

Relevant Information for Council

FILE: X020345 **DATE:** 10 May 2019

TO: Lord Mayor and Councillors

FROM: Graham Jahn, Director City Planning, Development and Transport

SUBJECT: Information Relevant To Item 8.4 – Planning Proposal - Public Exhibition 46 Chisholm Street, Darlinghurst - Sydney Local Environmental Plan 2012 Amendment

Alternative Recommendation

It is resolved that:

- (A) Council approve the Planning Proposal: 46 Chisholm Street, Darlinghurst, as shown at Attachment A to the subject report, for submission to the relevant local plan-making authority with a request for a Gateway Determination;
- (B) Council approve Planning Proposal: 46 Chisholm Street, Darlinghurst for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the relevant local plan making authority, to exercise the delegation of the relevant local plan making authority of all their functions under Section 3.31 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan as amended by Planning Proposal: 46 Chisholm Street, Darlinghurst; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: 46 Chisholm Street, Darlinghurst following receipt of the Gateway Determination.
- (E) ***Council note the information in 'Appendix A - Weatherboard Cottages Comparative Study' prepared by John Oultram Heritage + Design at Attachment B to the Information Relevant To Item 8.4 Council on 13 May 2019 and incorporate it as an appendix to the supporting Heritage Assessment report of the 'Planning Proposal: 46 Chisholm Street, Darlinghurst' at Attachment A to the subject report.***

Additions shown in ***bold italics***.

Purpose

To clarify a number of issues raised at the Transport, Heritage and Planning Committee meeting on Monday 6 May 2019.

Background

At the meeting of the Transport, Heritage and Planning Committee on 6 May 2019, further information was requested for Item 8.4 - Planning Proposal 46 Chisholm Street, Darlinghurst - Sydney Local Environmental Plan 2012.

The site has been the focus of redevelopment discussions since late 2017, when the property owner met City staff for a Pre-DA meeting. On that occasion, and subsequently, the City has consistently stated it did not support the proposed demolition of the existing cottage or subdivision of the site. On at least two occasions, City staff offered to work with the applicant on alternatives to wholesale demolition.

A chronology of the planning process for the proposed development is as follows:

- 12 December 2017 - Pre-DA Meeting and site inspection
- 13 December 2017 - the City advised that the demolition of the weatherboard cottage is not supported nor the subdivision of the land or the erection of two semi-detached dwellings. The pre-DA advice is provided at Attachment A.
- 30 May 2018 - Development application lodged, D/2018/591, proposing the demolition of the existing single dwelling and subdivision of the site into two titles and the construction of two, two storey terraces.
- 28 August 2018 - the City sought an interim heritage order from the Office of Environment and Heritage.
- 19 September 2018 - Proponent requested to withdraw the development application as the City is likely to refuse the development application. Proponent did not withdraw the development application.
- 21 September 2018 - The development application was refused under delegated authority.
- 16 November 2018 - City engages John Oultram Heritage + Design to assess heritage significance.
- 12 December 2018 - A section 8.2(1)(a) review of determination application was lodged.
- 21 December 2018 - The Office of Environment and Heritage advised they were not pursuing an interim heritage order as development application had been refused, the property was not under threat, and there was time to complete an independent heritage assessment.
- 1 March 2019 - Site inspection with Council staff and heritage consultant.

- 12 March 2019 - Final heritage report notes that property should be considered for nomination for inclusion as a heritage item on the Sydney Local Environment Plan 2012
- 14 March 2019 - Section 8.2(1)(a) application was refused.
- 18 March 2019 - Applicant lodged Class 1 appeal with the Land and Environment Court

The appeal is set for a conciliation conference on 18 November 2019. Council filed its Statement of Facts and Contentions on 3 May 2019. Key contentions include:

- Heritage impact - The application includes demolition of a contributory building, without demonstrating why the cottage is not capable of retention, nor does it justify demolition.
- Subdivision - The proposed subdivision would result in two lots with widths of 3.047m and 3.007m, which is disproportionately narrow in the streetscape, disrupting the rhythm within the terrace row. The resulting dwellings will have internal widths of 2.6m with 0.8m hallways, which are not considered functional.
- Residential amenity - The proposed dwellings provide less than 50 per cent of the required private open space, with no solar access to the rear private open space or either dwelling.
- Design excellence - The proposal does not exhibit design excellence in relation to materials, streetscape, bulk and massing, residential amenity, subdivision pattern, building width and façade design.
- Public interest - The proposal is detrimental to the conservation area and locality and submissions were also received objecting to the proposal on the grounds of heritage conservation, overdevelopment and poor internal amenity.

Comparative Analysis

Additional information has been provided by John Oultram Heritage + Design, further detailing the comparative analysis of weatherboard cottages within the City of Sydney. This information is provided in Attachment B and recommended to be incorporated into the Planning Proposal.

The cottage at 46 Chisholm Street has all of the characteristics of heritage listed weatherboard cottages in the City with a comparable degree of significance and intactness. It remains readable as an early cottage in the conservation area and is the only weatherboard cottage in the Chisholm Estate subdivision.

Weatherboard buildings are an important element of the city as they are amongst the oldest buildings in the City. They contribute a unique character to their streets and a diversity to city life. However, they are becoming increasingly rare and have been under threat of demolition.

While the weatherboard cottage at 46 Chisholm Street is flanked by two storey masonry terraces, the predominant building type of the Paddington Conservation Area, this does not mean the better heritage outcome is demolition and construction of two, two-storey terrace buildings.

Impact of Heritage Listing

The proposed heritage listing does not preclude appropriate development occurring at the site. For example, this may include the addition of a small wing at the rear, or an attic conversion. Staff have offered to work with the applicant on alternatives to the proposed wholesale demolition on at least two occasions, being in the pre-DA advice and when suggesting the development application be withdrawn or be refused.

The proposed listing of the weatherboard cottage is a separate matter to the development application matter to be heard by the Land and Environment court.

Memo from Graham Jahn AM, Director City Planning, Development and Transport

Prepared by: Matt Devine, Senior Specialist Planner (Heritage)

Attachments

Attachment A. Pre-DA Advice - Redacted Email dated 13 December 2017.

Attachment B. Heritage Assessment - Appendix- Weatherboard Cottage Comparative Analysis.

Approved



**GRAHAM JAHN AM,
DIRECTOR CITY PLANNING,
DEVELOPMENT AND TRANSPORT**

Attachment A

**Pre-DA advice - redacted email dated 13
December 2017**

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]; [REDACTED]
Subject: RE: Pre-DA submission - 46 Chisholm Street Darlinghurst
Date: Wednesday, 13 December 2017 3:46:00 PM
Attachments: [image001.jpg](#)

Dear [REDACTED]

Thank you for organising and meeting with the City yesterday at your clients home at 46 Chisolm Street, Darlinghurst.

As discussed with you on site yesterday, the City has had the opportunity now after the site visit to further review the preliminary documentation provided.

The proposal for the demolition of the weatherboard cottage is not supported and, in turn, nor is the subdivision of the land or the erection of two semi-detached dwellings.

Notwithstanding, the City would like to work with you and your client in regards to the scope of change that may be possible. It may be possible, for instance, to go into the roof space to create more habitable area via a rear roof extension and potentially new dormer(s) to the front. It may also be possible to move the ground floor back wall marginally.

I trust that this information is of assistance.

Regards,

[REDACTED]
Senior Planner
Planning Assessments



Telephone: +612 [REDACTED]
cityofsydney.nsw.gov.au

From: [REDACTED] [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Friday, 1 December 2017 11:22 AM
To: [REDACTED] [REDACTED] <[\[REDACTED\]@cityofsydney.nsw.gov.au](mailto:[REDACTED]@cityofsydney.nsw.gov.au)>; [REDACTED] <[\[REDACTED\]@cityofsydney.nsw.gov.au](mailto:[REDACTED]@cityofsydney.nsw.gov.au)>
Cc: City of Sydney <council@cityofsydney.nsw.gov.au>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Subject: RE: Pre-DA submission - 46 Chisholm Street Darlinghurst

Hi [REDACTED] and [REDACTED]

A pre-DA request is attached.

The proposal is for:

- demolition of the existing single storey weather board cottage;
- subdivide the land into 2 even Torrens title lots; and
- erect 2 to 2-storey semi-detached dwelling houses.

Draft plans prepared by [REDACTED] dated 22/11/17, Draft Heritage Impact Statement (HIS) prepared by [REDACTED] dated 25/11/17 and a [REDACTED] Review are provided attached.

The new housing proposed is on small lots and our view is that the 'fine grain' and form of this Conservaiton is actually reinforced by the proposal. We are aware that the City of Sydney officers have taken quite an enlightened view in respect to small lot housing such as in the case of the recommendation for [REDACTED] (see DA [REDACTED]) and we are hoping for a similarly enlightened view.

Let's talk, the client and architect would like to meet at your earliest convenience and please call if you want to do a full site visit to organise.

Regards

[REDACTED]

Postal Address:

Office Address:

Phone: +61.2 [REDACTED] | Fax: +61.2 [REDACTED]



Please consider the environment before printing this e-mail.

Disclaimer: This e-mail and any files transmitted with it are confidential and intended solely for the following recipient(s):

[REDACTED], council@cityofsydney.nsw.gov.au, [REDACTED], [REDACTED], [REDACTED]

If you are not any of the named addressee mentioned above; you should not disseminate, distribute, copy or alter this e-mail. Please notify Philip Bull immediately by replying to this e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

Any views or opinions presented in this e-mail are solely those of the author and might not represent those of BBC Consulting Planners. BBC Consulting Planners accepts no liability for the content of this email, or for the consequences of any actions taken on the basis of the information provided, unless that information is subsequently confirmed in writing.

Warning: Although [REDACTED] Planners has taken reasonable precautions to ensure no viruses are present in this email, [REDACTED] Planners cannot accept responsibility for any loss or damage arising from the use of this email or attachments.

The original e-mail was sent on 1/12/2017 at 11:21 AM

Attachment B

**Heritage Assessment - Appendix - 46
Chisholm Street, Darlinghurst**

7.0 APPENDIX A – WEATHERBOARD COTTAGES COMPARATIVE STUDY

7.1 PREAMBLE

Weatherboard buildings are an important element of the city as they are amongst the oldest residential buildings in the City. They contribute a unique character to their streets and bring diversity to city life. They also often signal the early development of Sydney's inner suburbs as areas were subdivided for residential development and also the common building methods of the time. However, they are becoming increasingly rare and have been under threat of demolition.

A heritage study of weatherboard cottages in the South Sydney LGA was prepared in 2004:

Musecape Pty Limited (in association), *Draft South Sydney Weatherboard Buildings Survey Report*, dated February 2004

The report was prepared in response to a perceived threat to weatherboard buildings in the south Sydney LGA. Over 300 weatherboard buildings were identified and of these, 270 were surveyed with many recommended for addition to the South Sydney LEP Schedule. Following amalgamation, the cottages are now within the City of Sydney LGA,

The report gives a good overview of the development of weatherboard and timber buildings in Sydney and the pattern of development in Sydney as larger landholdings and estates were subdivided for residential development including small-scale subdivision for workers' cottages. Timber was favoured by working class owners and builders as it was cheaper and easier to build.

Unfortunately, the use of timber has often led to substantial changes to, or demolition of, weatherboard cottages as the material was prone to white ant damage and rot and the houses were seen as less substantial than masonry buildings. They were also easier to alter.

7.2 COMPARATIVE ANALYSIS

The following schedule is a comparative study of selected weatherboard cottages in the Sydney Local Government Area (LGA) that are listed as heritage items or that are regarded as Contributory elements in a conservation area.

The cottages were chosen on the basis that they are listed items in the LEP or Contributory items in a conservation area and are comparable in scale (single storey), form, materials and detail. The schedule also provides the statements of significance for the properties to see what level of significance and intactness was the threshold for listing.

Common characteristic identified in the study below are

- Construction in the late Victorian period
- Modest scale and detail
- Double fronted form with hipped and gabled roofs
- Retention of the primary form and posted verandahs
- Some level of change and refurbishment internally
- Rear additions

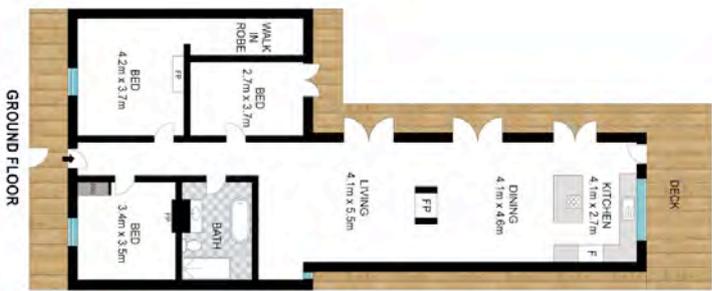
The statements of significance often refer to the cottages as being **rare** and signalling the early development of the area.

7.3 46 CHISHOLM STREET

The cottage at 46 Chisholm Street has all of the characteristics noted in Section 7.2 above and remains readable as an early cottage in the conservation area.

It is rare being the only weatherboard cottage in the Chisholm Estate subdivision of the conservation area and is of a comparable standard and level of intactness to the properties noted in the Schedule.

7.4 934 ELIZABETH STREET, ZETLAND

Address	934 Elizabeth Street, Zetland
Date	Late Victorian
Description	A simple symmetrical single storey double fronted weatherboard cottage which has been vinyl clad. The building features timber double hung windows, posted verandah, cast iron lacework, 3 brick chimneys with corbelled collars and original chimney pots and an original 4 panelled front door.
History	Not known
Photos	
	
Plan	
SHI	2420710
Significance	A good example of a late Victorian modest cottage and a rare example of an intact weatherboard cottage in the Zetland Estate which has retained its original form and detail.
Notes	The cottage has been altered and modernised internally and extended to the rear but retains its original form and detail to its elevation (weatherboards overclad) and its posted verandah

7.5 117 HEREFORD STREET, FOREST LODGE

Address	117 Hereford Street, Forest Lodge
Date	c. 1876
Description	Double fronted weatherboard cottage with gabled, corrugated metal roof with posed verandah to the front
History	Built in 1876 and refurbished in 2008
Photos	
	
Plan	
SHI	2427730
Significance	A rare surviving weatherboard workers' cottage within the Glebe/Forest Lodge area
Notes	The cottage has been altered and modernised internally but retains its original form and detail to its front elevation and its posted verandah

7.6 72 HORDERN STREET, NEWTOWN

Address	72 Hordern Street, Newtown (Rhoda Cottage)
Date	c.1876
Description	Double fronted weatherboard cottage with gabled, corrugated metal roof with posted verandah to the front
History	Part of O'Connell Town Village that was a subdivision of the land grant to William Bligh in 1803. First occupant recorded in 1879 was Joseph Collins
Photos	
Plan	
SHI	2431153
Significance	72 Hordern Street is of aesthetic and historical significance as a fine example of a single storey, simple, wide weatherboard cottage representing a class of dwellings now rare in Sydney generally. It is of aesthetic significance as part of a weatherboard group of buildings which contribute to the streetscape, with Nos. 74-76 Hordern Street adjacent
Notes	The cottage has been altered and modernised (2004) but retains its original form and detail to its front elevation and its posted verandah

7.7 54 JENNINGS STREET, ALEXANDRIA

Address	54 Jennings Street, Alexandria
Date	c. 1900
Description	Double fronted weatherboard cottage with gabled, corrugated metal roof with verandah to front
History	Part of the Waterloo Estate of William Hutchinson's 1823 land Grant
Photos	
Plan	
SHI	2431156
Significance	Of aesthetic and historical significance as a good example of a Federation detached working class cottage associated with the adjacent early local industries and the Eveleigh Railway Workshops. It has high integrity as part of a unique small group of weatherboard buildings in the area and for its own intact form and detailing
Notes	The cottage retains its original form and detail to its front elevation and its posted verandah

7.8 46 LITTLE CLEVELAND STREET, REDFERN

Address	46 Little Cleveland Street, Redfern
Date	c. early 1880s
Description	Double fronted weatherboard cottage with hipped, corrugated metal roof with posted verandah to the front
History	Part of the Edward's Smith Hall's grant of 1822 subdivided by Frederick Unwin in 1829. The house appears in the Sands Directory in 1884 occupied by Elizabeth Patterson
Photos	
Plan	
SHI	2431155
Significance	Of historical and aesthetic significance as an early working class cottage, rare due to its weatherboard construction and illustrating the variety of working class housing in the 19th century in this area. Due to its construction materials it appears to be one of the earliest houses in Little Cleveland Street
Notes	The cottage has been altered and modernised internally and appears to have a two storey extension to the rear but retains its original form and detail to its front elevation and its posted verandah

7.9 21 QUEEN STREET, BEACONSFIELD

Address	21 Queen Street, Beaconsfield (Beaufort)
Date	Post 1895
Description	Narrow, double fronted weatherboard cottage with gabled, corrugated metal roof with posted verandah to the front
History	Part of the Beaconsfield Estate
Photos	
Plan	
SHI	2431157
Significance	Of aesthetic and historical significance as a relatively intact Federation weatherboard cottage which illustrates the variety of working class housing in this area, and demonstrates association between the provision of working class housing in the late 19th and early 20th century in this area and the proximity to industrial area operating at that time
Notes	The cottage has been altered and modernised internally and has a two storey extension to the rear but retains its original form and detail to its front elevation and its posted verandah

7.10 43 UNION STREET, NEWTOWN

Address	43 Union Street, Newtown (Wonga)
Date	c. 1880s
Description	Double fronted weatherboard cottage with hipped, corrugated metal roof with later, posted verandah to the front
History	First recorded in the Sands Directory in 1882 occupied by sawyer, Alexander Storer
Photos	
Plan	
SHI	2431148
Significance	Wonga is of aesthetic significance as a late 19th century weatherboard cottage with elaborate details and finishes including a central tower section, a feature that rises from the edge of the front verandah about a metre with its own hipped end roof like a blind dormer. It has a well landscaped front garden and makes a positive contribution to the streetscape
Notes	The cottage has been altered and modernised internally and has a single storey extension to the rear but retains its original form and later detail to its front elevation including its posted verandah

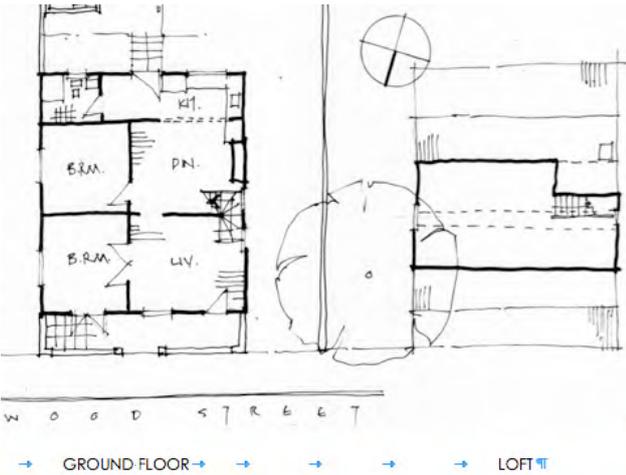
7.11 38 VICTORIA STREET, POTTS POINT

Address	38 Victoria Street, Potts Point (Overcliff)
Date	c. 1868
Description	Double fronted weatherboard cottage with hipped, corrugated metal roof with posted verandah to the front
History	Built by builder William Shoultis and sold in 1869 to Master Mariner William Dawson Mills
Photos	
Plan	
SHI	2421379
Significance	Overcliff Cottage is a rare surviving example of a single storey weatherboard cottage with a pyramidal roof or double hipped roof and is the only known remaining timber cottage in Potts Point. It is unusual in having height ceilings, quality cedar joinery, an elegant and finely detailed timber staircase leading to a room in the roof with excellent view of the harbour and Woolloomooloo Bay in particular. The cottage is enhanced by its setting on the edge of an escarpment overlooking the harbour and aesthetically makes a very important contribution to the streetscape
Notes	The cottage has been altered and modernised internally and has a two storey extension to the rear but retains its original form and detail to its front elevation and its posted verandah

7.12 39 MOREHEAD STREET, REDFERN

Address	39 Moorehead Street, Redfern
Date	c. early 1870s
Description	Double fronted weatherboard cottage with hipped, corrugated metal roof with posted verandah to the front
History	Built on part of the 1822 land grant to Edward Hall Smith that became part of the Cooper Estate part of which was later subdivided by James Ewart. In 1873 the house was occupied by painter Henry Joseph Merer
Photos	
Plan	
SHI	2421009
Significance	39 Morehead Street is the last remaining timber house of a former group that was rare and significant at the State level as the only identified, surviving group of late 19th century timber, ridge line, working class rental houses built on small lots within a subdivision pattern that reflects the land management practises of the late 19th century 'urban manor' in a colonial environment. This significance is enhanced by the mid 20th century destruction of other comparable combinations of topographically responsive, urban vernacular built forms using predominantly timber fabric; 19th century Australian adaptations of English methods for providing cheap working class housing; clear links to the spread of industrialisation beyond the city boundaries in the 1870s and 1880s; and links to the pre-urban and pre-industrial rural land use of dairying. The Morehead Street timber houses group illustrated in its layers of fabric a continuum from rural to industrial to post-industrial cultural environments in the form of domestic housing unequalled elsewhere in the State. This building is also historically important as it forms part of the Cooper Street Conservation Area, an area which developed in the c1880s as a working class subdivision, as evidenced by the traditional grid patterns, small blocks and night soil lanes. The area is associated with Solomon Levey and Daniel Cooper, both emancipated convicts who became prominent businessmen forming the successful company Cooper and Levey. This timber dwelling is historically significant as it demonstrates the working class nature of the area through its construction and detail. The building is aesthetically important as a rare surviving example of a timber dwelling Victorian Georgian style. The building is typical of this style of architecture being small in scale and unassuming in detail. It has a steep pitched roof and close eaves on all sides, characteristic of this period. The building has some landmark qualities being constructed on the property boundary and located on the prominent corner position of Morehead and Cooper Streets.
Notes	The cottage appears very intact and retains its gabled form and rear skillion and detail to its front elevation and its posted verandah

7.13 2 WOOD STREET, FOREST LODGE

Address	2 Wood Street, Forest Lodge (Alpha)
Date	c. 1880
Description	Double fronted weatherboard cottage on a sandstone base with gabled, corrugated metal roof with verandah to the front on later brick piers
History	Originally forming part of land purchased by John Wood in 1831, the property is Lot 28 in the subdivision of Wood's land undertaken in 1876. The cottage appears to have been erected around 1880 (the first in the street) for George Tumeth and stables were erected around 1885 for Johannes Theodore Joseph Brunning. Brunning named the cottage <i>Alpha</i> .
Photos	
Plan	
SHI	Not listed – Contributory item in conservation area
Significance	2 Wood Street is a modest example of a single storey, late Victorian cottage in the Georgian vernacular style erected c. 1880 probably by the then owner of the property, George Tumeth and a brick stable built c. 1885 possibly by Johannes Brunning. The place has associations with John Wood (1811-1875) who erected the villa <i>Glenwood</i> on the early subdivision of the area and the Glebe that was set aside for the support of the Anglican Church in 1789. The house was the first built in the street is partly intact in form but has been altered internally and externally. The remnant brick stables are a rare, surviving example that demonstrates the early semi-commercial development of the area. The property is of high significance at a local level.
Source	JOHD HIS May 2015
Notes	The cottage has been altered and modernised internally and has a two storey extension to the rear yard but retains its original form and detail to its front elevation where the posted verandah has been reinstated (2015)