

Resolution of Local Planning Panel

1 July 2020

Item 3

Development Application: 40 Forbes Street, Newtown - D/2019/1485

Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, the Panel granted consent to Development Application No. D/2019/1470 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(5) CONSERVATION WORKS TO FRONT VERANDAH AND FAÇADE

The two-storey front verandah, ~~and facade~~ ***and rear verandah*** must be repaired and conserved to its original form, style and detailing. Missing elements, such as cast ironwork, and timberwork are to be reinstated and any repairs are to be carried out on a like for like basis. Details of the proposed reinstatement, including works to the balustrading, frieze, timber detailing, plaster work, flooring and roofing including drainage, must be shown on drawings at a scale of 1:20 or 1:50 must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

A QS estimate for the conservation works must be submitted to Council's Area Planning Manager prior to the issue of a Construction Certificate for the conservation works.

The conservation works are to be carried out in accordance with the recommendations outlined in the Heritage Management Document, prepared by Heritage 21 dated December 2019. The conservation works must be completed to the satisfaction of Council's Area Planning Manager prior to the issue of an Occupation Certificate.

(7) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- ~~(b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.~~
- (b) ***Prior to the commencement of any work, consideration shall be given to the development of temporary protection measures that would identify potential risks and outline methodologies to negate any physical impact on significant fabric located in the vicinity of the area of works on the subject site. This is to be prepared by a suitably qualified contractor and implemented prior to the works to be monitored by the architect and followed by all tradespeople involved.***
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- ~~(d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.~~
- (d) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.

(23) LAND SUBDIVISION – SUBDIVISION CERTIFICATE

A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

The subdivision of the site is not to be approved until the Occupation Certificate for the conservation works to the existing dwelling is issued.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the R1 - General Residential zone.
- (B) The development, subject to conditions, will safeguard the heritage significance of the site.
- (C) The development will not unreasonably compromise the amenity of nearby properties.
- (D) The development will not adversely affect the character of the Darlington/West Redfern locality.
- (E) The development accords with objectives of relevant planning controls, and is considered to be in the public interest.
- (F) Condition 5 was amended require that a QS estimate is submitted to Council, to ensure that the cost of the proposed works is accurate.
- (G) Condition 7 was amended to further safeguard heritage fabric.
- (H) Condition 23 was amended to ensure that restoration works are completed prior to subdivision.

Carried unanimously.

D/2019/1485