

Attachment C

Submissions

From: Jesse Kennedy [REDACTED] on behalf of Jesse Kennedy

[REDACTED] <Jesse Kennedy <[REDACTED]>

Sent on: Wednesday, October 8, 2025 3:30:21 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/811 - 32 Moore Park Road PADDINGTON NSW 2021 - Attention Kerryanne Lewis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Ms Lewis,

I live around the corner from the proposed development and wish to express my support for the proposal.

This area is a charming and vibrant part of the city, but unfortunately, the high cost of housing makes it inaccessible for many. Developments that aim to introduce additional and diverse housing options should be encouraged, especially when, as in this case, the proposal is sympathetic to the existing neighbourhood. I do not believe the addition of two small apartments to this block would detract from the amenity of the surrounding area. On the contrary, it would enhance the vibrancy of the neighbourhood by offering a few more affordable housing options for new residents.

I note from the EIS that Council has previously raised concerns regarding the loss of a communal rooftop and noncompliance with Objective 3D-1 of the ADG. In the years I have lived here, I have never seen anyone using that rooftop, and I was unaware it was intended as a communal space.

In any case, concerns about the loss of potential communal space on the rooftop are misplaced. Objective 3D-1 of the ADG, under "Design guidance," acknowledges that some developments may be unable to meet the design criteria for communal spaces due to constraints such as lot size or location in a dense urban area. In such circumstances, the Objective explicitly allows for proximity to public open spaces and facilities to be considered.

This lot is small and located in a densely populated area. Importantly, it sits directly across the road from extensive public spaces and facilities; namely, the Moore Park parklands, which connect to the broader Centennial Park complex. These public areas offer far superior recreational amenities than any private outdoor space could provide in this location. I regularly use these public spaces myself in lieu of a private outdoor space. The proximity of these parklands to the subject site is highly relevant, as it satisfies the purpose and intent of Objective 3D-1 without the need for the flats themselves to have access to a separate communal rooftop area.

It would also concern me if the Council were to prioritise preserving communal rooftops over enabling additional, well-integrated housing. In such a tightly packed area, private rooftops can instead negatively affect local amenity by overlooking neighbouring homes and courtyards, or by providing a place for loud parties that generate noise which travels across rooftops, spreading far beyond the site and disturbing the entire neighbourhood. Indeed, the Council has previously rejected rooftop courtyards or terraces in other development applications and has ensured that any new flat rooftops are not easily accessible to prevent their use as private outdoor spaces. It would be inconsistent for the Council to reject this proposal in order to preserve something that it has generally deemed undesirable for other developments in the neighbourhood.

Yours sincerely,

Jesse Kennedy

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D2025-011 12 MOORE PARK ROAD PADDINGTON
OBJECTION TO THE DEVELOPMENT PROPOSAL
KIDORA FLATS

ATT: Karynna Lewis

I wish to state an objection to the proposed development of 12 Moore Park Road Paddington.

Kid Ora is a unique building located in a heritage conservation area in South Paddington. It forms part of a row of Heritage Sites of almost identical terrace houses known as Moore Park Road.

Kid Ora has a prominent position with 3 street frontages - Moore Park Road, Green Road and Langford Street. It is a building of significance representing late-war architecture and is listed as being a contributory item in the CSH - Paddington Urban Heritage Conservation Area.

The facade of the building represents a unique view of the city and is a significant part of the local heritage and identity.

The proposed plan to demolish the building and replace it with a new building is a significant loss to the local heritage and identity.

* The corner of the building has not been protected by a fence or other safety measures and there are no safety barriers.

OBJECTION:

Overdevelopment of Site

The building currently occupies the entire site. The proposed development is a significant and inappropriate overdevelopment of the site.

There are no setbacks or setbacks and no setbacks to provide visual privacy or shade.

Consistent with the Heritage Impact Statement the proposed development does not: "Use appropriate materials, finishes and colours".

The proposed development does not protect the building, it is extremely bad with no new ventilation. A dark coloured metal roof will greatly increase heat in the building. I note there are no proposed air conditioning units for the proposed roof top 2 apartment addition which would make the living space unbearable hot. This does not seem to be in line with Council's current heat reduction policies and it is inconsistent with the existing area. It is also not consistent with the new SEPP principles.

Removal of Usable space for current tenants:

The current usable space will be removed under the proposed development. While the proposal suggests that the roof space isn't functional and therefore not used by tenants, I note that the owner has historically made an attempt to bring the space in line with the current building codes or their codes, to provide a usable outdoor space for tenants. This is a small deck for each of the 2 proposed apartments but no proposed outdoor space for current tenants to replace the removal of current outdoor space.

* Attachment: The attached photo is of a deck area on the roof which is in constant use by current tenants. I note that the new addition to the roof will remove both the laundry facilities and the deck area.

The Proposed further adds to provide a common area which is in constant use by current tenants. I note that the new addition to the roof will remove both the laundry facilities and the deck area.

The removal of the common area will remove the common area which is in constant use by current tenants. I note that the new addition to the roof will remove both the laundry facilities and the deck area.

The proposed building is currently in a state of disrepair and is a significant loss to the local heritage and identity. Furthermore, it will remove the residents and light from the north facing side of the street, creating visual asymmetry in the street frontage, changing the facade of the building, located in a Heritage Conservation area.

The proposal is to remove residents and add a new one to the building but it is currently a tenanted small flat above.

The will remove the building currently in a state of disrepair and is a significant loss to the local heritage and identity. Furthermore, it will remove the residents and light from the north facing side of the street, creating visual asymmetry in the street frontage, changing the facade of the building, located in a Heritage Conservation area.

The proposed development does not improve, rather it removes the outdoor facilities and reduces the quality of life for existing tenants.

Significant History of Non-Compliance with BCA and Fire Safety and Life preserving measures (document submitted 17 March 2025)

The current owner has made an attempt to comply with the safety standards in line with community expectations. Collapsing are not fireproofed and under stress are better equipped rather than hard steel. Despite this being identified in a March 17 2023 report, the building owner has made no effort to comply.

The proposal suggests that the development could provide fire and heating but this has not been established and is the risk of upgrading the building. I note that the current owner has paid for fire and heating for the building but it is not compliant. The current BCA is not current fire and safety standards.

A new building on the proposed development would meet the requirements of the current building.



From: Admin [REDACTED] > on behalf of Admin [REDACTED] > <Admin [REDACTED]>

Sent on: Monday, October 20, 2025 3:11:12 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/811 - 32 Moore Park Road PADDINGTON NSW 2021 - Attention Kerryanne Lewis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Good afternoon,

I am writing to express my concerns regarding the proposed development.

(1) The penthouse addition is placing increased pressure on already limited street parking. Our neighbourhood struggles with congestion, and this development exacerbates the issue by introducing more residents and visitors. This not only inconveniences existing residents but also raises safety concerns due to overcrowded streets.

(2) The materials and colour scheme proposed for the penthouse addition do not align with the established heritage character of the area. The design appears visually discordant and detracts from the cohesive aesthetic that defines our community. Maintaining the integrity of our heritage streetscape is vital, and any new construction should reflect and respect that context.

I urge the council to reconsider the approval of this development in its current form and to require revisions that address both the parking impact and the heritage compatibility.

Kind regards,
Zenith

From: <[REDACTED]>
Sent on: Wednesday, October 22, 2025 6:42:56 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/811 - 32 Moore Park Road PADDINGTON NSW 2021 - Attention Kerryanne Lewis
Attachments: Submission from MHW+VTW-D-2025-811.pdf (37.36 KB)

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Dear Kerryanne

Please find attached our submission in relation to D/2025/811.

We can be contacted by return email if you have any questions.

Kind regards

Vashti Farrer and Michael Waterhouse
14 Moore Park Road Paddington NSW 2021

Submission regarding Development Application (DA) 2025/811

We wish to make an objection to the above DA involving a proposed extension to 32 Moore Park Road Paddington. Our objection concerns the heritage impact of the proposal.

32 Moore Park Road Paddington sits next to a row of heritage-listed terrace houses. Whilst it does not share the Victorian character of its neighbours, having been built in around 1924, it blends in given its low profile.

The ultra-modern, pre-fabricated metal-clad box units that the owner proposes installing on top of the apartment building will render the entire structure an eyesore that significantly compromises the appearance of the adjacent terraces and heritage value of the precinct.

The Heritage Impact Statement (HIS) dated July 2024 has largely ignored the implications of the proposed extension on the surrounding houses. The document outlines the history of the area from the 1850s, ostensibly as context for considering the impact of the proposed additions on the area. Instead it focuses on why the building itself does not meet the criteria to be heritage-listed and concludes on this basis that the metal-clad box units to be installed on top will *“have a limited impact on the significance of the place”*. However it has never been suggested that the building is heritage listed so this analysis is pointless.

The HIS allocates just four pages of the 34 total to the impact on the heritage of the vicinity. It dismisses any impact on the adjacent terraces with no reasoning other than the metal-clad box units being set back from the primary façade.

Similarly, it states *“the scale to the street will be retained”* and it *“retains a two storey form to the street”* which disregards the fact that the building has three street frontages. Those things may be true for Moore Park Road, but they are patently incorrect from the perspective of Josephson Street and Greens Road. The rear of the building is already the highest in Josephson Street and the visual impact of the proposed metal-clad box units looming over the small terraces will be significant. There is no consideration, and no photos have been included, to show the impact on these terraces and the assertion that it will have *“no impact on significant views”* is simply unfounded.

Most disturbing of all, page 30 of the HIS includes the inexplicable statements that *“The additions are in contemporary form and detail as the adjoining heritage and contributory items give little clue as to an appropriate treatment”* and *“The addition is in contemporary*

form commonly seen in the area” – which is completely at odds with the recognition throughout the rest of the document of the Victorian architecture that predominates in the area. Nothing like these proposed ultra-modern, pre-fabricated metal-clad box units can be seen within a 360° radius, even with binoculars.

Michael and Vashti Waterhouse

From: Will Mrongovius [REDACTED] > on behalf of Will Mrongovius <[REDACTED]> <Will Mrongovius [REDACTED]>
Sent on: Thursday, October 23, 2025 10:09:34 PM
To: DA Submissions City of Sydney <dasubmissions@cityofsydney.nsw.gov.au>
CC: CEO Monica Barone City Of Sydney <ceo@cityofsydney.nsw.gov.au>
Subject: DA 32 Moore Park Road

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Paddington-Darlinghurst Community Group (covering parking permit area 15)

Convenor Will Mrongovius, [41 Selwyn St. Paddington](#), mob [REDACTED]

email [REDACTED]

Thursday 23 October 2025

To DA Submissions City of Sydney

Attention- Kerryanne Lewis

Dear Kerryanne,

Re; DA 2025/811 32 Moore Park Road PADDINGTON NSW 2021

Description: Alterations/additions to mixed use development

Exhibition close date: 23/10/2025

[View full details](#)



Our Members wish to lodge the following objections/comments/concerns to this Development Application.

1. Floor Space ratio (FSR)– Request for Variation

The applicant says: This statement assesses any numeric non-compliance as acceptable on merit, resulting in no adverse impacts and in compliance with all relevant DCP and LEP objectives.

We believe this is incorrect.

The shadow diagrams submitted with the DA clearly show that the proposal DOES result in unreasonable overshadowing of the property at [REDACTED]. How can this proposal result in a reduction in the Ground Floor area from 172.4 square metres to 169.5 square metres,? That does not make sense. The site coverage has not been reduced.

The loss of existing communal space on the roof level will have an adverse impact for the 5 existing Apartments

We do not consider it reasonable to allow this variation in the FSR

2. Private & common Open space

The applicant claims that ;

- for the two new apartments “Each of the apartments has a private open space and windows to habitable space”, and
- The existing four units at the ground floor and first floor levels will not have any private open space as per the existing situation

This last statement is incorrect

Currently the existing 5 Apartments share common space on the rooftop level . The use of the rooftop and clothes lines has been witnessed by our community .

This proposal if approved will result in No communal space being provided for the existing 5 Apartments- that is unacceptable.

We understand that in a development of this nature 75% of such apartments must have private open space, not approx 30% as is proposed

3. Waste Bin Storage Area

Currently there is NO specific waste bin storage area in the existing building.

The applicant states that,

“the ground floor shop (hair salon) will be reduced in size to incorporate a waste bin storage area for the residential units. This will be screened by a ventilating roller shutter that will face onto Josephson Street. The roller shutter is considered to be acceptable and common along the southern side of Josephson Street”

The Waste management plan provided by the Applicant appears to be inadequate.

It estimates that two 240Litre waste bins and two 240Litre Recycling bins will be sufficient for the 7 proposed apartments. Given that Council garbage & recycling collections only occur weekly this seems totally inadequate.

Our Members , who include nearby residents are concerned that a new , and very small waste bin storage area is being proposed at a location so far away from all the Apartments.

If this waste storage bin area is approved at the location proposed then it must;

- Be built with solid walls , soundproofed and pest proof and secure.
- The proposed roller door must NOT be noisy or left open

4. Solar Access

We believe that this proposal if approved will result in an unreasonable increase in the overshadowing of [REDACTED]

We are aware that the owners of [REDACTED] have , for some time, been planning to install Solar panels .

We ask that this intent be taken into consideration.

Summary

WE believe that the proposed addition of the two new apartments is an overdevelopment and will adversely impact the amenity of the neighbourhood.

We do not support the FSR Variation request.

The loss of common space for the existing 5 Apartments is not supported

The inadequate Waste storage area is not supported.

Perhaps only one extra Apartment, at the Southern end should be allowed and this would then

- provide adequate space for common open space and

- adequate waste storage facilities and
- Minimise the overshadowing of the neighbour at 

We trust that Council will seek amendments to the proposed development consistent with its stated objectives for the Paddington Heritage Conservation Area.

Yours faithfully

Will Mrongovius

Australia- Is, was and always will be Aboriginal land.

Australia - Re-settling Boat people since 1788.

From: Linda Gosling <l[REDACTED]> on behalf of Linda Gosling
<[REDACTED]> <Linda Gosling [REDACTED]>
Sent on: Thursday, October 23, 2025 6:22:03 PM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: Esther Hayter [REDACTED]; The Paddington
Society [REDACTED]; will Mrongovius [REDACTED]
Subject: 32 Moore Park RD D/2025/811 attn Kerryanne Lewis
Attachments: 2025.10.24 TPS _32 Moore pk rd_LG.pdf (96.14 KB)

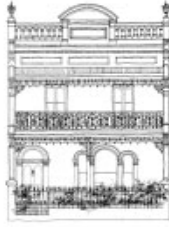
Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Kerryanne,

Please find attached the Paddington Society's letter of objection to aspects of this DA

Regards

Linda Gosling



THE PADDINGTON SOCIETY Inc.
For Community and Heritage
Est 1964

23 October 2025

Monica Barone
Chief Executive Officer,
City of Sydney
PO Box 1591
Sydney NSW 2000

Attention: Kerryanne Lewis

Dear Kerryanne,

Re: DA/ 2025/811 – 32 Moore Park Rd, Paddington –Alteration and Additions to Mixed Use Development.

The Paddington Society welcomes the addition of two affordably-sized apartments in our area.

We note that the Development Application seeks extra FSR over the LEP provision of some 58m2, so that impacts of this extra bulk need to be minimal. We make the following submission in this regard:

- The private open space (deck) to the north of Unit 7 will overlook the private open space (yard) of its neighbour at No. 30 Moore Park Rd. The application should be amended to either provide a barrier along the west side of the deck, or to increase the rear setback of Unit 7 so that the north edge of the deck is not forward of the gutter line of No. 30.
- Though the application states that the existing roof terrace is not used, it is used for clothes drying by the tenants. This use should still be maintained, in the interests of energy-saving.
- The extra bulk at roof level will overshadow the roof of No. 30 in the morning, and may affect this property's potential for solar energy generation.
- The Josephson St elevation is significant in the streetscape, which will be eroded by the proposed ventilating roller shutter and frame to the Bin storage area. We suggest this is re-designed to a higher quality more suitable to the Heritage Conservation Area, e.g with painted timber-boarded sliding doors with small fly-screened gaps between boards for ventilation, noting that there is an existing built-in down pipe at the NW corner of the building which has not been allowed for.

We ask that Council work with the applicant to improve this DA by addressing the above objections,

Yours faithfully


Esther Hayter, President
The Paddington Society
Per. Linda Gosling, Vice President

From: [REDACTED] on behalf of [REDACTED]
[REDACTED]
Sent on: Friday, October 24, 2025 4:26:11 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/811 - 32 Moore Park Road PADDINGTON NSW 2021 - Attention Kerryanne Lewis
Attachments: Objections_to_D2025811 [REDACTED] Paddington.pdf (1.37 MB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Please find attached our objections in relation to D/2025/811.

We wish to have our identity and contact details remain confidential.

We can be reached by return email or on [REDACTED]

Kind regards

[REDACTED]
[REDACTED] Paddington

Introduction

1. We have owned and lived at [REDACTED] Paddington NSW [REDACTED] or 'Home') since early 2009.
2. According to the *Sydney Local Environment Plan 2012 (SLEP)* I1077,¹ [REDACTED] is part of *Heritage Item: I1077 - Terrace group (Heritage Listing)* and is described as a:

Representative example of a mid 1870s Victorian Italianate terrace in the inner suburbs of Sydney that forms part of a group of similar period middle class terrace housing set in a prominent position along Moore Park Road overlooking Moore Park. It dates from the key period of significance of the Paddington Urban Conservation Area and provides evidence of the c 1870s subdivision of part of Sydney Common by Sydney City Council.
3. The entire row of terrace houses from 4-[REDACTED] falls under I1077.

Contact with the Applicant

4. We first came in contact with the Applicant around mid to late 2014 and have had about half a dozen brief personal interactions with him since that time. The last direct contact we had with him was about 12 months ago when he knocked on our front door and asked to connect a hose to a tap in our front yard. We consented to that request.
5. The first we heard of the development application (**DA**) and the proposed development (**Proposed Development**) was when a neighbour received an email alert about it and advised us on Friday 26 September 2025. This was three days before we were formally notified by the City of Sydney in writing, giving us less than four weeks to respond to a very detailed planning application.²
6. The Applicant has been working on the DA since 2017. At no stage has the Applicant consulted with us about his intention to lodge a DA, and certainly not in relation to the scale of the Proposed Development and the significant adverse impact the Proposed Development will have on our Home, amenity and living conditions. He has had plenty of opportunities to consult with us over the last 8 years about the DA but clearly has chosen not to do so.

¹ <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2421004>, date of access 15 October 2025.

² We received written notification on 30 September 2025; the deadline for comments is 23 October 2025. This is less than four weeks. We have an online account with City of Sydney and we pay our rates via this portal. This means that City of Sydney is able to contact us by email. There is no reason, therefore, why City of Sydney could not have sent email notification of the DA to us on 24 September 2025, the date of the notification letter.

7. By necessity, in light of the limited time we have been given to provide comments on the DA, we can only raise the most obvious concerns about it. If we had longer to review the multiple and detailed documents, other issues may be identified.

Request to vary Floor Space Ratio pursuant to clause 4.6(3) of Sydney Local Environmental Plan 2012 (FSR Exception Document)³

8. The Development Proposal does not comply with clause 4.4 of the SLEP, which sets out the Floor Space Ratio (**FSR**) development standard.
9. The Applicant has submitted the FSR Exception Document seeking an exceedance of the maximum FSR for the site. He claims it is *“unreasonable or unnecessary in the circumstances of the case”* to expect him to comply with clause 4.4 of the SLEP, and that there are *“sufficient environmental planning grounds to justify contravening the development standard”*. The contentions said to support his request to exceed the maximum FSR are based on erroneous information and flawed reasoning.
10. The FSR Exception Document claims the existing building has a FSR of 1.66:1. These calculations are stated to be “from the architect” of the Proposed Development, who is Pierre Della-Putta, nominated architect for Pierre Della-Putta and Associates Pty Ltd trading as “Architects Ink”.⁴ However, the FSR Exception Document has omitted the 20m² of roof level gross floor area (**GFA**), which is included in the calculations contained in the architectural plans⁵ (**Architectural Plans**) (page 2). This area appears to have been omitted to support the false contention in the statement of environmental effects⁶ (**SOEE**) on page 12 that:

The existing communal space at the roof top level is a small area that is not functional and not used by residents of the building. Therefore, the proposal does not seek to remove a usable communal outdoor area of amenity.

³ D_2025_811 - Clause 4.6 variation request - Cl 4.6 FSR 1345 Moore Park Road 32, <https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=2564927>, date of access 26 September 2025.

⁴ <https://www.architects.nsw.gov.au/architects-register/architect/5494>, date of access 20 October 2025.

⁵ D_2025_811 - Architectural Plans - ArchitecturalCombinedSet-32MooreParkPaddington-0-4C, <https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=2564927>, date of access 26 September 2025.

⁶ D_2025_811 - Statement of environmental effects - SEE 1345 Moore Park Road 32, <https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=2564927>, date of access 26 September 2025.

See also the section below: 'Errors and inconsistencies'.

11. If the Applicant is seeking to exclude the roof GFA from consideration, then the Existing Total GFA is 345.8m², not 365.8m² as incorrectly stated on page 4 of the FSR Exception Document. Accordingly, this would result in an Existing FSR of **1.57:1**, not 1.66:1 as asserted.

	Existing GFA (as stated by Architect)	Existing GFA (as stated in FSR Exception Document)	Difference
Ground Floor	172.4m ²	172.4m ²	0.0m ²
First Floor	173.4m ²	173.4m ²	0.0m ²
Roof / Second Floor	20.0m ²	-	20.0m ²
Total GFA/FSR	365.8m² (1.66:1)	345.8m² (1.57:1)	20m² (0.09:1)

12. Further, the FSR Exception Document claims the Proposed Development will result in a 2.9m² reduction in ground floor GFA of the existing building, in that there is an expressed difference between the Existing and Proposed Ground Floor GFA of 2.9m²:

	Existing	Proposed	Difference
Ground Floor	172.4m ²	169.5m ²	2.9m²

13. There is no explanation given as to why there would be a reduction in the ground floor GFA. The only proposed change to the ground floor to our knowledge is the construction of a bin storage area. If this is the basis for the difference between the Existing and Proposed Ground Floor GFA, the justification to support this is unclear. In the definition of *gross floor area* in the Dictionary of the SLEP, areas for "garbage and services" are excluded from this definition only if they are located within a basement.⁷ Accordingly, the corrected GFA for the Proposed Development is **446.8m²**, not 443.9m², with a resultant FSR of **2.03:1**, not 2.01:1.

	Proposed (as stated)	Proposed (corrected)	Difference
Ground Floor	169.5m ²	172.4m ²	2.9m²
First Floor	173.4m ²	173.4m ²	0.0m ²
Second Floor (new)	101.0m ²	101.0m ²	0.0m ²
Total GFA/FSR	443.9m² (2.01:1)	446.8m² (2.03:1)	2.9m² (0.02:1)

⁷ This proposed bin storage area cannot fall within the definition of 'community land' for the purposes of 'site area' in SLEP clause 4.5(4).

14. Clause 4.4(2) of the SLEP provides that the “maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the *Floor Space Ratio Map*.⁸

According to the relevant Floor Space Ratio Map, the Applicant’s site has a FSR limit of 1.75:1, which is already significantly higher than the limit of 1.25:1 imposed on the surrounding buildings.⁹ Notwithstanding this, the Applicant wants an exemption so he can increase his FSR to 2.03:1 (not 2.01:1), which equates to **60.8m²** above the FSR limit of 386.1m², not 57.9m² as claimed on page 7 of the FSR Exception Document. This is more than 22% over the current FSR of the building and **16%** (not 15%) above the upper limit permitted for the site. The increase being sought by the Applicant is entirely inconsistent with nearby houses; the closest building that permits a FSR of greater than 2.00:1 is 300m away.¹⁰

15. Furthermore, it is not clear whether the two decks that form part of the Proposed Development have been included in the calculations of the GFA and consequently the FSR for the site. We believe they have not been included, and that there are cogent reasons to question why not. Firstly, there is nothing obvious in the legislative definition of *gross floor area* to suggest that these two areas are exempt from FSR calculations. Secondly, these areas are obviously intended to augment the liveable floor space of the Proposed Development. In support of this, the FSR Exception Document states on page 9:

The proposed residential units include a private open space each, that meets the size requirements of the ADG. The studio will have an external rooftop deck of 8.8m² and the one-bedroom unit will have an external rooftop deck of 11m². The private open spaces provide passive recreational space for the residents, and enhances the amenity and indoor/outdoor lifestyle of residents.

⁸ <https://www.planningportal.nsw.gov.au/publications/environmental-planning-instruments/sydney-local-environmental-plan-2012>, date of access 19 October 2025.

⁹ Floor Space Ratio Map - Sheet FSR_023, https://eplanningdlprod.blob.core.windows.net/pdfmaps/7200_COM_FSR_023_005_20120926.pdf, date of access 19 October 2025.

¹⁰ Morris Shop, 1/33 Albion Avenue Paddington NSW 2021.

16. Therefore, we contend that these additional floor areas should be included in the FSR. This produces a FSR of **2.12:1**, which is **21%** (or **80.6m²**) over the allowable FSR of 1.75:1.

	Proposed (stated)	Proposed (corrected)	Difference
Ground Floor	169.5m ²	172.4m ²	2.9m²
First Floor	173.4m ²	173.4m ²	0.0m ²
Second Floor (new)	101.0m ²	101.0m ²	0.0m ²
Studio deck		8.8m ²	8.8m²
1 bedroom unit deck		11.0m ²	11.0m²
Total GFA/FSR	443.9m² (2.01:1)	466.6m² (2.12:1)	22.7m² (0.11:1)

17. On any view this would be a significant exceedance of the FSR maximum for the site. Importantly, therefore, this is not a matter of whether or not it is reasonable to expect ‘*strict compliance*’ with the development standards as suggested in the FSR Exception Document. The Proposed Development does not exceed the FSR by a small margin of little consequence. By his own, albeit inaccurate, calculations, the Applicant acknowledges that he seeks to exceed the FSR by 15%, a material amount (a better analysis is that he seeks to exceed it by 16%, and potentially by up to 21%).
18. Clause 4.4(1) of the SLEP identifies the objectives of the FSR development standard and Clause 4.6 provides for exceptions to the development standards. Importantly clause 4.6(3) states:
- Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard. (Emphasis added).*
19. The FSR Exception Document sets out the ‘five-part test’ used by consent authorities to consider applications to vary a development standard, and cites the case law that underpins that test, then relies on only the first part of the test: *The objectives of the development standard are achieved notwithstanding non-compliance with the standard*. This is followed by statements claiming that each of the clause 4.4 objectives is met, without reasoning or authority to support the views expressed. Such an approach arguably undermines the entire purpose of the FSR development standard – what is the point of setting a FSR maximum for a site if the owner can

circumvent it simply by stating that they meet the objectives of the development standard, without providing supporting evidence?

20. Our response to the contentions made in the FSR Exception Document for each of the clause 4.4(1) objectives is as follows:

Objective (a)

- (a) *to provide sufficient floor space to meet anticipated development needs for the foreseeable future,*

Comment: The proposal includes the addition of a studio and one-bedroom residential unit which provides sufficient floor space to meet the development needs for the foreseeable future. The site is well located in terms of public transport and social infrastructure and suitable for additional housing.

21. There is no reasonable basis to contend this objective is satisfied. No current or anticipated development 'needs' have been identified, instead the Development Proposal involves a substantial increase in FSR to install two new units to provide additional income for the Applicant over and above what he receives from the existing tenants. Proximity to public transport is irrelevant, and the Development Proposal will directly compromise social infrastructure for the existing tenants by demolishing their laundry, clothes drying area and current use of the rooftop for recreational purposes.¹¹

Objective (b)

- (b) *to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,*

Comment: The proposal provides a building with a built form that is consistent with other residential development in the surrounding area and suitable in its heritage context.

The proposed density and land use intensity is considered to be appropriate in its context and traffic generation is considered to be acceptable.

22. Cheap,¹² pre-fabricated shipping-container style units are totally inconsistent with the surrounding residential buildings (and indeed the building on which they will be installed), and in no way can they be said to suit the heritage context. The Proposed Development would

¹¹ Daily timelapse video taken from 29 September 2025 until 23 October 2025 shows almost daily use of the clothesline located on the roof of 32 Moore Park Road and people are also sometimes visible on the rooftop terrace.

¹² The architect himself describes them as "low cost prefab. social housing" (although the DA itself does not claim the Proposed Development will support any social housing needs): https://www.instagram.com/pierredellaputtaarchitect/p/C_jruimyDfl/, date of access 19 October 2025. See also Appendix A for screenshot of Instagram post.

undermine the objective of regulating the density of development, built form and land use intensity, regardless of whether or not it affects traffic significantly.

Objective (c)

(c) *to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,*

Comment: The addition of two residential units is acceptable and is not an over intensification of the development. The capacity of existing and planned infrastructure is capable of absorbing the additional units.

23. Merely paraphrasing the objective does not demonstrate that the objective is met. The bare assertion that two additional households can be absorbed within existing and planned infrastructure is simply not borne out by lived experience. The street often floods when it rains due to overflowing stormwater drains, bins and bicycles regularly obstruct the footpaths, buses are crammed so full at peak hour they do not stop at the nearest bus stop, and lack of on-street parking means it is often necessary to park more than a hundred metres away (particularly when there are sporting events nearby).

Objective (d)

(d) *to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.*

Comment: The proposed development is fitting within the Selwyn Street locality which consists of a diverse mix of terraces, modest dwellings, and larger institutional and commercial buildings. The proposal meets the desired character of the locality and does not create adverse impacts on the amenity of the locality.

24. To suggest that the Proposed Development “meets the desired character of the locality and does not create adverse impacts on the amenity” is seriously misleading. Although 32 Moore Park Road is technically within the Selwyn Street locality,¹³ it is in the extreme south east corner, more than 200m from any ‘larger institutional and commercial buildings’. Further, all of the buildings near it are terrace houses, a large number of which are subject to the Heritage Listing, including [REDACTED]

25. The first principle in the **Selwyn Street Locality Character Statement and Principles**¹⁴ states “Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.” The Proposed Development fails to do so.

¹³ Sydney Development Control Plans 2012, December 2012, Section 2 Location Statements, 2.9.2 Selwyn Street.

¹⁴ Sydney Development Control Plans 2012, December 2012, Section 2 Location Statements, 2.9.2 Selwyn Street.

26. In particular, supporting principle (b) states “*Development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.*” The Applicant’s proposed pre-fabricated shipping-container style units will not respond to, or complement, nearby heritage items, instead they will clash with the adjacent heritage listed buildings, particularly the direct neighbour, [REDACTED]. Further, the looming, depressing grey¹⁵ bulk of the Proposed Development when seen from Greens Road and Josephson Street will indelibly detract from the current ambience of the streetscape.

Compliance with the development standard is unreasonable and unnecessary as the proposed building height and bulk is of an appropriate form and scale and is compatible with surrounding development and the desired future character for the locality and meets the objectives of the development standard.

27. The assertion that pre-fabricated shipping-container-like units are compatible with surrounding development is frankly specious; they are grossly incompatible with the adjacent heritage-listed terrace houses, especially [REDACTED]. Further, the reference to a “desired future character” of the area is misleading and irrelevant, because it does not reflect the actual planning controls that apply. There is no plan to transform this locality by eradicating its current character and replacing this with some as yet unspecified “desired future character”. In fact, the Selwyn Street Locality Character Statement and Principles explicitly states the locality “*is to retain its existing character*” and that character does not encompass pre-fabricated shipping-container type units. We anticipate any move towards embracing such structures would be strenuously resisted by those living in the area.

28. For the reasons that follow we also reject the assertion in the FSR Exception Document that there are sufficient environmental planning grounds to justify the Applicant contravening the development standards. That assertion is based on a series of erroneous assumptions, and when the actual facts are considered, it is not reasonable to suggest the contravention is justifiable.

¹⁵ The Statement of Environmental Effects state the metal will be Dulux Basalt:
https://www.dulux.com.au/colour/colorbond/colorbond-basalt/?srsId=AfmBOor2Pn9RTESvXIYAE6O_yrGrSnM--PM0oIT4xcYpCTUWGAY9UKO, date of access 20 October 2025; hex #5c5e5e.

- Exceedance of the FSR control will not create additional building bulk that results in unreasonable environmental amenity impacts as follows:
 - The proposal will not result in the loss of views from surrounding development;
 - The proposal will not result in unreasonable overshadowing of adjoining properties. The neighbouring development will receive 3 hours of unimpeded solar access from 12pm to 3pm on 21 June.
 - The proposal will provide a development, which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained. Windows have been suitably located to ensure there is no overlooking to the neighbouring residential property; and
 - The proposal will provide a development, which is consistent with the scale of the adjoining developments and is of an appropriate visual bulk for the locality.

29. It is untrue that the Development Proposal will not result in loss of views. It will obliterate the view from the window on our top floor – we currently look out on trees, other terraces and into the distance towards Victoria Barracks. If the Development Proposal is approved, we will instead look out on a depressing dark grey metal wall immediately next to our property.¹⁶ That dark grey metal wall will also loom over the terrace houses in Josephson Street, compromising their views. The loss of views for ourselves, and others in the neighbourhood, makes the request to exceed the FSR unreasonable.

30. It is also wrong to say that our house will receive three hours of unimpeded sunlight on 21 June – as explained in our response, in the section ‘Effects of overshadowing from the Proposed Development’ below - our house will only have **one hour per day** of unimpeded solar access due to overshadowing from existing structures and in combination with the Proposed Development, further demonstrating that the request to exceed the FSR is unreasonable.

31. It is also false that the Proposed Development will ensure our privacy. Location of the windows on the east side of the units is only one factor. The roof decks form part of the Proposed Development with the express intention that people will use them for access to sunlight and fresh air. Anyone on the northern roof deck will be able to look straight into our top floor window and, worse still, into our bathroom on the floor below, such that we will have to keep the blinds closed most of the time. Noise will also carry straight into our property from entertaining on the roof deck, and we anticipate an increase in objects being tossed from the roof into our Home below, including into our atrium. These significant impacts on our privacy show that the FSR exception should not be granted.

¹⁶ See Appendix B for example views from our Home showing the adverse and permanent impact on our Home.

32. The Proposed Development is only consistent with the scale of other properties from the perspective of Moore Park Road. It represents a very significant increase in visual bulk from the perspective of both Greens Road, and Josephson Street, where it is already the tallest building.

- The front and rear alignment of the proposed storey matches alignment of the adjoining terrace at 30 Moore Park Road.
- The proposed new storey incorporates articulated facades to avoid a bulky appearance and has proportions consistent with the existing building and streetscape.

33. The rear alignment of the proposed additional story to be installed on 32 Moore Park Road does **not** align with [REDACTED] the alignment can only be said to match at the front. Such a mistake can only have been made by someone with a complete lack of understanding of the location. Similarly, the proportions are only consistent with the streetscape when standing in Moore Park Road, the bulky appearance of the building will be dramatically increased from both Greens Road and Josephson Street.

- All existing and proposed units will receive sunlight between 9am and 3pm in mid-winter to the living areas, with adequate solar access to the private open space of Apartment 7 in mid winter. This meets the 15% requirement of the ADG.

34. This is not disputed but further highlights the inequity of what the Applicant is proposing – how can it be suggested that it is reasonable for the proposed new units to have six hours of sunlight in mid-winter whilst our sunlight is cut to one hour per day? Moreover, there is no doubt our privacy will be compromised throughout winter as the Apartment 7 occupants will have to access their ‘private open space’ (roof deck) to gain adequate solar access. This is an example of the Applicant seeking to transfer market value from our Home to his property.

- The proposed residential units include a private open space each, that meets the size requirements of the ADG. The studio will have an external rooftop deck of 8.8m² and the one-bedroom unit will have an external rooftop deck of 11m². The private open spaces provide passive recreational space for the residents, and enhances the amenity and indoor/outdoor lifestyle of residents.

35. As articulated above, we believe the combined areas of the roof decks are not included in the floor space calculations, such that the GFA of the proposed second floor is not 101m² but instead 101.0m² + 8.8m² + 11.0m², or **120.8m²** for the proposed second floor, giving a total floor area of 466.6m², and an FSR of **2.12:1** or **21%** over the allowed 1.75:1 FSR. In any event, this paragraph extolling the amenity for the additional tenants further highlights the adverse impact on the

amenity and value of our Home. This is another example of the Applicant seeking to transfer market value from our Home to his property.

The lack of impact on adjoining properties in terms of solar access, privacy, view loss and visual bulk establishes sufficient planning grounds⁷.

36. The FSR Exception Document relies on two decisions of the Land and Environment Court to support this assertion.¹⁷ In both cases it was held that a lack of adverse impacts on the amenity of adjoining properties was a sufficient ground to justify contravening the development standard. However, both of those decisions are clearly distinguishable from the present circumstances because, notwithstanding the bare assertion above, the facts demonstrate clear and untenable impacts. Our adjacent property will lose solar access, privacy, views and amenity.¹⁸ We and our neighbours will be faced, from multiple vantage points, with additional dark grey visual bulk that is completely out of character with the neighbourhood, and in contravention of principle (b) of the Selwyn Street Locality Character Statement and Principles. Accordingly, the principle from the cases on which the FSR Exception Document relies lends no support for its contention that there are sufficient environmental planning grounds to justify an exception to the FSR development standard.
37. Other recent caselaw supports the proposition that an exception should not be granted where such impacts will result. For example, in *Dao v Inner West Council* [2025] NSWLEC 1741 (**Dao**), the FSR exceedance sought was not granted as it would “lead to unacceptable amenity impacts on the adjoining property”.¹⁹ Submissions made against approval of the FSR exception included:
- a. adverse impacts on local amenity, namely adverse solar access and overshadowing impacts and overall bulk and scale as perceived from neighbouring properties, including:
 - i. when viewed from the private open space of the adjoining property, the proposed development would have presented a solid high and long wall built to the shared boundary, effectively enclosing the adjoining property’s private open space; and

¹⁷ *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 at [94(3)] and *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 at [34].

¹⁸ See Appendix B for the adverse impact on views from private spaces within our Home from the Proposed Development.

¹⁹ *Dao v Inner West Council* [2025] NSWLEC 1741, at paragraph 64.

- ii. additional shadowing to the adjoining property, including shadowing to windows (serving a bedroom and lounge room) and additional shadowing to the central courtyard and associated windows;²⁰
 - b. many of the grounds arguing that there are sufficient environmental planning grounds to justify the exception seemingly promote the development in general, rather than justifying the clause 4.6 exception itself.²¹
38. The circumstances in Dao are similar to our own, and the decision in Dao demonstrates that where exceedance of the FSR will result in such adverse impacts, the objectives of the FSR development standard will not be achieved and therefore, in accordance with clause 4.6(3), the exception sought cannot be approved.
39. We have made no comments about the contentions in the FSR Exception Document regarding subclause 4.6(5) of the SLEP, because that subclause is no longer in force and is therefore irrelevant. Subclause 4.6(5) was repealed via *Standard Instrument (Local Environmental Plans) Amendment (Exceptions to Development Standards) Order 2023* on 13 September 2023, which came into effect on 1 November 2023. In other words, the FSR Exception Document is relying on a subclause that has not been in force for almost two years. Moreover, this change was not just a change to the SLEP; the amendment is described as a 'standard instrument LEP amendment', meaning the clause in question was repealed in every LEP across the State. It is concerning that A2P, the author of the FSR Exception Document, is apparently unaware of the current legislative provisions and this gives rise to questions as to the validity of the document as a whole.
40. In seeking to exceed the FSR by such a significant margin on the basis of such insubstantial contentions, the Applicant demonstrates a flagrant disregard for the FSR development standard. In short, the Applicant seeks to exceed the FSR for his property to increase both the capital value of the property and the income he derives from it, while at the same time forcing a significant decrease in the amenity and value of our Home due to the reduction in sunlight, the compromise to our privacy, the obliteration of our views, and the eyesore effect of the pre-fabricated shipping-container like units. The effect on [REDACTED] is compounded by the risk of damage to the wall between the two properties, the potential for drainage issues as a result, and the adverse impacts of the bin storage area as discussed elsewhere in this document.

²⁰ *Dao v Inner West Council* [2025] NSWLEC 1741, at paragraph 49.

²¹ *Dao v Inner West Council* [2025] NSWLEC 1741, at paragraph 51.

41. In accordance with subclause 4.6(3) of the SLEP, therefore, consent must not be granted for the Proposed Development because it contravenes the FSR development standard. The Applicant has failed to demonstrate that compliance is unreasonable or unnecessary in the circumstances, or that there are sufficient environmental planning grounds to justify him contravening the FSR development standard.

Overshadowing from the Proposed Development

42. The Proposed Development will have a significant adverse overshadowing impact on our Home. The DA documents significantly underrepresent this effect in two ways:

- a. a gross oversimplification or misrepresentation of the actual roof structure and overall design of our Home; and
- b. a failure to acknowledge that existing overshadowing infrastructure affects our Home during the afternoon and consequently the Proposed Development will have a compounding overshadowing effect.

43. The bottom diagram on the first page of the Architectural Plans, while showing the Proposed Development's existing and proposed alterations' design and features in great detail, oversimplifies the design, roof sections and associated infrastructure of both our Home and also 28 Moore Park Road. Firstly, the roof sections of our Home and 28 Moore Park Road to the rear and north of the original late 1800s front sections (**Original Front Section**) are inaccurately represented by a single, inclined, solid roof section, co-planer with 28 Moore Park Road.

44. Further, this oversimplified design completely ignores the following:

- a. north of the Original Front Section our Home has two separate and distinct roof sections:
 - i. A roof section pitched to the east, adjacent to a similar section pitched to the west of 28 Moore Park Road at a central parapet, approximately 6.3m long x 4.0m wide, finishing at a tall six pot chimney shared with 28 Moore Park Road at the north end of this pitched roof (**Large Chimney**) (**Pitched Roof Section**).
 - ii. A flat roof section, immediately to the north of the end of the Pitched Roof Section, approximately 5.5m long x 6.0m wide (**Flat Roof Section**). There is a wall at the west side of the Flat Roof Section approximately 2.0m in height at the

boundary with 28 Moore Park Road, with a single pot chimney at its northern end approximately 1.5m tall in height on top of this wall (**North Wall**).

- b. an atrium adjoining the Pitched Roof Section to the east, and ending at the boundary of our Home and 32 Moore Park Road, approximately 6.3m long x 2.0m wide (**Atrium**). This Atrium has a 'green wall' on its east side, providing green space, and light, air and temperature modulation into and for our kitchen and living spaces (The Large Chimney, Pitched Roof Section, Flat Roof Section, North Wall and Atrium are all together defined as **Complex Home Structures**).

45. The Applicant's shadow diagrams²² (**Shadow Diagrams**) lack any of this detail. However, the Shadow Diagrams *do* show the shadowing effect on 32 Moore Park Road throughout the day from the two chimneys of both 28 Moore Park Road and [REDACTED] on their respective Original Front Sections, including the effect of the chimneys and higher wall of [REDACTED] on 32 Moore Park Road from 1pm. In other words, the impacts of afternoon shadows are recognised as affecting the Applicant's property, but disregarded for our Home.

46. Why the Applicant's Architectural Plans and Shadow Diagrams ignore the complexity of our Home's roof sections and associated infrastructure is beyond us. As the Applicant has made clear in his heritage impact statement²³ (**HIS**), he or his family have owned 32 Moore Park Road since 1968. We have observed the Applicant around 32 Moore Park Road countless times since 2014, including on its northern roof section. Further, the Complex Home Structures are clearly visible from the accessible roof top area on 32 Moore Park Road. The Applicant has been into the rear courtyard of our Home around mid to late 2014 and into the Atrium in around early to mid-2015. In any event, a significant number of the Complex Home Structures are visible from street level outside our Home, and are visible in aerial views that should have prompted further investigation if any aspect was unclear. Consequently, the Applicant has had plenty of opportunities to familiarise himself with the complicated design and nature of our roof sections and associated structures. Therefore, we believe that the Complex Home Structures have not

²² D_2025_811 - Shadow diagrams - ShadowDiagrams-32 Moore Park Rd Moore Park-ReA, <https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=2564927>, date of access 26 September 2025.

²³ D_2025_811 - Heritage impact statement - Heritage Report -Moore Park Road HIS. 26.07.24_, <https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=2564927>, date of access 26 September 2025.

been reflected in the Architectural Plans and Shadow Diagrams for reasons including but not limited to:

- a. minimal care being taken in the preparation of the Architectural Plans and Shadow Diagrams; and
- b. the Complex Home Structures being excluded as their inclusion does not suit the narrative that the Applicant is attempting to construct, namely to minimise and/or disregard the overshadowing effects of the Proposed Development on our Home.

Effects of overshadowing impairing natural heating and sunlight

47. As the overshadowing from the Proposed Development will take effect in the morning, this will delay and severely disrupt sunlight from entering our living areas through the glazed north end of the Flat Roof Section. Further, it will delay sunlight from reaching the Pitched Roof Section, and into the Atrium. The Atrium is glazed on its west and north sides (again, facts that the Applicant has had many opportunities to appreciate given the Atrium is clearly visible from the accessible roof area of 32 Moore Park Road), and these characteristics are important in delivering sunlight and heat into our living spaces.
48. The effects of the morning sunlight are important for heating the walls of and stone in the Atrium, which then act as a thermal mass in retaining and transferring that embedded heat into the rest of our House throughout the day. Morning sunlight on the Pitched Roof Section and Flat Roof Section are also important for heating our Home.
49. Consequently, the overshadowing from the Proposed Development will severely disrupt and reduce the existing effect of morning sunlight on our Home by reducing natural light, which is important for both mental wellbeing²⁴ and Vitamin D levels.²⁵ The overshadowing will also severely reduce the heating of our Home, thus permanently increasing the need for artificial heating, increasing our energy bills and adversely impacting the environment.
50. From shadowdiagrams.net.au:

In densely populated urban areas, access to natural light is highly valued for its practical and psychological benefits, including improved mood, enhanced energy efficiency, and a higher

²⁴ <https://www.sydney.edu.au/news-opinion/news/2024/10/31/how-light-can-shift-your-mood-and-mental-health.html>, date of access 19 October 2025.

²⁵ <https://www.betterhealth.vic.gov.au/health/healthyliving/vitamin-d>, date of access 19 October 2025.

quality of life for residents ... In densely built urban areas, where buildings are closely spaced, limited sunlight can make spaces feel cramped, cold, or gloomy.

[S]olar rights ... play a critical role in improving energy efficiency in buildings. With rooftop solar panels increasingly installed in residential and commercial properties across Sydney, Melbourne, and other Australian cities, maintaining uninterrupted sunlight has become more important than ever. Overshadowing from new developments can significantly reduce the energy output of solar installations, affecting both sustainability goals and long-term energy efficiency ... [C]areful planning of sunlight and shading helps create healthier urban environments. Proper access to natural light reduces reliance on artificial lighting and heating, particularly during winter months, lowering energy consumption and greenhouse gas emissions.

Effects of overshadowing eliminating benefits of solar panels

51. Overshadowing from the Proposed Development will also completely disrupt our plan to install solar panels on the Pitched Roof Section and Flat Roof Section of our Home, which we had anticipated installing imminently.
52. We first investigated installing solar panels on our Home in mid-2014. At the time, a representative of a solar panel supply and install company visited our Home, observed our roof sections, Complex Home Structures and high walls on our east boundary with 32 Moore Park Road. The advice at this time was that because of the limited roof area and overshadowing in the afternoon, it would not be financially viable to install solar panels. Another opinion was sought from an extended family member who operated a similar business at the time offering to supply and install alternative energy solutions and this second opinion backed the original advice.²⁶ Consequently, no further inquiries or effort to install solar panels was made for some years. We note that in around 2014, and up until relatively recently, solar energy battery storage technology was not readily available or economically feasible.
53. Inquiries were again made in mid-2021. These inquiries did not progress any further again because of concerns that it would not be economically viable to install solar panels based on the technology then available.

²⁶ See Appendix C.

54. With the advent of more efficient solar panels²⁷ and battery storage, and with the introduction of further federal and NSW state government incentives, particularly the Federal Government's "Cheaper Home Batteries Program",²⁸ which took effect from 1 July 2025, we began investigations again in June this year as to whether solar panels, including battery storage, could be an option for us. Fortunately, advice and quotes we received in July this year demonstrated that solar panels with battery storage are able to be installed for our Home.
55. A solar panel layout from our preferred installer shows panels are to be located on the Pitched Roof Section and Flat Roof Section.²⁹ These roof sections predominantly experience sunlight during the period from first light to around midday. From midday both roof sections are progressively prematurely adversely impacted, well before last light, from overshadowing from the Large Chimney and North Wall and then the parapet at the top of the Pitched Roof Section (**West Parapet**).
56. This location and number size of the solar panel layout is designed to maximise the available roof area for our Home. Overshadowing from the Proposed Development will directly impact both the Pitched Roof Section and Flat Roof Section during the mornings, where the solar panels are to be located, and during the only time the solar panels are able to experience an extended period of uninterrupted sunlight in order to operate.
57. There are many documents lodged by the Applicant that seek to underrepresent the impact of overshadowing on our Home, in particular assertions that our Home will "receive 3 hours of unimpeded solar access from 12pm to 3pm on 21 June",³⁰ and that such restricted solar access is not "unreasonable".³¹ These statements completely ignore the effect of overshadowing on our Home from structures located to the west of our Home, including the Large Chimney, North Wall

²⁷ <https://www.solarreviews.com/blog/how-has-the-price-and-efficiency-of-solar-panels-changed-over-time>, date of access 20 October 2025, <https://www.nrel.gov/pv/cell-efficiency>, date of access 20 October 2025.

²⁸ <https://www.dcceew.gov.au/energy/programs/cheaper-home-batteries>, date of access 20 October 2025.

²⁹ See Appendix D, dated 9 July 2025.

³⁰ D_2025_811 - Statement of environmental effects - SEE 1345 Moore Park Road 32, <https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=2564927>, date of access 26 September 2025, pages 26, 31, 42, 56 & 57; D_2025_811 - Clause 4.6 variation request - CI 4.6 FSR 1345 Moore Park Road 32, <https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=2564927>, date of access 26 September 2025, page 8.

³¹ D_2025_811 - Clause 4.6 variation request - CI 4.6 FSR 1345 Moore Park Road 32, <https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=2564927>, date of access 26 September 2025, page 8.

and its associated chimney, and the West Parapet. Therefore, it is not “unimpeded solar access”, it is very much “impeded solar access”.

58. From 29 September 2025, save for a few intervening days, a timelapse video has been taken each day until 23 October 2025, from the roof of the Original Front Section of our Home facing north, capturing the movement of shadows over the Pitched Roof Section, Flat Roof Section from the Complex Home Structures³² (**Timelapse Videos**).

59. As can be seen from a number of days, and in particular Friday 29 September 2025, the Pitched Roof Section and Flat Roof Section are affected by overshadowing in the following way.³³

Period	Area affected Extent	Area affected by
From 11:20am UTC+10	Pitched Roof Section Partly ³⁴	Large Chimney
From 13:30 UTC+10	Pitched Roof Section Full ³⁵	Large Chimney
From 13:30 UTC+10	Flat Roof Section 25%	North Wall
From 13:30 UTC+10	Pitched Roof Section Started	West Parapet
From 15:15 UTC+10	Flat Roof Section 50%	North Wall
From 15:15 UTC+10	Pitched Roof Section 1/3 rd	West Parapet
From 15:40 UTC+10	Pitched Roof Section 100%	West Parapet
From 15:40 UTC+10	Flat Roof Section 2/3 rd	North Wall
16:40 UTC+10	Flat Roof Section ~100%	North Wall

All periods and proportions of areas affected are approximate

60. The Timelapse Videos show that statements in the Applicant’s documents to the effect that our Home receives 3 hours of unimpeded solar access from 12pm to 3pm misrepresent reality. Although we do not have timelapse videos for 21 June, it is clear the Applicant’s Shadow Diagrams completely ignore the actual overshadowing impact from existing elements on the west side of our home in the afternoon, and during the period 12pm to 3pm, and well beyond.

61. This example also clearly demonstrates that solar panel effectiveness is dependent on sunlight received at any time during the day, commencing from first light. First light on 21 June 2025 was at 06:32 UTC+10,³⁶ however the Shadow Diagrams only contemplate sunlight on 21 June from 9am. In other words, the Shadow Diagrams totally disregard the loss of sunlight we will experience from first light until 9am when the solar panel locations will be completely overshadowed by the Proposed Development. For 21 June 2025 this would have equated to an

³² https://drive.google.com/drive/folders/1qV_PKUdDwtD5RKqmvpf569tPGw-npE-6?usp=drive_link

³³ Please note this analysis does not include the effects of overshadowing of the Atrium and the rear and other parts of our Home from the Proposed Development.

³⁴ The shadow from the Large Chimney is partly affecting the Pitched Roof Section.

³⁵ The shadow from the Large Chimney has fully extended across the width of the Pitched Roof Section.

³⁶ <https://geodesyapps.ga.gov.au/sunrise>, using Paddington, NSW, as the location, and referencing Civil Twilight.

extra 2 hours and 28 minutes of overshadowing and therefore sunlight deprivation on our planned solar panels. The earliest that first light occurs during the year is 04:08 UTC+10 in early December,³⁷ which would equate to nearly five hours of overshadowing/sunlight deprivation on our planned solar panels before 9am. None of this is acknowledged by the Applicant, instead the only sunlight deprivation that is conceded, from 9am to noon, is dismissed as inconsequential.

62. Converting our Home to electricity by installing solar panels with battery storage will assist us in with dealing with increasing energy costs and save us money while positively contributing to combatting climate change.³⁸ The installation of solar panels on our home is also important to us for other reasons, and has been so since we first started to investigate their viability in 2014. These reasons include:

- a. Without solar panels and battery storage our choices around the energy mix in our home are very limited. We have recently decided to decommission a gas-powered heater in the rear of our Home because of our desire to reduce our reliance on natural gas and instead use electricity. The inability to install rooftop solar and battery may mean we must recommission gas heating in the rear of our Home, exposing us to increasingly higher gas prices,³⁹ as well as being bad for the environment;
- b. Without solar panels and battery storage we are exposed to increasingly higher electricity bills.⁴⁰ The cause of increasingly higher electricity bills is myriad:
 - i. wholesale prices have increased, notwithstanding the acceleration of renewable energy, largely because generation still uses a lot of coal and gas, which is very expensive;⁴¹

³⁷ <https://geodesyapps.ga.gov.au/sunrise>, using Paddington, NSW, as the location, and referencing Civil Twilight.

³⁸ <https://www.climatecouncil.org.au/four-reasons-why-your-power-prices-are-sky-high-and-rising>, date of access 21 October 2025.

³⁹ <https://www.climatecouncil.org.au/four-reasons-why-your-power-prices-are-sky-high-and-rising>, date of access 21 October 2025.

⁴⁰ "Widespread battery uptake would also reduce electricity demand at peak times, putting downward pressure on power prices for households without solar panels or batteries.": <https://www.smh.com.au/politics/federal/labor-to-subsidise-home-batteries-up-to-4000-for-households-20250405-p5lpfk.html>, date of access 19 October 2025.

⁴¹ <https://www.climatecouncil.org.au/four-reasons-why-your-power-prices-are-sky-high-and-rising>, date of access 21 October 2025.

- ii. gas prices are expensive because the majority of gas is exported,⁴² with domestic consumers suffering from this policy;
 - iii. generation infrastructure is ageing, unreliable, and prone to significant unplanned maintenance, causing prices to spike;⁴³
 - iv. on top of all this, the adoption of artificial intelligence is driving significant growth in data centres.⁴⁴ Data centres use a lot energy.⁴⁵ This competing demand will drive prices for consumers in two ways – simply because there is greater demand, but also because big tech companies and data centre operators are able to use their position and buying power to lock in more favourable energy contracts, disadvantaging individual consumers.⁴⁶ According to Oxford Economics Australia, in Australia, only 1.5% of data centre electricity consumption is connected to the transmission network currently. This percentage is expected to rise to 32% by FY30. Currently Sydney has the highest concentration of data centres in the country.⁴⁷ Consequently, Sydney electricity prices will be more affected by this phenomenon.
- c. Our options for purchasing an electric vehicle will be limited without solar panels;
 - d. We lose the opportunity to install a bi-directional charger;⁴⁸

⁴² <https://www.climatecouncil.org.au/four-reasons-why-your-power-prices-are-sky-high-and-rising>, date of access 21 October 2025.

⁴³ <https://www.climatecouncil.org.au/four-reasons-why-your-power-prices-are-sky-high-and-rising>, date of access 21 October 2025.

⁴⁴ <https://www.ft.com/content/f1bcd674-5ce4-4bcd-a3a5-4c35649add1b>, date of access 21 October 2025.

⁴⁵ <https://www.abc.net.au/news/2024-07-26/data-centre-electricity-grid-demand/104140808>, date of access 21 October 2025.

⁴⁶ <https://eelp.law.harvard.edu/extracting-profits-from-the-public-how-utility-ratepayers-are-paying-for-big-techs-power/>, date of access 21 October 2025. Although this is a reference to activity in the USA, in June this year, Amazon announced it will invest \$20bn in Australia by 2029 expanding its data centre footprint in Australia. It is likely Amazon, and other similar tech companies, will seek to secure their energy here in a similar way as they do in the USA <https://www.aboutamazon.com/news/aws/amazon-data-center-investment-in-australia>, date of access 21 October 2025.

⁴⁷ https://www.aemo.com.au/-/media/files/stakeholder_consultation/consultations/nem-consultations/2024/2025-iasr-scenarios/final-docs/oxford-economics-australia-data-centre-energy-consumption-report.pdf, date of access 21 October 2025.

⁴⁸ <https://www.smh.com.au/business/consumer-affairs/turning-your-ev-into-a-giant-battery-is-a-step-closer-20250924-p5mxio.html>, date of access 26 September 2025.

e. We cannot directly participate in national and global efforts to reduce our collective reliance on fossil fuels, reduce greenhouse emissions and take up renewable energy; and

f. All of these lost opportunities will combine to materially reduce the value of our Home.

63. Being overshadowed by the Proposed Development will have an enduring effect on our Home by permanently reducing our choices and exposing us to increasing energy prices. The consequential decrease in the market value of our Home from loss of choices is inevitable.

64. Our long-term intention to install solar panels is due to our own beliefs about the need to adopt more renewable energy sources. This belief is supported by local, state and federal government policy and research. Particularly:

a. The City of Sydney declared in June 2019 that “climate change poses a serious risk to the people of Sydney and should be treated as a national emergency”;⁴⁹

b. The NSW State Government has in place its “Net Zero Plan”, with the goal of reaching net zero emissions by 2050.⁵⁰ Relevantly it highlights the benefits in the uptake of rooftop solar and electric vehicles:

*Households across New South Wales are increasingly adopting products and services that both reduce the cost of living and protect the environment. For example, over 484,000 households and small businesses have installed rooftop solar, generally saving \$900 per year and reducing annual emissions by three tonnes per family. Similarly, over 47,000 motorists have opted for an electric or hybrid vehicle, reducing their fuel costs by up to \$1800 per year and decreasing annual emissions by up to three tonnes per car.*⁵¹

c. These initiatives and statements support the Federal Government position of committing Australia to achieving net zero emissions by 2050.⁵²

⁴⁹ <https://www.cityofsydney.nsw.gov.au/development-guidelines-policies/development-application-exception-solar-panels-heritage-conservation-areas-guideline>, date of access 19 October 2025.

⁵⁰ <https://www.energy.nsw.gov.au/nsw-plans-and-progress/government-strategies-and-frameworks/reaching-net-zero-emissions/net-zero>, date of access 19 October 2025.

⁵¹ <https://www.energy.nsw.gov.au/sites/default/files/2022-08/net-zero-plan-2020-2030-200057.pdf>, page 9, date of access 19 October 2025.

⁵² <https://www.aofm.gov.au/sites/default/files/2024-02-02/Climate%20change%20slides%20updated%20February%202024.pdf>, page 1, date of access 19 October 2025.

65. The Applicant evidently recognises the value of solar energy because the Architectural Plans state on page 2: “Hot water system to be electric boosted solar system”, yet the Proposed Development will deny us the opportunity to take advantage of this abundant resource. Further, there is no indication on the Architectural Plans of where this ‘solar system’ is to be located. If it is to be located on the roofs of the Proposed Development, this will further increase the adverse overshadowing effects on our Home.
66. We have recently been received approval for a local heritage exemption from the City of Sydney to install solar panels in accordance with the quote from our preferred supplier and installer.⁵³
67. The Applicant may argue that we have dragged our feet when it comes to installing solar panels with battery storage. We counter that with the position that we have wanted to install solar panels since mid-2014, but only since 1 July 2025 has it become technically and economically feasible for us to do so, in conjunction with battery storage. Further, given the Applicant has been working on his DA since 2017, he would well understand these things take time.
68. The Applicant may further argue that 28 Moore Park Road has almost the entire length of its roofline filled with solar panels. That is true, although we know nothing about their operational and economic viability. Those solar panels were installed in around 2021, which was what prompted us to make further inquiries, leading to advice that solar panels were still not viable for our roof. The structure and aspect of the roof of 28 Moore Park Road is materially different to ours as 28 Moore Park Road is unaffected by overshadowing to the east in the morning, and to the west in the afternoon in the way that our Home is. Further, 28 Moore Park Road has a large majority of its overall solar panels installed on the Original Front Section roof. Unfortunately, we are unable to install solar panels on the corresponding roof area of our Home because established infrastructure and dimensions prevent this.
69. In summary, the solar panel plan, as provided by our preferred supplier and installer of solar panels, shows the optimised locations for solar panels on our Home, being only two locations: the Pitched Roof Section and the Flat Roof Section. According to our preferred supplier and installer of solar panels, overshadowing from the Proposed Development will reduce the potential solar generation on average across the course of the year by approximately 50%,

⁵³ HWC/2025/329.

rendering the installation and operation of our desired solar panels and battery storage economically unviable.⁵⁴

Reason we have not commissioned our own shadow diagrams

70. We investigated engaging a company specialising in producing shadow diagrams for this submission. The quote to do so was \$3,850 including GST, none of which is deductible or creditable. This is not an insignificant amount of money. Further, we do not regard this as an expense that should be borne by us. This is particularly so given the misrepresentation and oversimplification of the complex nature of our Home and its elements in the DA documents, which underpin the misleading statements throughout the documents to the effect that our Home would receive 3 hours of unimpeded solar access from 12pm to 3pm on June 21.
71. Accurate shadow diagrams would illustrate the true overshadowing impact on our Home, including on our complex roof sections, windows and private open spaces, and on multiple days throughout the year. A comprehensive shadow diagram analysis could only be conducted accurately after firstly completing a 3D LIDAR scan of our property. We urge City of Sydney to commission their own, detailed, shadow diagram assessment, including a 3D LIDAR scan of the complex nature of elements applicable to our Home.

Disregard of actual heritage impact of the proposed extension

72. Although only around 50 years younger than the terraces in the surrounding area, 32 Moore Park Road lacks any of the character of these terraces. However, having been in place for so long, residents in the local neighbourhood find it tolerable enough. Nevertheless, the disparity 32 Moore Park Road represents stands out in an otherwise relatively homogeneous precinct. From Moore Park Road it is incongruent with the row of adjacent terraces, on Greens Road it forms an imposing red edifice, and as the tallest building in Josephson Street it dwarfs the terraces there.
73. The proposed additions to 32 Moore Park Road are another story entirely. The plan to install cheap, pre-fabricated shipping-container style units is completely at odds with the atmosphere of the area, and they will clash with the Victorian features of the terraces, including [REDACTED] In short, they will create a blot that exacerbates the inconsistency of the building with its environmental context and degrades the amenity and heritage value of the precinct.

⁵⁴ Email from preferred supplier dated 16 October 2025.

74. The HIS fails to take proper account of the heritage impact of the Development Proposal on the surrounding properties. There is inherent inconsistency in the HIS detailing the European history of the area, and then dismissing any significant impact on the historically recognised, heritage-listed, buildings in the vicinity. More attention is given to reasons explaining why 32 Moore Park Road does not meet the conditions to be heritage listed itself, which is an irrelevant consideration.
75. In the four pages of the HIS that do discuss the effects on the surrounding area, the only street perspective considered is that of Moore Park Road, and this is dismissed as an issue because the shipping-container style units will be set back from the street. The same cannot be said of the other two street frontages, Greens Road and Josephson Street, where the visual bulk will be increased by 25-30%. To say that there will be 'no impact on significant views' ignores the disruption in view from two out of the three street frontages.
76. The HIS states on page 30, without any justification, that the pre-fabricated units will be contemporary in style because *"the adjoining heritage and contributory items give little clue as to an appropriate treatment."* There is no reasonable basis to such a statement given other parts of the HIS acknowledge the Victorian architecture style of the surrounding buildings. Similarly, the HIS statement that the contemporary shipping-container like units is a form *"commonly seen in the area"* is without any apparent foundation. There is nothing in the area that approximates the forms of shipping containers and the depressing dark grey the Applicant proposes to use for their construction.⁵⁵

Nature of eastern wall at [REDACTED]

77. The DA refers to a "party wall" between our Home at [REDACTED] and the Applicant's property. However, we do not agree that the wall on the eastern side of [REDACTED] meets the definition of a party wall.
78. The Applicant's building was constructed in 1924 on land that was adjacent to [REDACTED] As [REDACTED] was built thirty to fifty years prior to 32 Moore Park Road, [REDACTED] clearly had a freestanding wall on its eastern side. The wall does not support the building at 32 Moore Park Road, it only supports our Home.

⁵⁵ The Statement of Environmental Effects states on page 14 that the metal will be Dulux Basalt: https://www.dulux.com.au/colour/colorbond/colorbond-basalt/?srsltid=AfmBOor2Pn9RTESvXIYAE6O_yrGrSnM--PM0oIT4xcYpCTUWGAY9UKO, date of access 20 October 2025; hex #5c5e5e.

Accordingly, we do not consent to the Applicant building any structure that attaches to, rests on or otherwise involves the eastern wall of [REDACTED]

79. In the alternative, if the eastern wall of [REDACTED] is regarded as a party wall with 32 Moore Park Road, not all of the wall of [REDACTED] is a party wall with 32 Moore Park Road. The height of the structures of 32 Moore Park Road running along the south east wall of [REDACTED] for a distance of approximately 11 metres do not rise the same height of the parapet of [REDACTED]. Instead, they are lower by between approximately 1.5 to 2.9 metres from the top of the parapet of [REDACTED]. 32 Moore Park Road does not share any part of this section of the wall of [REDACTED]. Consequently, this area of the wall of [REDACTED] is not a party wall with 32 Moore Park Road. Accordingly, we do not consent to the Applicant building any structure that attaches to, rests on or otherwise involves this section of the wall of [REDACTED]

80. If, in the alternative, the wall between [REDACTED] and 32 Moore Park Road is held to be a party wall, we note the City of Sydney website states as follows in relation to party walls:

*The City of Sydney encourages all applicants to discuss their proposals with their neighbours before making a development application. Where a development involves works on a party wall or works which rely on a party wall for lateral or vertical support, the City of Sydney encourages applicants to obtain party wall consent from their neighbour.*⁵⁶

81. As noted above, the Applicant did not discuss his DA with us before lodgement. He has neither sought, nor have we been given an opportunity to consider any request for, consent.

82. Accordingly, we do not consent to the Applicant building any structure that attaches, rests, demolishes, removes in full or part or otherwise involves the “party wall” between [REDACTED] and 32 Moore Park Road. This includes flashing proposed Apartment 6 & 7 to the wall between [REDACTED] and 32 Moore Park Road.

83. The reasons we do not consent to involvement of our wall, or the “party wall”, include:

- a. We are concerned about damage to the wall including cracking and movement, noting that this row of houses is built on a sand foundation which makes them highly susceptible to damage when construction is undertaken;

⁵⁶ <https://www.cityofsydney.nsw.gov.au/guides/party-walls>, date of access 26 September 2025.

- b. We are concerned about drainage because although the architectural drawings show rainwater falling away to the east, those drawings are inaccurate in that they differ from the existing physical characteristics of the wall. Further, flashing proposed Apartments 6 & 7 to the wall would cause water hitting the west side of proposed Apartments 6 & 7 to fall onto our Home, increasing the drainage burden on, and potential damage to, our Home;
- c. From views of the north section of 32 Moore Park Road,⁵⁷ it is clear that maintenance has not been performed on the parapets of the property on the west, north and east sides, and for years, if at all. All of these parapets are extremely dirty, and cracking, delamination of and missing render is clearly visible from our Home. Should any structure be flashed to these parapets on the west side of the property, they will immediately be inaccessible to the Applicant for maintenance purposes. Given the clear lack of maintenance that has been carried out despite the Applicant having clear access, what is the likelihood the Applicant will conduct any maintenance when access is extremely difficult? Without any or adequate maintenance, the parapet on the west side of 32 Moore Park Road will continue to deteriorate, thus endangering the high wall between [REDACTED] and 32 Moore Park Road, and so our Home; and
- d. For reasons given below in the section 'Observations on 17 December 2020' we are further concerned about non-compliance during any construction, as well as ongoing maintenance of the proposed extra units on the Applicant's building that will cause damage, deterioration and drainage problems for our Home.

Other environmental impacts

84. Our existing views from our master suite window and especially the view from our bedroom on the top floor on the north side will be compromised significantly from the Proposed Development. Instead of blue skies, trees and pleasant aspects of other terraces, we will instead be visually confronted permanently by the visual bulk of the wall of cheap, pre-fabricated shipping-container style units, coloured Dulux Basalt, a depressing grey.⁵⁸
85. Furthermore, page 4 of the Architectural Plans states that the finish of the walls of the pre-fabricated shipping-container style units will be 'zenith imperial finish'. This appears to be a

⁵⁷ See Appendix E.

⁵⁸ See Appendix B for visualisations from our private spaces of the adverse impact of the visual bulk of the wall of pre-fabricated shipping-container style units, coloured Dulux Basalt, a depressing grey.

material produced by Lysaght, a business of BlueScope Steel Ltd (ASX: BSL). Lysaght markets its Zenith product as featuring “Thermatech® solar reflectance technology”, being:

*designed to reflect more of the sun's heat on hot, sunny days, which can mean less dependence on air-conditioning, plus reduced heat stress for your roof.*⁵⁹

86. In other words, our Home will be permanently subjected to a metal product that is deliberately designed to reflect “the sun’s heat on hot, sunny days”, increasing our dependence on air-conditioning, and increasing heat stress on our Home and on us.
87. The adjacent wall of 32 Moore Park Road is just over a metre horizontally from the window in our bedroom on the top floor on the north side. We will therefore have an entire wall of this deliberately highly heat reflective metal incredibly close to a living area of our Home. We currently use this room as a home office and usually have the window in this room open in summer. This is so we can use cross flow natural ventilation, in conjunction with other open apertures within our Home, as a first step to cooling our Home, to reduce environmental impacts and energy bills. The further effect of such an imposing wall on top of an already very high wall on our eastern side is that air circulation around our Home will be further compromised, depriving us from beneficial cooling effects.
88. Having a wall made of a material deliberately designed to “reflect more of the sun’s heat on hot, sunny days” will cause us to have to keep windows closed and blinds down (thus depriving us of natural sunlight). As this metal wall faces west, it will heat up and impact us most in the afternoons. We will inevitably be forced to rely on air conditioning at peak times when energy prices are highest, and because it will prevent us from installing viable solar panels and battery storage as planned, we will be permanently exposed to a hotter Home and ever-increasing energy prices to cool it. The vicious cycle created will make our Home less desirable to live in, and so less valuable.
89. The claim that not having western windows will avoid privacy impacts on [REDACTED] is spurious, because one unit will have a deck looking onto our property. We already contend with cigarette butts and other rubbish being thrown into our Atrium from tenants using the rooftop of 32 Moore Park Road (contrary to the assertion in the SOEE that it is not used currently), and we anticipate this will be exacerbated by having a purpose-built deck encouraging people to spend time there.

⁵⁹ <https://lysaght.com/zenith>, date of access 20 October 2025.

90. We deliberately maintain our Atrium as an area of green space, to enhance the health benefits and living conditions of our Home. Given its location, the Atrium already receives limited light, thus restricting our choices of plants that can grow in this environment, and making it difficult to maintain them even now due to the high wall. Overshadowing from the Proposed Development will further reduce light coming into the Atrium, causing adverse effects on the maintenance and growth of plants in there, and so reducing their chances of survival and the amenity of our Home.

Bin storage area

91. The City of Sydney *Guidelines for Waste Management in New Developments (Waste Guidelines)* clearly state there should be 120L of waste allocated for each dwelling.⁶⁰ The Applicant has ignored this and allowed only 450L for the total seven units that his building will comprise if his DA is approved.⁶¹ This gives a total of less than 65L per dwelling, or 46.4% less than what should be allocated. (We note it is stated that the hairdressing salon has a commercial arrangement).

92. The Applicant has taken exactly the same approach for Recycling, with the same effect. The Waste Guidelines clearly state there should be 120L of recycling allocated for each dwelling.⁶² The Applicant has allowed only 450L for the total seven units that his building will comprise if his DA is approved.⁶³ This gives a total of less than 65L per dwelling for recycling, or 46.4% less than what should be allocated.

93. There is simply no basis to accept the Applicant's bare assertion that his tenants will only create a little over half the average household waste. It may be that the Applicant has allocated less waste per unit because he plans to use the proposed extra units (and perhaps others) as short-term rentals through online booking sites such as Airbnb, but it cannot be assumed that renting on this basis will result in less waste being produced, nor is it a reason to ignore the Waste Guidelines.

⁶⁰ Reference A, Waste generation rates, multi-unit residential developments (per unit), *Guidelines for Waste Management in New Developments*, City of Sydney, page 32.

⁶¹ D_2025_811 - Waste management plan - WasteManagementPlan-32MooreParkPaddington, <https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=2564927>, date of access 26 September 2025, page A-6.

⁶² Reference A, Waste generation rates, multi-unit residential developments (per unit), *Guidelines for Waste Management in New Developments*, City of Sydney, page 32.

⁶³ D_2025_811 - Waste management plan - WasteManagementPlan-32MooreParkPaddington, <https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=2564927>, date of access 26 September 2025, page A-6.

94. The only conceivable reason for this material underrepresentation is to minimise the size of the bin storage area he proposes to construct as part of the DA, so that he cannibalises less area of the hairdressing salon to build the storage unit. According to the waste management plan submitted as part of the DA (**Waste Management Plan**) the proposed storage area is 1.5m², which is far too small to house the waste and recycling bins for seven apartments.⁶⁴ A total waste and recycling of 1,680 litres per week is assumed to be generated by 7 units according to the Waste Guidelines (not 900 litres per week, or 780 litres per week less than predicted, according to the Applicant). Using a combination of the maximum number of 240L Mobile Garbage Bins, supplemented by 120L Mobile Garbage Bins and their respective physical dimensions,⁶⁵ a minimum floor area of 3.1 m² is required. This calculated area is simply the sum of the floor area occupied by these bins and does not take into account any additional area necessary for efficient and easy access and handling of the bins.⁶⁶
95. It is curious as to why the Applicant has deviated so significantly from the Waste Guidelines, given the Waste Management Plan form that he has completed is attached to the Waste Guidelines themselves. In particular, there is an instruction on page A-6 of the Waste Guidelines stating that applicants should “[r]efer to the Waste Generation rates in Guidelines”. We are not aware of the Applicant having provided any explanation as to why he has not done so.
96. Further, this express area of 1.5m² proposed for the bin storage area is in contrast to the 2.9m² reduction in GFA that is said to apply to the Proposed Development as stated in the FSR Exception Document, which we believe is meant to represent the bin storage area.
97. In addition to the proposed 1.5 m² bin storage area being grossly inadequate for seven units, we are concerned that allowing it to be constructed in the location shown on the Architectural Plans will result in more rodents in the area, and unpleasant odour impacting our Home and other terraces nearby due to the proposed ventilated roller door. The roller door will also be disruptive to surrounding residents when raised and lowered throughout the day and night to deposit waste and to take out and return the bins on collection day.

⁶⁴ D_2025_811 - Waste management plan - WasteManagementPlan-32MooreParkPaddington, <https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=2564927>, date of access 26 September 2025, page A-8.

⁶⁵ Reference B, Waste and recycling services, Australian standard sizes for mobile garbage bins, *Guidelines for Waste Management in New Developments*, City of Sydney, page 34.

⁶⁶ Calculations showing this material underrepresentation are available for review.

98. The proposed bin storage area is out of character with the surrounding area. No other property on Josephson Street (or Moore Park Road or Greens Road, as far as we are aware) has such a system. Even where there are multiple households within one property, such as at 28 Moore Park Road, the bins are stored inside the property. The residents at 32 Moore Park Road do not currently keep their bins in the street, so they must currently store them inside the property, and there is no basis to change the current arrangement.
99. If, in the alternative, the City of Sydney considers there is a requirement for a new bin storage area for 32 Moore Park Road, it must be large enough to house all the bins required for the building, and it should be constructed inside the building, or at worst, on the Greens Road side of the hair dressing salon so that it reduces the impact on the surrounding terraces in terms of unpleasant odour, vermin and noise.

Observations on 17 December 2020

100. On 17 December 2020 at around midday a white Hino truck, registration NSW BV 61 DD was parked on the footpath directly outside 32 Moore Park Road, partially obstructing access to the pedestrian traffic light crossing. The truck was loaded with lengths of construction lumber and a man stood on the southern edge of the roof of 32 Moore Park Road and pulled each piece of lumber up manually by rope. No safety measures were seen, nor were there any alerts so that passers-by knew what was happening above. It appeared the lumber was required for re-roofing on the southern end of 32 Moore Park Road, which took place in early 2021.⁶⁷
101. Accordingly, we believe that if the DA is approved, even with modifications, the approval needs to include clear conditions that will ensure compliance with building and construction safety standards.

Errors and inconsistencies

102. Documents submitted as part of the DA include a range of inconsistencies and errors. Of necessity given the limited time available to respond, we are only able to highlight some of these.
103. As noted above, the FSR Exception Document purports to rely on the architect for the FSR calculation but incorrectly omits the “existing roof level gross floor area” of 20m² even though this is included in the Existing GFA in the Architectural Plans.

⁶⁷ Photographs and video were taken on the day of this activity. These are available to view on request

104. The Architectural Plans and the FSR Exception Document both give a decreased ground floor GFA for the Proposed Development by 2.9m² with no explanation. We believe this area is meant to represent the proposed bin storage area, but that is not an eligible exclusion under the statutory definition of *gross floor area* in the SLEP. At the same time, the Applicant contends that only 450L is required for Waste and Recycling for all seven units, which is just over half what the guidelines require, and that these will be housed in a bin storage area of 1.5m², which is just over half the 2.9m² referenced in the Architectural Plans and the FSR Exception Document and less than the minimum 3.1m² that is reasonably required for the requisite number of bins.
105. The FSR Exception Document refers on page 7 to ‘desired future character’. Clause 1.2 of the SLEP refers to the aims of the SLEP. Clause 1.2(2)(d)(j) of the SLEP states:
- to achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the **existing or desired future character of particular localities*** [emphasis added],
- As the FSR Exception Document states, 32 Moore Park Road is within the Selwyn Street locality. The Selwyn Street Locality Character Statement and Principles makes no reference to ‘desired future character’. It specifically states:
- Selwyn Street is to retain its **existing** character* [Emphasis added]
- Consequently, any reference to ‘desired future character’ in relation to the Selwyn Street locality is erroneous and demonstrates a lack of understanding of the applicable Character Statement and lack of familiarity with the relevant area.
106. The FSR Exception Document makes submissions relating to clause 4.6(5) of the SLEP which was repealed almost two years ago. Those submissions must be disregarded entirely because they rely on a provision that is of no force or effect.
107. The SOEE on page 5 incorrectly states that the “Korean War Memorial in Moore Park West is located 50 metres to the west of” 32 Moore Park Road. The shortest walking distance between these two places is in fact approximately 250m.

108. The SOEE on page 9 asserts:

To the east of Greens Road is a long masonry wall that belongs to the Army Museum of New South Wales.

The wall to which this statement refers is the west boundary of Victoria Barracks Sydney (VBS), an operational and incredibly significant Australian Army base covering approximately 15 hectares of land.⁶⁸ VBS was built in approximately 1854, and houses Headquarters Forces Command, overseeing approximately 85% of Australian Army personnel. It is a significant heritage site.⁶⁹

The Army Museum of New South Wales does not 'own' this wall, it is not even part of it. This volunteer-run Australian military museum (open to the public subject to access restrictions) is simply located within a small part of the grounds of VBS.⁷⁰

It is highly likely this incorrect attribution results from a cursory examination of the neighbourhood around 32 Moore Park Road on Google Maps. When VBS is viewed on Google Maps, the only map marker that appears within its boundary is that of the Army Museum of NSW.⁷¹ This mistake suggests no considered site visit was carried out and indicates a lack of familiarity with the locality and its character.

Further, although the wall in question may technically be a 'masonry wall,' it is more accurately described as a sandstone wall. The sandstone wall forms the perimeter of VBS, and is a striking feature of its design and construction.⁷² It is highly unlikely that anyone familiar with VBS, and certainly residents of the Selwyn Street locality, would describe the walls of VBS as anything other than sandstone.

⁶⁸ <https://paddingtonsociety.org.au/victoria-barracks-potential-proposed-redevelopment/>, date of access 22 October 2025.

⁶⁹ <https://www.defence.gov.au/about/locations-property/base-induction/victoria-barracks-sydney>, date of access 22 October 2025.

⁷⁰ <https://www.armymuseumnsw.com.au/>, date of access 22 October 2025.

⁷¹ <https://maps.app.goo.gl/f6hPmJJtJgzEbksD6>, date of access 22 October 2025.

⁷² <https://paddingtonsociety.org.au/victoria-barracks-potential-proposed-redevelopment/>, date of access 22 October 2025.

109. The following statement on page 12 of the SOEE is incorrect:

The existing communal space at the roof top level is a small area that is not functional and not used by residents of the building. Therefore, the proposal does not seek to remove a usable communal outdoor area of amenity.

Since 2009 we have witnessed residents of 32 Moore Park Road using this communal space many times. The Timelapse Videos (taken from 29 September 2025 – 23 October 2025) show almost daily use of the Hills Hoist clothesline to dry clothes, including a person being visible at one point. Therefore, this assertion is demonstrably false, and we believe is an attempt by the Applicant to downplay the loss of amenity to existing tenants of 32 Moore Park Road from the Proposed Development.

110. The following statement on page 15 of the SOEE is incorrect:

The Josephson Street (rear) setback as it aligns with the rear building line of [REDACTED] to minimise visual bulk to its private open space.

As indicated elsewhere in this document, 32 Moore Park Road already significantly looms over the rear of our Home, and is already the tallest building in Josephson Street. The addition of a further storey on 32 Moore Park Road will further compound the visual bulk looming over our Home, creating an oppressive and depressing environment for us and for our neighbours. This consideration also does not take heed of the Selwyn Street Locality Character Statement and Principles, particularly principle (b).

111. The following assertion on page 15 of the SOEE is incorrect:

Relevant documentation has been provided included shadow diagrams and detailed assessment against the ADG.

Although shadow diagrams are contained within the collection of documents submitted apparently to support the DA, the assessment cannot be correctly described as 'detailed'. The Shadow Diagrams are labelled 'for discussion' indicating they are in no way complete. Statements on the Shadow Diagrams further indicate their incomplete and inaccurate nature with the statement "Verify all levels and dimensions on site before the commencement of any work or shop drawings".

112. The “Planning Comment” on page 23 of the SOEE, “1. Context and Neighbourhood Character”, fails to properly reflect the Selwyn Street Locality Character Statement and Principles, and specifically that:
- a. Development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes; and
 - b. There is no ‘desired future character’ of the Selwyn Street locality. The Selwyn Street Locality Character Statement and Principles specifically states “Selwyn Street is to retain its **existing** character”.
113. The “Planning Comment” on page 24, “2. Built Form and Scale”, of the SOEE is incorrect:
- a. The Proposed Development may be set back from Moore Park Road, but it is not aligned with and does not present a suitable built form with our Home at Josephson Street;
 - b. The Proposed Development is not of a ‘similar bulk and scale to surrounding residential buildings’, especially our Home, and particularly at the rear.
 - c. There is no ‘desired future character’ of the Selwyn Street locality. The Selwyn Street Locality Character Statement and Principles specifically states “Selwyn Street is to retain its **existing** character”;
 - d. The Proposed Development does not comply with the FSR standard for the site of 1.75:1 – if it complied there would have been no need to submit the FSR Exception Document. This statement is in direct contrast with the section immediately following on page 24, “3. Density”, where it acknowledges the Proposed Development does not comply with the FSR standard for the site;
 - e. Significant views and vistas are impacted by the Proposed Development, see Appendix B.
114. The “Planning Comment” on page 25, “6. Amenity”, of the SOEE is incorrect:
- a. as the Proposed Development does not protect the amenity of our Home. Please see elsewhere in this document for detailed reasons;
 - b. the Proposed Development does result in unreasonable overshadowing to our Home. Please see the sections “Overshadowing from the Proposed Development”, “Effects of

overshadowing impairing natural heating and sunlight” and “Effects of overshadowing eliminating benefits of solar panels”.

115. The “Planning Comment” on page 27 of the SOEE is incorrect as the Proposed Development’s visual bulk will not “contribute highly to” but will detract enormously from the visual amenity of the streetscape. Please see elsewhere in this document for more detail.
116. The “Planning Comment” on page 28 of the SOEE is incorrect as the Proposed Development will impact upon the external and internal visual privacy of our Home. Please see elsewhere in this document for detailed reasons.
117. The assertion on page 31 of the SOEE is incorrect as the Proposed Development is not consistent with the immediate bulk and scale of our Home and has not been designed having regards to the subject site and surrounding properties. In particular, overshadowing of our Home is not minimised during mid-winter, nor any other time of the year. Please see elsewhere in this document for more detail. Therefore, the Proposed Development does not satisfy the relevant objectives and design guidance prescribed by Part 3B: Orientation of the Apartment Design Guide (**ADG**).
118. The assertion on page 33 of the SOEE is incorrect as the deck of the 1 bedroom unit will allow views to private spaces of our Home.
119. The assertion on page 36 of the SOEE is flawed as it overstates the extent of a flat roof on our Home and 28 Moore Park Road. As explained elsewhere in this document, we have three roof structures, with the roof structure on the Original Front Section being of butterfly form, the Pitched Roof Section having a pitched roof, with the Flat Roof Section being only one flat roof section among three. To the extent 28 Moore Park Road has a flat roof section, it is a small proportion of its overall total roof area, with the other roof sections being either pitched or butterfly form. This is another example of a lack of familiarity with the location exhibited in the DA documents.
120. The assertion on page 37 of the SOEE is incorrect as the proposed bin storage area will have significant impacts on the streetscape and amenity of residents, including us. Please see elsewhere in this document for further details. Therefore, the relevant objective and design guidance of Part 4W in the ADG has not been met.
121. For reasons given in this section, and throughout this document, the conclusion on page 38 of the SOEE is therefore incorrect.

122. For reasons given elsewhere in this document, the conclusions and assertions in pages 39 – 65 of the SOEE are incorrect or cannot be given any weight, particularly in relation to the FSR exemption and heritage and locality impacts.
123. In our view, A2P, the entity that drafted the FSR Exception Document and the SOEE, had two main tasks:
- a. To familiarise itself with the site, locality and character; and
 - b. To apply its expert knowledge of the applicable development standards to the Proposed Development.
124. Given the number of errors highlighted in these documents, we believe A2P failed on both counts. The lack of attention to detail, lack of familiarity with the area, and lack of knowledge of applicable legislative instruments demonstrated in the documents suggests a ‘cookie cutter’ approach that calls into question the substantive commentary and reasoning contained in both of those documents and undermines the effect of all of the documents submitted by the Applicant. In our view the City of Sydney should give little weight to the assertions, arguments and conclusions contained in both the A2P documents.

Summary

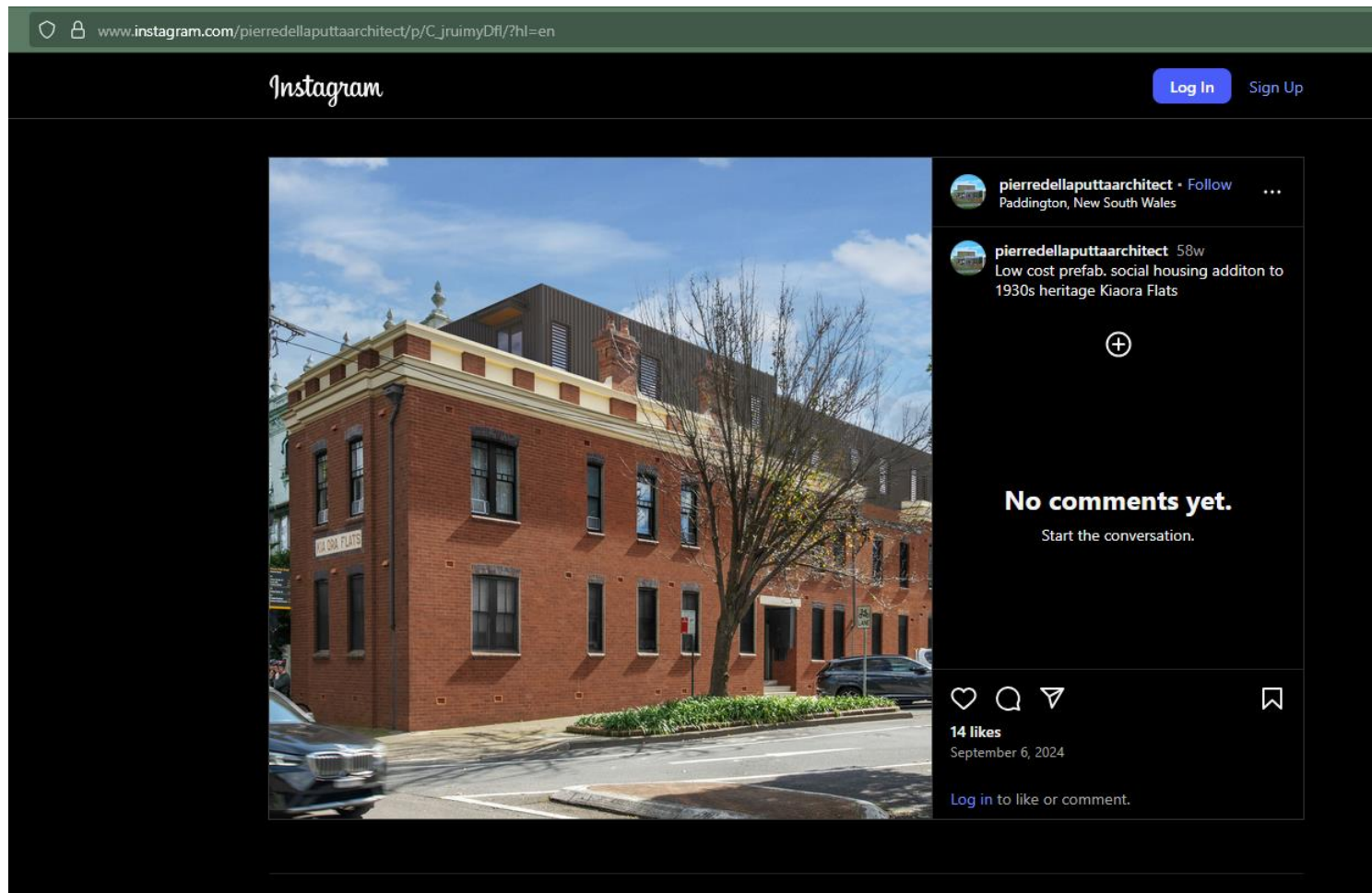
125. We believe the Proposed Development represents a money-making venture that demonstrates little regard for the permanent adverse impacts it will have on the surrounding area, and in particular on our Home. The Applicant aims to improve his own property by the very same elements he will deprive us of, being solar access, views and amenity. Thus, in effect, he seeks to transfer value from our Home to his property.
126. The Applicant has been working on the DA since 2017 but, notwithstanding the length of time he has had to prepare and review the documents, we have identified a significant number of material errors, inconsistencies and omissions. Most of these seem to reflect a lack of attention to detail and lack of familiarity with the site and locality, but that in itself underscores a disregard for the adverse impacts of the Proposed Development.
127. We have been working on our response to the DA only since 26 September 2025 when we discovered the DA had been lodged. This limited period, combined with our lack of expertise in the application of applicable development standards, means there may be further errors in the documentation that could come to light if more time and resources were available.

128. Dealing with responding to the DA, and contemplating the likely adverse effects of the Proposed Development has caused us great stress. We love our Home and care for it very much. It may not be perfect, but it will suffer permanent and significant irreversible adverse effects from the Proposed Development, as highlighted above, should consent for the DA be granted.

██████████ and ██████████
██████████ Paddington
October 2025

Appendix A

Screen shot of Instagram account of [REDACTED], of “Architects Ink”, 6 September 2024, highlighting that the intent is for these to be low cost, prefabricated social housing, https://www.instagram.com/pierredellaputtaarchitect/p/C_jruimyDfl/, date of access 19 October 2025.



Appendix B

Visualisations of the impact of the visual bulk of the Proposed Development from private spaces in our Home. Colour is “Dulux Basalt” hex #5C5E5E.

The visualisations have been created by taking raw images of the view out of the top floor north facing bedroom and north facing master bathroom of our Home, and then superimposing a polygon with the approximate dimension of the units in the Proposed Development, coloured in “Dulux Basalt” hex #5C5E5E (**Polygons**). The shapes of the Polygons have been drawn in reference to the aspect of relevant structures in the raw images.

The heights of the Polygons have been calculated by reference to existing structures in the raw images, and particularly the area jutting out northwards in the raw image of the view from the top floor north facing bedroom (**Existing Rectangular Wall Area**). The height of the Existing Rectangular Wall Area is 1920mm below the height of the parapet on the east side of our Original Front Section, or effective RL 59.44 (RLE 61.36 – 1920mm). This is lower than the height of the “New Parapet” of the proposed 1 bedroom apartment of RL 59.94 (Architectural Plans, page 3). Therefore, the Polygons will be 0.5m (RL 59.94 – RL 59.44) higher than the Existing Rectangular Wall Area. For simplicity, the step up to the height of the proposed studio apartment has not been shown. The step up in the parapet on the north side of the east wall has been disregarded for this purpose.

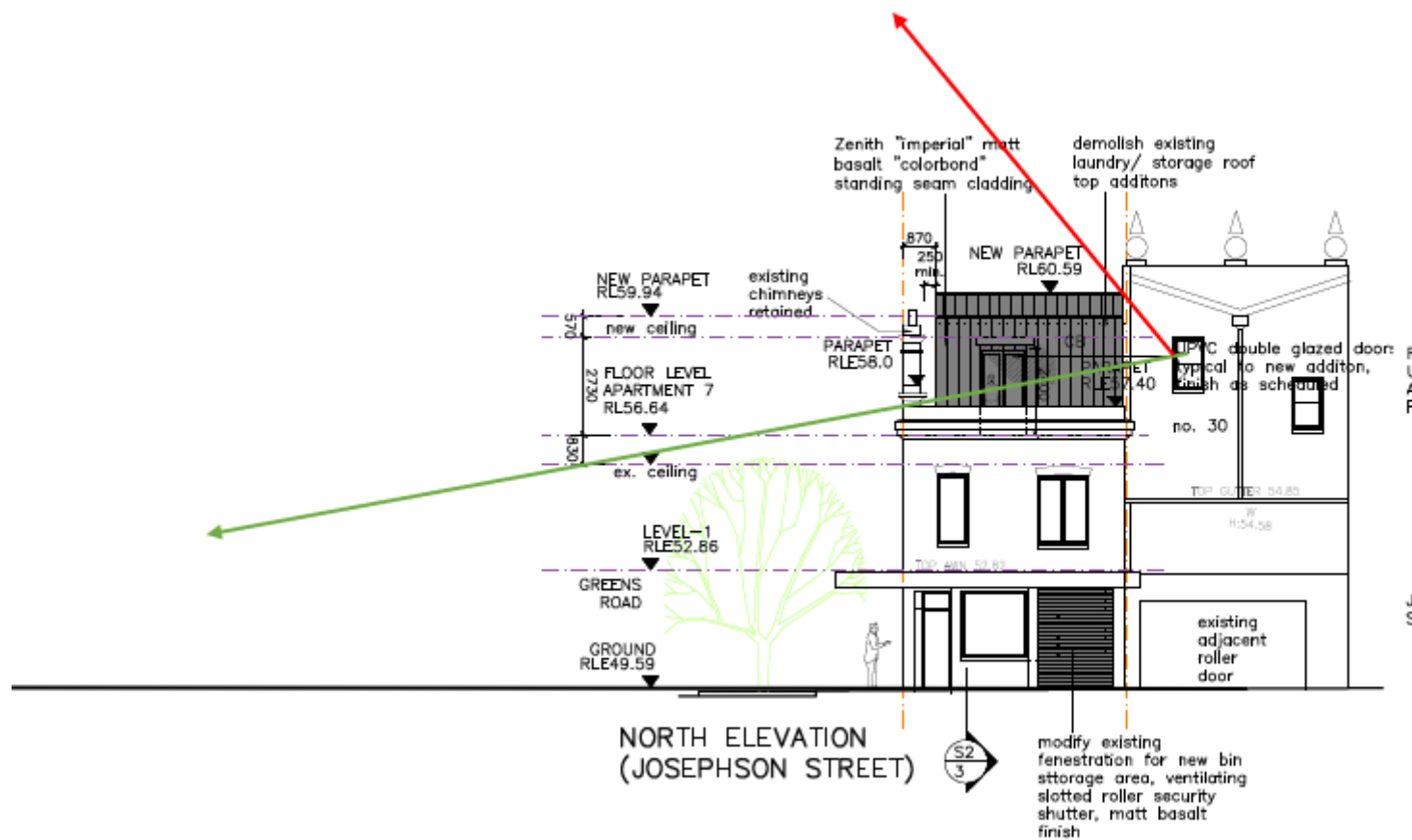
The Polygons do not show the particular structural form of the Lysaght Zenith product intended to be used in the Proposed Development, which will further add to the loss of amenity for us and destruction of our views.

Note the Existing Rectangular Wall Area does not appear on the Architectural Plans. This is further evidence of the lack of familiarity and care taken with the DA.

Top floor north facing bedroom - existing**Top floor north facing bedroom - obscured**

North facing master bathroom - existing**North facing master bathroom - obscured**

Difference in sight angle from Top floor north facing bedroom looking north east



Green arrow: existing sight angle; Red arrow: obscured sight angle from Proposed Development
 Drawing taking from Architectural Plans, page 3. Permitted fair use.

Appendix C

Email from family member operating renewable energy company, January 2015

RE: Hi [REDACTED]



To: [REDACTED]

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Thu 29-Jan-15 9:32 AM

Hi [REDACTED]

All well here.

If you don't have adequate light for PV then it is not a worthy avenue to pursue. If a solar installer was of the view that you didn't have enough light then I think that would be a fair call. The same would most likely apply to Solar Hot Water as well. Ceramic Fuel Cells in my research are driven by gas and whilst they maybe very efficient, they are still a fossil fuel appliance. Your situation may suit a heatpump solution for hot water although I am generally not a fan. Alternatively...buy another house that is more efficient and has some solar access!!

Cheers

[REDACTED]

From: [REDACTED]

Sent: Wednesday, 28 January 2015 10:26 AM

To: [REDACTED]

Subject: Hi [REDACTED]

Hi [REDACTED]

I hope you are well.

[REDACTED] & I spent some time with mum & dad over Christmas - I was quite impressed with the work that you did for them. I investigated putting a solar power system on our place here in Paddington, but after the first company with whom I spoke (and who attended on site) said that, because of overshadowing issues, there was no point (on a cost/benefit analysis) in putting up anything. I also got the sense that he thought it was all a bit too hard.

After this experience, I then didn't pursue any other leads.

I was hoping you might have some insight or other ideas. We've got gas for hot water, and given the overall rising gas prices, I was hoping to switch to electricity for everything - supplemented by solar - but this might be too difficult. I even thought about Ceramic Fuel Cells, but they seem to have an incredibly narrow mind when it comes to Australia (they don't do individual residential, and only seem to operate in Europe) - I couldn't even get out of them how much their system is or what the benefits are. Interesting, given the R&D concessions and no doubt Government grants of which the company has been the beneficiary over time [REDACTED]

Our address is [REDACTED] in Paddington.

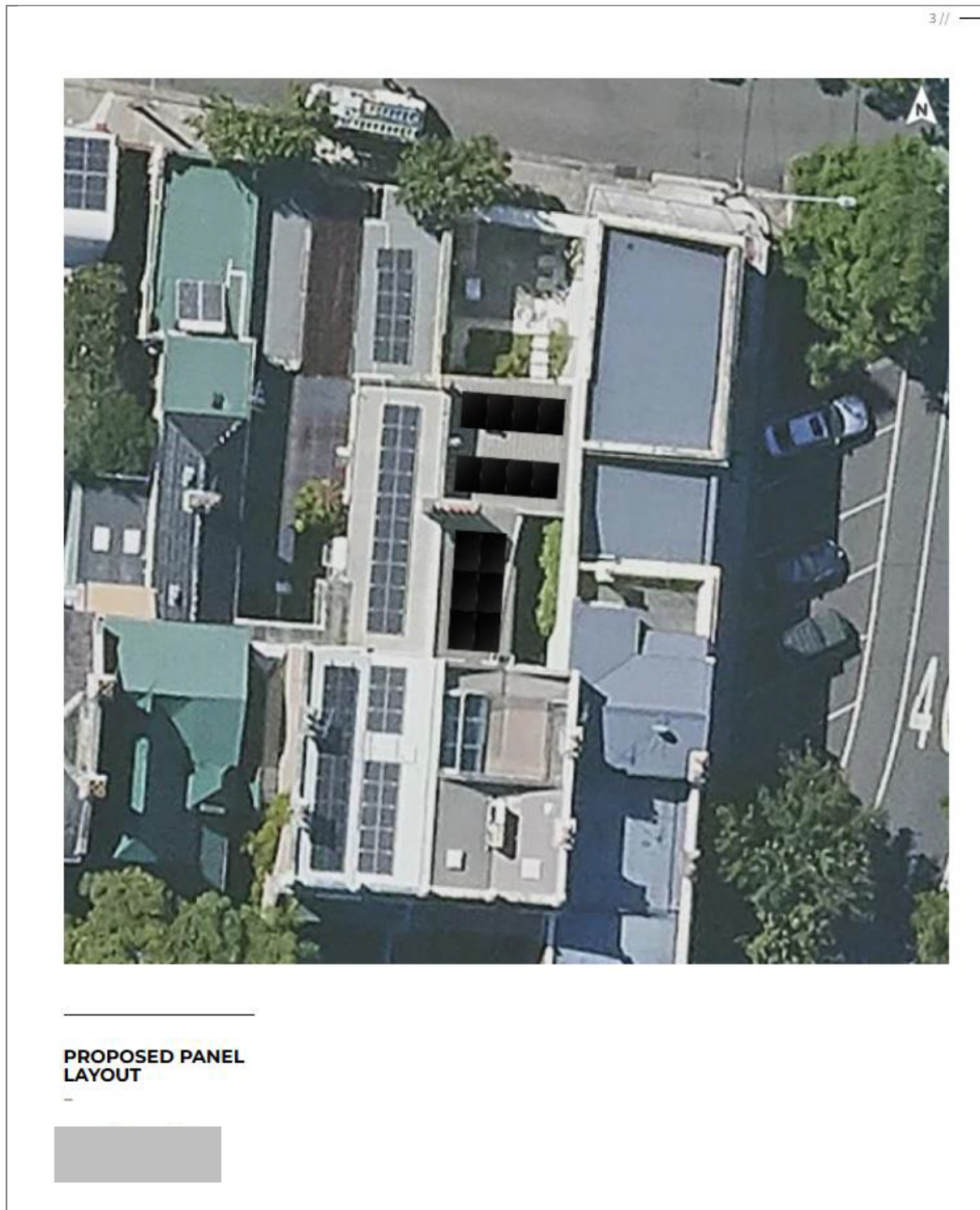
Cheers

Paul

[REDACTED]

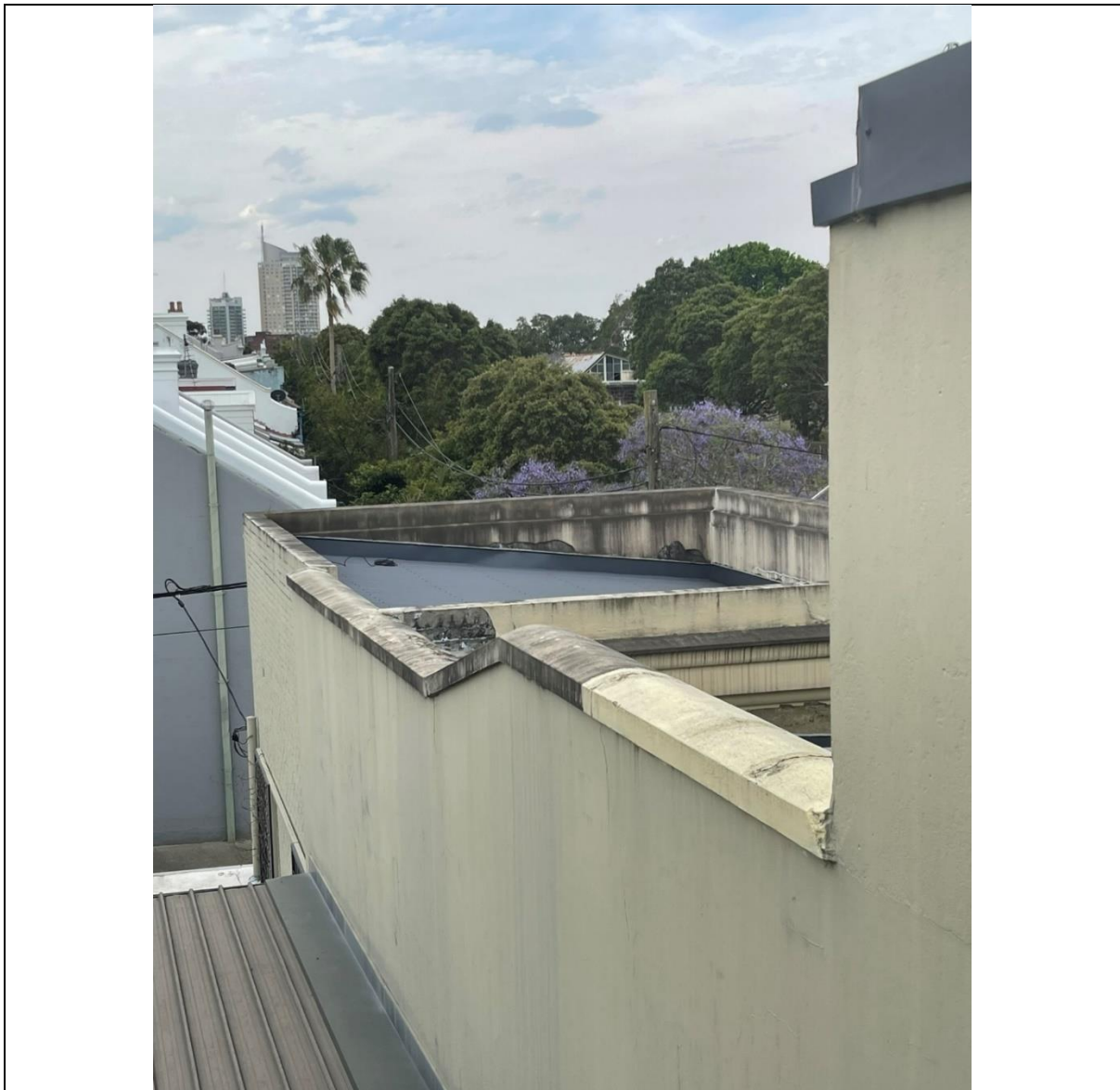
Appendix D

From quote to install solar panels at [REDACTED] Paddington NSW 2021 9 July 2025. The planned solar panels are the three black rectangles. The impact of the start of afternoon overshadowing from the Large Chimney and North Wall on the solar panels is clearly visible.



Appendix E

View of the north section of 32 Moore Park Road. It is clear that maintenance has not been performed on the parapets of the property on the west, north and east sides, and for years, if at all. All of these parapets are extremely dirty, and cracking, delamination of and missing render is clearly visible from our Home. Should any structure be flashed to these parapets on the west side of the property, they will immediately be inaccessible to the Applicant for maintenance purposes. Given the clear lack of maintenance that has been carried out despite the Applicant having clear access, what is the likelihood the Applicant will conduct any maintenance when access is extremely difficult? Without any or adequate maintenance, the parapet on the west side of 32 Moore Park Road will continue to deteriorate, thus endangering the high wall between [REDACTED] and 32 Moore Park Road, and so our Home.



From: Larry Marlow <[REDACTED]> n behalf of Larry Marlow
<[REDACTED]> <[REDACTED]>

Sent on: Tuesday, October 28, 2025 3:02:08 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission re DA 2025/811 (32 Moore Park Road)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sir/Ms

I wish to make an objection to the above DA on the following grounds:

The proposal HIS disregards the reality that the building in question has 3 relevant street frontages, 2 of which (Josephson St and Greens Road) are observable from a pedestrian perspective.

The statement that the development will have “no impact on *significant* views” (italics mine) begs the question as to what the word “significant” might mean in this context from an aesthetic perspective in the context of the current sky-line scape which includes ornate Victorian chimney stacks.

No adequate diagrams or photos have been included to exclude the possibility of a negative visual impact from each street frontage. At the current time an ugly and inappropriate clothes drying hoist on the roof of the building is clearly discernible from Greens Road.

The Council has strictly policed new building development along Josephson St to ensure a consistency of Victorian façade construction such as retention of wooden frame sash windows in preference to aluminium. The proposed erection of metal-clad box units would not only result in an incongruous visual intrusion but also would seem to be contradictory to Council’s policy of historically visually preserving local streetscapes.

Kind regards

Larry Marlow
Adjunct Professor UTS
24 Moore Park Road
Paddington NSW 2021
Tel: [REDACTED]
E: [REDACTED]
W [REDACTED]

From: George Conomos [redacted] > on behalf of George Conomos
[redacted] <George Conomos <[redacted]>
Sent on: Thursday, November 6, 2025 2:27:45 PM
To: City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: Response to DA re 34 Moore Park Road, Paddington
Attachments: HB 33_1992 Domestic open fireplaces.pdf (3.11 MB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Importantly the applicant has not justified a development that will have major negative effects on immediate neighbours as well as surrounding areas.

A few points

Impact on immediate neighbour

- photos of west elevation of no 34 as viewed from street not shown

Open space

- minimal communal space.

waste provision

- inadequate provision of waste storage.

Parking provisions

- are the proposed owners of additional 2 residences allowed resident parking.
- Will new units also receive visitor entitlement.-
- How many permits already allocated to building?
- how many visitor entitlements are there currently allocated?

Chimney /fireplaces

- chimney / proposed structure relationship, juxtaposition makes a mockery of heritage.
- example was the rejection of DA for no 4 MPR in about 2008 in LEC .
- Major reason was impact chimney functioning
- Position of new structure will impact on functioning of chimney.
- it breaks all rules for fireplaces/chimney.
- see 4.1.5 of LEC judgement re 4 MPR below

Setback

- new structure on 34 has no setback from from west boundary creating overbearing impact on no 32 .
- Why?

This will have a severe impact on 32.

Joint Heritage Experts Report
Land and Environment Court Appeal No 15933 of 2004
4 Moore Park Road Paddington



Paul Supporter for Applicant - John Paulson for Sydney City Council
Date: 26/5/2005

In response to the issues 4, 5, 6 and 7, the experts agree and disagree as follows:

4. Whether the proposed development complies with the Heritage Act established in cl. 23 of the South Sydney Local Environmental Plan 1998 (SLEP 1998)?

JP has based his approach to assessing the heritage impact of the proposal on clause 3.4.1 of SLEP 1998.

FR has based his approach on the application of best conservation practice which recognises differential levels of significance i.e. that the Moore Park Road streetscape is of greater significance than say a picture still in use of the house.

JP says that the facade and main roof to ridge is of high significance.

FR agrees, but FR says that vertical load bearing masonry facade is of relatively higher significance than the roof element, which is more flexible and recessed behind the parapet.

JP supports the reinstatement of the facade, subject to appropriate detailing.

FR agrees.

FR believes that the primary significance is in the Moore Park Road streetscape; secondary significance in foyer stairs and layout of rooms and remaining internal fabric and rear buildings of tertiary significance. JP says that the grading based on Heritage Manual Guidelines as follows:

(a) High significance: front gate, fence and path; facade; original main roof form and chimney; entry foyer, timber stairs and both landing areas (FR agrees but not the landing areas).

(b) Moderate significance: Original room/wall layouts to ground and first floor; original two storey rear wing, stable building (FR disagrees - room layouts only, but not rear wing and stables).

(c) Low significance: Mid to late 20th century alterations and partitions, infill rear building between 2 storey rear wing and stable building, boundary wall to Josephson St. (FR agrees).

(d) Extensive - the balcony enclosures, timber posts and external services to the front veranda. (FR agrees).

JP says proposal has an adverse impact of the significance of the site and therefore does not comply with (a) (i) and (i). This relates to extent of alterations and additions and subdivisions.

FR - disagrees that he proposal would contravene sub-clause (a) (i) and (i) of SLEP 1998. The rear section of the house is of low significance and its removal would have no adverse impact on heritage significance of house because the primary significance is contained in the front portion of the terrace house and not the rear wings, stables and out buildings. FR believes that the demolition of the rear components would not detract from the set value comprised in the conservation area because the primary significance is contained in the front portion and this portion is to remain and be conserved.

5. Whether the proposed development should be approved in the absence of a statement of heritage impact or conservation management plan under cl. 23 of the South Sydney Local Environmental Plan 1998 (SLEP 1998)?

This has now been lodged as part of a statement of evidence as required by s 3.1. JP advises that this should have been submitted with the appeal drawings to assist in assessing the impact of the proposal as required by this clause and so that it could have been made available as part of the public consultation to assist in understanding the applicant's response to the heritage values of the site and context.

6. Whether the proposed development complies with the South Sydney Heritage Conservation Development Control Plan 1998 given that the subject dwelling is an identified heritage item under Schedule 2 of South Sydney Local Environmental Plan 1998 (SLEP 1998)?

(a) 4.1.2 Types of additions

FR says that the proposal complies because majority of new work behind the facade.

JP states that it does not comply as the proposal has not been designed to minimise the impact on the existing building nor on the streetscape.

(b) 4.1.3 Scale, Massing Form and Character

FR says that the proposal complies because when taking into account the whole streetscape comprised in the Group: 4 - 30 Moore Park Road as defined by both the National Trust and the ACT. The streetscape comprises different heights of buildings - some of 2-storey height and others of 3-storey height and a variety of roof

planes and architectural elements contained within the group.

JP says that the proposal does not comply with the provisions as the large vertical addition proposed is uncharacteristic of the group of terraces at No's 4 - 30 Moore Park Road, Paddington.

FR disagrees - says that the modifications to the facade including the higher roof can be easily incorporated into the group. He contends that the skylights could be removed and be replaced with of dormers.

JP says that two additional levels proposed would be rear scale and are not appropriate.

FR believes that the modifications as proposed would not be noticed when viewing the primary significance streetscape of Moore Park Road generally and would amount to nothing more than a minor variation.

JP says that the additions would be visible from Moore Park Road.

FR says that insofar as the Moore Park Road streetscape is concerned, the proposal would not violate the fabric contained in the Group: 4 - 30 Moore Park Road which contains numerous roof and facade variations of the typical Paddington terrace model.

(c) 4.1.5 Roof and Chimneys

FR says that there would be no negative impact. He believes that the raised roof will have its apex situated between 6 and 7 metres back from the Moore Park Road facade alignment. FR says that there would be no disruption to the chimneys and roofs when viewing the multiple variations in the Group: 4 - 30 Moore Park Road streetscape.

JP says the proposal does not comply with Clause 4.1.5 of SLEP 1998 in regard to the chimneys and roof because (i) it would alter the roof pitch of the main part of the roof (ii) the proposed roof does not relate to the form, pitch and ridge height of the original building (iii) it would impact on the principal elevation of the heritage item (iv) skylights are proposed to be located on the principal elevation which should not be the case (v) rear dormers are not contained within the existing roof plane, nor of traditional design and proportion.

FR says that the variation to the roof does not matter because there are many variations in the group. The proposed roof follows the pitch of existing roof exactly i.e. would be the same angle and therefore would be of negligible impact. The skylights could be replaced with dormers as there are examples of such dormers within the Group: 4-30 Moore Park Road.

(d) Infill Guidelines for new development fronting Josephson St

JP says that the scale, character, massing and setback does not comply to the predominant built form on the southern side of Josephson St contrary to sections 4.12, 4.23.4-4.24 and 4.16 of the OCP.

PA says that the Josephson Street built form is undefined i.e. there is no one predominant theme and that the proposal would provide definition by way of creating an edge to it.

7. Whether the proposed development complies with cl 24 of the South Sydney Local Environmental Plan 1999 as a result of the proposal's negative impact on the setting and curtilage of heritage items?

(a) Impact on setting of Moore Park Road

PA says that there would be no adverse impact on the setting of Moore Park Road when viewing the many variations already contained in the group - 4 - 30 Moore Park Road inclusively.

JP says that the proposal does adversely impact on the setting of Moore Park Road as: (i) The proposed ridge is set behind the established line of ridges of adjoining terraces; (ii) the extent of the proposed roof is not of scale with the main part of the original terrace; (iii) there is a poor relationship between the location and height of the proposed ridge and the existing chimney along the boundary with No 6 - typically such a chimney would be higher than the ridge, not lower, so that it stands proud and in line with the ridge and not be in front of it as proposed; (iv) it introduces front skylights which are not characteristic of the group

Impact on historic subdivision pattern

PA recognised the historic subdivision pattern in terms of the street facing terraces fronting the main streets, whereas the yards and out-buildings front the rear lanes. But historically, over time as kitchens, sculleries and toilets/bathrooms have become incorporated into the body of contemporary lifestyles, many of these out-buildings and rear yards have sustained the greatest amount of modification. Many erstwhile stables and sheds have become converted into garages and carpenter's and this factor is part of the evolving historic pattern of subdivision. Thus, PA queries to what date stratum one needs to return.

JP says that the proposal would have an adverse impact on:

- (a) Proposal is inconsistent with the prevailing subdivision pattern and lot sizes within the street block, so would be contrary to the conservation policy contained within the Heritage Inventory sheet for the Conservation Area, * to retain the Victorian

Subdivision. * (c) will not result in the continuation of the dominant building pattern.

Traditional setting fronting Josephson Street

PA believes that the traditional setting is mainly comprised in the streetscape presentation to Moore Park Road.

JP says that the proposal would have an adverse impact; as rear as new development contrary to the traditional and historical relationship between the substantial built form of the terrace built fronting Moore Park Road and the lower intensity nature of development at the rear of the properties with open space.

Signed: Paul Kappoo

John Boulton

26 May 05

26/5/05

Building standard for fireplaces chimneys



LICENCE

for

HB 33-1992 Domestic open fireplaces

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Date: 30 May 2005

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Handbook

Domestic open fireplaces

This Handbook was published on 19 October 1992.



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Handbook

Domestic open fireplaces

First published as SAA HB33—1992.

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PREFACE

This Handbook was prepared by Standards Australia in response to requests from the community in general for information on the design and construction of domestic open fireplaces.

Acknowledgment is also made to the Standards Australia/Master Builders Construction and Housing Association, Joint Venture for the use of some text and figures from the *Australian Domestic Construction Manual* and to the Brick Development Research Institute for the use of a figure from *Building Note 8B*.

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DOMESTIC OPEN FIREPLACES

INTRODUCTION

This Handbook reviews the design principles and materials used to construct a traditional domestic masonry fireplace and its associated chimney and flue. Problems such as smoky fires are also considered and suggestions made as to solutions.

As most open fireplaces have an efficiency of only 10% to 20%, any steps that can be taken to improve this will be well worthwhile.

LEGISLATIVE REQUIREMENTS

The Building Code of Australia requires—

- that the chimney or flue can withstand the temperatures generated by the fire without failure or without causing damage to other parts of the building;
- that the hot products of combustion be safely diverted away from the house; and
- that rainwater does not enter the building.

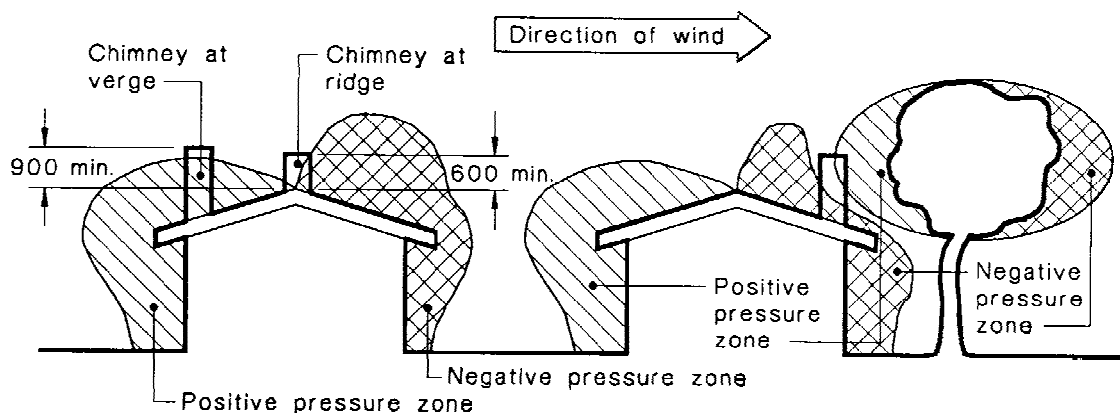
Construction of an open fireplace as set out in this Handbook will achieve these aims.

DESIGN PRINCIPLES

The essential element of design in any fireplace or chimney is to ensure that air is continuously drawn freely to the burning fuel and that the smoke and gases continue to rise up the chimney.

To ensure that this happens it is necessary for—

- there to be an adequate supply of air for the combustion of the fuel;
- the smoke and gases in the chimney to remain sufficiently hot to continue rising and to draw in fresh air to the burning fuel; and
- the chimney opening to be located so that air is not forced down the chimney either by the wind or by any positive pressure zones on the roof (see Figure 1).



DIMENSIONS IN MILLIMETRES
FIGURE 1 WIND PRESSURE ZONES

LOCATION OF THE FIREPLACE

Which wall?

It is normal for fireplaces to be constructed on an external wall as it enables ash (and sometimes fuel) to be passed through from outside. However, this practice can be wasteful, as, if an internal wall is used, substantial amounts of heat can be derived from radiation off the backwall of the fireplace, and in the case of two storey construction, from both faces of the chimney.

In addition, in very cold climates, chimneys on external walls may become so cold that the gases can not heat enough to rise freely and the fire becomes smoky or goes out.

Where in the room?

It is essential that the fireplace is located in the room so that it can draw enough air for combustion yet not be affected by draughts which might cause smoke in the room.

It is rare that a room will be so effectively draught-proofed that insufficient air is available for combustion, however it is still one aspect which should be considered.

The main problem is likely to be cross-draughts between doorways and windows which pass across the front of the fireplace causing negative pressure, reducing the air flow to the fire and causing smoke to escape into the room. Examples of good and bad arrangements are shown in Figure 2.

On the other hand, a direct air supply to the fire can be provided in the back hearth directly under the grill. This would normally be via the lid to the ash pit. However, where there is no ash pit, a cast iron grill on a 150 mm earthenware or concrete pipe will generally be sufficient.

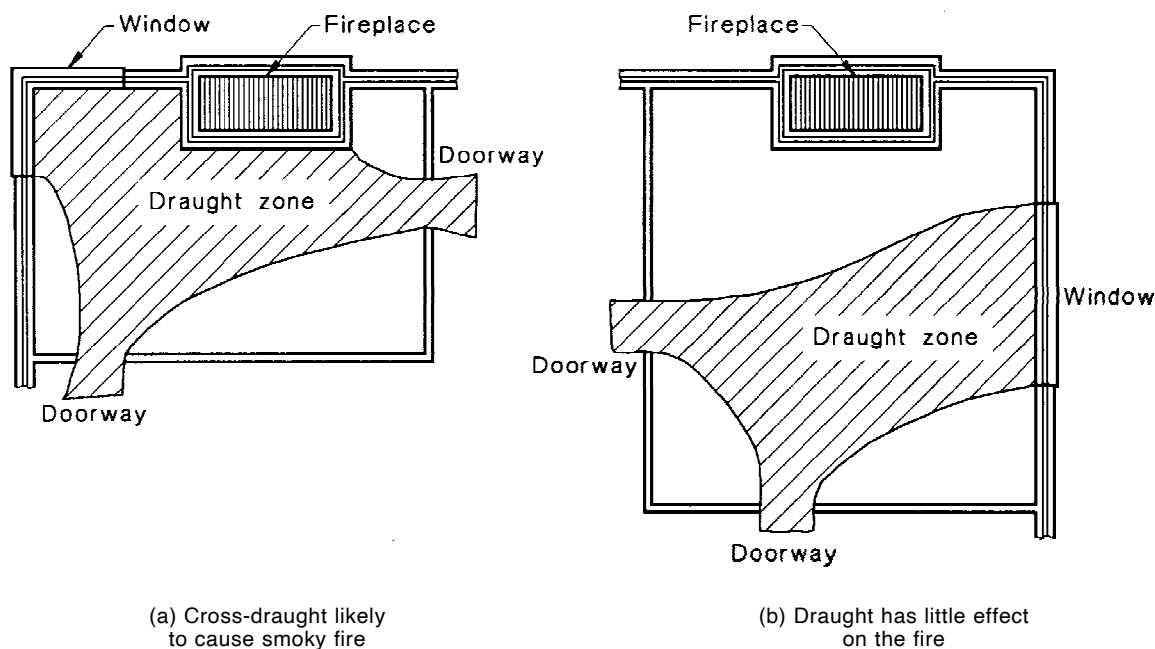


FIGURE 2 DRAUGHT ZONES

COMPONENTS

The various components of the fireplace, chimney and flue are shown in Figure 3. Starting with the footings and working upwards to the chimney top, if they are constructed as set out in the following paragraphs, an efficient fire with the minimum of problems will result.

Footing

As with all building construction, the footing design will depend on the foundation material. Generally, the footing should be not less than 600 mm below ground level and be a concrete slab at least 150 mm thick reinforced, by at least, F62 mesh. Because of the extra dead load of the chimney, possible problems with the bearing capacity of the subgrade may need to be considered. These include the problems of filled sites, poor drainage, articulated construction, etc.

Ash pit

It is recommended that all open fireplaces be provided with an ash pit located under the floor of the back hearth directly beneath the grate, as follows:

- *For a slab-on-ground building*—it may be necessary to raise the level of the back hearth to 300 mm or more above the general floor level to enable the ash to be removed from outside. A 150 mm diameter glazed earthenware pipe is suitable.
- *For buildings with elevated floors*—the supporting walls may be used to effectively enclose a space where the ash may be stored and removed periodically. Cast iron frames and doors are available which may be built into the masonry during construction.

The ash pit cover should be fitted with an open grille and a vent should be provided in the ash pit to allow air to enter direct from the outside.

On rare occasions, fires may start in the ash pit. Unless combustibles have intentionally been dropped down the ash pit holes, such fires will generally involve smouldering rather than a large blaze. Any smoke that may come out of the cover to the ash pit hole will generally be discharged directly up through the flue.

Care should be taken to ensure that the ash pit is airtight, except for the air vent which should always be located on an external wall away from any combustible materials which could ignite in the event of an ash pit fire.

It is recommended that the ash pit be emptied at regular intervals.

Generally, single skin masonry is sufficient for the under floor supporting walls. However, the external wall of the fireplace should be treated as for other external walls and a cavity provided where necessary.

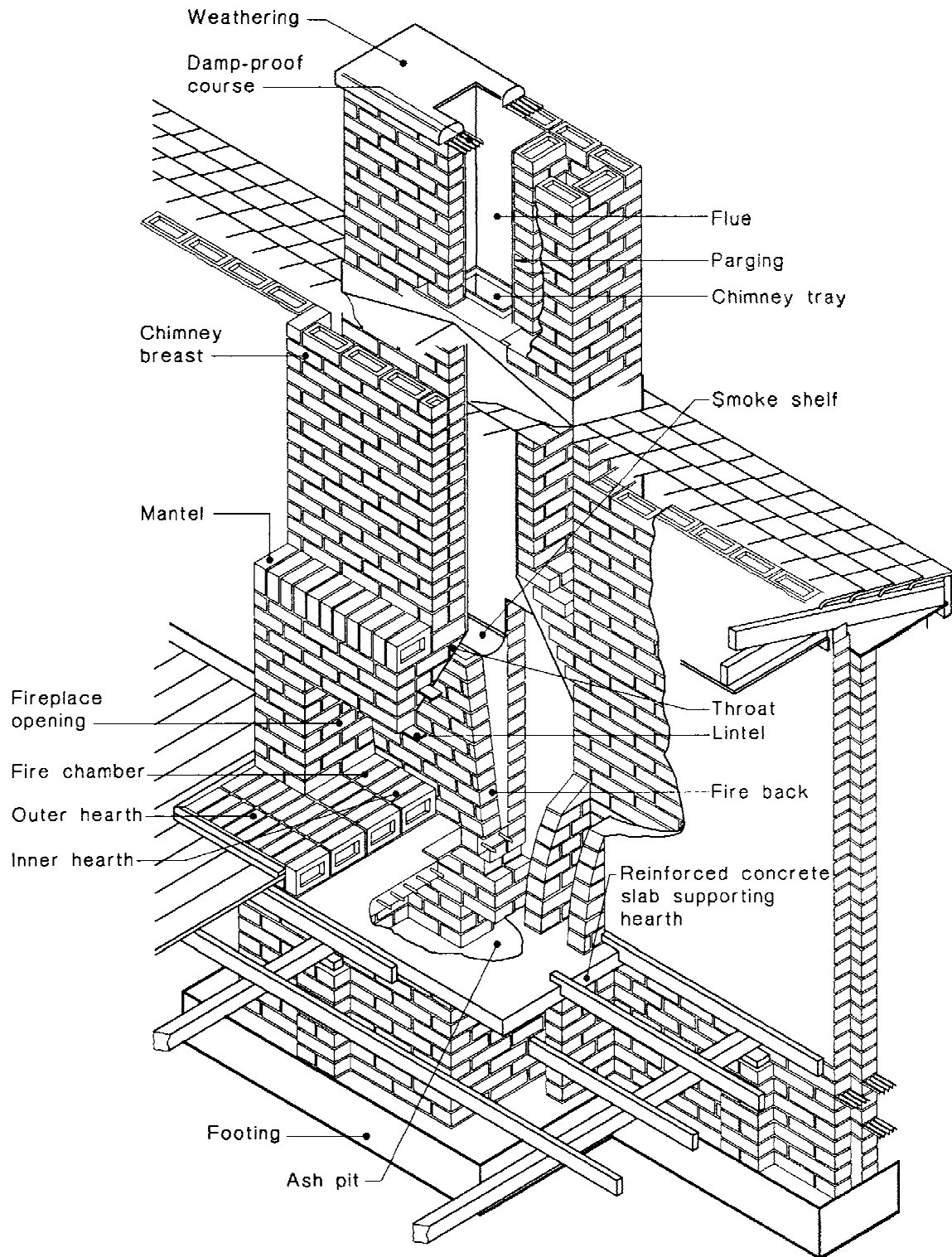


FIGURE 3 OPEN FIREPLACE—COMPONENTS

Grates

Fuel should be supported on a grate set approximately 80 mm above the back hearth.

Cast iron grates are available in a form which either stand on their own supports, requiring a flat supporting hearth, or which are built-in requiring a masonry or brick ledge for support.

Where the fire is to be used only occasionally, a heavy duty mild steel grate will be satisfactory. Mild steel will, however, deteriorate rapidly if used constantly.

Fire chamber (or Firebox)

The following points need to be incorporated in the construction of the fire chamber, which extends at least 300 mm above the underside of the arch or lintel:

- *The side and rear walls*, which will expand and shrink under extreme temperature changes, should not be bonded to the outside walls.
- *The total thickness* of the side and rear walls excluding the cavity, should be not less than 180 mm.
- *Bricks* should be hard, well-burnt and at least 90 mm thick. Where the fire is used frequently, fire bricks should be used.

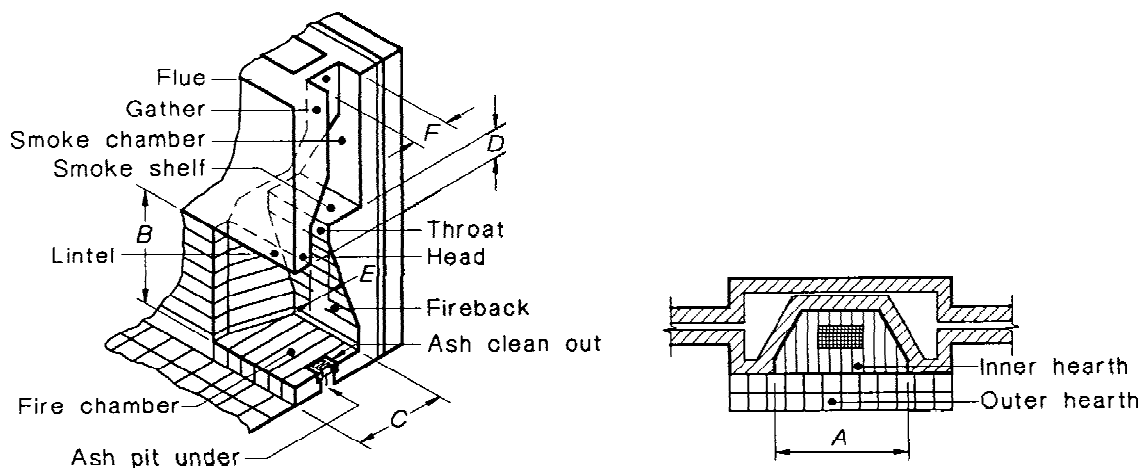
Masonry units having a net volume, exclusive of cores and similar holes of not less than 75% of their gross volume, should be used.

Concrete masonry, aerated concrete blocks or calcium silicate bricks should not be used in this location.

- *The rear wall* may be curved or straight but should be sloping in towards the top to channel hot gasses into the throat and reflect-radiant heat into the room.
- *The side walls*, though vertical, should be angled to narrow towards the back to expose more area of brick work to radiate heat into the room. The width of the rear wall will depend on the grille used. Where a standard grille is to be used its dimensions must be known before construction.
- *Lime mortar* (1:2:8 parts cement, lime, sand) should be used in the construction of the fire box to allow thermal expansion and contraction. Raked joints should not be used as they expose the brickwork to too much heat.

Fireplace opening

In order to prevent smoke from entering the room, the dimensions of the front opening of the fire chamber should be as shown in Figure 4.



Firebox dimensions			Throat		Flue
Width A (mm)	Height B (mm)	Depth C (mm)	D (mm)	E (mm)	F (mm)
710	520	350	150 to 200	100 Approx	230 Min.
820	600	350			
950	600	470			
1 090	685	470			
1 190	770	590			

FIGURE 4 CRITICAL DIMENSIONS OF THE FIRE CHAMBER

Lintel

Masonry arches may be used across the fireplace opening, or alternatively a steel bar or angle, as specified in Table 1.

TABLE 1
STEEL LINTELS

Opening (mm)	Bar (mm)	Angle (mm)
Less than 970	70 × 16	—
971 to 1200	—	75 × 50 × 8

Hearth

The hearth is the floor projecting in front of the fireplace and extending inside the fire chamber. It is normally referred to in two parts; the outer hearth and the inner hearth.

The outer (or front) hearth should be built with one course of brick laid on edge. It should project not less than 300 mm from the front of the fireplace opening and extend at least 150 mm to the side at the opening.

The surface of the outer hearth should always be sloped down towards the fire.

Where a suspended timber floor is used, the hearth will need to be supported by a reinforced concrete slab. A slip joint should always be provided between the slabs and the brickwork.

Firescreen

All open fires should have a screen to prevent burning embers escaping into the room.

Screens may be of metal, including brass, copper and steel, and may be fixed, forming part of the design of the fireplace. Alternatively, separate freestanding screens may be used. A 6 mm mesh wire or expanded metal is recommended.

Throat

The throat is the critical section in the construction of a successful fireplace. It is the main opening at the top of the fire chamber through which smoke enters the flue.

The throat should extend for the full width of the fire chamber and should be between 100 mm and 140 mm deep. The throat must be at least 150 mm, and possibly up to 300 mm above the top of the fireplace opening.

For an open fireplace based on traditional design principles, it is extremely important to maintain the minimum of 150 mm between the top of the opening and the throat if smoking is to be avoided. Some specialist fireplace designs have been developed which do not require this, however, the whole fireplace, including the size of the opening, its depth, size of flue etc. would all have to comply strictly with that specialized design to ensure an effective operation.

Damper

When the fire is alight, much heat can be lost up the chimney if there is no means of temporarily constricting the updraught. A hinged or pivoted metal plate damper placed at the top of the throat and operated from the face or end of the fireplace can answer this problem. Alternatively, the throat profile may be formed by building in a steel insert, complete with a hinged damper flap.

Smoke shelf

The smoke shelf is a near-horizontal shelf above the firebox at the bottom of the flue. The smoke shelf should extend for the full width of the fire chamber and should be dished to help prevent any down draughts in the flue from reaching the throat.

Smoke chamber

The smoke chamber is located symmetrically above the throat. Its function is to concentrate smoke and gases from the fire below to provide a clear passage into the flue. If it is not symmetrical, the fire will burn unevenly due to an uneven draught pulling on the fire. In the construction of the throat and the smoke chamber, corbel courses are used to obtain the necessary shape and gathering. It is important that corbel bricks be cut carefully to give as smooth a surface as possible. It is good practice to parge these surfaces with mortar as the work proceeds.

Chimney and flue

As noted earlier, the chimney and flue are required to carry the smoke and gases safely to the outside. There should be no leaking of gases through the walls, no potential damage to the house from the heat from the fire and no leakage of water either down the chimney or by way of its penetration through the roof. Consideration of the following points will help to ensure that these requirements are satisfied:

- *Chimney wall* As is the case with the fire chamber, the walls of the chimney should be constructed of masonry units with a net volume not less than 75% of their gross volume and a minimum of 90 mm thick.

As the flue will be parged (rendered—see below), masonry units of any material which comply with the appropriate Australian Standard may be used for the construction of the chimney.

- *Parging* The flue should be lined internally to a thickness of at least 12 mm with rendering (1:1:10 parts cement, lime, sand). The finish should be smooth so as to reduce friction drag on the smoke and gases.
- *Sloping flues* The flue may be sloped as low as 45° but any change of direction must be smoothly finished to prevent a reduction in the drawing of the flue.
- *Additional fireplaces* A separate flue should be provided for each fireplace.
- *External walls* The flue should be separated from all external walls by a cavity.
- *Length of flue* Because hot gases in a flue will continue to rise, a longer flue will have a stronger draw than a shorter one. Accordingly shorter flues need to have a larger cross-sectional area.
The vertical length of the flue should not be less than 4.5 m and should project at least 600 mm above the ridge of the roof.
- *Size of flue* The size of the flue should be 10% to 12% of that of the chamber opening, but in any case should not be less than 230 mm × 230 mm (square) or 700 mm × 155 mm (rectangular).
A square flue is more efficient, but a rectangular flue is less likely to admit rain.

Chimney tray

The chimney tray should be located horizontally at roof level. It is normally constructed of copper or galvanized sheet steel, 1.6 mm thick and coated with bitumen or an epoxy-based paint.

The tray should be turned up around the inside perimeter of the flue to act as an internal drain to divert rainwater, running down the inside surfaces of the flue, to the outside. It also acts as a general damp proof course, stopping the penetration of water through the masonry itself.

The tray should extend into the flue approximately 20 mm and be turned up approximately 25 mm. Weep holes should be provided where necessary.

Roof flashing

Where the chimney penetrates the roof, a weatherproof flashing should be provided. A frame should be constructed on the upward side of the chimney to support a gutter formed from 1.6 mm lead or galvanized steel sheet. An overflashing is then set into a mortar joint and turned down over the main flashing. The overflashing should be stepped where necessary to follow the slope of the roof.

Chimney top

As noted earlier, the chimney should be extended to a height of at least 600 mm above the nearest ridge, or as necessary to provide a flue length of at least 4.5 m measured from the top of the throat, whichever is the greater.

A chimney top will not only help to prevent water penetration but will also prevent down drafts disturbing the operation of the fireplace.

The top of the chimney should be finished with an oversailing course with a weathered topping of cement mortar to divert stormwater away from the flue opening. The oversailing course should be laid over a damp-proof course to protect the lower brickwork.

CONSTRUCTION OF A TYPICAL FIREPLACE

The details shown in Figures 5, 6, 7 and 8 illustrate the blending together of the various components into an attractive, practical and efficient fireplace.

SMOKING FIREPLACES—CAUSES AND CURES

Some fireplaces smoke occasionally, while others smoke all the time. Occasionally smoking may be the result of wind causing a down draft in the flue. Nearby high trees, a neighbouring tall building or a chimney stack of inadequate height may be the cause. Persistent smoking can result from any of these and also from the poor design of the fireplace opening, firebox, throat or flue.

Trial remedies can be tested by using fireproof temporary materials which can be replaced by permanent construction, if successful. The following check list may be used as a guide:

- *Fire chamber too large or opening too high* Where it is suspected that the fire chamber is too large for the flue or the fireplace opening is too high, the back hearth can be raised by supporting a metal plate on bricks or by laying bricks without mortar. Similarly, a temporary back wall of the fire chamber may be made up.
In some cases where the fireplace opening is too high or where the throat is poorly located or designed, an experimental light sheet steel head can be fitted at the lintel and adjusted in size. If this cures the smoking problem, a permanent head may be fabricated from copper or other decorative fireproof material and fixed permanently.
- *Incorrect throat design* Where the throat is too wide, the fireback should be extended upwards to achieve the recommended throat width above the head of the fireplace opening.
- *Flue too small* Enlarging the flue is usually impracticable, however the situation can be improved by decreasing the area of the firebox using additional side walls.

- *Flue down draughts* Flue down draughts may be caused by a number of factors, the most likely being the lack of a correctly formed smoke shelf. If there is no smoke shelf, it may be possible to form one by adding another course of bricks to the back of the fire and forming a dish behind this with mortar.

If the down draughts are caused by the chimney being too low (see Figure 1), the only remedy is to raise its height.

- *Incorrect design of chimney top* In many cases, smoking fireplaces are due to incorrect design of the top of the chimney and flue. If this is the case, the top section should be rebuilt to provide a clear opening.

In some difficult locations with strong prevailing winds, it may be necessary to provide a revolving, curved metal extract hood with a wind vane—the hood is held in the direction of wind flow and the flue draught is assisted by suction action of the wind.

Metal ducting may be attached to the top of the flue to test any improvement of drawing or reduction in down draught. Different shapes of chimney tops can also be made up and tried.

- *Insufficient air* In some cases smoking can be caused by a lack of adequate air supply from inside the room. In well sealed houses, it may be necessary to slightly open a window near the fireplace or, alternatively, to provide a direct air supply in the inner hearth.
- *Wind action* If a building is not well sealed or if windows are left open on the leeward side of the house during strong winds, the suction created by the wind may draw smoke from the fireplace. Similarly, the operation of extractor fans in other rooms of the house may cause problems.

These problems can be cured by opening windward windows slightly or by other window adjustments.

- *Damage caused by chimney fires* Many gases are produced during wood combustion, some may condense to form creosote on the cool surfaces of the venting system.

Creosote is liquid when formed initially, but eventually forms a hard glazed coating. If not removed periodically, large quantities of creosote and soot can accumulate and ignite, resulting in high temperature chimney fires. These may last as long as 15-25 minutes and can subject the flue to temperatures above 1100°C.

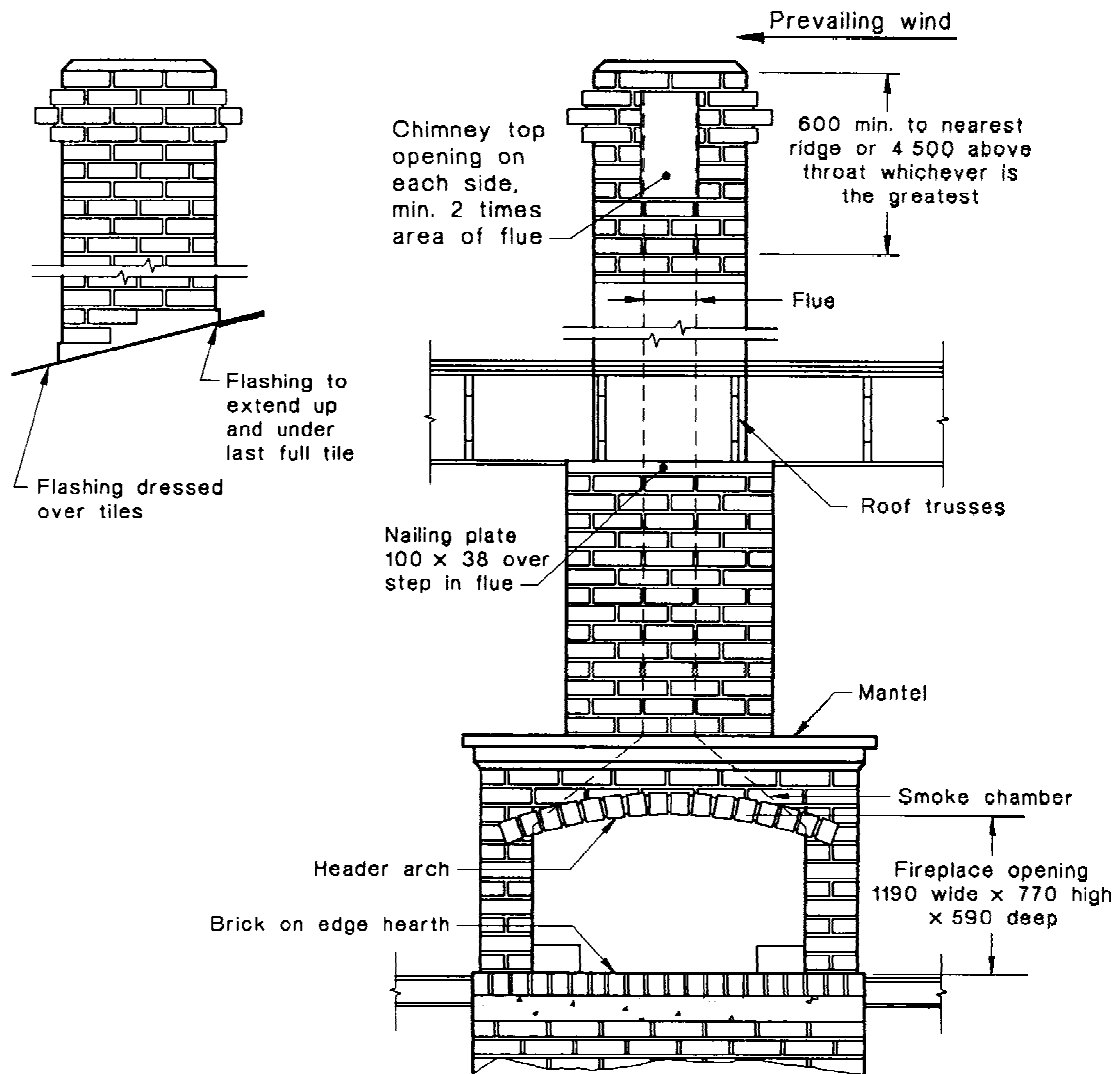
The high temperature may cause a fire risk to adjacent combustible material or may structurally weaken the chimney.

During a chimney fire, the residue may obstruct the flue passage. Accordingly, after the fire, the chimney should be inspected to ensure that the flue passage is not obstructed, thermally distorted or otherwise damaged.

OTHER REFERENCES

Additional information may be found in the following Australian Standards and other publications:

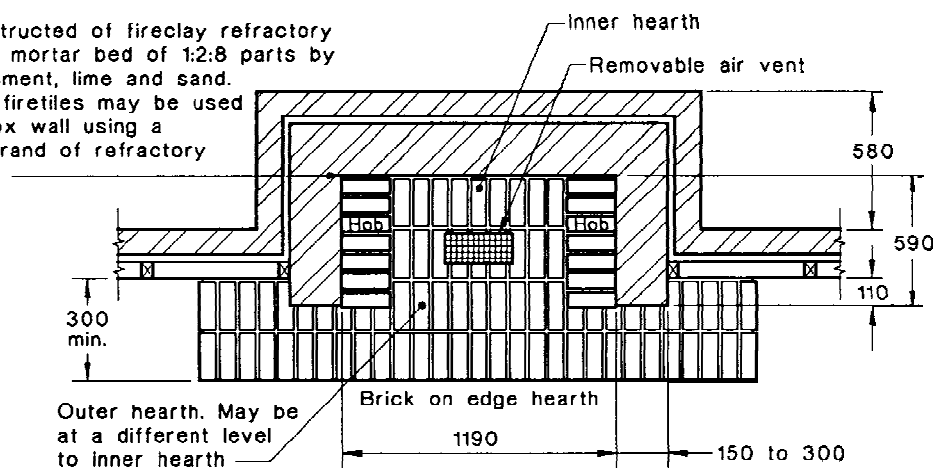
- AS 1225—*Clay building bricks*
- AS 2733—*Concrete masonry units*
- AS 3700—*Masonry in buildings*
- ADCM—*Australian Domestic Construction Manual*: Standards Australia/Master Builders Construction and Housing Association Australia, 1992
- *Brickwork detail 18B*: Brick Development Research Institute, 1984
- NSB 31—*Domestic open fireplaces and chimneys*: CSIRO, 1988



DIMENSIONS IN MILLIMETRES

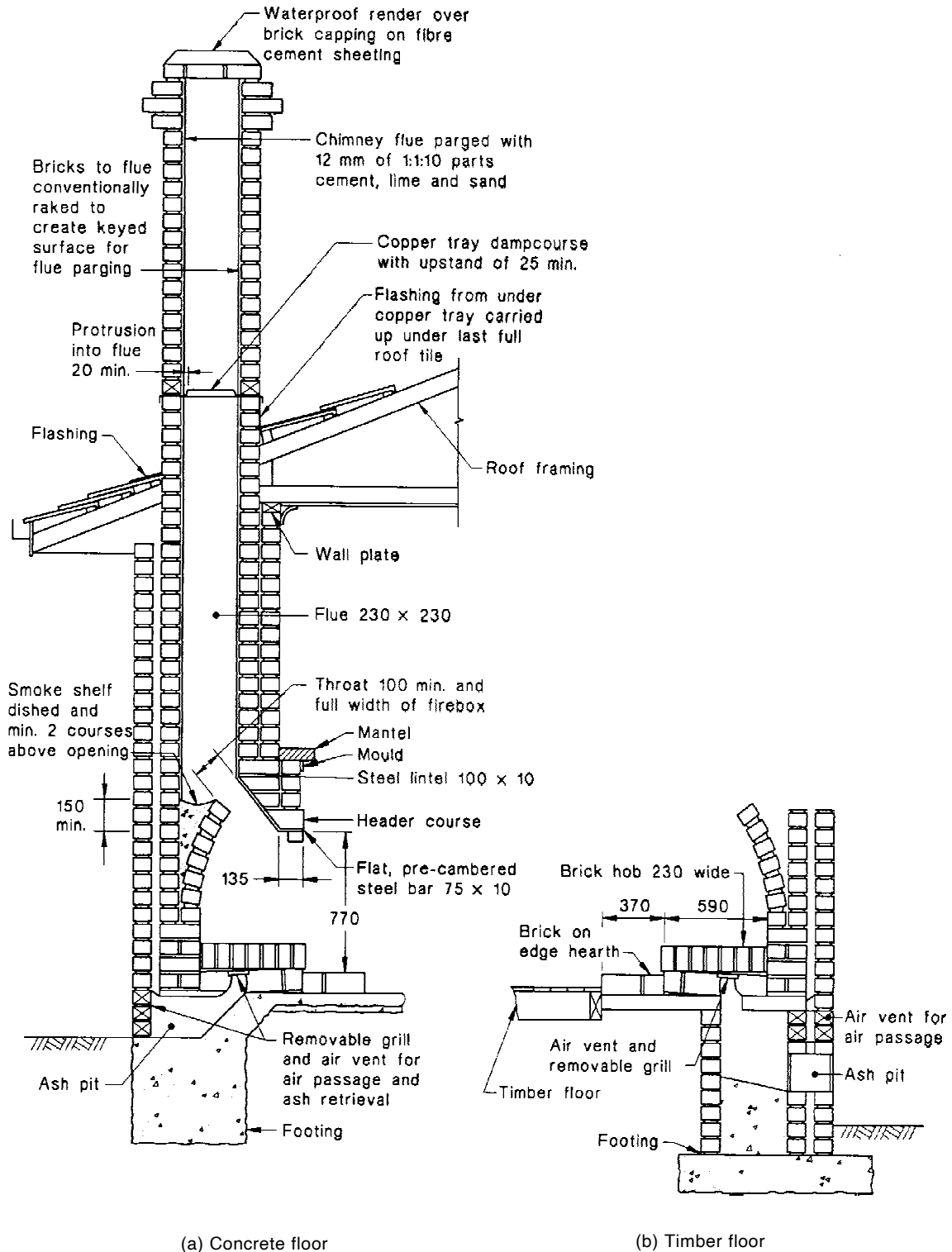
FIGURE 5 FRONT VIEW

Firebox constructed of fireclay refractory bricks laid in mortar bed of 1:2:8 parts by volume of cement, lime and sand. Alternatively firetiles may be used laid on firebox wall using a proprietary brand of refractory mortar



DIMENSIONS IN MILLIMETRES

FIGURE 6 PLAN VIEW



(a) Concrete floor

(b) Timber floor

DIMENSIONS IN MILLIMETRES

FIGURE 7 SECTIONAL VIEW

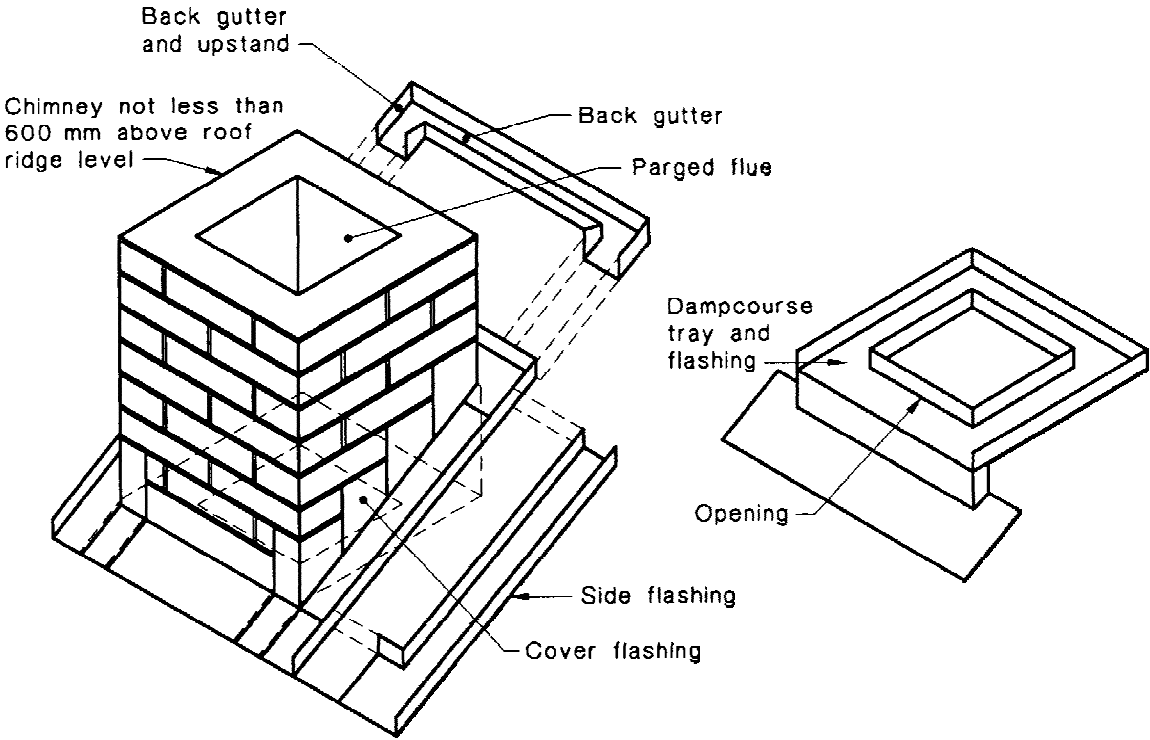


FIGURE 8 CHIMNEY FLASHING