

Item 3.**Development Application: 341 Liverpool Street, Darlinghurst - D/2021/1060****File No.: D/2021/1060****Summary**

Date of Submission:	16 September 2021
Applicant:	Brendan Moon
Architect/Designer:	BEEM Projects
Owner:	Mr Adrian Michael Palmer and Ms Chloe Patricia Renee Robson
Planning Consultant:	BEEM Projects
Heritage Consultant:	Zoltan Kovacs Architect
Cost of Works:	\$664,400
Zoning:	The site is located in the R1 General Residential zone. The proposed development is for alterations and additions to a dwelling which is permissible with consent in the zone.
Proposal Summary:	<p>Alterations and additions to an existing heritage item terrace house, comprising; a ground floor side extension, internal alterations, and construction of a laneway garage/studio addition with car stacker.</p> <p>The application is reported to the Local Planning Panel as it represents contentious development, with 25 or more unique submissions by way of objection.</p>
Summary Recommendation:	The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation, 2000
- (ii) Sydney Water Act 1994 and Sydney Water Regulation 2017
- (iii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (iv) Sydney Local Environmental Plan 2012
- (v) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Amended Shadow Diagrams

Recommendation

It is resolved that consent be granted to Development Application No. D/2021/1060 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the R1 - General Residential zone.
- (B) The design of the additions responds appropriately to the scale of surrounding buildings.
- (C) The design and detailing of the development is appropriate to the building type and location and will not give rise to significant adverse environmental impacts on neighbouring properties. The development therefore exhibits Design Excellence pursuant to the provisions of Section 6.21C of the Sydney LEP.
- (D) The development is compatible with the character of the Oxford Street and Victoria Street Heritage Conservation Area.
- (E) Appropriate conditions are recommended to ensure the development does not detrimentally impact on the heritage significance of the site.
- (F) The development will not adversely affect the character of the Darlinghurst West locality.
- (G) The development will not unreasonably compromise the amenity of nearby properties.
- (H) The development accords with objectives of relevant planning controls.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot B DP 173152, known as 341 Liverpool Street, Darlinghurst. It is rectangular in shape with area of approximately 171sqm. It has a primary street frontage to the south of Liverpool Street and a secondary street frontage to the north of Mont Clair Lane. The site is located close to the intersection of Liverpool Street and Forbes Street.
2. The site contains a two-storey residential terrace dwelling with attic level above and a two-storey rear wing with skillion roof form and a hardstand rear yard area.
3. The surrounding area is predominantly residential, principally being residential terraces but also with a number of residential flat buildings in close proximity.
4. No. 337-339 Liverpool Street is the immediate western neighbour adjacent to the subject site and contains two 3-storey residential flat buildings comprising a total of nine residential units.
5. The former First Church of Christ Scientist at 262 Liverpool St situated to the north, opposite the subject site across Liverpool Street, was granted development consent for the adaptive reuse of the site as office premises (D/2018/1526).
6. The site is part of a terrace group which are collectively identified as a local heritage item '*Terrace group including interiors and front fencing*' (I367). The subject terrace is part of a mirror pair with No.343 Liverpool Street, the immediate adjacent neighbour to the east.
7. It is located within the Oxford Street and Victoria Street Heritage Conservation Area (CA12). The site is identified as a contributing building.
8. The site is not identified as being subject to flooding.
9. A site visit was carried out on 24 January 2022 and photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: Front of site viewed from Liverpool Street



Figure 3: Rear of site viewed from Mont Clair Lane



Figure 4: View of Mont Clair Lane looking west



Figure 5: Existing view of the rear elevation from rear boundary (Source: Heritage Impact Statement, prepared by Zoltan Kovacs Architect and dated June 2021)



Figure 6: Existing stairs up to attic level



Figure 7: Existing first floor rear wing



Figure 8: Elevated deck of Unit 10 / 337-339 Liverpool Street (otherwise known as 1 Mont Clair Lane) situated adjacent to the west across the boundary (source: Real Estate)

History Relevant to the Development Application

Development Applications

10. The following applications are relevant to the current proposal:
 - **D/2015/513** – Development consent was granted on 14 July 2015 for alterations to rear lane entry to enable vehicular access and installation of roller door.

Amendments

11. Following a preliminary assessment of the proposed development by Council staff, a request for additional information and amendments was sent to the applicant on 18 November 2021.
12. The application has undergone a series of amendments over the course of the assessment period and the final scheme is reflective of the following amendments:

a) First Floor Rear Wing Alterations and Additions - Deleted

Proposed alterations and additions to the first floor rear wing and associated internal changes to floor levels have been deleted as they would disrupt the uniformity of the intact pair the subject heritage item terrace mirrors with No.343 Liverpool Street.

b) Retention of Wall Nibs and Bulkheads

Substantial wall nibs and bulkheads are to be retained at ground floor following internal demolition to preserve the original interpretation and layout of the heritage item terrace.

c) Existing Rear Dormer – Retained

Proposed rear roof extension is deleted and the existing rear attic dormer is to be retained in situ as it is an original feature and is consistent with the terrace group.

d) Attic Stair

Proposed new stair to attic has been deleted. Instead the amended design involves reconstruction of the existing attic stair, with the existing stair and balustrade relocated and utilised in their current form to preserve heritage fabric.

The only part which will need to be modified is the bottom tread, which has been adapted to create a new winder tread.

e) Retention of Suspended Timber Floors

Section drawings have been updated to confirm and accurately reflect the retention of the existing suspended timber flooring at ground floor of the terrace.

f) Laneway Addition

The design and form of the laneway addition has been amended to comply with the design criteria for laneway development outlined under Section 4.1.6 of the Sydney DCP.

Proposed Juliet balcony off the laneway addition has been deleted and replaced by windows with privacy screening.

g) Shadow Diagrams

Revised shadow diagrams were submitted which clearly depict the extent of existing and additional overshadowing impacts as a result of the proposed development.

Updated shadow diagrams provided are reflective of the revised proposal and accurately depict the raised terrace area of 10/337-993 Liverpool Street, otherwise known as No.1 Mont Clair Lane.

h) Stormwater Drainage

Revised architectural drawings have been submitted which depict stormwater drainage details of the proposed development.

i) Services Plan

A services plan has been submitted to clarify the existing and proposed below ground context and any existing services affected by the proposed extent of excavation.

It is noted that there is an existing sewer line that runs from No. 345 and 343 Liverpool Street which traverses the subject site. The applicant submits that this service will be retained, with a new sewer pipe to divert around the proposed excavation.

Proposed Development

13. The application as amended seeks consent for the following alterations and additions to the dwelling:

Principal Dwelling

Ground Floor

- Side extension of ground floor to western boundary with part glass and part pitched roof.
- Reconfiguration of ground floor and part demolition of internal walls to create an open plan living, dining and kitchen area.
- Removal of existing fireplace at the rear of the dwelling – to be salvaged and recycled in consultation with heritage consultant.
- New French doors between kitchen and rear courtyard.

First Floor

- Reconfiguration of first floor to create a bedroom with ensuite within rear wing and master bedroom with ensuite and storage within main building form.
- Reconstruction of the existing attic stair, with the existing stair and balustrade relocated and utilised in their current form to preserve heritage fabric.
- 2x new skylights installed within first floor principal roof at rear of the dwelling.
- 1x new skylight installed within first floor skillion over rear wing.

Attic

- Reconfiguration of attic level to create a bedroom with ensuite.

Laneway Addition

- Construction of a laneway addition fronting Mont Clair Lane at the rear of the site, comprising:
 - excavation to create a garage car stacker pit;
 - garage and waste storage at ground floor; and

- front and rear dormer attic level for a studio and WC.

14. Plans and elevations of the proposed development are provided below.

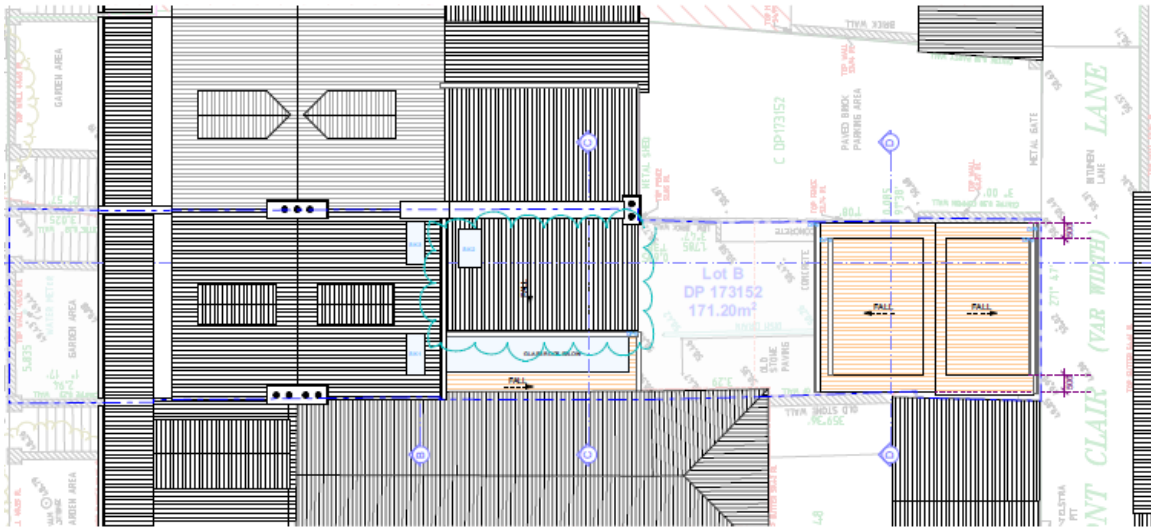


Figure 9: Proposed Site Plan / Roof Plan

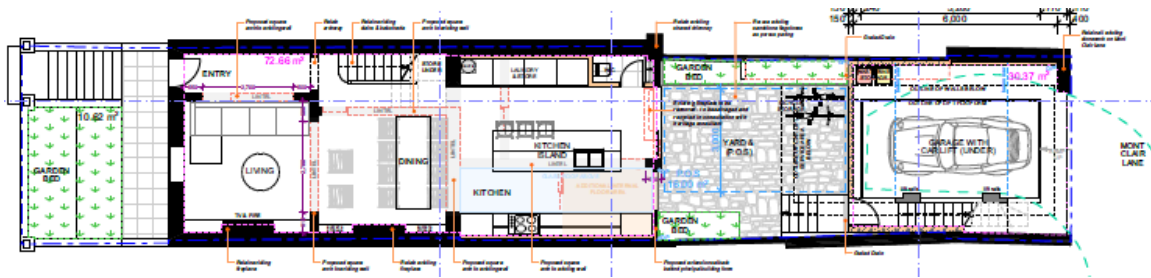


Figure 10: Proposed Ground Floor Plan

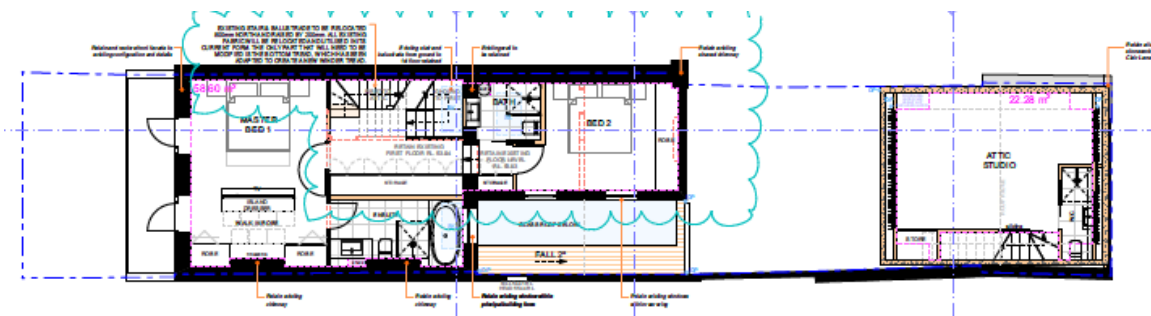


Figure 11: Proposed First Floor Plan

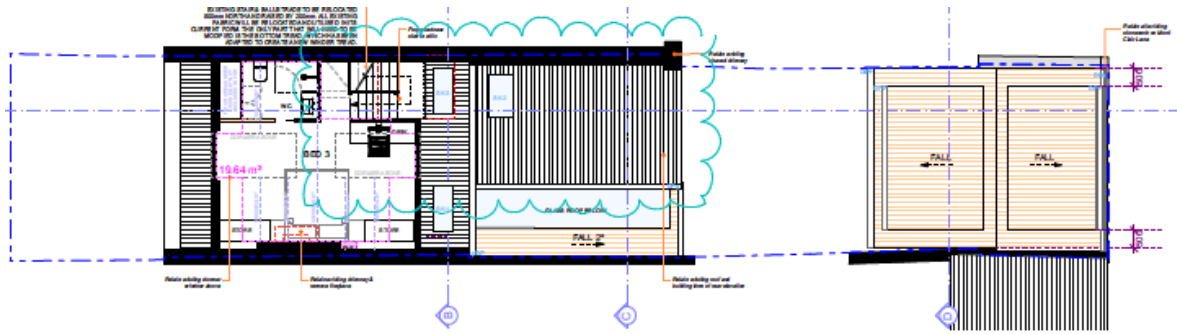


Figure 12: Proposed Attic Plan

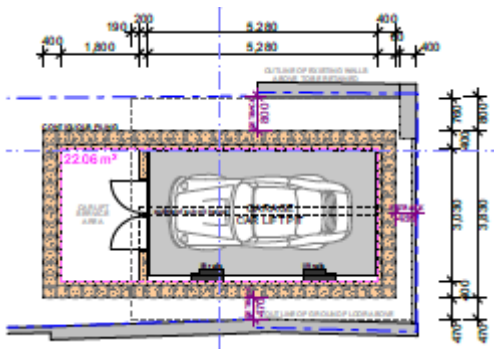


Figure 13: Proposed Garage Car Stacker Pit Excavation

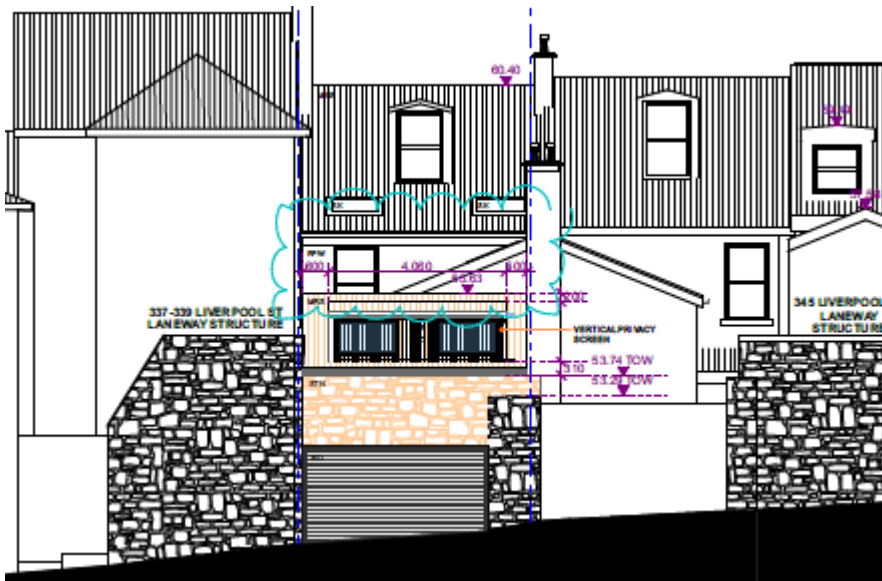


Figure 14: Proposed South (Mont Clair Lane) Elevation

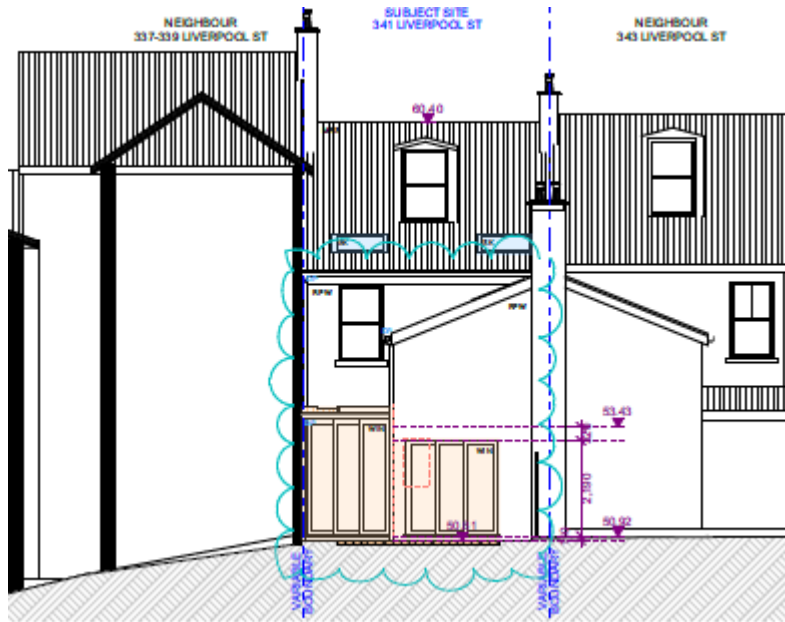


Figure 15: Proposed South (Rear Facade) Elevation

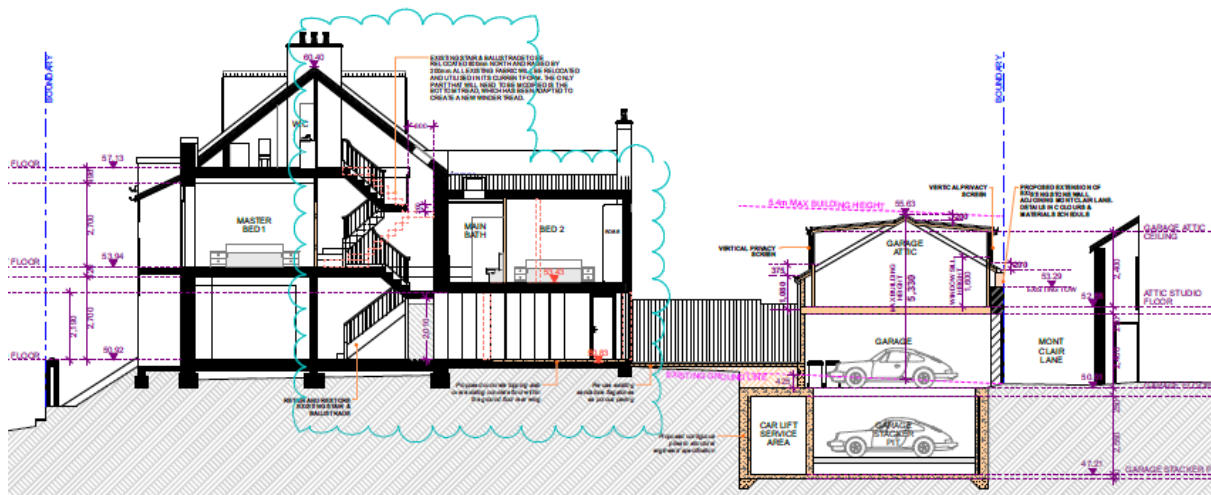


Figure 16: Proposed Long Section

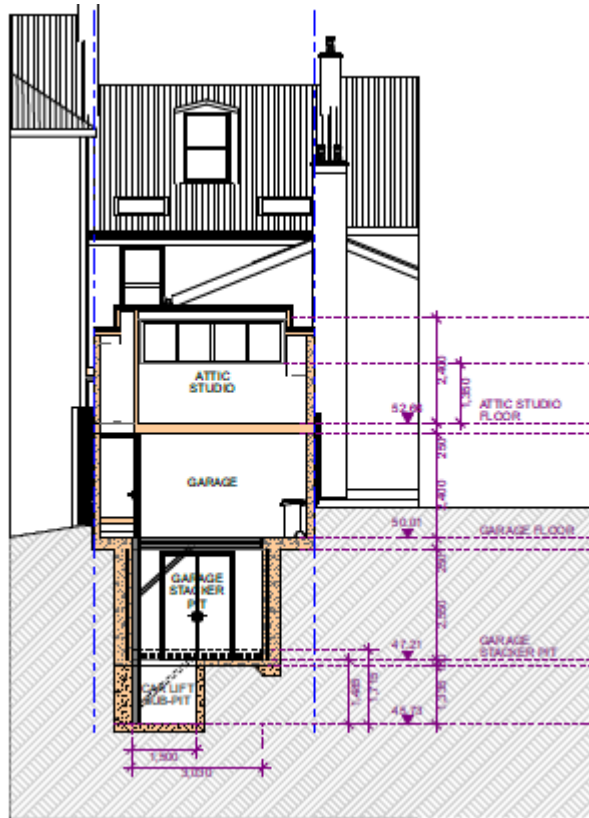


Figure 17: Proposed Short Section

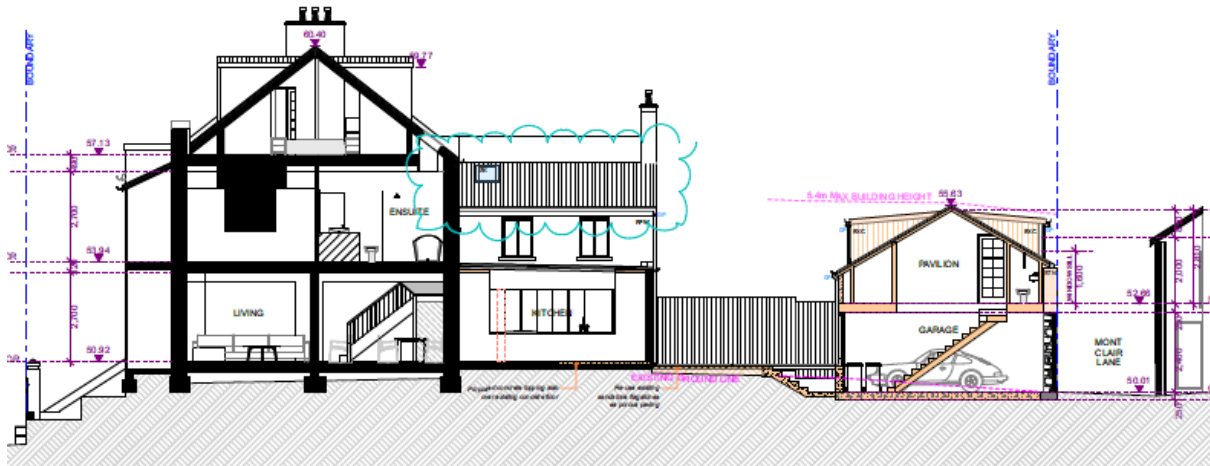


Figure 18: Proposed Side Elevation / Section

Assessment

15. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Sydney Water Act 1994

16. Section 78 of the Sydney Water Act, 1994 sets out various requirements for the determination of development applications which would:
 - (a) increase the demand for water supplied by the Corporation; or
 - (b) increase the amount of waste water that is to be removed by the Corporation; or
 - (c) damage or interfere with the Corporation's works; or
 - (d) adversely affect the Corporation's operation.
17. Subclauses (2) and (4) of Section 78 of the Sydney Water Act, 1994 allow for a consent authority to approve an application at any time, subject to a condition requiring that a developer obtain a compliance certificate from the Sydney Water Corporation.
18. Several conditions are recommended in Attachment A requiring various Sydney Water approvals and certification, including a condition requiring that the developer obtain a Section 73 Compliance Certificate from the Sydney Water Corporation.

State Environmental Planning Policies

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

19. A BASIX Certificate has been submitted with the development application.
20. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A condition of consent is recommended ensuring the measures detailed in the BASIX certificate are implemented.

Local Environmental Plans

Sydney Local Environmental Plan 2012

21. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the R1 General Residential zone. The proposed development is for alterations and additions to dwelling which is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A maximum building height of 12m is permitted. The proposed development will not increase the existing height of development and complies with the control.
4.4 Floor space ratio	Yes	A maximum floor space ratio of 2:1 or 342.4sqm is permitted. A floor space ratio of 1.12:1 or 192.2sqm is proposed. The proposed development complies with the maximum floor space ratio development standard.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is part of a terrace group which are collectively identified as a local heritage item ' <i>Terrace group including interiors and front fencing</i> ' (I367) and is located within the Oxford Street and Victoria Street Heritage Conservation Area (CA12). The proposed development as amended will not have detrimental impact on the heritage significance of the heritage conservation area and the heritage item. See further details in the 'Discussion' section below.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	The proposed development as amended is of a high standard and is compatible with the existing development along the street and will contribute positively to the character of the area.

Provision	Compliance	Comment
		The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore achieves design excellence.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.4 Dwelling houses, attached dwellings and semi-detached dwellings	Yes	A maximum of 2 car parking spaces are permitted. The proposed development includes 2 car parking spaces and complies with the relevant development standards.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils zone and is greater than 500 metres of a Class 2 and 3 zone, and 48 – 51 AHD. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.

Development Control Plans

Sydney Development Control Plan 2012

22. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

23. The site is located within the Darlinghurst West locality. The proposed development as amended is in keeping with the unique character and the design principles of the locality in that it represents sympathetic alterations and additions to a local heritage item which preserves significant heritage fabric, whilst maintaining and enhancing the property's contribution to the streetscape.

Section 3 – General Provisions

Provision	Compliance	Comment
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements.
3.9 Heritage	Yes	<p>The site is part of a terrace group which are collectively identified as a local heritage item '<i>Terrace group including interiors and front fencing</i>' (I367) and is located within the Oxford Street and Victoria Street Heritage Conservation Area (CA12).</p> <p>The proposed development as amended will not have detrimental impact on the heritage significance of the heritage conservation area and the heritage item.</p> <p>See further details in the 'Discussion' section below.</p>

Section 4 – Development Types**4.1 Single Dwellings, Terraces and Dual Occupancies**

Provision	Compliance	Comment
4.1.1 Building height	Yes	<p>The site is permitted a maximum building height of 3 storeys.</p> <p>The proposed development will not increase the height of the principal dwelling, whilst the laneway addition is single storey with attic level and complies with provision.</p>
4.1.2 Building setbacks	Yes	The proposed development relates to the existing setback patterns along the street and respects the predominant rear building line.
4.1.3 Residential amenity		As demonstrated below, the proposed development will have acceptable residential amenity and will not have unreasonable impacts on the residential amenity of neighbouring properties.

Provision	Compliance	Comment
4.1.3.1 Solar access	Yes	The applicant has submitted shadow diagrams which demonstrate that the proposed development will not cause disproportionate overshadowing impacts to the subject site and neighbouring properties. See further details in the 'Discussion' section below.
4.1.3.3 Landscaping	Yes	The applicant has submitted a landscape plan which details deep soil areas and areas of permeable surfaces to assist with on-site management of stormwater.
4.1.3.4 Deep soil planting	Yes	The subject site is required to provide 25.68sqm of deep soil planting, which equates to 15% of the site area. The proposed development will increase the amount of deep soil planting areas on site to 26.58sqm (or 15.53% of the site area) and complies with the provision.
4.1.3.5 Private open space	Yes	Single dwellings are required to provide a minimum of 16sqm private open space, directly accessible from living areas of the dwelling. The proposal retains approximately 28sqm of private open space within the rear courtyard and complies with the provision.
4.1.3.6 Visual privacy	Yes	The proposed development incorporates measures to safeguard visual privacy to side and rear boundaries. See further details in the 'Discussion' section below.
4.1.4 Alterations and additions		
4.1.4.1 General	Yes	The proposed development does not remove significant building elements and respects the form, scale and setbacks of the dwelling and terrace row.
4.1.6 Secondary and laneway dwellings	Yes	The proposal includes a laneway addition to the rear of the dwelling with a total height of 5.4m. The addition has a gabled roof with a pitch of 40 degrees and will not result in a

Provision	Compliance	Comment
		<p>loss of amenity or solar access to neighbouring properties.</p> <p>The ground level is to be used for car parking, with additional parking below via a car stacker system. The upper level is an attic/studio space.</p> <p>See further details in the 'Discussion' section below.</p>
4.1.9 Car parking	Yes	The car space is located at the rear of the dwelling, with the car stacker accessed via Mont Clair Lane and is consistent with the controls.

Discussion

Heritage

1. The site is identified as a local heritage item situated within the Oxford Street and Victoria Street Heritage Conservation Area (CA12) and is subject to the heritage provisions of the Sydney DCP.
2. Section 3.9.5 of the Sydney DCP states that development affecting a heritage item is to minimise the extent of change to significant fabric, elements or space, and enable the interpretation of significant values of the item.
3. In this regard, the proposed scope of works have been discussed with Council's Heritage Specialist who has advised upon amendments over the course of the assessment.
4. Consequently, unsympathetic alterations and additions originally proposed at lodgement have been deleted, whilst other amendments have been made to protect significant heritage fabric and preserve the original interpretation of the terrace – see further details under 'Amendments' section above.
5. A design modification condition is recommended requiring the 2x proposed skylight windows to the rear principal roof to be changed to vertically proportioned windows to be positioned parallel to the slope of the roof, rather than horizontally positioned as proposed – details are to be submitted and approved by Council prior to construction certificate (CC).
6. A condition is recommended requiring details of all colours, materials and finishes keyed to elevations and approved by Council prior to CC to ensure selections are consistent with the character of the heritage conservation area.
7. Council's Heritage Specialist supports the approval of the application as amended and subject to recommended conditions of consent.

Laneway Addition

8. The design and form of the proposed laneway addition was amended in response to Council's comments.
9. The revised form is consistent with the design criteria for laneway development outlined under Section 4.1.6 of the Sydney DCP in that it presents a single storey structure with attic level above and a pitched roof which does not exceed 40°.
10. The laneway addition is clearly subservient to the principal dwelling and does not detract from the heritage significance of the site.

Solar Access

11. At the request of Council officers, the applicant submitted revised shadow diagrams which more clearly depict the extent of solar impacts resulting from the proposed development.
12. The revised shadow diagrams demonstrate that the proposed development will cause some minor additional overshadowing to the private open space areas of No.343 Liverpool Street and No.232 Forbes Street on 21 June.
13. Notwithstanding the above, both of these properties will retain a minimum of 2 hours' direct sunlight to at least 8sqm of private open space between 9am and 3pm on 21 June, in accordance with the provisions of Section 4.1.3.1 of the Sydney DCP.
14. The applicant also submitted elevational shadow diagrams of the front western facade of No.232 Forbes Street, which demonstrate that the front living room windows facing Forbes Street receive at least 1sqm direct sunlight between 1pm and 3pm on 21 June and comply.
15. Further revised shadow diagrams have been received which accurately depict the raised terrace area of 10/337-993 Liverpool Street, otherwise known as No.1 Mont Clair Lane. These shadow diagrams demonstrate that the proposed development will not cause additional overshadowing to the raised terrace area of No.1 Mont Clair Lane between 9am and 3pm on 21 June.
16. In summary, the proposed development meets the solar access provisions outlined under Section 4.1.3.1 of the Sydney DCP and is satisfactory.

Visual Privacy

17. Section 4.1.3.6 of the Sydney DCP suggests a number of measures for development relating to residential dwellings to maximise visual privacy to side and rear boundaries.
18. In this regard, the application proposes vertical privacy screens across the front and rear attic dormer windows of the laneway addition.
19. Whilst the proposed intent of the measure is supported, the application provides inadequate detail of the proposed screens to determine their efficacy.
20. Consequently, a condition is recommended requiring details of the proposed privacy screens at a scale of 1:20 to be submitted and approved by Council prior to CC to demonstrate that visual privacy to side and rear boundaries is adequately safeguarded.

Construction and Traffic Management

21. It is noted that access to the rear of the site is constrained by the narrow road width of Mont Clair Lane. This constraint will present construction challenges which will need to be carefully managed.
22. A condition is recommended requiring the applicant to submit a Construction Management Plan to be approved by Council prior to CC to ensure that construction impacts are mitigated and managed appropriately over the course of development.
23. The proposed garage and car stacker will provide 2 car parking spaces, however the arrangement of the stacker will mean that the car on the upper level will first need to exit the garage before occupants can access the car parked below within the stacker pit.
24. Consequently, it is noted that there is a risk of the car on the upper level temporarily restricting access and obstructing Mont Clair Lane whilst the other vehicle exits is raised from the stacker pit and exits the garage.
25. Whilst it is acknowledged that this is an imperfect parking arrangement, overall and on balance the level of impact is deemed to be insignificant given the limited number of properties with access from Mont Clair Lane and the low number of vehicle movements anticipated by the proposal.
26. Consequently, the proposed arrangement is considered acceptable in this instance.

Consultation

Internal Referrals

27. The application was discussed with Council's;
 - (a) Environmental Health Unit;
 - (b) Heritage and Urban Design Unit; and
 - (c) Transport and Access Unit.
28. The above advised that the proposal is acceptable subject to conditions.

Advertising and Notification

29. In accordance with the Community Participation Plan 2019, the proposed development was notified for a period of 14 days between 13 October 2021 and 28 October 2021. A total of 98 properties were notified and 29 submissions were received.
30. The submissions raised the following issues:
 - (a) **Issue:** Solar access diagrams do not illustrate the extent of overshadowing to neighbouring properties, including the raised terrace area of Unit 10 337-339 Liverpool Street (otherwise known as No.1 Mont Clair Lane) which is situated adjacent.

Response: Revised shadow diagrams have been submitted which accurately depict the existing context and demonstrate that overshadowing resulting from the development accords with the solar access provisions outlined under Section 4.1.3.1 of the Sydney DCP. Further details are discussed under sub-heading 'Solar Access' of 'Discussion' section of this report.

- (b) **Issue:** The submitted solar access diagrams do not assess overshadowing impacts of the proposed development during spring, summer and autumn.

Response: Section 4.1.3.1 of the Sydney DCP requires applicants to demonstrate overshadowing impacts of the proposed development between 9am and 3pm at the time of the winter solstice on 21 June i.e. the time of the year when solar access is most constrained.

The applicant's submission and the additional shadow diagrams provided are in accordance with DCP requirements.

- (c) **Issue:** The applicant's submission does not assess the overshadowing impacts to the northern elevation of No.232 Forbes Street.

Response: Section 4.1.3.1 of the Sydney DCP requires that 2 hours' direct sunlight to at least 1sqm of living room windows of neighbouring development is to be maintained between 9am and 3pm on 21 June.

In this regard, the applicant has submitted elevational shadow diagrams of the front western façade of No.232 Forbes Street, which demonstrate that the front living room windows facing Forbes Street receive at least 1sqm direct sunlight between 1pm and 3pm on 21 June and complies.

- (d) **Issue:** The proposed laneway addition and associated balcony will adversely impact upon privacy to side and rear boundaries.

Response: The design and form of the proposed laneway addition has undergone several revisions over the course of the assessment, further details of which are discussed under 'Amendments' section of this report.

Under these revisions, the Juliet balcony originally proposed has been deleted and privacy screening is now proposed to upper level windows of the laneway addition. A condition is recommended requiring details of the proposed privacy screens at a scale of 1:20 to be submitted and approved by Council prior to CC to demonstrate that visual privacy to side and rear boundaries is adequately safeguarded.

- (e) **Issue:** The proposed laneway addition is excessively high and inconsistent with the development pattern in the rear lane. The proposed addition will constrain amenity and outlook of surrounding properties.

Response: The design and form of the proposed laneway addition has undergone several revisions over the course of the assessment period, further details of which are discussed under 'Amendments' section of this report.

The revised form is consistent with the Sydney DCP's design criteria for laneway development and maintains a reasonable level of level of amenity to the principal dwelling, the site and surrounding properties, as required by Section 4.1.6 of the Sydney DCP.

- (f) **Issue:** The proposed laneway addition appears to exceed the 5.4m height limit applying to laneway development under Section 4.1.6.1 of the Sydney DCP based upon comparative RLs.

Response: The submitted architectural drawings indicate that the proposed laneway addition will have a maximum height of RL55.63 to the top of the roof ridge. Spot levels on the submitted survey plan indicate the existing ground level in the approximate location underneath the proposed roof ridge to be RL50.30.

Accordingly, the proposed laneway addition is less than 5.4m in height and complies with the laneway development controls outlined under Section 4.1.6.1 of the Sydney DCP.

- (g) **Issue:** The application inadequately explains how a vehicle will enter/exit the proposed garage addition given the narrow width of Mont Clair Lane.

Response: The applicant has submitted a traffic report which includes swept path diagrams which demonstrate there to be sufficient clearance for a vehicle entering and exiting the garage space.

The proposal has been reviewed by Council's Transport and Access Unit who have recommended relevant parking conditions which have been incorporated into the Notice of Determination.

- (h) **Issue:** Objection to the proposed rear roof extension to the principal dwelling.

Response: The proposed rear roof extension has been deleted and no longer forms part of the proposed development – see further details under 'Amendments' section above.

- (i) **Issue:** Concerns related to excavation adjacent to sandstone boundary walls.

Response: The applicant has submitted a Geotechnical Report which has been reviewed by the City's Environmental Health Unit. Appropriate conditions are recommended to ensure that the excavation is carried out in a safe and responsible manner without impacting upon the structural integrity of existing structures, including restricting the use of intrusive appliances and requiring the submission of Noise and Vibration Management Plan to be approved by Council prior to CC.

- (j) **Issue:** Concerns related to damage to neighbouring properties as a result of the proposed scope of works.

Response: Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately

qualified practising structural engineer and submitted for the approval of the Accredited Certifier:

- (a) prior to the commencement of demolition/excavation works; and
- (b) on completion of construction demolition/excavation works.

This condition ensures that any weaknesses in existing buildings are identified prior to works commencing and protects all parties in the event of any damages arising over the course of construction.

- (k) **Issue:** The ground floor extension should be independent of the party wall shared with No. 337-339 Liverpool Street.

Response: The submitted plans illustrate that an inset wall is proposed adjacent to the party wall to structurally support the proposed ground floor extension of the proposed development.

A condition is recommended confirming that the additions must be structurally independent and must not rely on vertical or lateral support of any party walls or boundary walls.

- (l) **Issue:** Objection related to car stacker noise and vibrations impacting upon adjacent residential dwellings when in operation.

Response: Noise from powered equipment in residential premises is restricted by the *Protection of the Environment Operations (Noise Control) Regulation 2017*, which confirms that noise should not be heard in a habitable room in a neighbour's residence before 8am and after 8pm on Sundays and public holidays, or before 7am and after 8pm on any other day.

A condition is recommended requiring the submission of a mechanical parking report to be prepared and approved by the appointed certifier prior to CC. The report is to address the predicted noise and vibration levels arising from the car parking area received by nearby receivers, including references to relevant Standards.

- (m) **Issue:** Concerns related to stormwater entering the car stacker pit from Mont Clair Lane and pooling.

Response: The levels in the rear of the subject property and Mont Clair Lane will naturally allow water to flow down the laneway and not enter the garage. Notwithstanding this, as a precaution a grated drain along the southern boundary is proposed to capture any water that may flow into the garage and is shown on the submitted services plan provided by the applicant.

- (n) **Issue:** Concerns that the proposed development will affect surrounding property values.

Response: Property values are not an environmental impact or matter for consideration in the assessment of development applications.

- (o) **Issue:** Concerns related to increased damp and waterlogging of boundary walls.

Response: The applicant has submitted a stormwater management plan which demonstrates how the development will deal with stormwater drainage across the site.

A condition has been imposed to confirm that the approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

- (p) **Issue:** Concerns related to heritage impact of proposed alterations and additions to the principal dwelling.

Response: The application has been discussed with Council's Heritage Specialist, who requested amendments over the course of the assessment in order to preserve the heritage significance of the terrace – see further details under 'Amendments' section above.

The proposed development as amended is considered to represent sympathetic alterations and additions to the heritage item terrace, which preserves significant fabric and maintains the property's heritage significance.

- (q) **Issue:** Concerns related construction impacts and access constraints of Mont Clair Lane.

Response: It is acknowledged that the narrow width of Mont Clair Lane will present construction challenges which will need to be carefully managed.

Consequently, a condition is recommended requiring the applicant to submit a Construction Management Plan to be approved by Council prior to CC to ensure that construction impacts are mitigated and managed appropriately over the course of development.

- (r) **Issue:** Concerns related to restricted access of Mont Clair Lane whilst vehicles enter and exit the garage from the proposed car stacker.

Response: Whilst it is acknowledged that the proposed parking arrangement may temporarily restrict access along Mont Clair Lane whilst vehicles enter/exit the stacker pit, restriction of access / obstruction of Mont Clair Lane would be for a very limited period and is considered acceptable given the limited vehicle movements anticipated.

See further details of assessment under sub-heading 'Construction and Traffic Management' under 'Discussion' section above.

- (s) **Issue:** The shared chimney on the eastern boundary between No.341 and No.343 Liverpool Street has significant issues of waterproofing. The Applicant should be requested to ensure the chimney stack is properly refurbished to prevent water ingress into 343 Liverpool Street.

Response: The shared chimney is situated on the boundary and does not form part of the proposed scope of works under the current DA.

This is a civil matter as responsibility for maintenance and restoration of the chimney is shared between the two parties. It would be inappropriate for Council to require the applicant to restore the chimney at their own expense under the current application.

- (t) **Issue:** Extent of internal demolition is excessive and underestimated in the submitted waste management and recycling plan.

Response: The application has been discussed with a Council Heritage Specialist, who has advised upon requested amendments over the course of the assessment period in order to preserve existing heritage fabric – see further details under ‘Amendments’ section above.

A condition is recommended for the salvage and recycling of heritage fabric to minimise waste.

- (u) **Issue:** The proposed excavation for the car stacker will require an existing sewer line to be diverted. The applicant should provide a detailed sewer diversion designed by a duly qualified professional and approved by Sydney Water prior to any Council DA consent.

Response: The applicant has submitted a services diagram which illustrates diversion of the existing to facilitate the proposed extent of excavation.

Subclauses (2) and (4) of Section 78 of the Sydney Water Act, 1994 allow for a consent authority to approve an application at any time, subject to a condition requiring that a developer obtain a compliance certificate from the Sydney Water Corporation.

Several conditions have been recommended requiring various Sydney Water approvals and certification, including a condition requiring that the developer obtain a Section 73 Compliance Certificate from the Sydney Water Corporation.

- (v) **Issue:** The site coverage is too dense with very little open space remaining.

Response: Under the provisions of Section 4.1.3.5 of the Sydney DCP, single dwellings are required to provide a minimum of 16sqm private open space, directly accessible from living areas of the dwelling.

The proposal retains approximately 28sqm of private open space within the rear courtyard and complies with the provision.

- (w) **Issue:** Objection to proposed materials and finishes.

Response: A condition is recommended requiring the submission of a detailed colours, materials and finishes schedule, to be keyed to elevations and approved by Council prior to CC to ensure that selections are consistent with the character of the heritage conservation area.

- (x) **Issue:** The proposed laneway addition should not include a shower or WC.

Response: It is not considered that the proposal to install a shower and WC in the laneway will give rise to any significant environmental impacts and is acceptable

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

31. The development is not subject to a Section 7.11 development contribution as it is a type of development listed in Table 2 of the City of Sydney Development Contributions Plan 2015 and is excluded from the need to pay a contribution.

Relevant Legislation

32. Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation, 2000
33. Sydney Water Act 1994 and Sydney Water Regulation 2017
34. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
35. Sydney Local Environmental Plan 2012
36. Sydney Development Control Plan 2012

Conclusion

37. Having regard to all of the above matters, the proposed development will not result in any adverse impacts on both the natural and built environment and the locality, is suitable for the site, and is in the public interest, subject to appropriate conditions of consent being imposed.
38. The proposed development generally satisfies the relevant provisions of the applicable State environmental planning instruments including the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012 and is acceptable.
39. Issues raised in all submissions have been taken into account in the assessment, and, where appropriate, conditions of consent have been recommended to address these issues.

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