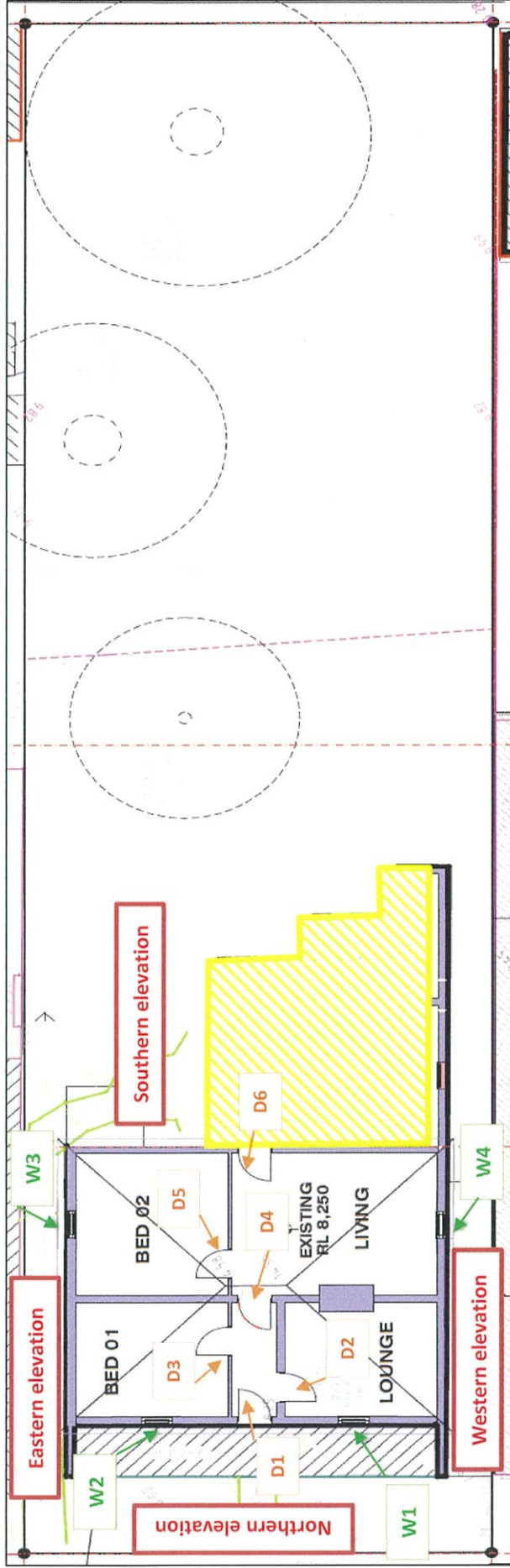


Figure 2. Floor plans for the subject site, room numbers are labelled, door ('D') and window ('W') openings are identified by orange and green numbers respectively and elevations labelled. Note the rear service wing, outlined in yellow is earmarked for removal and is not covered by this report. (Source: Urban Link, annotated by Heritage 21)

3.2 EXTERIOR

3.2.1 Main Roof

Description

- A hipped roof – pyramidal in form – of galvanised corrugated metal, painted, surmounts the subject dwelling. See Section 3.2.2 for details of verandah roof form.
- The length of the sheeting and its good physical condition suggests it is a later addition element – it likely replaced shorter length, galvanised corrugated mild steel sheeting which characterised Sydney residences in the early 1900s.
- The horizontal lines of fastening formed by nails and washers also appear to be later additions.
- Further investigation is needed to ascertain the originality of the battens, likely to be timber (but not visible at the time of inspection), which support the roof.
- A single tall, tapering chimney of rendered brick, decorated with stepped brick coursing to its peak, sits atop the western elevation of the roof. In the absence of documentary or photographic evidence, the originality of the render is difficult to determine.
- Metal flashing to the chimney is likely present but not visible from ground level.



Figure 3. Close-up of chimney. Note evidence of worn render.

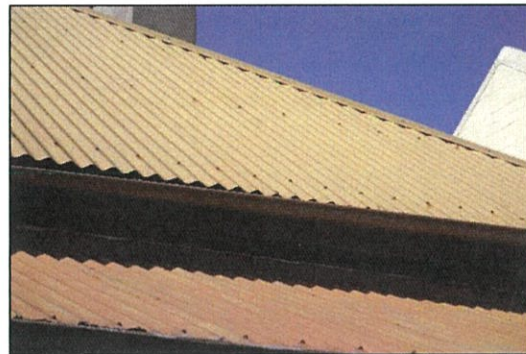


Figure 4. Roof plan to northern elevation, with skillion verandah roof in the foreground.



Figure 5. Aerial view to hipped roof form. Attached skillion addition to the rear is to be removed and is not subject to coverage in this report. (Source: NSW Land and Property Information, 'Six Maps', n.d., [http://maps.six.nsw.gov.au/.](http://maps.six.nsw.gov.au/))

SIGNIFICANCE

- Overall, *MODERATE* – while the predominance of roof material is a later addition the form of the main roof, together with its chimney feature and possibly, depending on the degree of modification, the roof framework are elements of *HIGH* significance.

CONDITION

- *GOOD* – note worn render to chimney and unknown state of roof frames.

CONSERVATION ACTIONS

- Retain and conserve hipped roof and pitch.
- Investigate roof frame – if original retain and conserve. Engage a Structural Engineer and Pest Exterminator to assess and advise, respectively, as to structural soundness and pest control. See 'Timber elements', Section 3.2.2 for further direction. Note: a significant issue at the site is falling damp. It is vital that roof defects are addressed.
- Although a later addition, retain and conserve galvanised corrugated metal sheets and fastenings. Periodically inspect for condition. Undertake repairs quickly (physical damage, oxidisation, lose or missing fixings, separation washers, galvanic reactions etc.).
- Key maintenance objective for roof is to keep roof planes free of debris – good practice is to regularly sweep lower angle sections and to, periodically, clean upper roof sections.
- If opportunities for replacement of metal sheeting emerge, investigate opportunities to reinstate, now available, heavier gauge and larger flute corrugated steel which more closely resembles the original thicker hand curved corrugated iron (Z600 with 76x21 mm corrugation) as well as traditional fastenings: spring-head nails and slot-headed roofing screws and washers. The use of second-hand sheeting and fastenings may be appropriate. The polished appearance of Zinalume™ and uniform, neat aesthetic of Colourbond™ should be avoided.
- Without sufficient evidence of the original paint scheme, a simple sympathetic colour scheme of the Federation period – refer to Ian Evans et al, *Colour schemes for old Australian houses* (1984/2004) – should be considered. Paint prolongs the life of corrugated roofing, especially once the sheet's galvanised coating deteriorates (refer to Australian Standard AS2311-2009, *The Painting of Buildings*). Generally, modern high gloss or satin paint finishes are inappropriate.
- Retain and conserve chimney form – the originality of the render is difficult to interpret, both face brick, rough cast and rendered chimneys characterise Federation era dwellings. We suggest erring on the side of caution and retaining the existing render. Investigate worn

render, if repairs are considered necessary check composition and attempt to replicate mix. In most cases, the following mixes will be appropriate:

- *Cement render repairs* – 1:1:6 > cement: lime: sand.
- *Lime render repairs* – 1:3 > lime: sand.
- Inspect metal flashing around chimney base for water maintenance – reseal if needed with lead or a lead alloy. Avoid a Colorbond™ single piece flashing cut into the chimney brickwork, rather follow joint lines.

3.2.2 Verandah

DESCRIPTION

- An unadorned, timber framed skillion style verandah extends across the entire facade of the subject dwelling. The form of skillion verandah appears to be a later addition (Figure 10).
- The verandah is flanked by blade walls with relieving arches of face brick (refer to Figure 16 and Figure 17) and its floor is of rendered concrete with a rounded curved lip. The concrete floor is a later addition.
- Two simple painted timber posts, which appear to be replacement elements, intersect with a painted timber beam, the originality of which is suggested by stop chamfered detail typical of the Federation period.
- Adjacent to the main entry is situated a nameplate for the residence, 'Beverley'. Typeface and materiality is suggestive of early twentieth origin.
- A metal hand rail is situated adjacent to the main entry. Later addition.



Figure 6. Close-up of painted timber post and verandah beam. Note stop chamfered detail, indicated by the red arrow.



Figure 7. Close-up of painted concrete floor of verandah. Note creeping and self-seeded vegetation.



Figure 8. Close-up of later addition metal handrail.



Figure 9. Close-up of nameplate, 'Beverley'.



Figure 10. The faded outline, indicated by the red arrow, suggests that the current skillion form of the verandah is a later addition. The outline is present in the same location at both ends of the verandah.

SIGNIFICANCE

- Overall, *HIGH* – the presence of a verandah, albeit potentially in modified form and comprising replacement elements (timber posts and concrete floor), is still a key component of the character and ability of the subject dwelling to be read as a Federation-era bungalow.

CONDITION

- *FAIR* – concrete verandah floor exhibits cracking, flaking paint and creeping and self-seeded vegetation. Timber elements show signs of rot, splitting and cracking.

CONSERVATION ACTIONS

Verandah form:

- Reinstatement original verandah form to better present the house. In the absence of documentary/photographic evidence, physical investigation (see Figure 10) – combined with knowledge of verandah forms associated with Federation period dwellings – suggests that a concave skillion verandah roof would have been originally present (refer to Figure 11).
- Galvanised corrugated metal roofing should be used with the re-stated verandah (see Section 3.2.1 for conservation actions for roofing). The verandah roof can be painted to link in with the external colour scheme of the dwelling; both monochrome roof colours and striped roof colours were common at the time of the bungalow's construction.
- The flashing (brick overhang) between the existing or potential verandah roof and wall should be investigated for soundness.

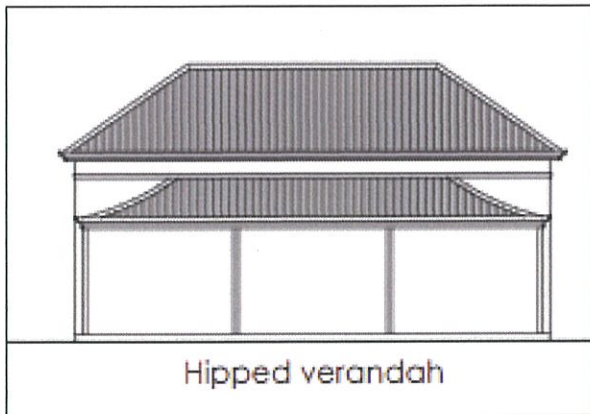


Figure 11. Likely appearance of original verandah form at the subject dwelling. – concave skillion roof. (Source: City of Norwood, *Front Verandah Replacement and Restoration*)

Timber joinery:

- The originality of the verandah beam is difficult to interpret. Err on the side of caution and retain/conserv. If reinstatement of the hipped roof verandah form is proposed, verandah beam should be salvaged and, if practical, reused.
- Engage a specialist Carpenter to assess timber elements and make good damage. In the case of the verandah beam preference should be given to geometric splicing in repairs.
- Timber posts can be retained and conserved. Again, if possible, their replacement with stop chamfered timber posts, with decorative capital mouldings and horizontal rebates, should be considered.
- All repairs and reconstructed timber elements are to match the original timber type of the verandah beam (type, hardness, profile, fixing method, finish etc.).
- Conservation of timber elements includes repainting of all timber joinery using a reputable painting system carried out to manufacturers recommendations.
- The extent of decoration on verandahs was reflective of the style and opulence of the residence. The relatively austere working-class complexion of the dwelling likely meant its verandah did not originally comprise timber brackets or that if it did these were of a simple/minimal design. In the absence of any type of evidence (physical or otherwise), we suggest that timber brackets or any decorative detail to the verandah be avoided.
- Timber should be inspected at least every 12 months for signs of termites or borers. If evidence of activity is found, a Pest Exterminator should be engaged.

Verandah floor:

- It is likely that rising damp issues to the façade (see Section 3.2.4) is the fault of the impervious concrete verandah floor. We strongly recommend that the concrete floor, a later addition not considered to be comprise significant fabric, is removed. In its place a timber

floor should be installed. The more porous nature of timber will enhance the dwelling's ability to 'breathe' and, over time, address the issue of salt attack on the façade.

Miscellaneous:

- Sensitively remove handrail (Figure 8) and repair brickwork to match existing (see Section 3.2.4 for direction).
- Retain and conserve nameplate – maintain protective coating on ferrous metal' avoid inappropriate cleaning. All metal cleaners are abrasive to some degree. Use mildest cleaning agent.

3.2.3 Rainwater Goods & Utilities

DESCRIPTION

- The edges of the subject dwelling's roof and verandah are finished with gutters, atop timber fascias.
- The gutters appear to be later additions, possibly from the 1920s judging by their ogee profile.
- Downpipes, present to the northern and southern elevations, are also later additions.
- The power meter, present on the northern elevation, was likely installed during the inter-war period.

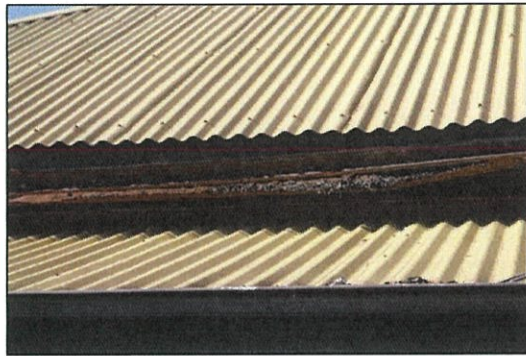


Figure 12. Collapse and corroded gutter to main roof, northern elevation.



Figure 13. View to heavily Corroded gutter, eastern elevation. Note degradation to timber fascia, indicated by the red arrow.

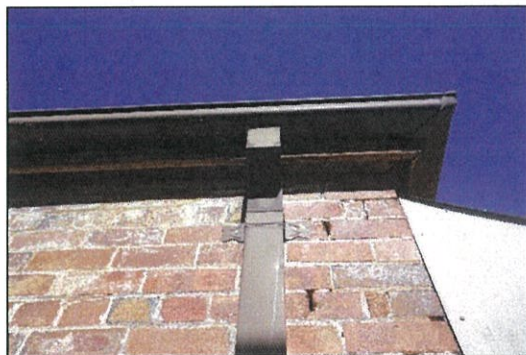


Figure 14. View to contemporary downpipes, eastern elevation.



Figure 15. Close-up view of electrical board, northern elevation.

SIGNIFICANCE

- *LITTLE* – guttering and downpipes present as later additions with unsympathetic styling to a Federation period dwelling. The power board, while evidence of a noteworthy stride in domestic technology detracts from the period character and setting of the place in its prominent location on the facade.

CONDITION

- *VERY POOR.*

CONSERVATION ACTIONS

- All guttering and downpipes at the subject dwelling should be removed. In their place, galvanised half round profile guttering – the most common to Federation period housing – as well as round metal downpipes with flat metal straps should be reinstated. Colorbond™ and PVC downpipes should be avoided as their angles and joints are uncomplimentary and do not allow for soldering, the traditional method via which rainwater goods were joined. Note: reduced size Ogee gutters were often used to verandahs, a reflection of their smaller-scale roof. To achieve this effect today, refold the gutter so it has a shorter base. Paint guttering to harmonise with the site colour scheme.
- Gutter falls were typically set up with timber scotias beneath in the Federation period and these features form an understated component of the presentation of a historic gutter. A Carpenter should be engaged to assess the soundness of existing timber fascia to the subject dwelling and make good any damage. Preference should be given to scarf in repairs rather than wholesale replacement. If new fabric is deemed necessary, all reconstructed elements should match the existing timber scotia (type, hardness, profile, fixing method, finish etc.).
- An appropriate contractor should be engaged to investigate the condition of the site's stormwater system to ensure its efficiency. If pipework is found not to empty into a fixed system, means must be taken to warrant that stormwater is carried away an adequate distance from the structure to avoid damage.
- A licensed Electrician should be engaged to check, repair or replace electrical wiring and the power board. Following assessment of the board's compliance with relevant Australian Electrical Standards a decision is to be made regarding its retention. From a heritage perspective, the board should be retained and conserved. If this is not possible due to non-compliance, the new installation should be to a less visible section of the subject dwelling. Further, part of the Electrician's brief should be to rationalise existing wiring and relocate the power meter (or install a new one) to a less elevation of the subject dwelling less visible from the public domain.

3.2.4 Walls

DESCRIPTION

- The facade of the subject dwelling is of red face brickwork in stretcher bond with darker brick trims to the openings. Tuckpointing is in evidence across this elevation.
- In contrast, the side and rear walls are of common brickwork, sections of which show evidence of being painted. The side and rear elevations were not likely originally painted.
- The dwelling appears to be solid 9-inch brickwork (1 brick thick wall) with no evidence of cavity walls.
- Metal ventilation grilles are set into the side and rear elevations.



Figure 16. View to verandah blade wall. Note cracking, indicated by the red arrow.



Figure 17. View to dislodged and shifted dark brick trim to relieving arch of verandah blade wall.



Figure 18. Close-up view of unmatching mortar, façade.



Figure 19. Close-up view of efflorescence, façade.



Figure 20. Courser brickwork to side walls, eastern elevation. Note flaked paint coat and spalling.

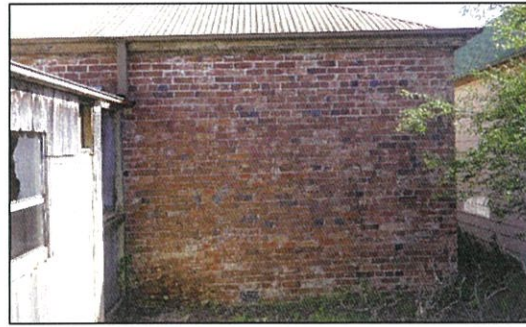


Figure 21. Rear elevation. Note evidence of efflorescence, spalling and loss of mortar joints.



Figure 22. Close-up view of western elevation. Note evidence of previous paint coat.

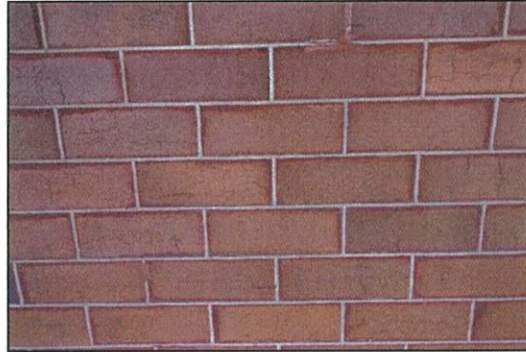


Figure 23. Close-up view of facade and section of intact tuck-pointing.



Figure 24. Close-up view of metal verticillation grille to sub-floor, southern elevation.



Figure 25. Close-up view of cracking, eastern elevation.

SIGNIFICANCE

- *HIGH* – the majority of brickwork to the subject dwelling as well as its construction techniques and design philosophy (with finer brickwork and finishes, including tuck-pointing and brick patterns, to the facade) appears to be original. These brick elements are crucial to the site's legibility as a Federation era bungalow and the architectural tastes and expectations of that period.

CONDITION

- *POOR* – brickwork across all elevations at the site show evidence of the following: loss of mortar joints, including sections of tuck-pointing to the facade; spalling; cracking; loose bricks; efflorescence; worn/flaking paint; and later invention of unmatching mortar. Underlying many of these problems are the issues of rising damp and salt attack at the site.

CONSERVATION ACTIONS

Brickwork:

- Retain and conserve all brickwork where possible.
- Obtain advice of a Structural Engineer in relation to shifted/out of alignment brickwork – if brickwork should be returned to original position, consideration may be given to the limited relaying of brickwork. Note: details of any repair or stabilisation works specified by the Structural Engineer should be reviewed by a Heritage Consultant.
- Ensure the removal of any creeping or self-seeded vegetation.
- Do not paint or render previously unpainted surfaces. Consider returning side elevations to their originally unpainted state. Consider the use of Peel Away™. Such an action will also help with the wall's ability to 'breathe' and combat rising damp/salt attack (see below).
- Clean masonry surfaces of paints and other impermeable materials. Avoid the use of sandblasting or high-pressure water jets as this will damage brick and mortar. Instead, employ gentle methods, such as soda blasting. If stains are difficult to remove use Muriatic to remove.
- During wider works avoid the use of electric saws or pneumatic hammers to original brickwork, as they risk destabilising the fabric.
- Repointing brickwork is needed when the mortar joints deteriorates and the mortar frets and erodes, appearing unsightly and letting in rain. This is usually caused by evaporating damp from within the wall exfoliating the pointing mortar between individual bricks. While evidence of age to mortar joints is acceptable, re-pointing of some sections of the walls will be necessary. Repointing should be undertaken in a way which matches the overall wall and maintains the ability of the wall to 'breathe' (for example, use of weak lime-based mortars). This process should be carried out by a Bricklayer with provable experience in repointing historic walls. Note: it is normal (and expected) for a Bricklayer to prepare a number of samples as part of the process of selecting a mortar to match the original.
- The repointing process allows the opportunity for failed or damaged bricks to be replaced with matching bricks (size, colour, texture etc.) to the original. All brickwork repairs and/or reconstruction should match evidence of original laying configuration, any new brick units must match existing (size, colour, grain, bedding, porosity and chemical composition etc.).

- Retain and conserve surviving tuckpointing to the northern elevation. Only defective tuckpointing need be repaired. Tuckpointing is a specialised skill. Ask to see work samples.

Rising Damp:

- Investigation have not revealed the form of damp proof course at the site – traditionally, a tar and sand course (sometimes visible as a dark grey or blackish course in the brickwork) or fired bricks or impervious stonework was used.
- Before deciding on a course of action, investigate the reason behind rising damp at the site. Likely factors include: poor roof drainage (where are downpipes discharging stormwater?); poor site drainage (is the ground level grading away from the building?); inappropriate pointing, painted external walls (can the walls ‘breathe’ properly?); inadequate and/or bridged damp courses; nearby garden watering systems; and leaking plumbing.
- Heritage 21 understands that the wider proposal entails the development of pedestrian access to the rear of the subject via the side setbacks of the subject dwelling. In order to ensure that the base of walls are not inundated with surface and/or ground water, a porous apron of 300 – 500mm should be provided along the entire periphery of the building. The apron should be filled with gravel. Pavers applied to the external areas should be laid on compacted fill, spaced with appropriate gaps (300 mm) and not be butt-jointed to the base of the wall.
- Basic housekeeping measures can be undertaken to minimise damp and salt attack. For instance:
 - ensure that any ground level pavers are set below the original damp proof course and drain away from walls;
 - confirm downpipes discharge into a sealed stormwater system, not at the base of walls; and
 - consider removing and repointing concrete mortar joints to encourage the wall’s ability to breathe (see above).

Subfloor ventilation:

- Adequate airflow – fresh air entering and stale air exiting the subject dwelling (crossflow ventilation) – is essential. A damp subfloor provides ideal conditions for the build-up of mould, termites and timber decay. The following actions should be considered:
 - inspect and clean subfloor ventilation grilles and remove obstructions (rising ground level, vegetation, over-painting etc.);
 - ensure that water levels are kept to a minimum – locating the source of moisture problems and repairing leaks is essential (for example, leaking downpipes/gutters or blocked stormwater drains). Also keep garden beds, plants and watering systems away from walls;

- investigate possibility of installing additional vents with more efficient designs to allow for greater inflow and outflow; and
- commission the services of a Pest Inspector to assess the sub-floor area and determine if there is any white ant activity. If there is, take immediate action to remove the source and the cause of that activity. Make good or replace any damaged floorings as necessary.

3.2.5 Openings

DESCRIPTION

- Door 1 ('D1') – main street entry to subject dwelling. Recessed low-waisted, four-panelled painted timber door comprising two glass planes of rolled plate (figured) glass with subtle geometric pattern and a painted metal doorknocker. An element, likely a decorative door knob, is missing from the waist of the door. The front door exhibits bolection moulding to the outside and inlay moulding to the inside. The lockset is a later addition. Above the door is situated a fanlight. A slate sill is also present. The architrave is of unadorned timber. D1 is likely an original feature.
- Door 6 ('D6') – rear entry to subject dwelling. Mid-waisted, four-panelled painted timber door. D6 is likely an original feature.
- All windows to the subject dwelling a traditional double-hung sash windows with painted timber features and clear glazing. Unpainted brick sills characterise the façade, windows 1 and 2 ('W1' and 'W2') with windows 3 and 4 ('W3' and 'W4') featuring rendered sills.



Figure 26. View to D1.



Figure 27. Close-up to D4. Note damage. Indicated by the red arrow.

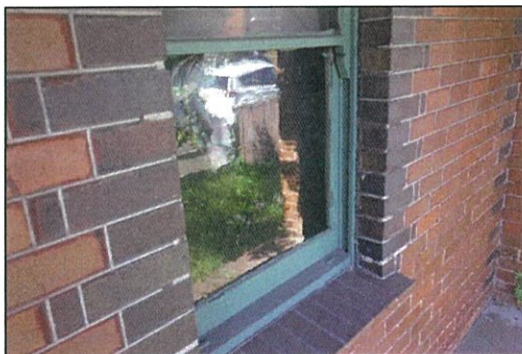


Figure 28. View to W1.

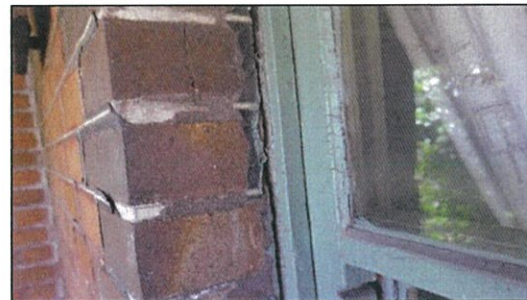


Figure 29. Close-up of W2. Note flaking paint and gap between window frame and brickwork.



Figure 30. Close-up of W3. Note faded rendered sill. Unseen is a broken window plane to upper sash.



Figure 31. View to W4. Note glazing is missing from the bottom sash, which is currently boarded up.

SIGNIFICANCE

- *HIGH*

CONDITION

- *POOR* – painted-over elements to D1, flaking and peeling paint. D4 is significantly damaged. Flaking and peeling paint noted to window frames. W3 and W4 feature broken and missing glass. The working order of all windows and doors, including hardware, needs to be investigated.

CONSERVATION ACTIONS

Timber elements (architraves, door, window frames etc.):

- Investigate external joinery for breakdown of the painted surfaces. Particular attention should be paid to the joints between individual pieces of timber, checking whether looseness in the joint is allowing for the entry of water, or if rot is evident.
- We suggest that all existing paint is removed and prepared for repainting with Murobond Paints.
- Ideally, repairing timber should involve cutting out the damaged or rot-affected wood and using geometric splicing to make good. If larger or wholesale repair is deemed necessary, new fabric should match the size and profile of the original. Ensure that joints between old and new timber are thoroughly prime painted to seal the timber.

- Older timber elements rely on paint for protection. Repaint timber surfaces periodically (every five years at least. Deteriorated paint must be removed and the surface primed before repainting with Murobond Paints.

Doors:

- Retain and conserve D1 and D6 – inspect door to check the following:
 - the door opens freely, and hinges and locks are lubricated and working effectively;
 - the lock and the strike plate are aligned so that the door closes properly;
 - the doorframe is square, meaning that the jambs are vertical, and the head of the frame is horizontal. An 'out of square' door frame indicates wall movement due to soil subsidence or structural failure; and
 - the door frame has not worked loose in the wall opening – to remedy this it is necessary to remove the architraves and re-wedge or remake the fixings into the masonry.
- Repairs must match existing in material, size and profile. Replacement doors should be like-for-like.
- Investigate working order of original hardware, restore to working order. Replace if necessary with period appropriate hardware or simple contemporary hardware. Reinstall missing hardware features – such as the door knob and locks – based on Federation designs. Strip paint from painted-over hardware such as door knobs and doorknocker.

Windows:

- Retain and conserve all windows, including associated features (sill, sash cords and ash box counter weights), at the subject dwelling.
- Assess structural integrity of the window by pushing and pulling on the frame to ensure it is soundly fixed within the walls. Seek advice from an experienced tradesperson if there is any looseness or movement.
- Check that window hardware (such as locks and latches, hinges on casement windows and pulleys on double hung windows) works effectively and is sufficiently lubricated. Use machine oil or grease on pulley spindles and locks, and oil on hinges and latches.
- The external sills on timber windows are particularly vulnerable to weathering, and paint usually cracks or flakes here first. Sills should have sufficient outward slope to shed rainwater. There should always be a 'drip' – a small groove underneath the front edge of the sill – running the full width of the window to prevent water running back underneath the sill and causing wood rot or masonry dampness.
- Gaps between window frame and brickwork – repair using a semi-stiff 3:1 sand lime matching mortar on well wetted bricks. Employ sharp, washed sand – not bricklayer's sand, which is prone to shrinking.

- Sash operation – check that double-hung windows slide easily. Care is required in repainting to prevent the build-up of paint thickness where the sashes slide in their channels. Rubbing soap on the moving surfaces will help. Try moving double-hung sashes back and forth to see if they rattle excessively - this can be remedied for the bottom sash by adjusting the position of the bead forming the inner edge of the vertical channel. If the fit and operation of the sashes cannot be readily fixed, it is advisable to approach a joiner experienced with double-hung windows. Their construction is quite complex, and it is easy to cause inadvertent damage.
- Inspect the fine timber beads separating the upper and lower sashes to ensure they are intact and not spilt.
- Inspect the putty holding the glass in the timber window frame – make sure it is intact and providing a good seal. Repaint if needed to seal.
- Sash cords – check condition periodically. Look for thinning of the diameter of the cord, which indicates that it is stretching and approaching the end of its life. Replacement is a specialised job requiring a detailed knowledge of the construction of this sort of window – unnecessary damage can be caused if this work is undertaken without suitable experience.
- Note: a traditional sash window, which allows adjustable air openings at the top and bottom, can allow warm moist air (high up in the room) to escape out the top, and cooler dryer air (from outside) to enter lower down. Adjustment of the sashes can be carried out to achieve the best balance for the prevailing daily conditions. General rule of thumb – if condensation forms on the window glass during the day, more ventilation is needed. Invariably condensation forms during the night due to the greater temperature difference.

3.2.6 Front fence

DESCRIPTION

- The front yard of the site contains a timber rail fence atop a brick base. Both timber and brick elements are painted. The fence is a later, likely replacement addition to the site.



Figure 32. Metal gate in front fence. Element of little significance.



Figure 33. Timber rail front fence. Element of little significance.

SIGNIFICANCE

- *INTRUSIVE*

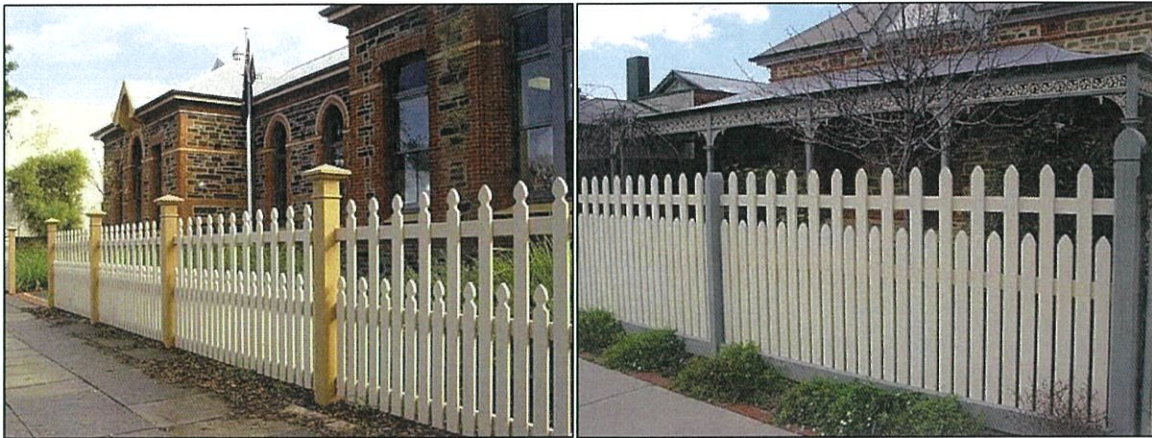
CONDITION

- *FAIR*

CONSERVATION ACTIONS

- The front fence is a visible and essential element to the suburban streetscape. Further, historically it was considered to make a crucial contribution to the character of a Federation period house and its setting. In its current form, the fence detracts from the appearance of the site.
- It is recommended that the existing front fence and gate is removed. The replacement is to be in a style more in line with a typical Federation era fence (see Fedwood Timber). In the absence of documentary or photographic evidence of the original fence, we suggest that a simple timber picket style is selected (fretwork and elaborate features should be avoided) as such materials and style is associated with simpler workers' residences. Picket fences are constructed by fixing light timber pickets to timber rails spaced at regular intervals over a timber or brick plinth with intermediate timber posts. Federation-period gates normally matched the fence in design and degree of complexity. For picket style consider either pointed, round, blank or torrens; for turned timber posts consider round, acorn or square tops. Historically, these fences were painted in two tones, with the pickets and posts exhibiting contrasting colours. Cream or buff could be used for lighter shades with brunswick

green, indian or venetian red providing contrasting colours. See below for examples (Source: *Heritage fencing: Authentic Designs in Genuine Hardwood, 2007*).



3.3 INTERIOR

Note: the interior design, details and quality of workmanship and finish are important in defining the character of an historic building. Maintaining the integrity of a room's design requires an awareness of its original fittings and finishes, and careful judgment to preserve the essence of its character in the face of changing fashions in interior decoration. Care is also needed to avoid the 'gentrification' of a plain, simple interior. The temptation to introduce, for example, more decorative skirtings or cornices, to change metal doorknobs to porcelain, or install elaborate light fittings or window furnishings should be avoided as such elements can easily compromise integrity.

3.3.1 Ceilings

DESCRIPTION

- Flat lathe and plaster ceilings are present throughout the subject dwelling.

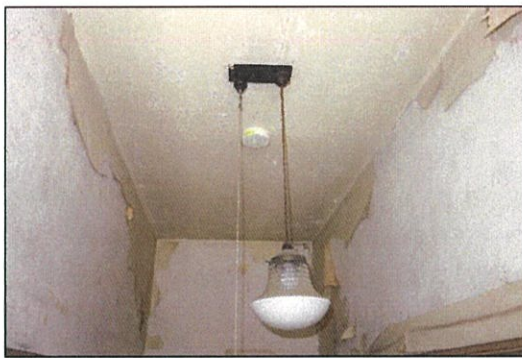


Figure 34. View to cracked and flaking plaster ceiling, hallway.

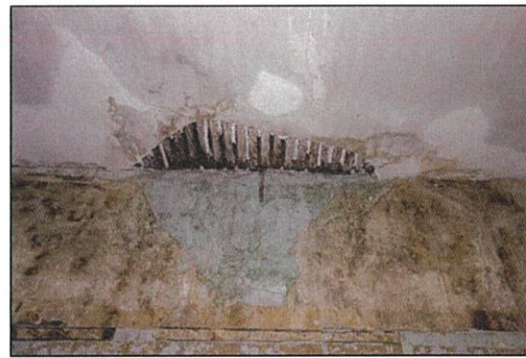


Figure 35. View to lathe and plaster structure and decayed plastering, Bedroom 1.

SIGNIFICANCE

- *HIGH* – lathe and plaster ceilings are traditional components of Federation era dwellings.

CONDITION

- *VERY POOR* – significant degree of plaster damage, sagging and localised incidents of failure. Evidence of damp damage (unsightly staining and mould) throughout ceilings.

CONSERVATION ACTIONS

- Retain and conserve lathe and plaster ceilings.
- Engage an expert Plasterer to assess the condition of lathe and plaster ceilings on a room by room basis and identify cause(s) of failure (damp or structural failure). Decisions regarding the viability of repairs, wholesale replacement or a combination of both need to be made in the wake of receiving expert advice.

- Reinstall lathe and plaster ceiling where necessary. Repaint with Murobond Paint.
- In the case of total collapse, the installation of new lathe and plaster should be explored. If this is not a structurally sound solution, contemporary plasterboard ceilings could be contemplated as a last resort, with attention paid to replicating original detailing and appearance.
- The attic should be investigated. An assessment of the ratio of insulation (a later addition) to air flow needs to be made. Ensure that roof voids have not been over insulated and are adequately ventilated. If additional ventilation is required, roof vents can be provided, located discreetly and formed in traditional materials with appropriate detailing.
- Engage an Industrial Hygienist to assess the presence of lead dust in roof cavity.

3.3.2 Walls

DESCRIPTION

- Internally, the walls are lime plastered, an original feature, with later addition (it appears to be inter-war in origins) floral wallpaper now the dominant presence.
- The wallpaper changes in design and colour between the dado, the body and the frieze.
- Likely due to the status of the subject dwelling as a working-class dwelling, cornices and picture rails features are limited. Only the Living room contains an existing picture rail.



Figure 36. View to peeling plaster and wallpaper as well as exposed brick above main entry door.



Figure 37. Close-up of wall paper at the dado, hallway.



Figure 38. View to cracked and flaked wall paper, Bedroom 1.



Figure 39. View to wallpapered frieze, Lounge Room. Note evidence of damp damage.

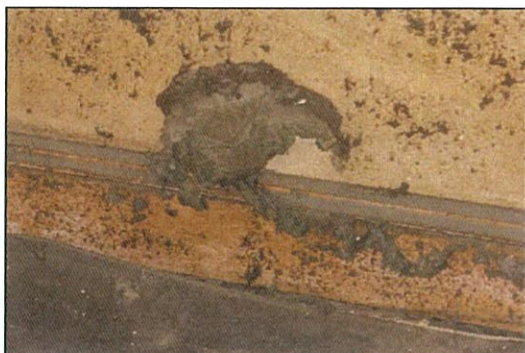


Figure 40. Close-up of what appears to be a terminate nest above the skirting board, Bedroom 1. Note also the presence of mould.

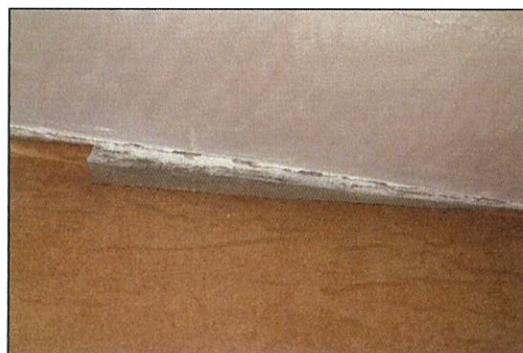


Figure 41. View to peeling wallpaper, Bedroom 2.

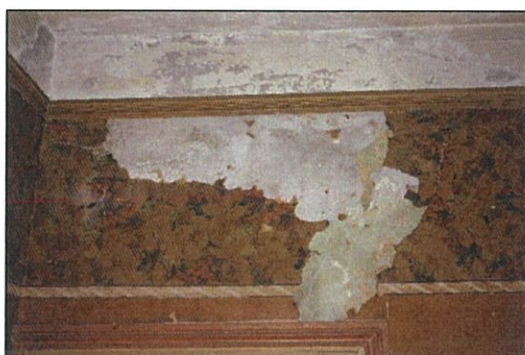


Figure 42. View to peeling wall paper and picture rail, Living room.



Figure 43. Close-up view to wall paper, Living Room. Faded detail and damp damage observed.

SIGNIFICANCE

- *HIGH* – the mixture of original and inter-war fabric to the interior walls charts the evolution and adaptation of a Federation era dwelling over the early and mid-twentieth century.

CONDITION

- *VERY POOR* – deteriorating plasterwork and mould, significant peeling deterioration of wallpaper in evidence. In same fashion to the exterior walls, rising damp and general dampness appear as major issues in the interior of the item.

CONSERVATION ACTION

- While recognising the *HIGH* significance of the internal plasterwork and wallpaper to the subject dwelling, it is recognised that the degree of damage to this fabric makes its retention and conservation problematic. In our opinion, for reasons of amenity, aesthetic and health, the existing wallpaper should be removed, and the plasterwork repaired and reconstructed. To avoid the creation of a historically faux internal environment as well as its later installation date at the site, historic wallpaper should not be reinstated.

- In general, repairs to old plaster finishes should be carried out using a lime-based render and set coat, to retain the integrity and performance of the original construction.
- Reconstructed plaster fabric should match, as close as possible, the original finish.
- Note: for plasterwork repair and reconstruction, traditional lime mortars, renders and plasters used in traditional building construction have a degree of flexibility which enables the structure to tolerate and absorb small amounts of movement without cracking. Contemporary industry standard cement renders and hard plasters which are stronger and more brittle and may not suit historic buildings.
- Engage a Pest Exterminator.

3.3.3 Floors

DESCRIPTION

- In line with typical Federation period houses, the dwelling has timber floors built on timber joists over the solum (base of the house), likely with a small void in between.
- Post-construction date however, the timber floors have been covered with linoleum.
- Unfirm timber skirting boards, with moulding, feature in every room and the hallway at the subject dwelling.



Figure 44. View to linoleum floor covering, Bed 1. Note gap between floor and wall, indicated by the red arrow.



Figure 45. Exposed timber floorboards, Lounge.



Figure 46. View to faded skirting board, Lounge room.

SIGNIFICANCE

- *HIGH* – concealed timber floorboards appear to be original. Linoleum is a later addition which is considered *INTRUSIVE*.

CONDITION

- *POOR* – linoleum exhibits significant signs of water damage as well as tears and general wear and tear. The condition of the floorboards is difficult to assess with confidence due to the linoleum covering however, weakness and sagging to the floor was dictated throughout the

subject dwelling, particularly to Bedroom 1. Skirting boards appear to be in *GOOD* condition but require cleaning.

CONSERVATION ACTIONS

- Remove linoleum floor covering to reveal timber floorboards.
- Retain and conserve timber floor. Inspect and assess structural integrity of timber floor. Note evidence of cupping, weakness, actual failure sagging etc.
- Identify and fix the cause of sub-floor problems (refer to Rising Damp and Salt Attack, Section 3.2.4). Only then can repair of the floor surface be attempted.
- All repairs and reconstructed timber elements are to match the original timber floorboards (type, hardness, profile, fixing method, finish etc.). Geometric splicing as a repair method is preferred to wholesale replacement.
- Make good small gaps between floorboards and skirting boards.
- The floor should may be sanded to achieve a more level surface. Once the tongue and grove joint are weakened and starts to split away, the floor is damaged beyond repair. Cupping can be reduced effectively, once the boards have dried out from underneath, by wetting the surface down with kerosene and re-nailing them. The kerosene expands the top surface, consequently straightening the board, but evaporates readily. As the surface dries out again, the bboards are held in place by the re-nailing. This method should only be undertaken by a trained professional.
- A traditional finish should be selected. Such finishes provide a renewable wearing surface as well as sealing out dirt and moisture. Keeping the protective finish in good order and avoiding excessive wetting of the floor will greatly extend the life of the floorboards. In deciding which product to use, carefully consider the character and visual qualities of the floor. Usually the historic value of the floor and of the room are enhanced by allowing the floor to retain its patina and the evidence of age acquired over its lifespan. This approach calls for the minimum preparation of the surface before re-finishing, and an acceptance of blemishes and makes as an integral part of the history of the place.
- Modern polyurethane floor finishes are unsuitable for floors in historic buildings due to the necessity of sanding and re-sanding when re-coating is required (reducing the thickness and structural capacity of the floorboards) and the finish which gives the timber the appearance of being coating with a thick layer of plastic.

3.3.4 Internal Openings

DESCRIPTION

- Internal openings host painted timber 4-pannelled doors, with original hardware, and simple timber architraves.
- Refer to Section 3.2.5 for description of windows. Note the presence of timber window sills in the interior of the dwelling.



Figure 47. View to Lounge room door opening (D2). Note painted timber 4-pannelled door.



Figure 48. Close-up of damaged door latch, Lounge room.

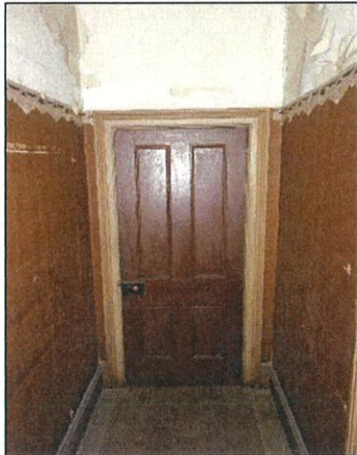


Figure 49. View to D4, hallway. Note original metal door lock.



Figure 50. View to interior of W4, Living Room.

SIGNIFICANCE

- *HIGH* – majority of internal openings and associated fabric appear to be original features. Later additions include some lock and latch elements.

CONDITION

- *FAIR*

CONSERVATION ACTIONS

- Conserve and retain internal doors, architraves and windows, including sills, glazing etc.
- Refer to Section 3.2.5 for further conservation directions.

3.3.5 Interior Fittings

DESCRIPTION

- Inter-war era electric light fittings, with suspended glass shade.
- Two back to back fireplaces with projecting chimney breast, timber surrounds and cast-iron grates.

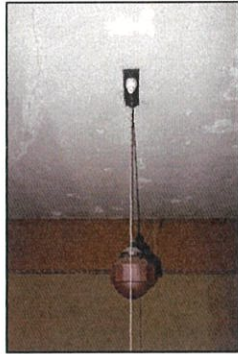


Figure 51. View to electric light with cord, Lounge room.

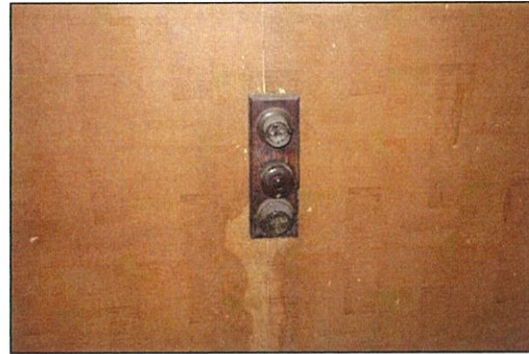


Figure 52. Close-up two-pin power socket with rotary switch, Living room.



Figure 53. Close-up of fireplace and mantle-piece with cast-iron gas heater and chimney breast, Living room. Note colours to fire-place frame, likely original.



Figure 54. Close-up of fireplace and mantle-piece with original cast-grate and chimney breast, Lounge room.

SIGNIFICANCE

- *HIGH* – fireplaces and associated mantle pieces and chimney breasts. *MODERATE* – electric fittings, while interwar majority of internal openings and associated fabric appear to be original features. Later additions include some lock and latch elements.

CONDITION

- *FAIR*

CONSERVATION ACTIONS

- For practicality and safety reasons combined with the later addition nature of the electrical fittings, it is advisable to engage an Electrician to remove existing electrical installations and re-wire the dwelling.
- Fitting of new electrical installations should have regard for the historic fabric of the place and avoid unnecessary damage. Avoid the use of historical recreations. Careful planning is needed to layout so as to avoid the unsightly exposed runs of cabling, internally and externally.
- Retain and conserve fireplaces. Consider removal of the later addition cast-iron gas heater in the fireplace situated in the Lounge room.
- Note: Fireplaces and associated flues are important elements in moisture control and ventilation generally. Regardless of status, most flues should be kept open, and if not, the chimney capped with a well-ventilated cowl. Working chimneys assist in drawing out a moisture from the wall core. Deposited combustion products within the chimney tend to be hygroscopic and will absorb moisture from the air; for this reason alone, airflow should be maintained.

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
11 September 2017	Final Issue	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.

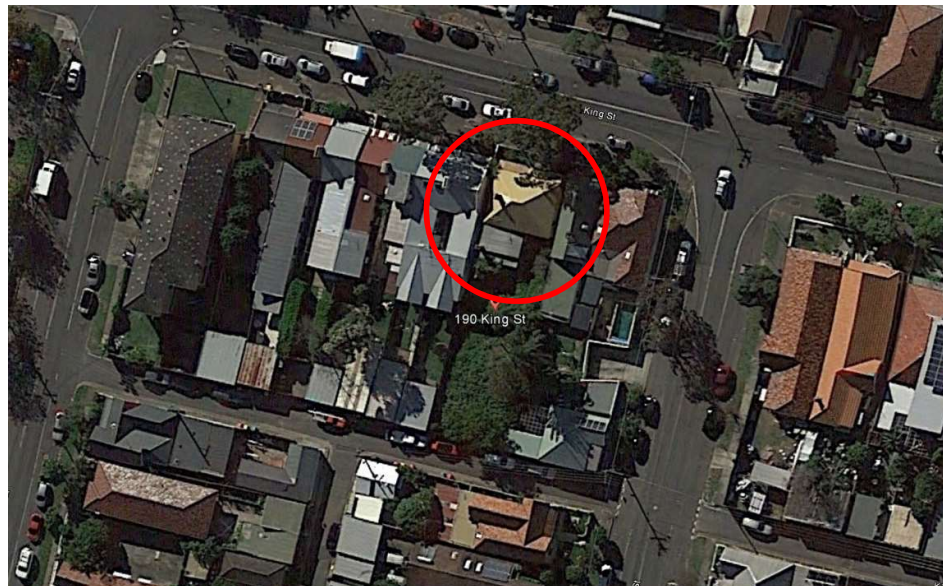


Figure 1 - Aerial view of the subject site in the context of surrounding development



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:

- 1147 '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 on 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.

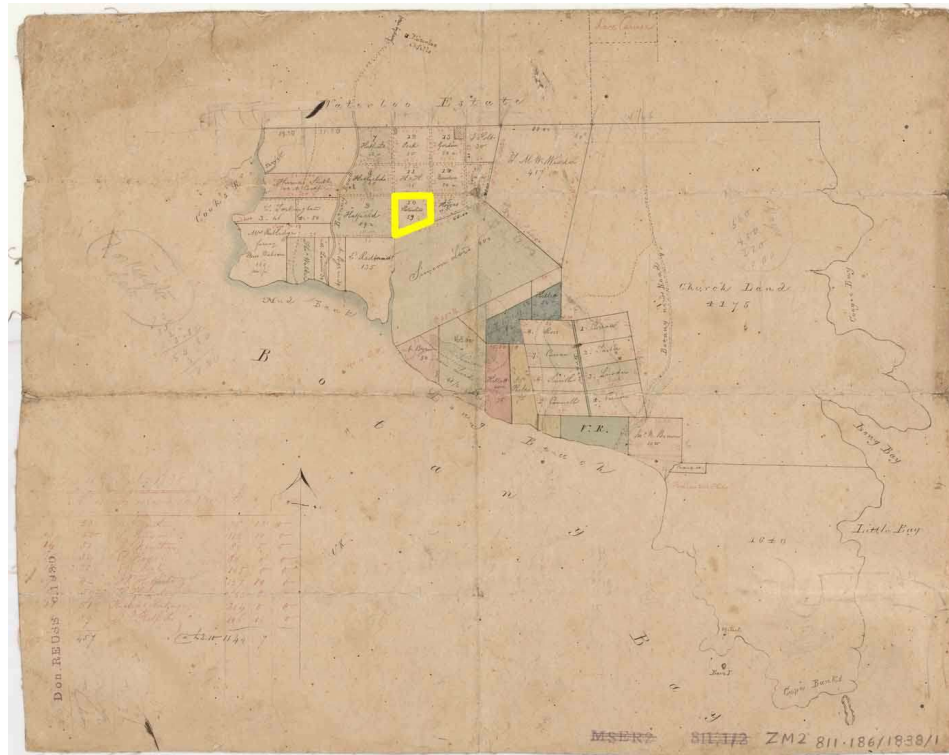


Figure 6 – [Parish of Botany Subdivision Plans], 1838 / PL Bem. Allotment 10 granted (outlined in yellow) in the name of Hollingshed [sic]. (Source: State Library of New South Wales, Digital Order No. c018870001)

¹ Memorandum of transfer 321031, NSW Land & Property Information

² Electoral rolls via ancestry.com.au

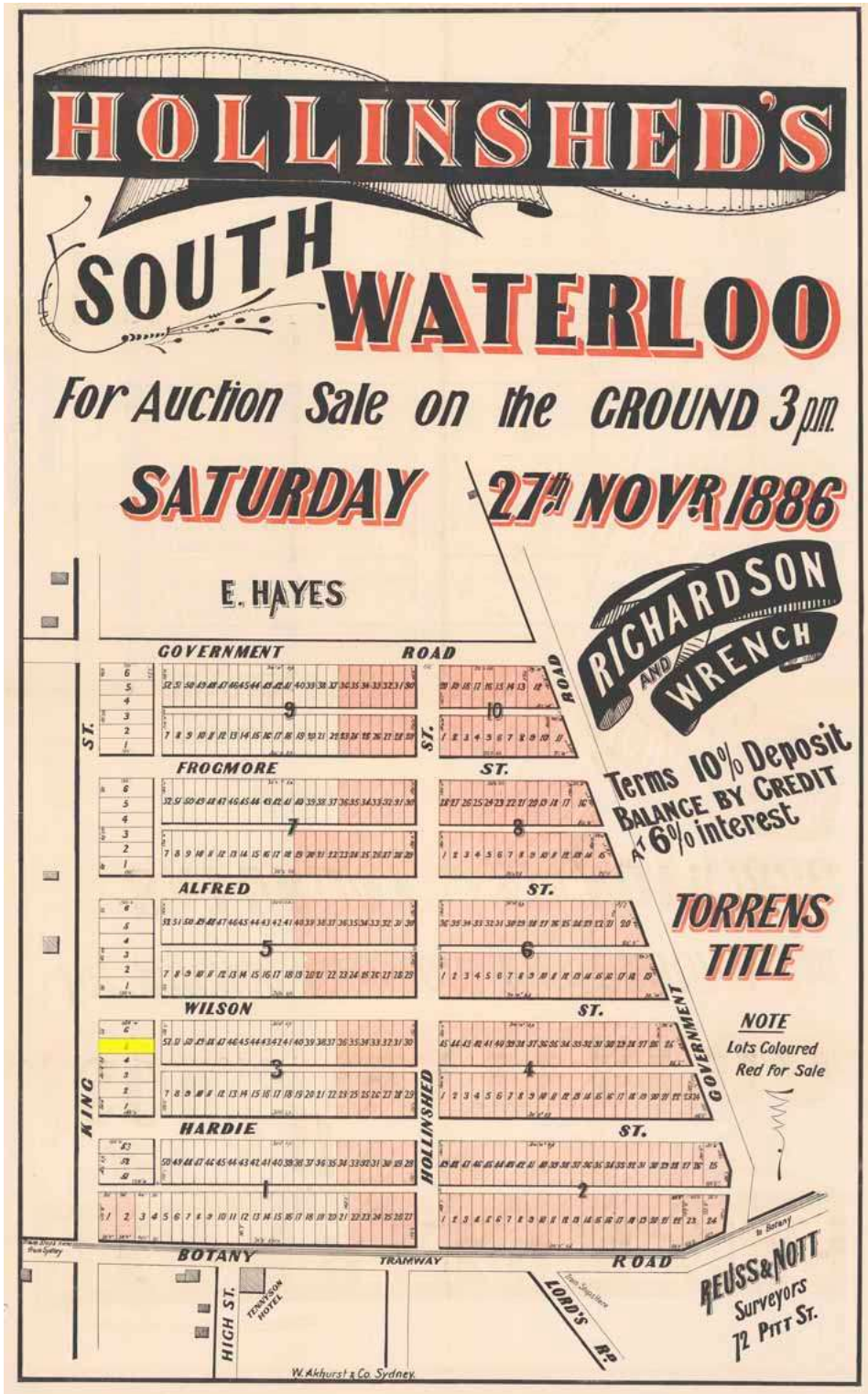


Figure 7 – Hollingshed's South Waterloo for auction sale...27th November 1886. Subject site shaded yellow thereon. (Source: National Library of Australia, MAP Folder 190, LFSP 2983)

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

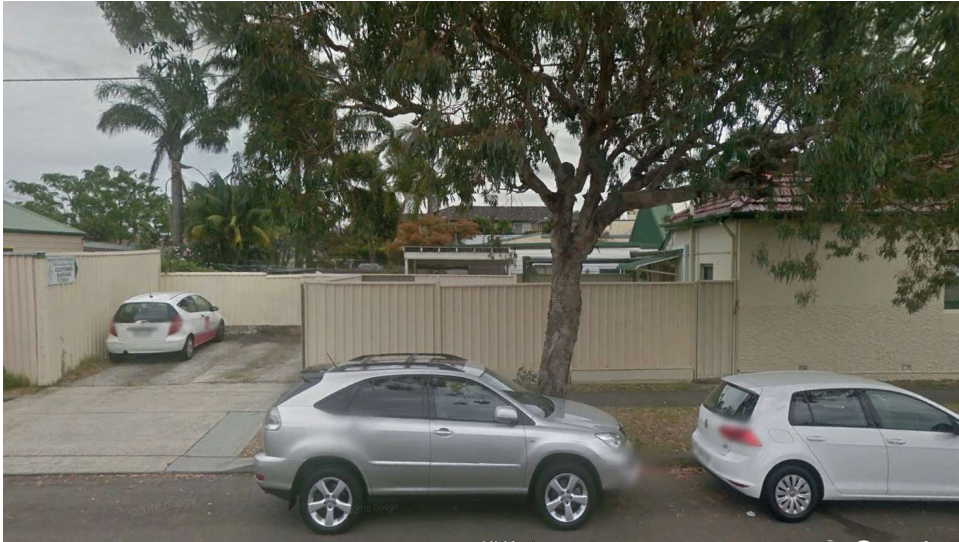


Figure 28 - View to the rear of the subject site from Johnson Street where future redevelopment is contemplated by the zoning.



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.

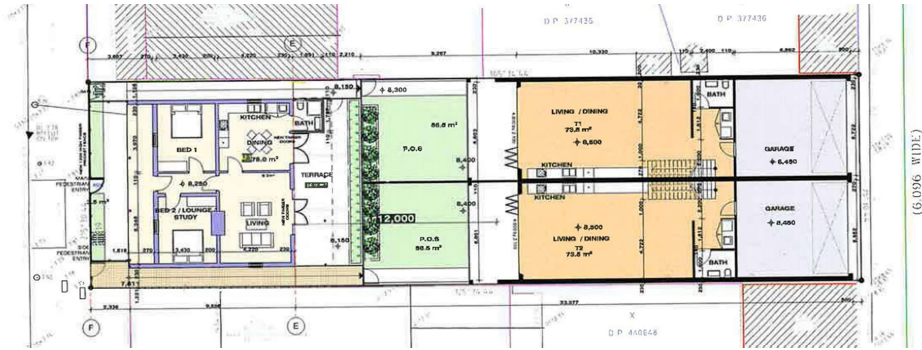


Figure 30 - Ground floor plan showing the proposed changes to the cottage and the layout of the terraces behind. (Source: Urbanlink)

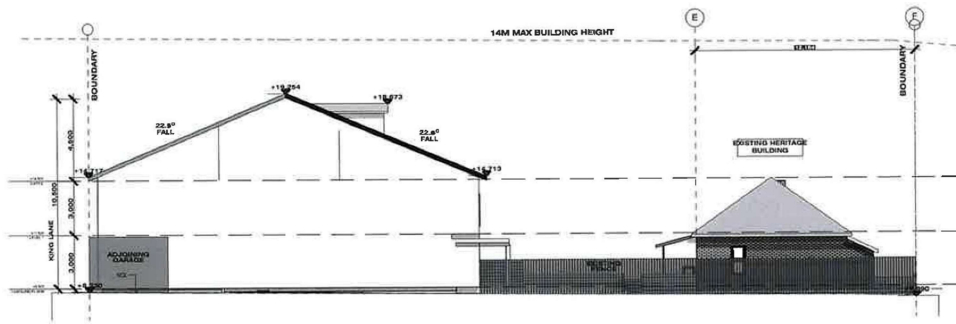


Figure 31 – Northern site elevation showing the relationship of the heritage cottage (to the right of the image) and the proposed development behind. (Source: Urbanlink)

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 will 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

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.
-

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

Location Plan

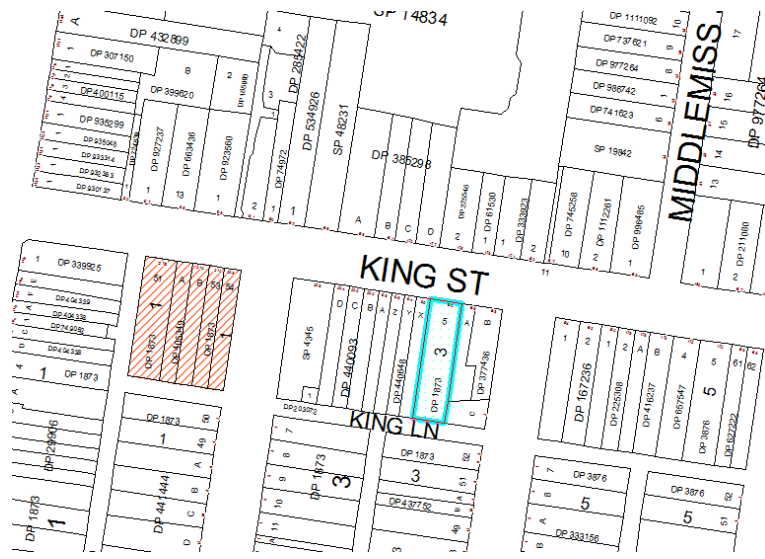


Figure 1: Locality Plan

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.

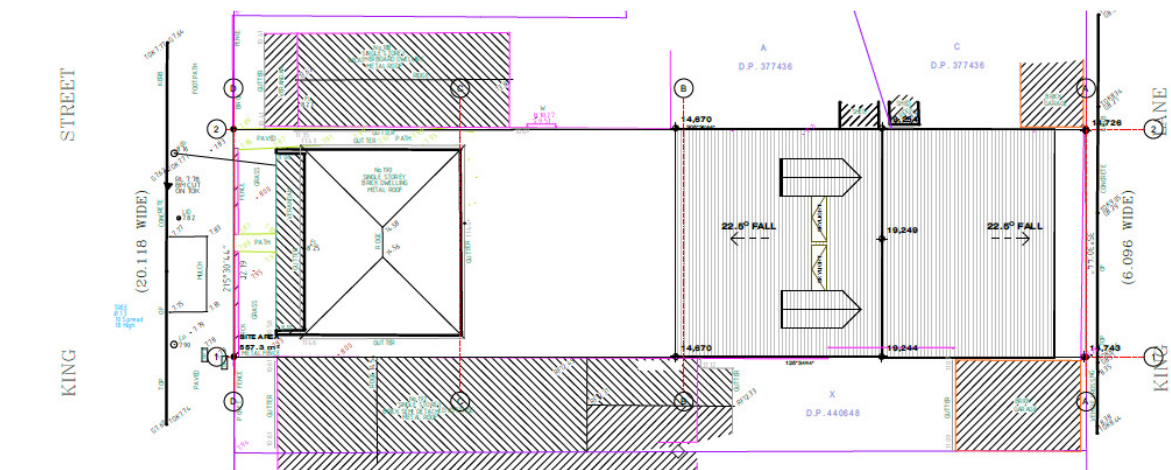


Figure 1: Proposed Roof Plan

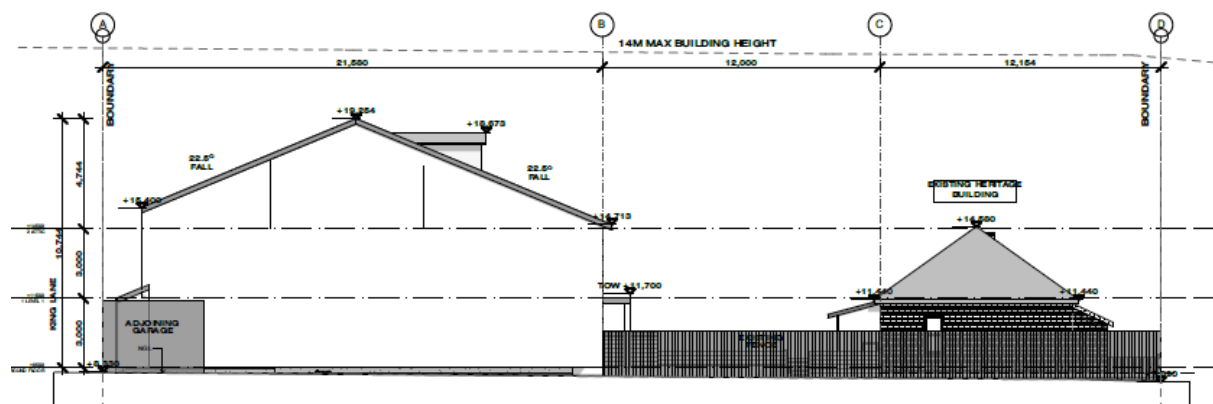


Figure 2. Proposed Eastern Elevation

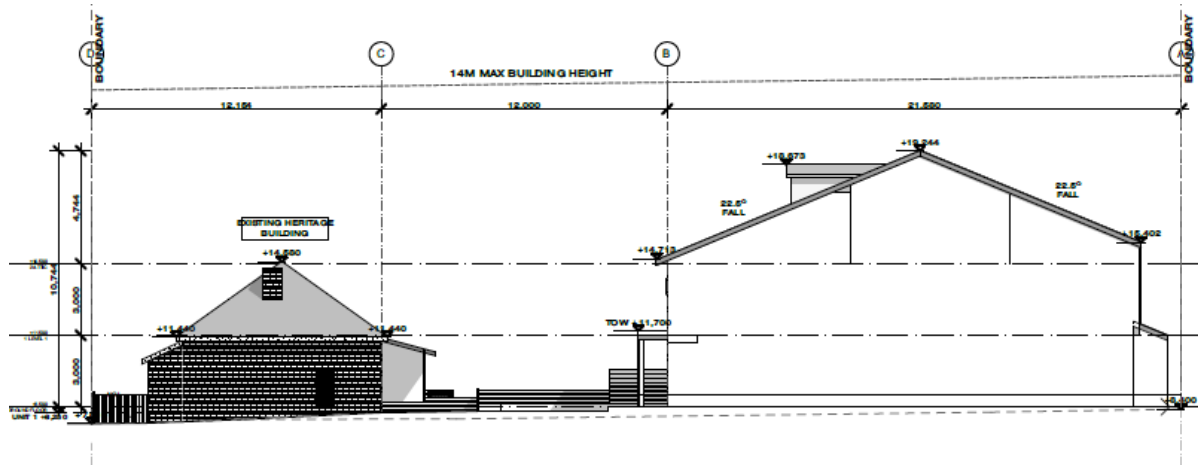


Figure 3: Proposed Western Elevation

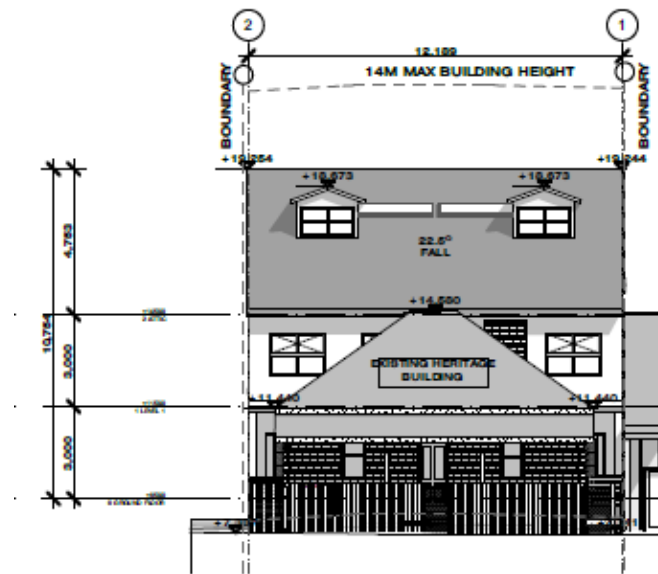


Figure 4: Proposed Northern Elevation

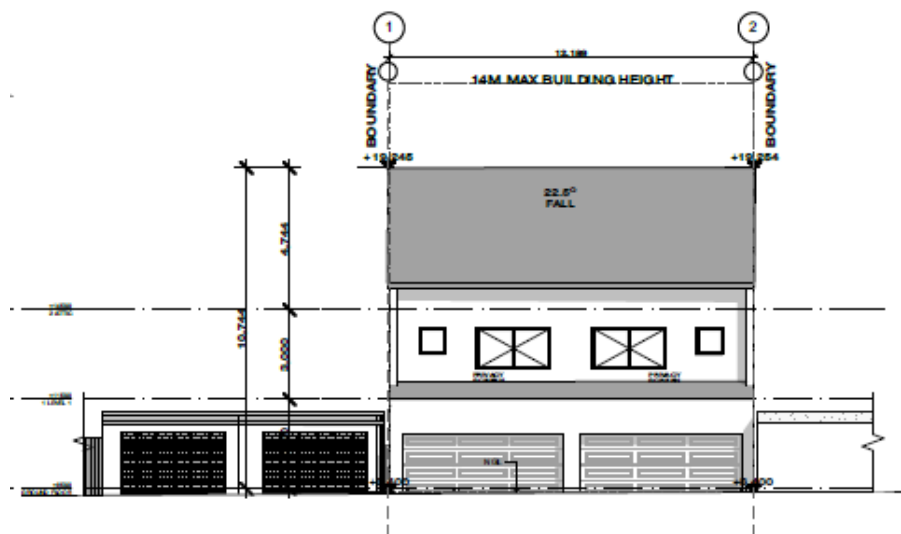


Figure 5: Proposed Southern Elevation

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
BBDPC 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.

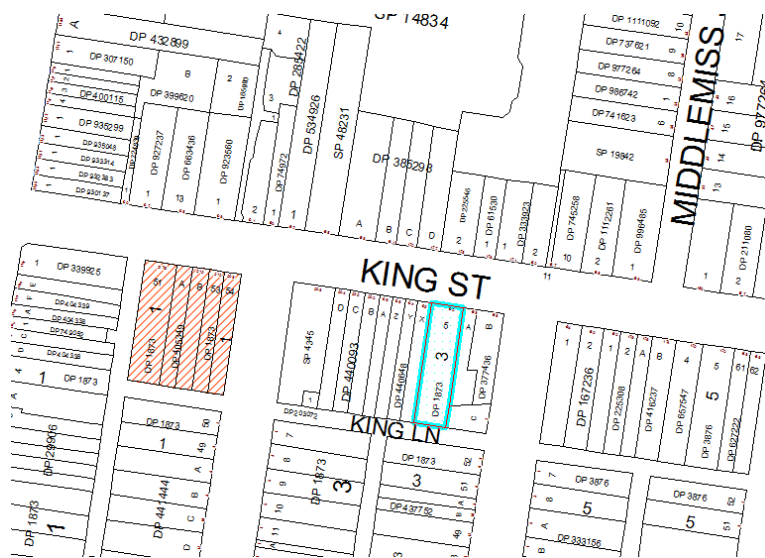


Figure 6: Locality Plan



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.
<p>What is the proposed Floor Space Ratio?</p> <p>Does the Floor Space Ratio of the building comply with the maximum Floor Space Ratio?</p>	<p>-</p> <p>Y</p>	<p>The maximum Floor Space Ratio requirement is 2:1 (1114.6m²).</p> <p>Proposed development: GFA: 506.7m² FSR: 0.9:1</p> <p>The Floor Space Ratio of the development complies with Council's requirements under the Botany Bay Local Environmental Plan 2013.</p>
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.
<p>Is the site within land marked "Area 3" on the Floor Space Ratio Map?</p> <p>If so, does it comply with the sliding scale for Floor Space Ratio in Clause 4.4A?</p>	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	<p>The existing dwelling at the subject site is listed as a local heritage item (I147) under the Botany Bay Local Environmental Plan (BBLEP) 2013.</p> <p>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</p>

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 border="1"> <thead> <tr> <th data-bbox="228 329 464 405">No of Bedrooms</th> <th data-bbox="464 329 778 405">Private Open Space Required per Dwelling</th> </tr> </thead> <tbody> <tr> <td data-bbox="228 405 464 450">Studio</td> <td data-bbox="464 405 778 450">24.5 m²</td> </tr> <tr> <td data-bbox="228 450 464 495">1 bedroom</td> <td data-bbox="464 450 778 495">24.5 m²</td> </tr> <tr> <td data-bbox="228 495 464 539">2 bedrooms</td> <td data-bbox="464 495 778 539">35 m²</td> </tr> <tr> <td data-bbox="228 539 464 584">3 bedrooms</td> <td data-bbox="464 539 778 584">45.5 m²</td> </tr> <tr> <td data-bbox="228 584 464 629">4 bedrooms</td> <td data-bbox="464 584 778 629">56 m²</td> </tr> </tbody> </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	<p>Private Open Space (POS) area of 36m² is to be provided for the 2 bedroom dwelling and an area of 56.5m² is to be provided for the 4 bedrooms dwellings.</p>	<p>Y</p>
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													
<p>4B.2.10 Setbacks, Building Frontage and Separation</p>														
<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>	<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.</p>	<p>Refer to assessment in Part 5 below</p>												
<p>4B.3.1 Building Entries</p>														
<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>	<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.</p>	<p>Y – subject to condition</p>												

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 BBDCP 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 prepared 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 Environmental 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 Councils 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

- | | | |
|----|--------------------------|--|
| 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 its 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 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 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 anarcardiodes*.
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
11 September 2017	Final Issue	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.

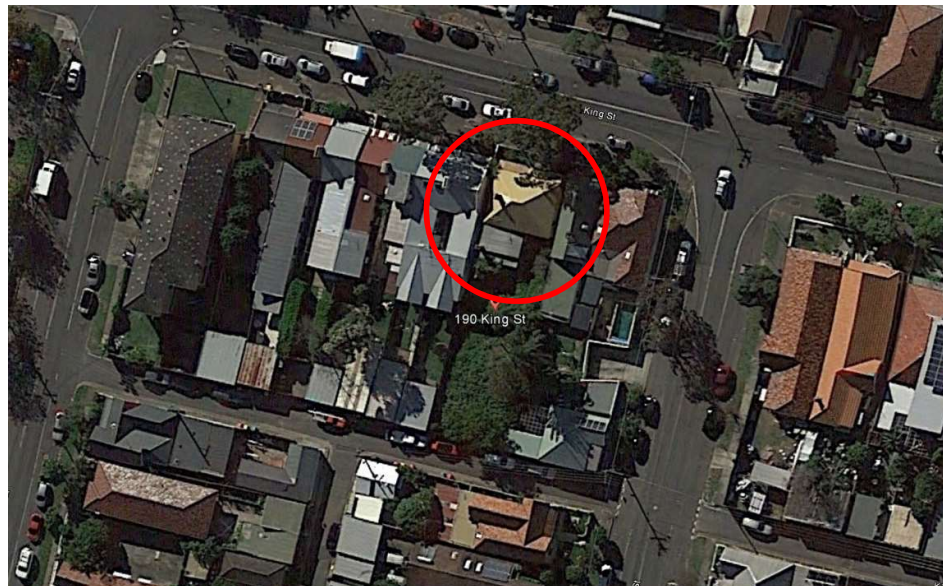


Figure 1 - Aerial view of the subject site in the context of surrounding development



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:

- 1147 '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 on 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.

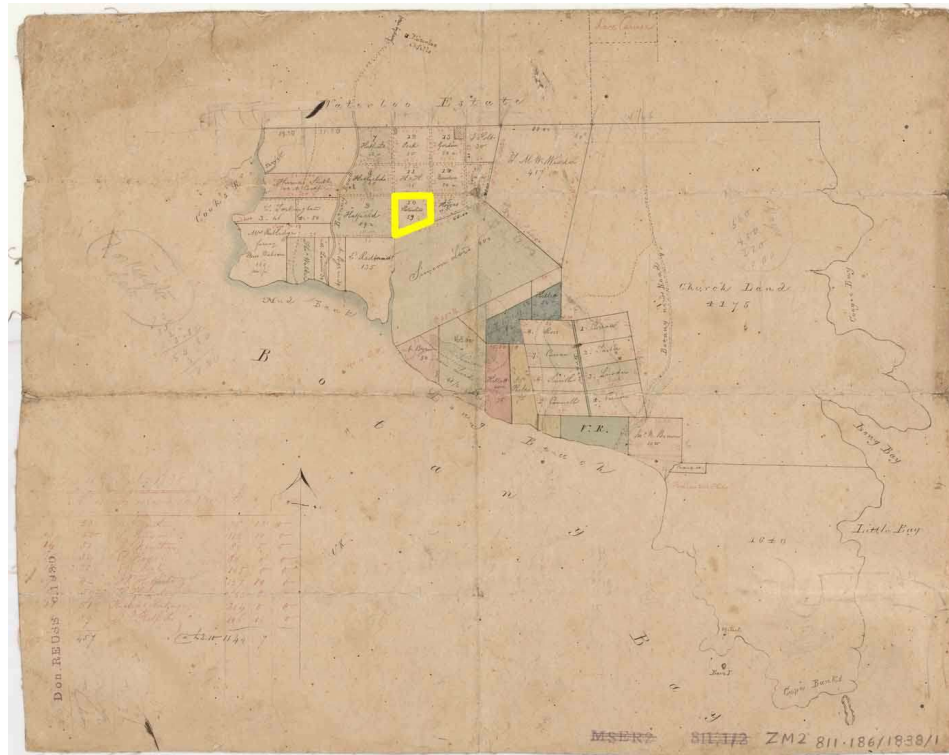


Figure 6 – [Parish of Botany Subdivision Plans], 1838 / PL Bem. Allotment 10 granted (outlined in yellow) in the name of Hollingshed [sic]. (Source: State Library of New South Wales, Digital Order No. c018870001)

¹ Memorandum of transfer 321031, NSW Land & Property Information
² Electoral rolls via ancestry.com.au

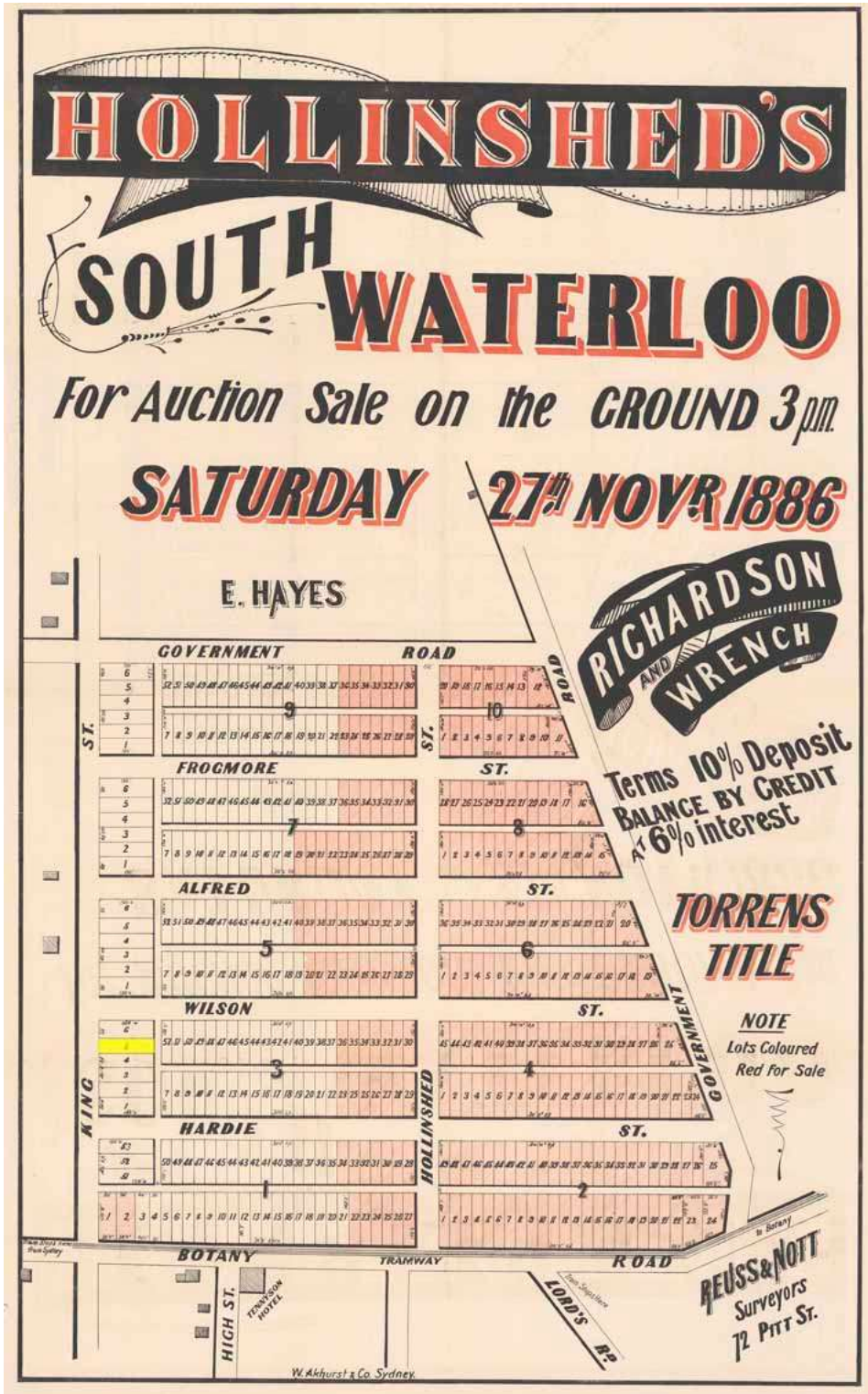


Figure 7 – Hollingshed’s South Waterloo for auction sale...27th November 1886. Subject site shaded yellow thereon. (Source: National Library of Australia, MAP Folder 190, LFSP 2983)

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

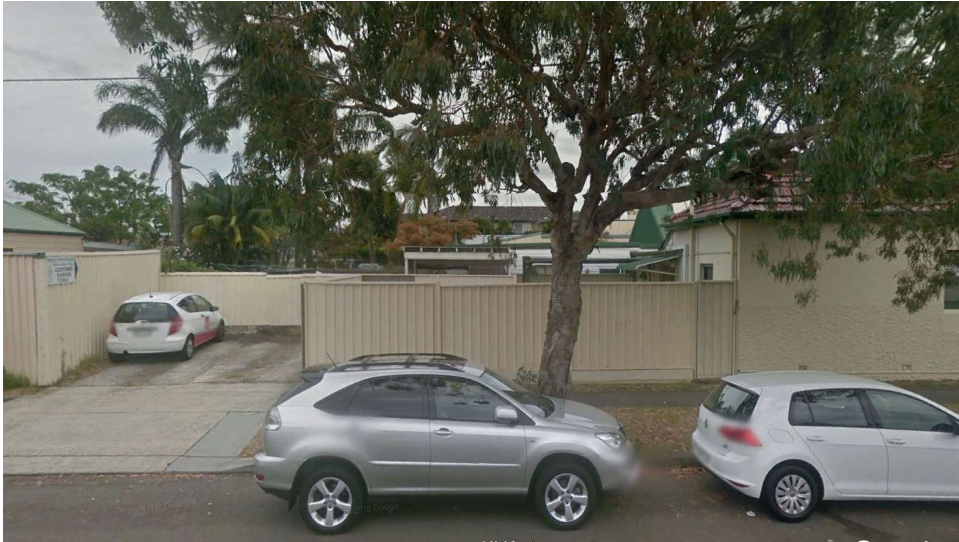


Figure 28 - View to the rear of the subject site from Johnson Street where future redevelopment is contemplated by the zoning.



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.

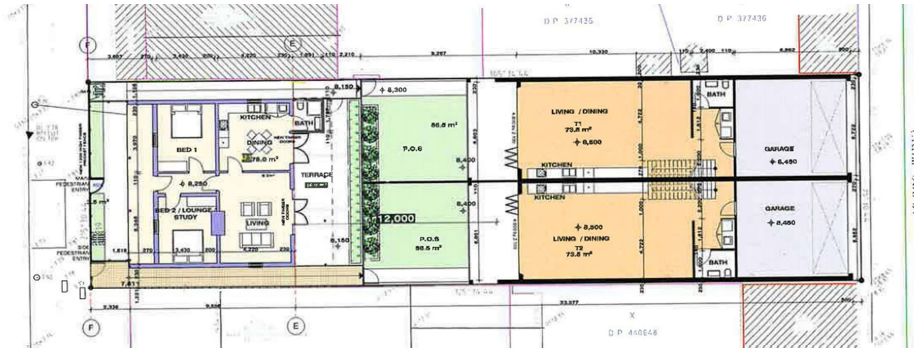


Figure 30 - Ground floor plan showing the proposed changes to the cottage and the layout of the terraces behind. (Source: Urbanlink)

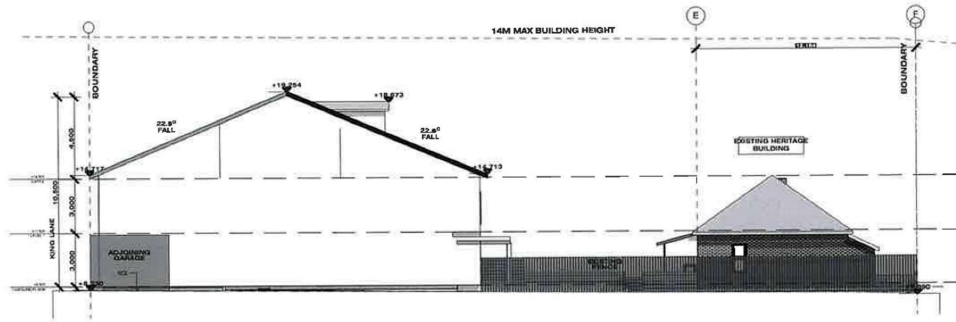


Figure 31 – Northern site elevation showing the relationship of the heritage cottage (to the right of the image) and the proposed development behind. (Source: Urbanlink)

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 will 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.

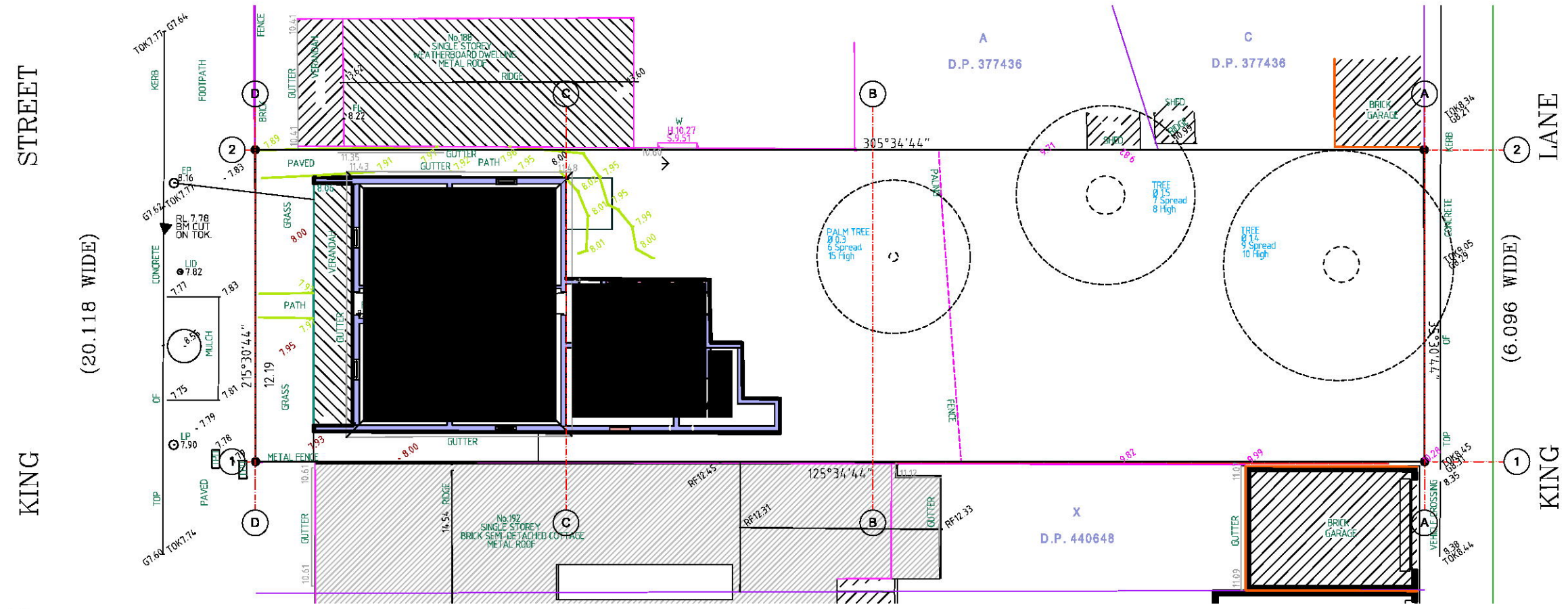
7.0 CONCLUSION

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.

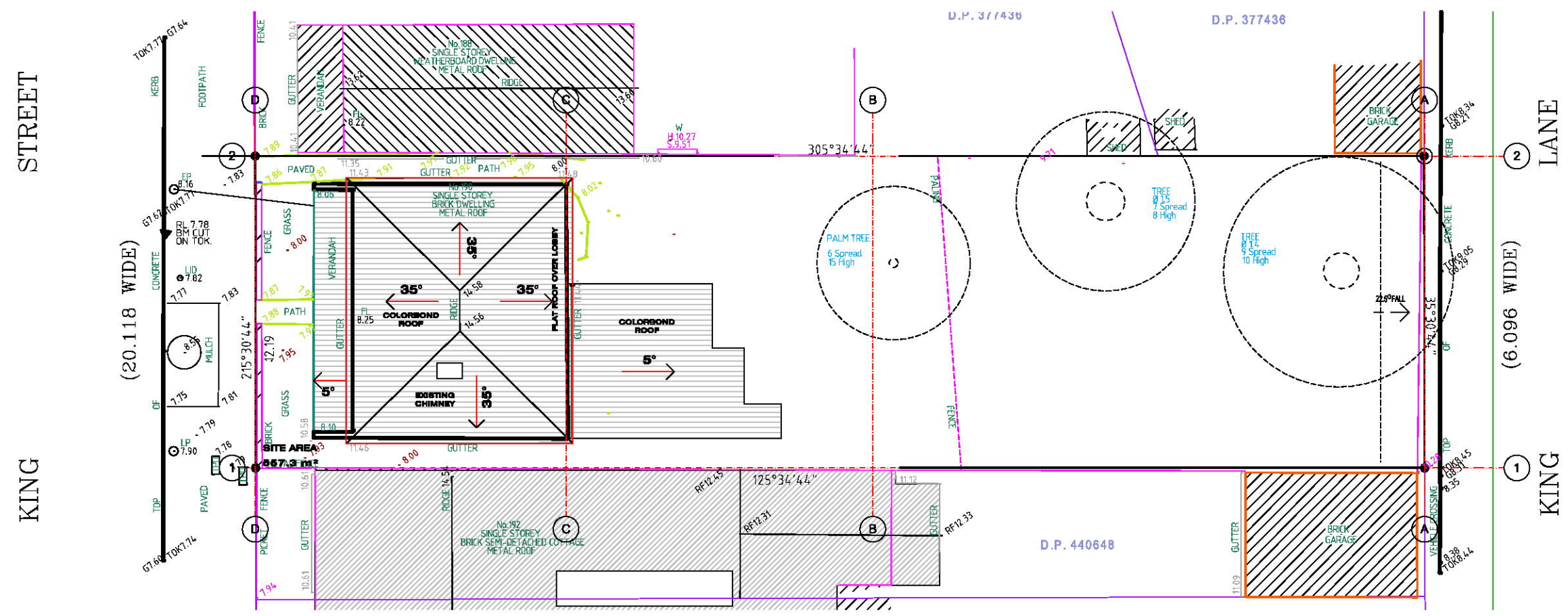


Samantha Polkinghorne
Associate Director / Heritage Consultant
NBRSARCHITECTURE

11 September 2017



1 PLAN EXISTING PLAN
1:200



1 PLAN EXISTING ROOF PLAN
1:200

LEGEND	
PROPOSED	[Solid black fill]
PROPOSED (UNIT)	[Hatched pattern]
EXISTING	[Blue outline]
DEMOLISHED	[Red dashed outline]

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
Youssef El Khawaja Reg no 8933
Nicolas Toubia Reg no 9336

Drawing Title

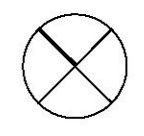
EXISTING PLANS

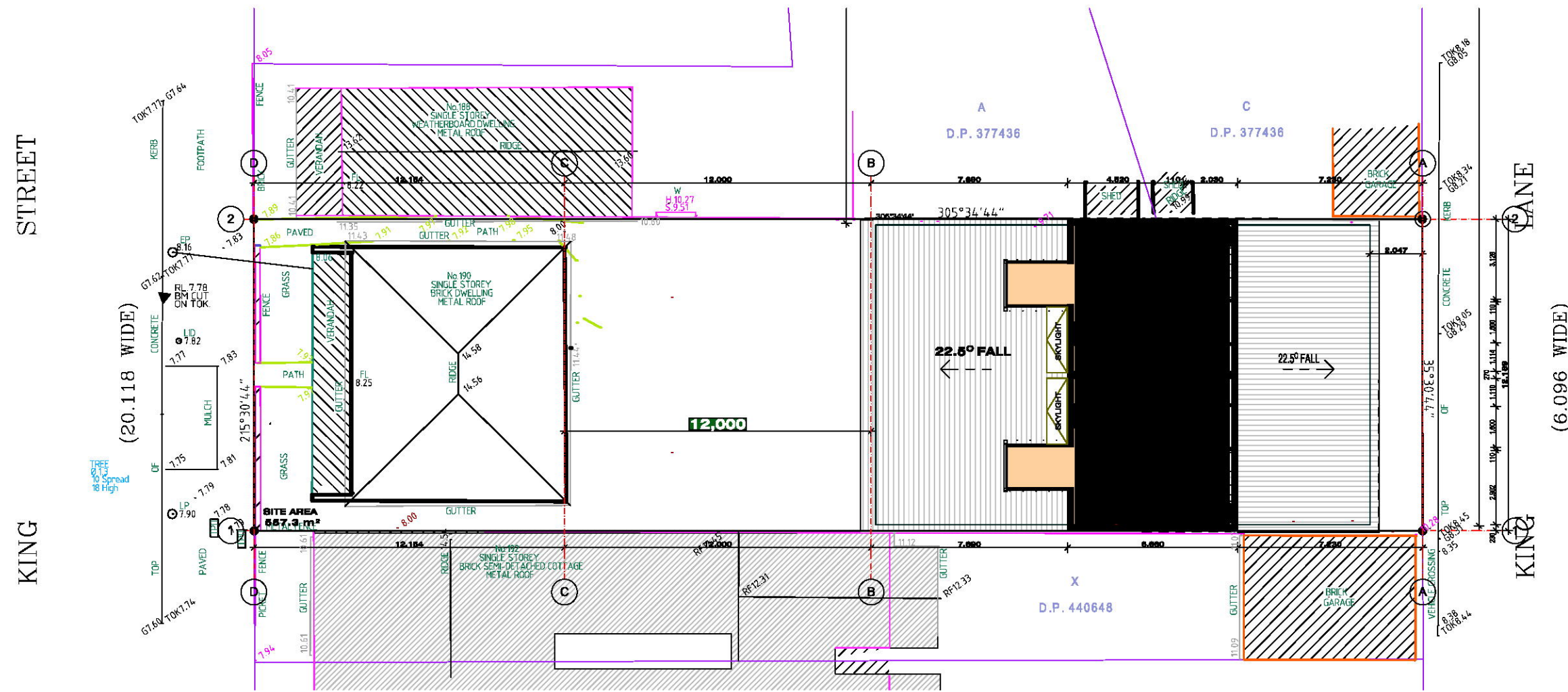
Checked	Approved
JE	TJ

Scale **AS SHOWN** Date of Issue 22/11/2017
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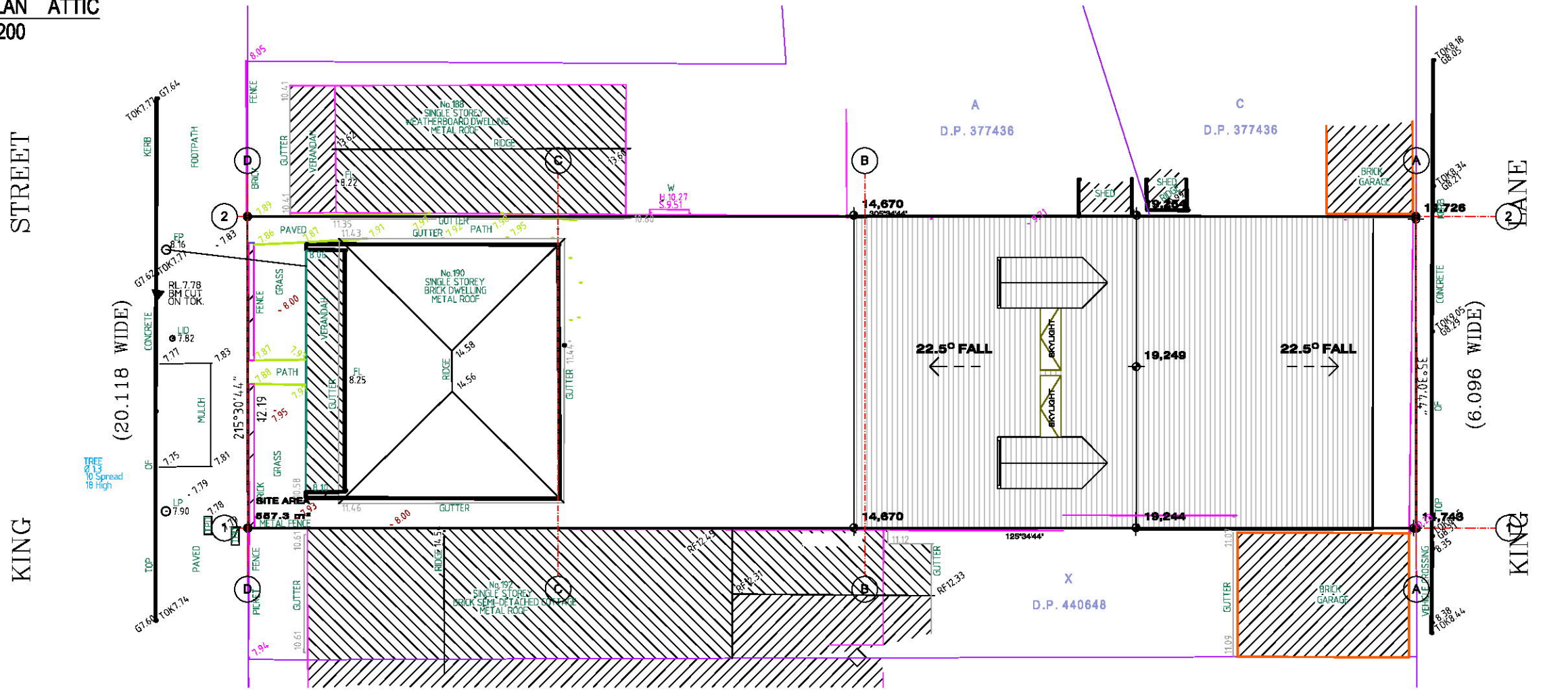
Project Number	Drawing Number	Revision
16-071	1003	B

Status
DEVELOPMENT APPLICATION





1 PLAN ATTIC
1:200



1 PLAN ROOF
1:200

Certificate no.: 0001811100
Assessor Name: John Boutros
Accreditation no.: VIC/BDV/16/1763
Certificate date: 18 August 2017
Dwelling Address: 190 King St, Mascot, NSW 2020
www.nathers.gov.au

NATIONWIDE HOUSE
ENERGY RATING SCHEME
Average star rating: 5.7

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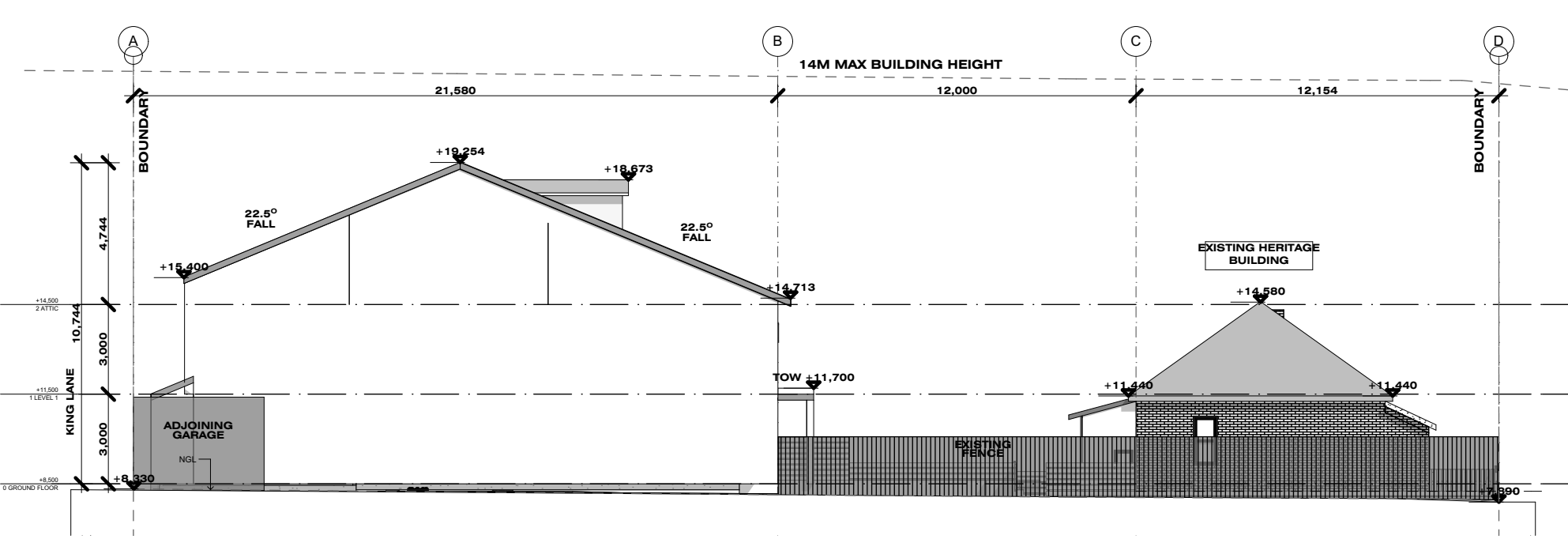
Nominated Architects:
Ziad Boumelhem Reg no 8008
Youssef El Khawaja Reg no 8933
Nicolas Toubia Reg no 9336

ATTIC & ROOF PLAN

Checked: JE
Approved: TJ

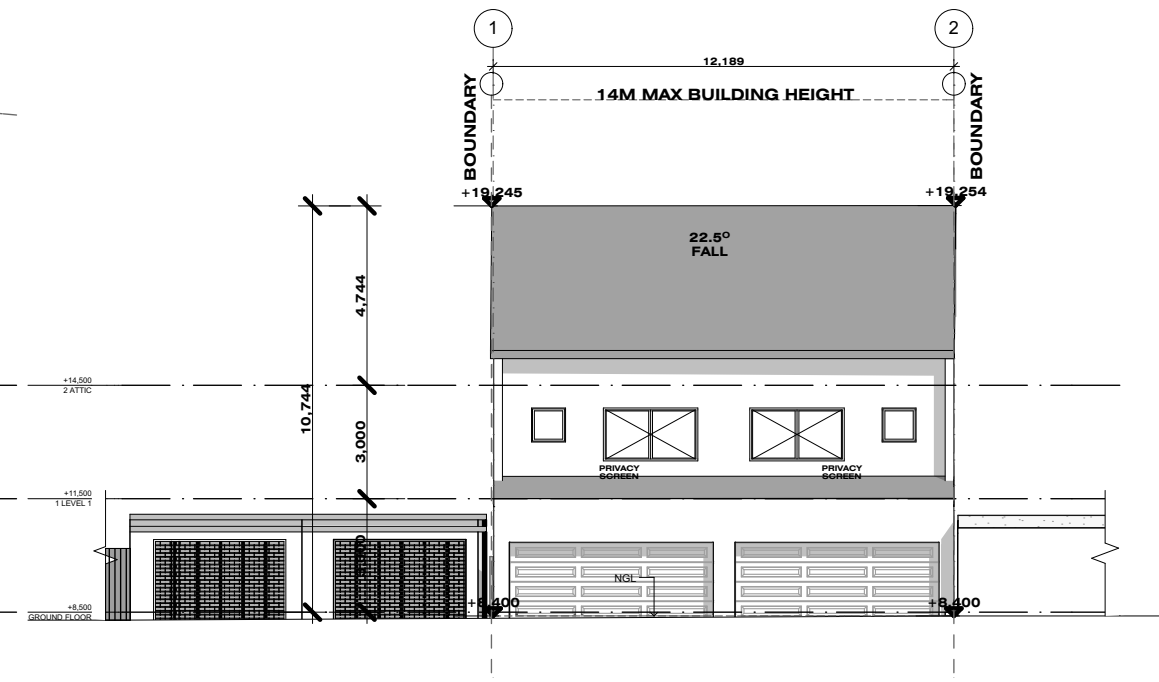
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Project Number: 16-071
Drawing Number: 1005
Revision: B
Status: DEVELOPMENT APPLICATION



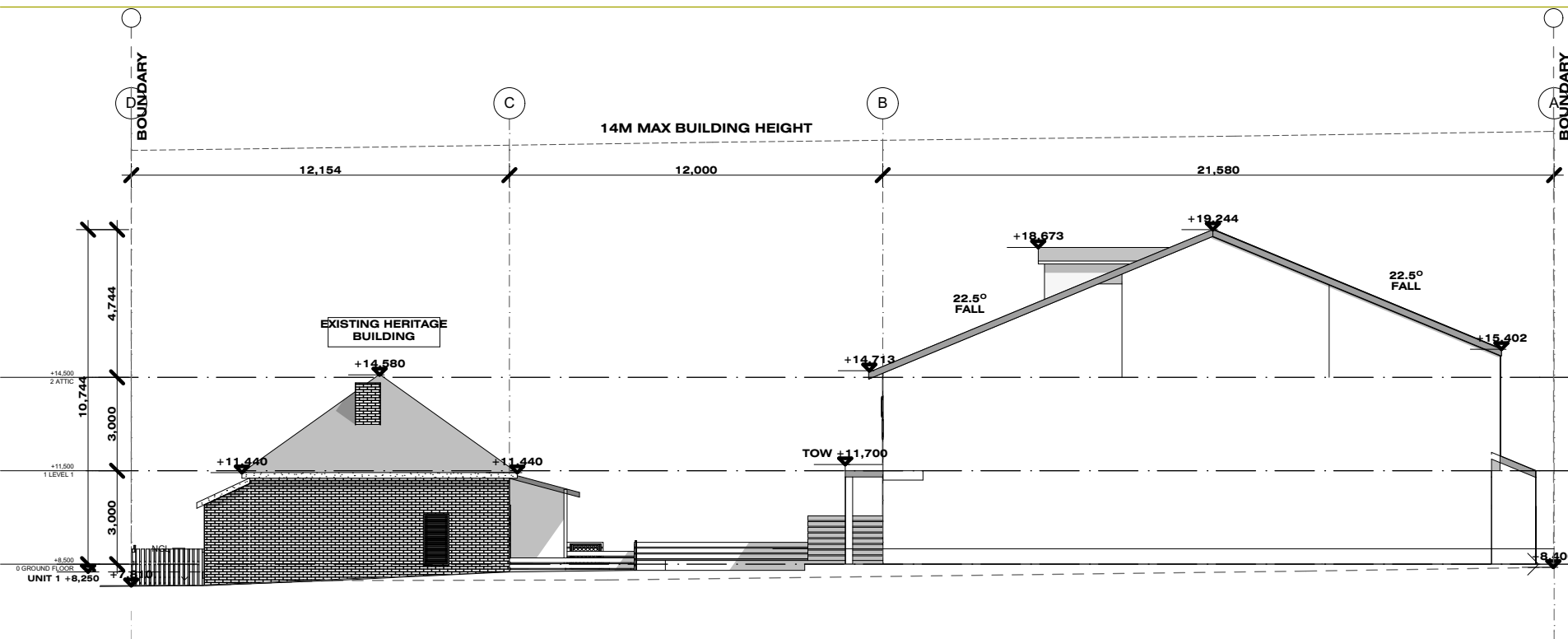
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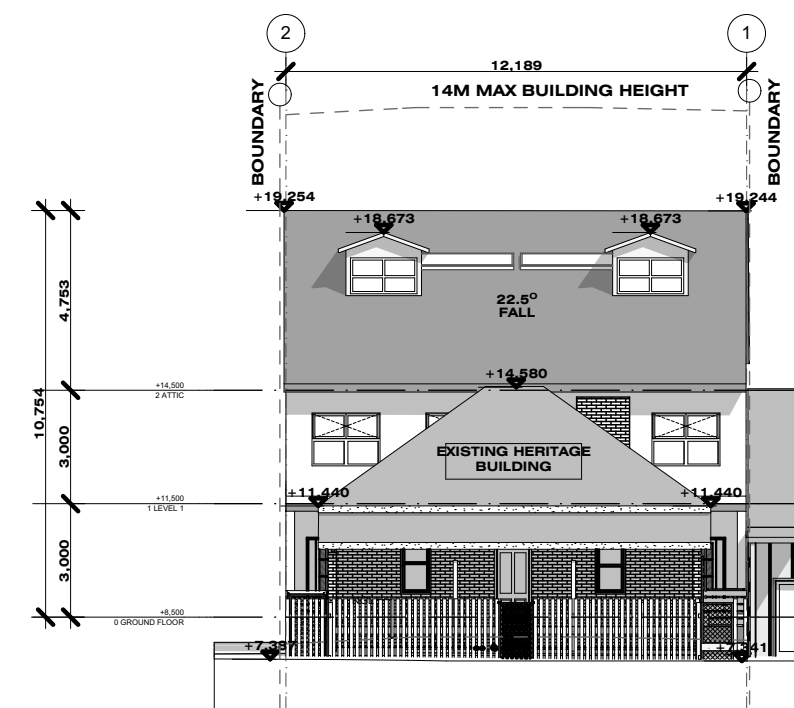
EAST ELEVATION

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SOUTH ELEVATION

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WEST ELEVATION

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

Project Description: RESIDENTIAL DWELLING
 Date: 20.11.17
 App'd: MN

190 King St
 Mascot NSW



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 Khawaja Reg no 8933
 Nicolas Toubia Reg no 9336

Drawing Title

ELEVATION

Checked: JE
 Approved: TJ

Scale: AS SHOWN
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 Date of Issue: 22/11/2017

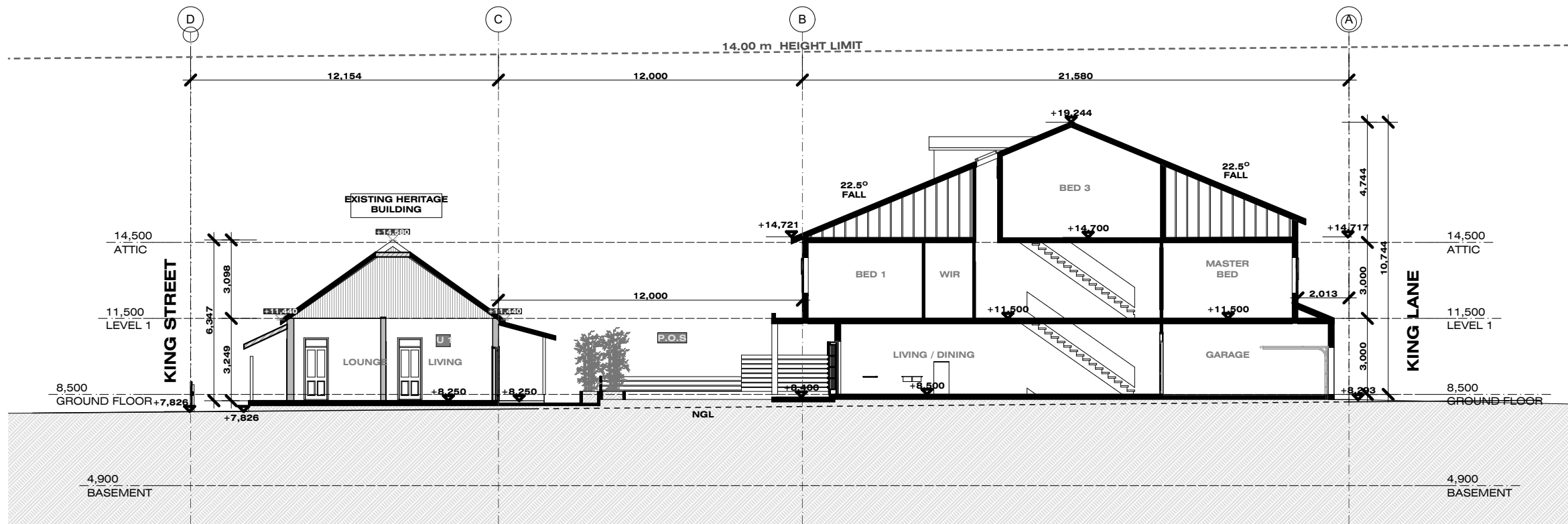
Project Number: 16-071
 Drawing Number Revision: 1101 B

DEVELOPMENT APPLICATION



Certificate no.: 0001811100
 Assessor Name: John Boutros
 Accreditation no.: VIC/BDAV/16/1763
 Certificate date: 18 August 2017
 Dwelling Address: 190 King St Mascot, NSW 2020
 www.nathers.gov.au

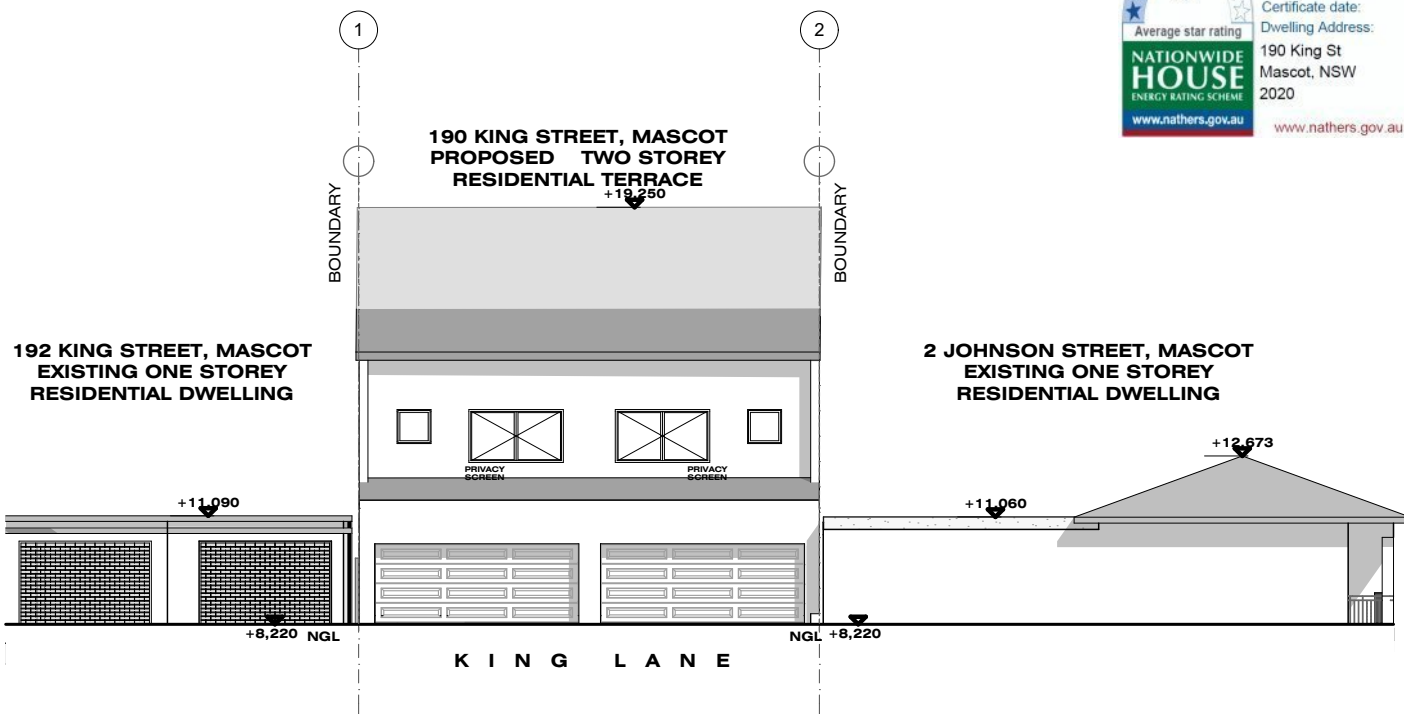




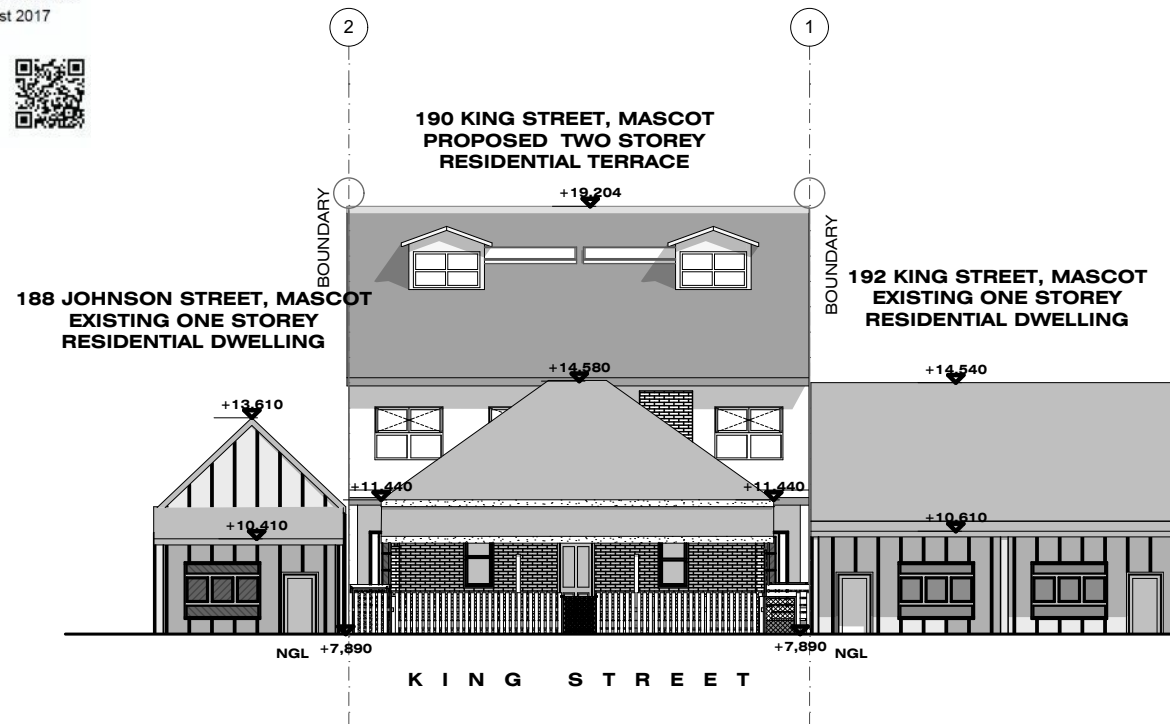
1 PLAN SECTION A
 1:200



Certificate no.: 0001811100
 Assessor Name: John Boutros
 Accreditation no.: VIC/BDAV/16/1763
 Certificate date: 18 August 2017
 Dwelling Address: 190 King St
 Mascot, NSW
 2020



1 STREETScape - KING LANE
 1:200



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



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 Khawaja Reg no 8933
 Nicolas Toubia Reg no 9336

Drawing Title

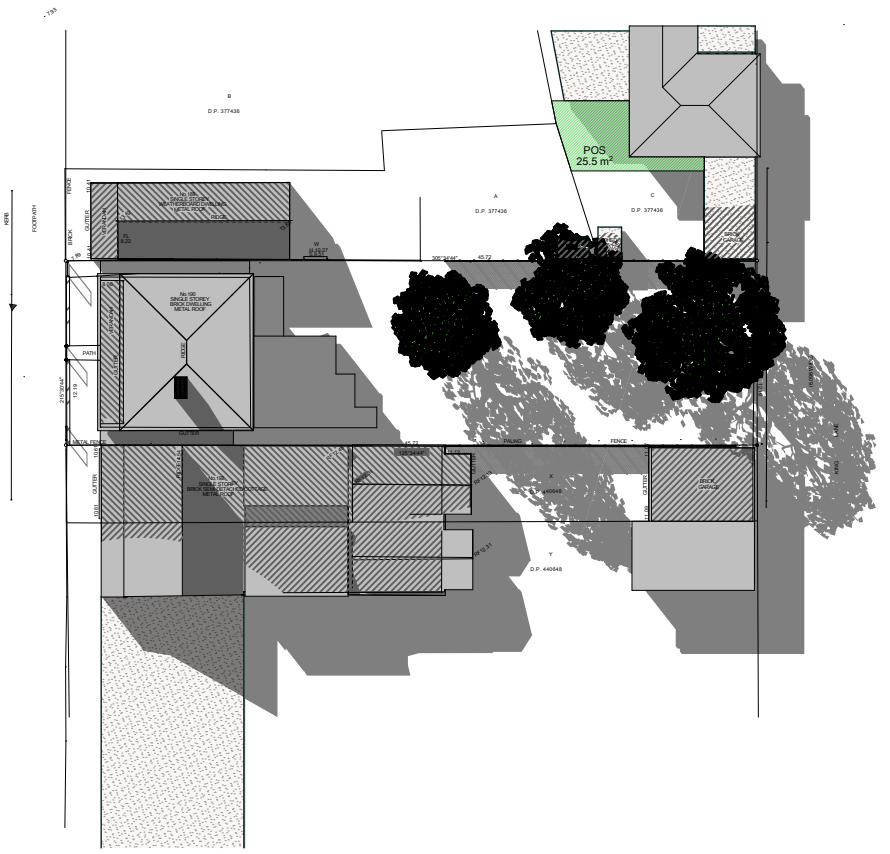
SECTION & STREETScape

Checked: JE
 Approved: TJ

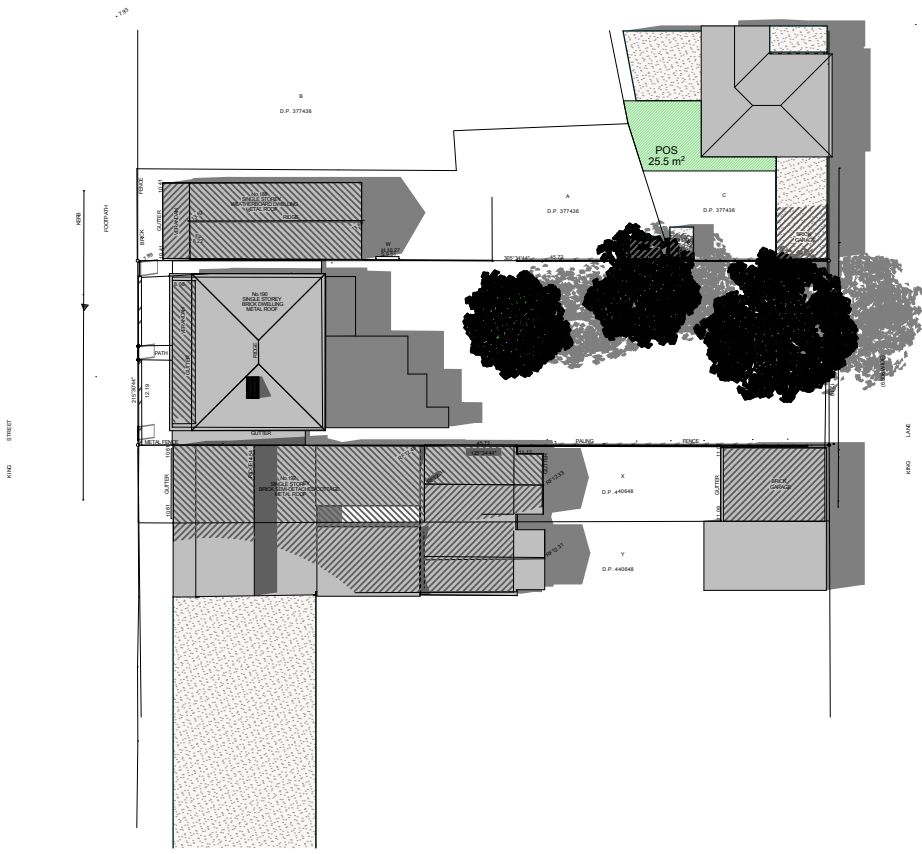
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 @A3 Sheet Size
 Date of Issue: 22/11/2017



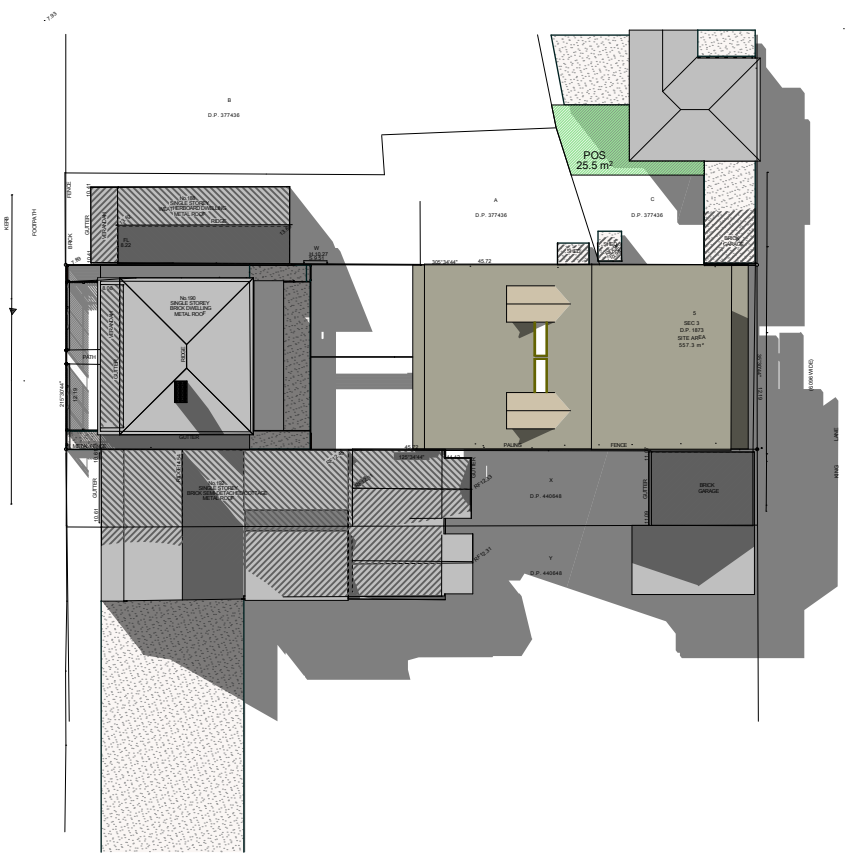
Project Number	Drawing Number	Revision
16-071	1102	B
Status	DEVELOPMENT APPLICATION	



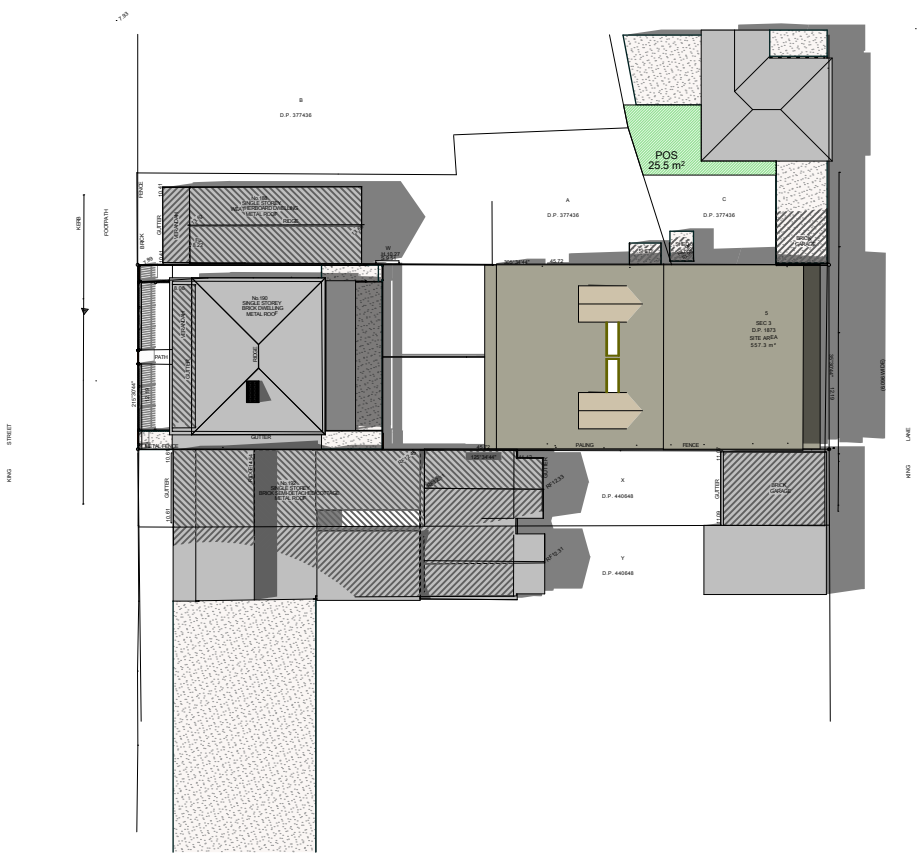
1 EXISTING MARCH 0900 1:500



1 EXISTING MARCH 1200 1:500



1 PROPOSED MARCH 0900 1:500



1 PROPOSED MARCH 1200 1:500

Rev	Description	Date	App'd
C	REVISED SHADOWS	22.11.17	CH
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

URBAN LINK
 Business Address: Level 10, 11-15 Deane Street, Burwood NSW 2134
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Nominated Architects:
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 Youssef El Khawaja Reg no 8933

Drawing Title
COMPLIANCES
21st MARCH - SHADOW DIAGRAMS

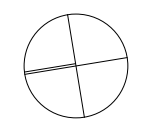
Checked: JE Approved: TJ

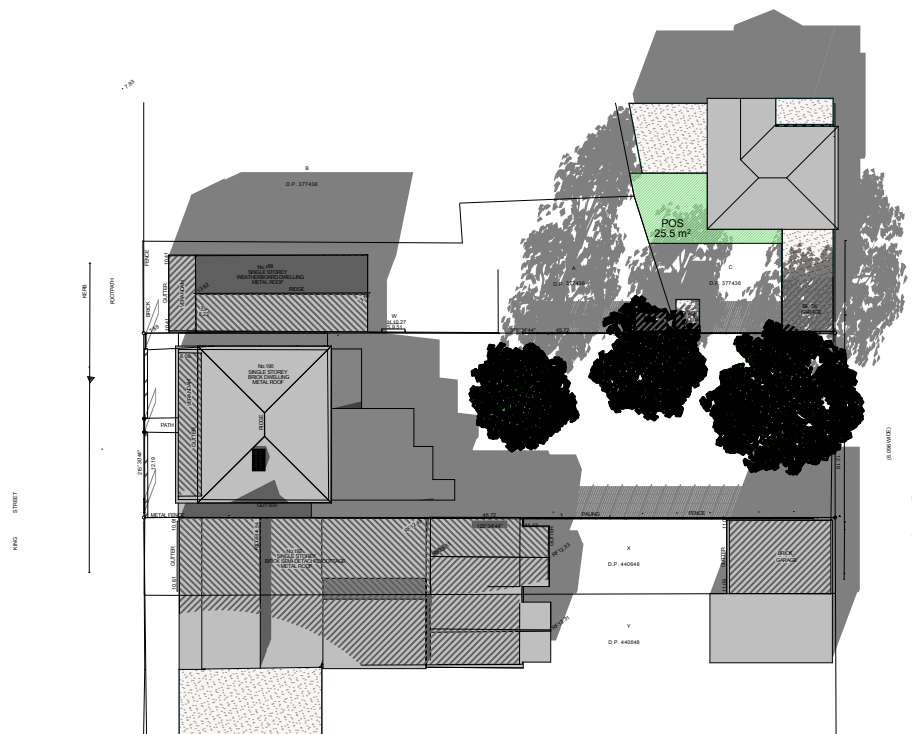
Scale: AS SHOWN Date of Issue: 30/11/2017

@A3 Sheet Size

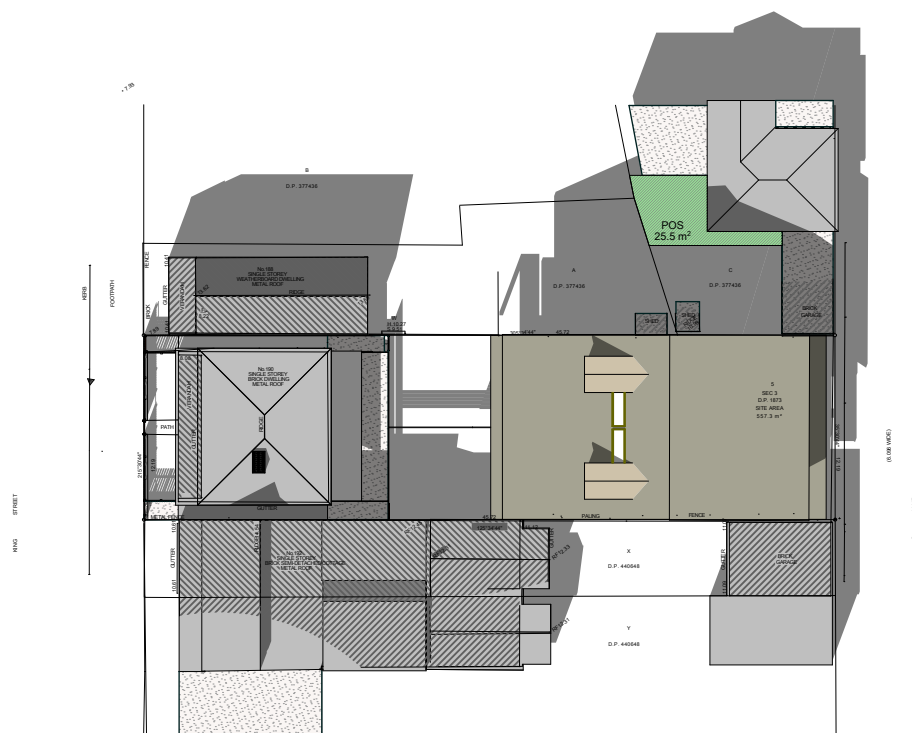
Project Number: 16-071 Drawing Number: 2005 Revision: B

Status: DEVELOPMENT APPLICATION





1 EXISTING MARCH 1500 1:500



1 PROPOSED MARCH 1500 1:500

Rev	Description	Date	App'd
C	REVISED SHADOWS	22.11.17	CH
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

URBAN LINK
 Business Address: Level 10, 11-15 Deane Street, Burwood NSW 2134
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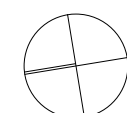
Nominated Architects:
 Ziad Boumelhem Reg no 8008 Nicolas Toubia Reg no 9336
 Youssef El Khawaja Reg no 8933

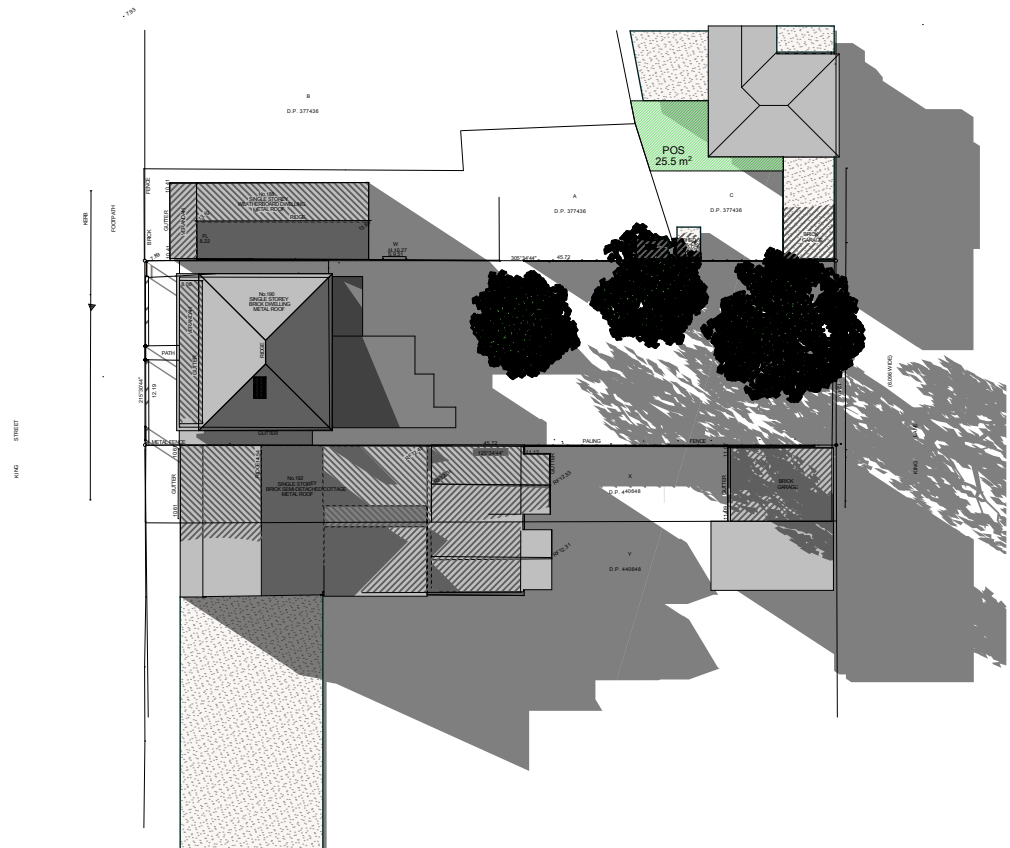
Drawing Title
COMPLIANCES
21st MARCH - SHADOW DIAGRAMS

Checked: JE Approved: TJ

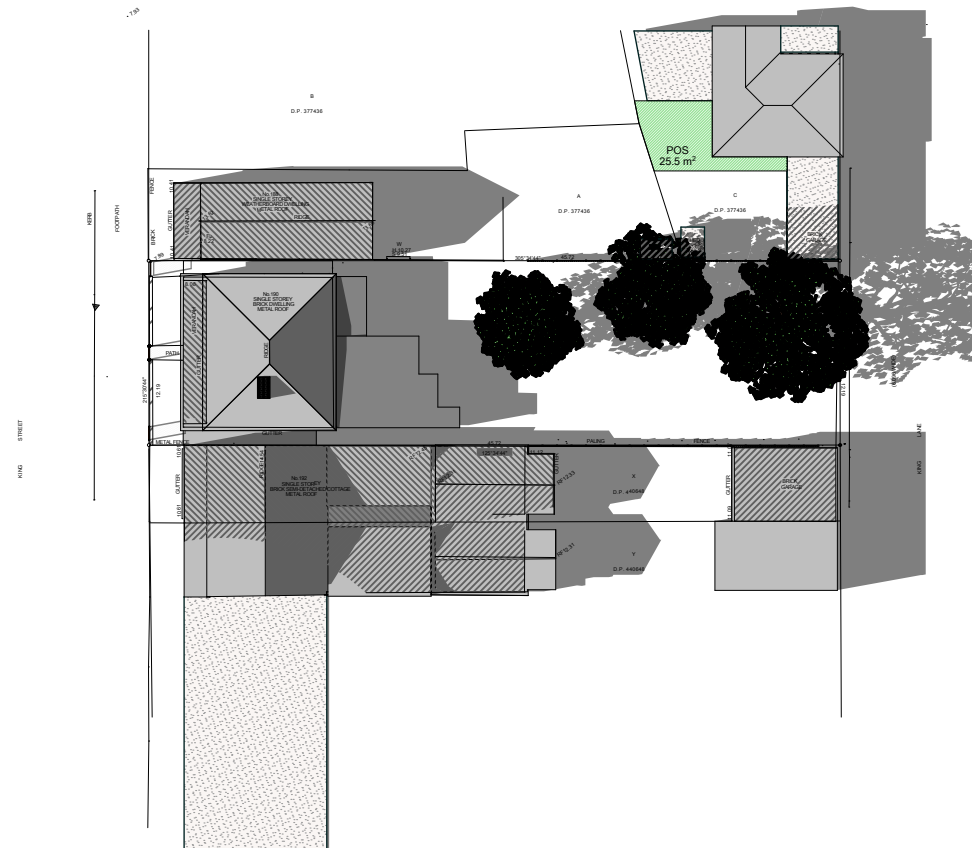
Scale: AS SHOWN Date of Issue: 30/11/2017
 @A3 Sheet Size

Project Number: **16-071** Drawing Number Revision: **2005B B**
 Status: **DEVELOPMENT APPLICATION**





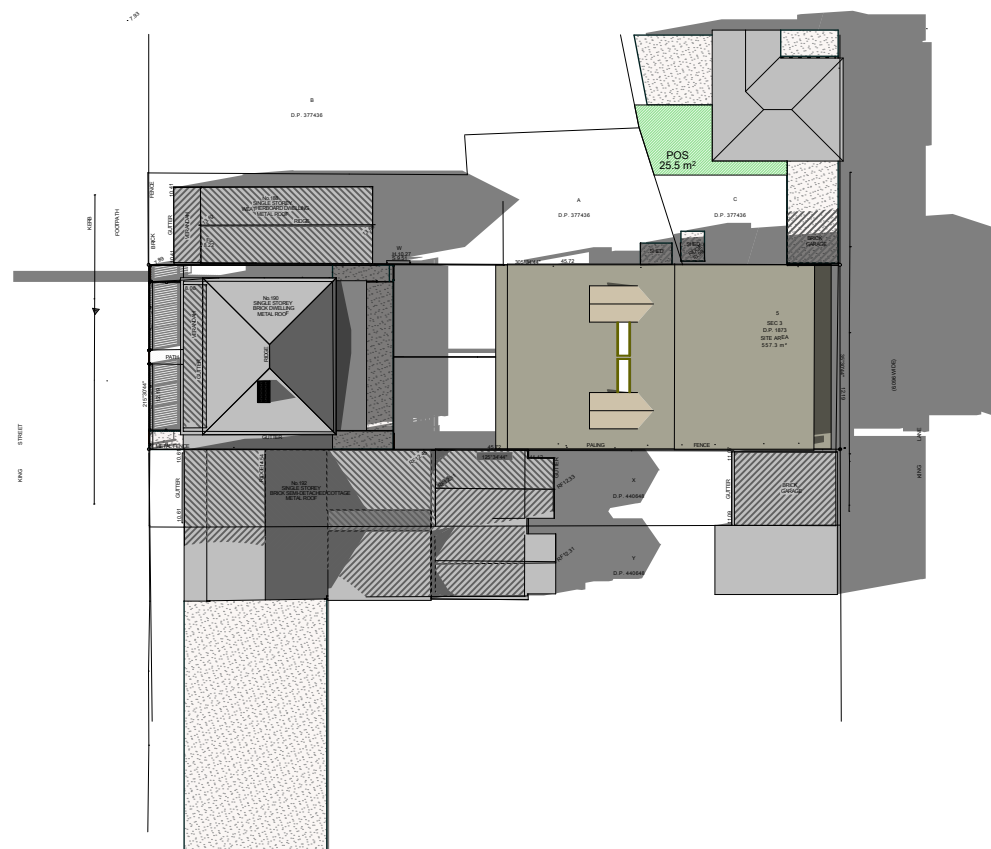
1 EXISTING JUNE 0900 1:500



1 EXISTING JUNE 1200 1:500



1 PROPOSED JUNE 0900 1:500



1 PROPOSED JUNE 1200 1:500

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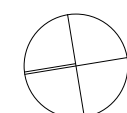
Drawing Title
COMPLIANCES
21st JUNE - SHADOW DIAGRAMS

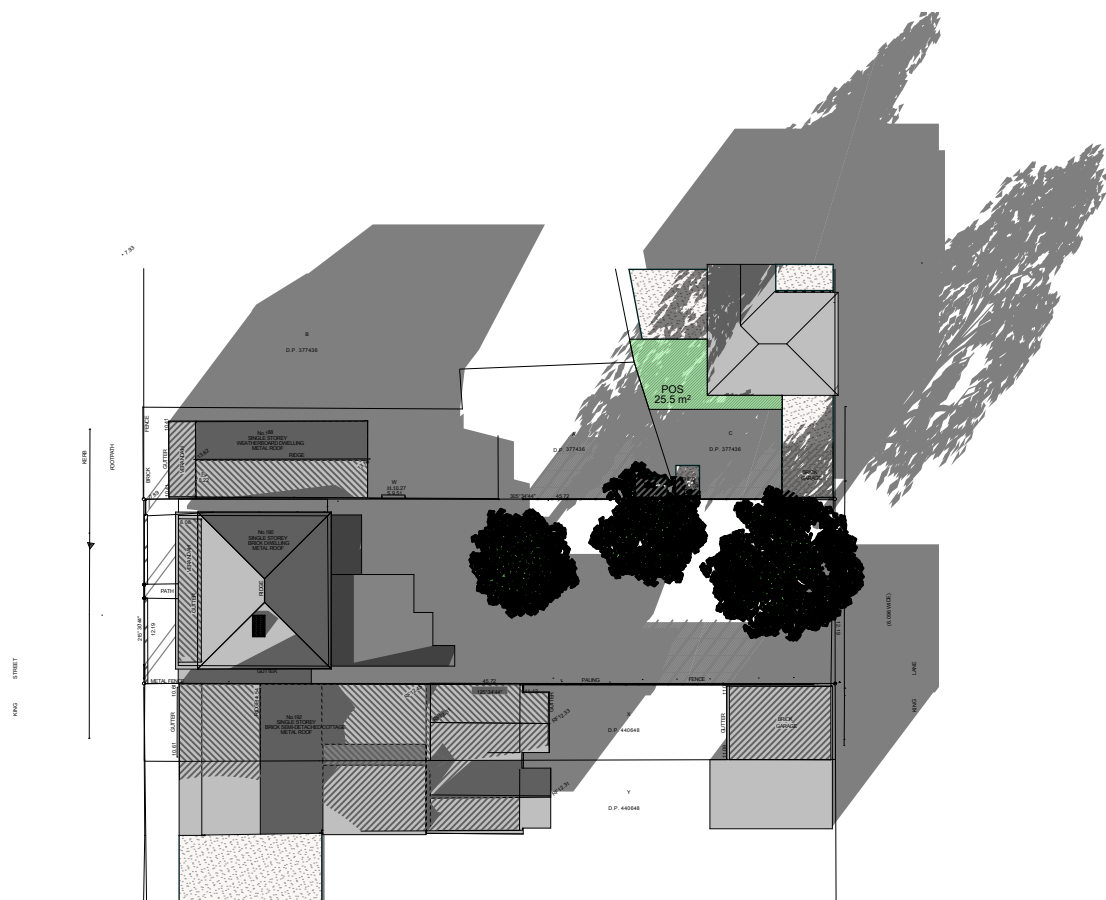
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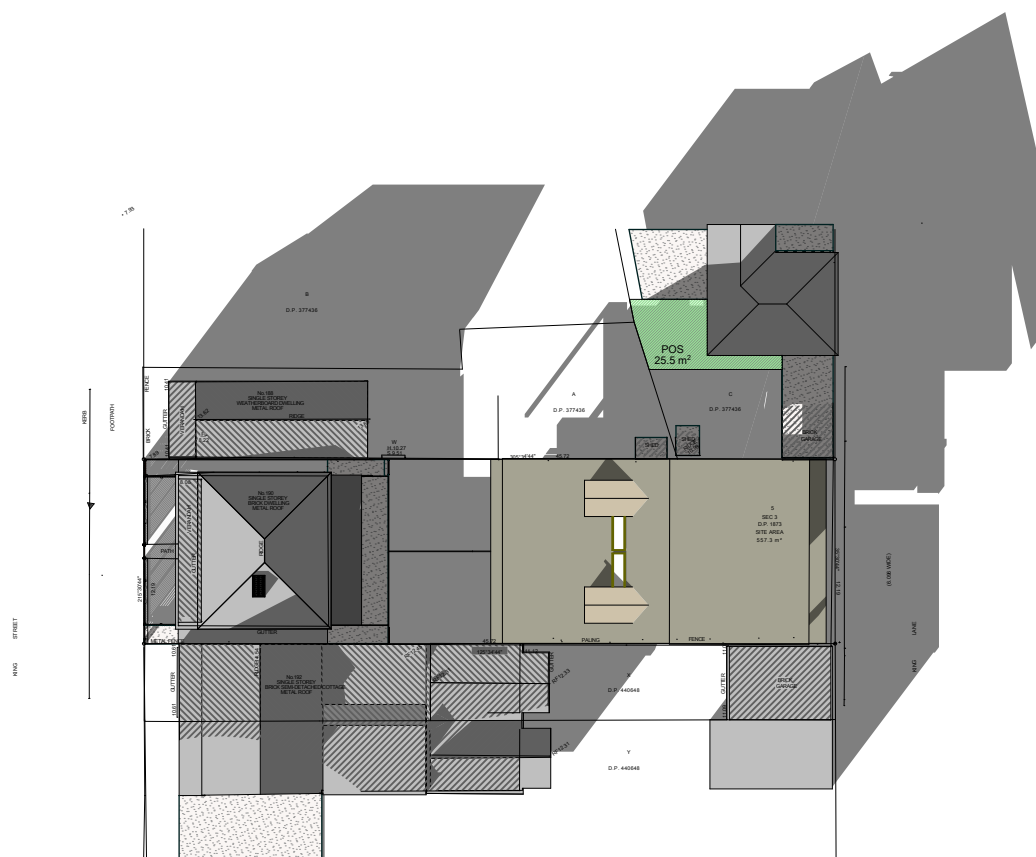
Project Number: 16-071 Drawing Number Revision: 2005A B

Status: DEVELOPMENT APPLICATION





1 EXISTING JUNE 1500 1:500



1 PROPOSED JUNE 1500 1:500

Rev	Description	Date	App'd
C	REVISED SHADOWS	22.11.17	CH
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COMPLIANCES
21 JUNE - SHADOW DIAGRAMS

Checked: JE Approved: TJ

Scale: AS SHOWN Date of Issue: 30/11/2017
 @A3 Sheet Size

Project Number: **16-071** Drawing Number Revision: **2005B B**
 Status: **DEVELOPMENT APPLICATION**

