PROPOSED FIRST FLOOR ADDITION 1:100
History of Development Application

19 June 2006 – part of requested information received by Council.

October 2006 – further information sent by applicant.

14 November 2006 – Development application lodged.

24 November 2006 – Development application notified to nearby property owners and occupiers, concluding on 13 December 2006. No objections received.

29 December 2006 – request for amended shadow, drainage and site plans, in addition to the outstanding BASIX certificate.


14 May 2007 – Letter to applicant requesting justification for the proposed location of the garage forward of the building line.

14 June 2007 – On-site meeting held between Council officers and the applicant.

27 June 2007 – Further letter sent by Council requesting justification for the proposal having regard to the conservation area and the proposed location of the garage.

5 July 2007 – Section 82A review submitted to Council.

23 July 2007 – response received from applicant outlining why the proposal should be supported.

26 July 2007 – Determination of development application by way of refusal.

30 July to 13 August 2007 – Notification of Section 82A review.

4 September 2007 – Section 82A review of determination lodged with Council.

28 September to 12 October 2007 – Notification of application.

31 October 2007 – Site meeting.

26 November 2007 – additional information submitted by the applicant
ASSESSMENT REPORT – ALTS & ADDS

EXECUTIVE SUMMARY

Application details
Development Application No. DA/1030/2006
Property: No. 65A Epping Avenue, EASTWOOD NSW 2122
LOT 1 DP 1012988
Date of receipt: 14 November 2006
Applicant: Modum Design Construction
Owner: Mr S P Walker and Mrs Y L Walker
Development Assessment Officer: Sophia Chin
Submissions received: No submissions received. TRIM last checked 23 July 2007
Issues: Bulk & Scale, Parking and Vehicular Access, Planning Objectives
Recommendation: Refusal

Legislative requirements
Zoning: 2A Residential Zone
Permissible under: PLEP 2001
Relevant legislation/policies: DCP 2005
PLEP 1996 (Heritage and Conservation)
PDCP 2001 – Heritage
PLEP Variations: None
Integrated development: No

The site
The subject site is located on the western side of Epping Avenue. The site has a frontage width of 15.24m and an overall area of 1271m² and falls to the front.

The Epping Avenue streetscape is predominantly characterised by post-war bungalow style single storey dwelling houses. It is considered that the design and location of the garage and attic to the front of the dwelling is not suitable for the site.

Special character area: No
Easements/rights of way: No
Heritage item: No
Heritage conservation area: Yes – Epping/Eastwood Conservation Area
In the vicinity of a heritage item: No
Urban bushland: No

Contaminated land: No

Surrounding development: Surrounding development predominantly consists of single storey cottages.

History:

Development Application No. 1000/1998 was refused by Council to demolish the existing dwelling and erect 9 villas with associated landscaping on 31 May 1998.

Development Application No. 1319/1999 was approved by Council to consolidate 3 allotments into 2 allotments on 2 November 1999.

Development Application No. 877/2006 was approved by Council for the construction of an in-ground pool on 10 November 2006.


24 November 2006 – Development was notified to surrounding properties from 29 November 2006 to 13 December 2006.

14 March 2007 – Drainage comments received.

3 May 2007 – Heritage comments received.

14 May 2007 – Letter sent to the applicant requesting additional information regarding garage dominance.

14 June 2007 – On-site meeting to discuss options for proposal.

27 June 2007 – Letter sent to the applicant requesting additional information regarding adverse impact on the conservation area, and garage dominance.

23 July 2007 – Applicant responded to information requested indicating why proposal should be supported.

THE PROPOSAL

Alterations and additions to the front of the existing dwelling to include a double garage with an attic over the garage.

The proposed front double garage has a width of 6.0m, a maximum depth of 8.1m and has a total area of 31.5m². The proposed attic on top of the garage is to have a fully raked ceiling with 2 sky dome roof windows and has a width of 3.4m and a depth of 8.09m with a total area of 27.506m².

The site has an east-west orientation, a slope to the front and has an area of 1271m². The development currently has a front setback of 19.55m – 21.5m. The proposed front garage is to encroach into the front setback reducing it to 11.4m – 13.7m.

PUBLIC CONSULTATION

In accordance with Council’s Notification DCP the development was notified for a period of 14 days. No submissions were received from the neighbouring properties.

REFERRALS

Engineering Yes

The proposal has been referred to Council’s Drainage Engineer who has no objection to the proposal subject to conditions of consent.
Heritage

Yes

Proposal has been referred to Council’s Heritage Advisor who objects to the proposal and makes the following comments:

The proposal does not comply with the Parramatta Heritage DCP 2001 Guidelines for the Epping/Eastwood Conservation Area. The Guidelines require to position garages at the rear of the house, with side positioning potentially acceptable in some cases. I appreciate that 65A Epping Avenue may have no space for such additions.

The house is listed in the Schedule B of the Conservation Area. The Guidelines generally require presentation to the street with buildings to be retained or enhanced. The Guidelines oppose any development that would obscure street presentation of a house in the area.

It is noted that the house is on elevated grounds, and near the tip of the convex side of the bending road. The location is visually prominent, which makes it virtually impossible to minimise the impact of any development in the front portion of the property.

Unfortunately, I must advise you to recommend refusal of the current application.

STATUTORY REQUIREMENTS [S.79C(1)(a)]

State and Sydney Regional Planning Policies

There are no relevant state or regional environmental planning policies that are of relevance to the proposed development.

SREP 28 – Parramatta

N/A

SEPP 65

N/A

SEPP 55

N/A

SEPP 1

N/A

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2001

Residential 2A Objectives

The site is zoned Residential 2A under PLEP 2001. The proposed development is permitted with development consent. The relevantly applicable objectives of the 2A zone are:

(a) To enhance the amenity and characteristics of the established residential area;
(b) To ensure that building form, including that of alterations and additions, is in character with the surrounding built environment.

It is considered that the development is inconsistent with the provisions of the objectives as stated above. It is identified that there is inconsistency with objective (a) and (c) of the 2A zone together with the unsatisfactory bulk and scale of front garage and attic not in character with the surrounding built environment of the Epping/Eastwood Conservation Area.
### COMPLIANCE TABLE

<table>
<thead>
<tr>
<th>Development standard</th>
<th>Compliance</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>CI 16 Permissible within zone?</td>
<td>Yes</td>
<td>2A Residential</td>
</tr>
<tr>
<td>CI 20 Affected by rail/road noise and/or vibration</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>CI 21 Is the site flood affected? If yes will the development satisfy CI 2 (a)-(e)?</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>CI 31 Is the site adjacent to the Parramatta River foreshore</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>CI 32 Affected by a Foreshore Building Line</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>CI 34 Will the proposal have any impact on Acid Sulphate Soils?</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Proposal</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>CI 39(1)(b) Maximum height of 2 Storeys</td>
<td>2 storeys</td>
<td>Yes</td>
</tr>
</tbody>
</table>
| CI 40 Maximum FSR:  
  • Dwelling House 0.5:1 | FSR = 0.153:1 | Yes |

### Aims and objectives residential zones

The proposed development is not consistent with the aims and objectives of the 2A Residential Zone.

<table>
<thead>
<tr>
<th>Development Control</th>
<th>Proposal</th>
<th>Compliance</th>
</tr>
</thead>
</table>
| Preliminary Building Envelope  
  Height. – Maximum height | 1-2 storeys | Yes |
| 2 storeys plus attic | |
| Street Setback  
  Is the setback consistent with the prevailing setback along the street within the range of 5 - 9 metres  
  Note: In some parts of Parramatta it may be appropriate to have a front setback that exceeds 9m | 11.4m – 13.7m | The development currently has a front setback of 19.55m – 21.5m. The proposed front garage is to encroach into the front setback reducing it to 11.4m – 13.7m. The proposed setback is not consistent with the predominant street setbacks. |
| Rear Setback  
  Minimum 30% of length of site | Development to the front does not impede on existing rear setback. |
| Side Setback  
  Minimum 1.5m | 1.14m to the southern boundary |
| Views and Vistas  
  Does the development preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in | No |
<table>
<thead>
<tr>
<th>Appendix 3 - Vegetation Communities?</th>
<th>N/A - there are no views to be shared</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Water Management</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Flooding or Grey Area</strong></td>
<td></td>
</tr>
<tr>
<td>Is the site flood affected or within a Grey Area?</td>
<td>N/A</td>
</tr>
<tr>
<td>If yes refer to section 4.1.4 of PDCP 2005 for detailed controls and Council's Development Unit Engineers.</td>
<td>No</td>
</tr>
<tr>
<td><strong>Stormwater Disposal</strong></td>
<td>The proposal has been referred to Council's Drainage Engineer who has no objection to the proposal subject to conditions of consent.</td>
</tr>
<tr>
<td>Is stormwater able to be directed to Council's stormwater network? Generally the street?</td>
<td>No</td>
</tr>
<tr>
<td>If no, an infiltration trench or an easement over a downstream property is required to be provided.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>BASIX</strong></td>
<td>Despite the alterations and additions to be valued at more than $100,000, the development is not applicable to BASIX requirements as it was lodged prior to 1 October, 2016</td>
</tr>
<tr>
<td>Meets BASIX certificate requirements with regard to rainwater tanks, native vegetation etc</td>
<td>Yes, Condition:</td>
</tr>
<tr>
<td><strong>Soil Management</strong></td>
<td></td>
</tr>
<tr>
<td>Are there adequate erosion control measures?</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Development on Sloping Land</strong></td>
<td></td>
</tr>
<tr>
<td>Does the design of the dwelling respond to the slope of the site? (Generally speaking FFL should not exceed 500mm above existing NGL)</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Land Contamination</strong></td>
<td></td>
</tr>
<tr>
<td>Is the site contaminated?</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Biodiversity</strong></td>
<td></td>
</tr>
<tr>
<td>If land abuts Zone 7, has a 6 metre setback for all structures been provided? (Cl47 PLEP 2001)</td>
<td>N/A</td>
</tr>
<tr>
<td>If no a SEPP 1 is required.</td>
<td>No</td>
</tr>
<tr>
<td><strong>Note:</strong> Council will require the submission of a Statement of Flora/Fauna Impact (SFFI) for all development in or adjacent to bushland with respect to the impact on biodiversity.</td>
<td>No</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>No</td>
</tr>
<tr>
<td>Are natural features on the site, such as existing trees, rock outcrops, cliffs, ledges, indigenous species and vegetation communities retained and incorporated into the design of development?</td>
<td>No trees are proposed to be removed.</td>
</tr>
<tr>
<td>Are trees planted at the front and rear of the site to encourage tree canopy to soften the built environment, to encourage the continuity of the landscape pattern and to minimise overlooking opportunities between properties?</td>
<td>As above.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Soft Soil Zone</strong>&lt;br&gt;Does the proposal provide for a 30% deep soil zone? (a minimum of 50% is to be located at the rear of the site with a maximum of 50% of the front setback is to be included as part of the soft soil zone).&lt;br&gt;<em>Note: The minimum dimensions for a deep soil zone are 4m x 4m.</em></td>
<td>Yes&lt;br&gt;1271m² Site Area&lt;br&gt;381.3m² required&lt;br&gt;866m² provided (68%)</td>
</tr>
<tr>
<td><strong>Landscaped Area</strong>&lt;br&gt;Is a minimum of 40% of the site is to be landscaped?&lt;br&gt;This is inclusive of the deep soil zone and must be a pervious surface, at ground level and have a minimum soil depth of 1m.&lt;br&gt;Swimming pools can be included in landscape area calculations.</td>
<td>Yes&lt;br&gt;508.48m² required&lt;br&gt;866m² provided (68%)</td>
</tr>
<tr>
<td><strong>Isolated sites</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Building Elements</strong>&lt;br&gt;<strong>Streetscape</strong>&lt;br&gt;Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale?</td>
<td>No&lt;br&gt;Section 4.2.1 of DCP 2005 provides for streetscape to ensure building form contributes to the character of the local area. The relevantly applicable objective is:&lt;br&gt;O.1 To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment&lt;br&gt;It is considered that the front garage and attic does not respond and sensitively relate to the broader urban context, building design is not in harmony with the form, mass and proportions of the streetscape, and the building setback from the street boundary is not consistent with prevailing setbacks of adjoining and nearby buildings.</td>
</tr>
<tr>
<td><strong>Fences</strong>&lt;br&gt;Is the front fence a maximum height of 1.2metres?&lt;br&gt;Are front fences a common element in the locality?&lt;br&gt;*Note: Where noise attenuation or protection of amenity require a higher fence, front fences may be permitted to a</td>
<td>A front fence is not proposed.</td>
</tr>
</tbody>
</table>
### Building Form and Massing

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the height, bulk and scale of the proposed building consistent with the building patterns in the street?</td>
<td>No</td>
</tr>
</tbody>
</table>

Section 4.2.3 of DCP 2005 provides for building form and massing. The relevantly applicable objectives are:

- **O.1** To ensure buildings are compatible in form relative to the spatial characteristics of the local area.
- **O.2** To ensure building mass and form reinforces, complements and enhances the visual character of the street.

It is considered that the front garage and attic does not respond to the topography of the site, the proportion and massing of the building does not relate favourably to the form, proportions and massing of existing building patterns in the street and the building mass results in unreasonable loss of amenity to adjacent properties.

### Attics

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the attic greater than 25 square metres in floor area?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Does the attic comply with the definition of attic contain in PLEP 2001?

**Note:** Attics are included as floorspace for the purpose of calculating the floorspace ratio. (requires an amendment to PLEP 2001 as attics are excluded from FSR calculations presently)

Section 4.2.4 of DCP 2005 provides for building façades and articulation. The relevantly applicable objective is:

- **O.1** To ensure the appearance of buildings complement and enhance neighbourhood and streetscape character.

It is considered that the building design and architectural style of the front garage and attic does not interpret and respond to the positive character of the locality, the garage façade is not modulated and articulated to reduce the appearance of building bulk and unsatisfactorily encroaches into the front setback.

### Building Façade and Articulation

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the building exceed the building envelope?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Solar Access and Cross Ventilation

#### Solar Access

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does each dwelling and adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Solar access to adjoining properties and the subject property is considered satisfactory due to the topography and**

Ground storey development will not adversely affect existing solar access.
Are living areas, such as kitchens and family rooms located on the northern side of dwelling with service areas such as laundries and bathrooms to the south or west?

<table>
<thead>
<tr>
<th>Cross Ventilation</th>
<th>orientation of the site.</th>
<th>2.43m for the garage 1.5m for the attic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the minimum floor to ceiling height is 2.7 metres ground floor 2.4m first floor.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Section 4.5.1 of DCP 2005 provides for Parking and Vehicular Access and the requirements for on site parking space dimensions. It is required that clearance above the general parking surface must be a minimum of 2.5m. The proposed garage is to have a clearance of 2.43m above the general parking surface therefore does not comply with the requirements for parking space dimensions.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Waste Management</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the waste management plan satisfactory?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking and Vehicular Access</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2 spaces</td>
<td>The development proposes to provide 2 undercover car spaces to the front of the dwelling. Refer to Heritage comments.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 5 - Special Character Areas</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the site within a Special Character Area?</td>
<td>Yes – refer to Heritage comments</td>
</tr>
<tr>
<td>Is the proposal consistent with the controls in Section 5 of the DCP?</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appendix 4 – Neighbourhood Character Areas</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the proposal within a Neighbourhood Character Area?</td>
<td>No</td>
</tr>
<tr>
<td>Is the proposal consistent with the controls in Appendix 4 of the DCP?</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Conclusion**

The proposal is not appropriate for the site because it does not comply with objective (a) and (c) of the residential 2A zone, and the numerical controls and performance criteria stipulated by Parramatta LEP 2001/DCP 2005.

Having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory. Therefore, it is recommended that the application be refused.
Recommendation

Refusal for the following reasons;

1. The development is inconsistent with Objective (a) of the Residential 2A zone in that it will not enhance the amenity and characteristics of the established residential area.

2. Approval of the proposal would not be in the public interest.

3. The development is inconsistent with Objective (c) of the Residential 2A zone in that it is not in character with the surrounding built environment.

4. The development is inconsistent with the objectives for the Epping/Eastwood Conservation Area provided in the Parramatta Heritage DCP 2001 in that the development is not compatible with the significance and character of the area, and does not maintain garages as a rear utility building.

5. The development is inconsistent with Section 4.2.1 of PDCP 2005 in that the new development does not respond to, reinforce and sensitively relate to the spatial characteristics of the existing urban environment.

6. The development is inconsistent with Section 4.2.4 of PDCP 2005 in that the appearance of the building does not complement and enhance neighbourhood and streetscape character.

7. The development is inconsistent with Section 4.2.3 of PDCP 2005 in that the development is not compatible in form relative to the spatial characteristics of the local area.

8. The development is inconsistent with Section 4.2.3 of PDCP 2005 in that the building mass and form does not reinforce, complement and enhance the visual character of the street.

9. The development is inconsistent with Section 4.5.1 of PDCP 2005 in that the development does not comply with the requirements for parking space dimensions.
Delegated Authority No: PB003

Report prepared by
Name: Sophia Chin
Development Assessment Officer

Signature: [Signature]
Date: 23/7/07

☐ All s96 fees paid.
☐ Consent of all owners provided.
☐ Application notified in accordance with Council's Notifications DCP.
☐ Acknowledgement letters sent to all persons who lodged submissions.
☐ All issues raised in submissions have been considered in the assessment of the application.
☐ Comments from stakeholders considered in assessment of application.
☐ Relevant matters for consideration (s79C assessment) addressed in report.
☐ Section 94 Contributions calculated (if required).
☐ Standard conditions of consent and extraordinary conditions or reasons for refusal prepared.
☐ Letters responding to objectors prepared.

Has a Construction Certificate been lodged with the DA?

I have read the S79C assessment worksheet and endorse the manner in which the development application has been assessed. I concur with the recommendation and determine this application under Delegated Authority No. PB003

Name: Brad Delapierre
A/Service Manager
Development Assessment Services

Signature:
Date of determination: 26/7/07

Name: Sara Matthews
A/Team Leader

Signature:

Peer Reviewer

Date of determination: 24/7/07

Name: Louise Connolly
Manager Development Services

Signature:
Date of determination:

Once the report has been peer reviewed the signed report is to be scanned into TRIM by the Assessment Officer.
Dear Councillor,

Re: DA 1030/2006
Re: Section 82A Review

We are writing to you as the owners of 85A Epping Avenue in Eastwood.

We have been working with Council’s heritage advisors and representatives for over 3 years to resolve a DA proposal (1030/2006) to undertake a renovation of our house.

We have followed every direction provided by Council’s representatives in preparing an amenable result and subsequently lodged the DA in November 2006.

Council has rejected our DA proposal only on minor streetscape impact concerns regarding the garage.

We believe that any negative impact is negligible – enclosed are three pictures showing top down perspective with the trees and shrubs and views from the street, with the existing house and with the renovated house.

We believe that our proposal has a significant positive impact to our neighbours, the overall surrounding area and to the conservation area.

What our proposal intends to do:

- Restore a shabby and rundown 1970’s style house to its as-built 1930’s style
- Undertake significant restoration of the house internally
- Replace the existing carport with a garage
- Remove a backyard utility building containing asbestos and replace with a pool
  - Pool DA 877/2006 approved 10 November 2006

This will:

- substantially increase the amenity of the house grounds and surrounds
- substantially increase our contribution to the character and conservation area guidelines
- increase house security and safety for residents and visitors
- decrease streetscape impact

How:

- Retaining existing foliage
- Replacing Gordonia tree with like tree.
- Remove 2 parked vehicles from the driveway or carport

We have provided responses to each of council’s stated concerns in support of our proposal during the review process – some of this material Council has made available on Council’s DA tracking website. DA 1030/2006.

http://203.186.10.45/applicationtracking/modules/home/default.aspx

We welcome and appreciate your support in the Council Meeting on 10 December, 2007.

Please do not hesitate to contact us if you have any questions.
Best regards

Simon & Yvette Walker
yvettedrwalker@optusnet.com.au
(+612) 98012513
Including a letter of in-principle agreement, a written response to a council request for information letter, the following response via email to the S79C report is not provided on the council's development website and should be considered as part of the review process.

- Previous agreement reached with Council

From early 2005, several discussions took place with the Council Heritage Advisor (Janine Harkness) and our architect seeking guidance and direction with Council provisions within the HDCP, LEP and DCP as related to our proposed development. During this process over $4000 was outlaid to provide sketches, high-level plans, and photos with overlaid artist depictions of the proposed renovation. These were provided to council to assist in council’s understanding of the proposed development.

A final on-site meeting regarding the proposed plans was undertaken in late 2005.

Council was represented by the Council Heritage Advisor and the Development Officer, with the owner’s architect, the owners and other parties present. Council’s advice was that the only remaining issue with the proposal was the street facing garage door.

The meeting discussed all of the outstanding issues and an in-principle agreement incorporating all council’s advice, recommendations and stipulations, was reached by all parties, given:

*Due to insufficient vehicular access to the side and rear of the property, the proposed garage addition to the front of the dwelling was permissible given the garage door was to be moved to a side facing, not street facing aspect.*

It is important to note that the site chosen for the placement of the garage already contains a poorly constructed and inadequate carport as a legacy of previous owners.

Written advice outlining and confirming our understanding of the in-principle agreement was provided to Council as support for the proposed DA.

It is also important to note that the entire process undertaken prior to DA submission was to ensure proposed plans were submitted inline with Council advice, recommendations and stipulations to minimize expensive rework and/or modifications to the proposal.

As such, on the basis of council’s recommendations and the In-principle agreement as documented by us to council, in May 2006 further capital was outlaid creating the architectural plans via Modum Design Construction, subsequently culminating in a Development Application (#Ref: 1030/2006) provided to council in November 2006.

6 months later on 14May’07, based on advice from the Council Heritage Advisor, Council formally advised that plans need to be re-submitted to council with other options for placement of the proposed garage, in complete contradiction to the agreement reached with the Council Heritage Advisor (Janine Harkness).

Immediate discussion was instigted with the assigned Development Assessment Officer Sofia Chin and advice received was that a new Heritage Advisor had been appointed to this position and his advice was the plans would be rejected due to the placement of the garage.

Further discussions were undertaken with Council culminating on a site inspection with the following Council representatives:

- Scott Cox
All parties were invited to inspect and discuss the proposed development and the only issue raised was the garage placement. We were advised at the conclusion of this discussion that Council would reach a decision based on the inspection.

The formal advice received 27 June 07 was that Council would not support our proposed development primarily due to the adverse affect on the conservation area.

Council requested submission of data further supporting the proposed development, but were unable to clarify this requirement despite us seeking guidance on more than 2 occasions as to what further supporting data was required.

We responded in email to the aforementioned Council representatives seeking guidance from Scott Cox as to the applicability of the ambiguous and ever-changing concerns outlined in Council's letter with no response.

On 31 July we were formally advised by Council that our proposed development has been unconditionally refused with significantly different compliance concerns than previously stated.

We again responded in email to all Council representatives and stakeholders seeking guidance from Scott Cox outlining our concerns with Council's latest advice with again, no response.

We are still awaiting clarification on the numerous ambiguities outlined in no less than 3 different letters from Council.

- S79C assessment

The conclusions drawn and objections outlined within the S79C assessment, which was not provided by Council to us, again includes various new issues that have never been raised as concerns or identified to us previously by Council.

Further, the S79C Heritage assessment summary within the S79C advises that in line with HDCP 2001 "the Guidelines require to position garages at the rear of the property, with side positioning potentially acceptable in some cases".

In fact, HDCP 2001 does not state any requirement to this effect, and in fact states a preference to avoid such scenarios.

As placement of a garage or carport is impossible at the side or rear, the HDCP makes no specific allowances for this scenario, hence our numerous discussions and requests seeking Council's guidance without reasonable resolution to this time.

It is also noted that during the most recent site inspection by Council representatives, the Heritage advisor stated his concerns regarding developmental precedence.

In response to this claim, the heritage advisor was invited by us to inspect the surrounding area, of which;

- 27 and 49 Epping Ave exhibit exact replicas in design concept garage placement to our original development proposal we were requested to change based on Councils
requirements. This being a double garage incorporated into the house with street facing garage doors.

- 107 Eastwood Avenue exhibits an exact replica in design concept garage placement incorporating Council's previously stated and agreed requirements. This being a double garage incorporated into the house with non-street facing garage doors.

All properties above are in the same applicable conservation area and 2 properties are less than 100m from us.

There are numerous other existing examples of the same design concepts within our proposal in the conservation area.

- In the public interest

Despite Council's procedural assessment of the public interest – to which no objections were raised by any party – Council's position that this development is "not in the public interest" is in complete contradiction to the stated public interest as assessed by Council process.

In the public interest, it is suggested that the planned development substantially improves the amenity and character of the surrounding houses and area based entirely on the objective opinions providing support from our neighbors, our professional heritage architects and advisors.

- Residential 2A objectives assessment

Despite Council's assessment being that of an adverse impact to the 2 stated objectives in PLEP 2001, restoration of a run-down poorly designed 1970's remodeling to its original 1930's period example is a primary objective of the proposed development. It cannot be argued that the planned development does not make allowance for substantial improvement in the amenity and character of the surrounding houses and area.

Contrary to the conclusions raised by the current Heritage Advisor, the proposed development significantly improves the property frontage by returning the outlook to a period example of the surrounding area and in doing so, makes significant contribution to council's objectives and aspirations within the applicable DCP, HDCP and LEP documents.

- Application of Conservation Schedule B

65A Epping Avenue (this property) is listed in "Schedule B - Intact Houses of the 1940's and 1950's" in HDCP 2001. This property was actually built in 1935-36 in contradiction with the provisions of Schedule B.

- Improper and inconsistent application of Council review process.

We have been provided with 3 different letters from Council stating 3 different sets of compliance issues with the proposal. Our concerns regarding Council's assessment have culminated in two email responses to the Development Assessment officer seeking clarification of what specific items within the applicable Council plans are deemed non-compliant.

To this date, there still remains ambiguity on most of the objections raised and their application to the proposed development, in particular in light of previous in-principle agreements reached.
Further,

- Council has rejected the entire proposed development, including significant internal and external renovations entirely disassociated with the garage addition of which, to this date, no compliance concerns have been raised by Council. Further, unnecessary costs to the owners are being realized by delaying other work entirely disassociated with the issues raised by Council.

- The S79C assessment, not provided to us, contains objections that have never been advised to us in any communicable form. In particular Item 9 in the Recommendations section of the S79C report – stating a 7cm discrepancy which would have been addressed prior the S79C report.

- Notwithstanding that we have made repeated written requests for specifics and their consistent presentation, there are numerous objectionable comments within the S79C form that are inconsistent with previous and present advice, inapplicable and, in some cases, clearly and conclusively wrong.
  - As an example: it is stated under Street Setback "the proposed setback is not consistent with the predominant street setback". Technically correct, but entirely misleading as the predominant street setback is significantly less than what exists today on our property, and will still remain significantly more than the predominant setback.
  - As a further example, as stated within the S79C form "The Epping Avenue streetscape is predominately characterized by post-war bungalow style single storey dwelling houses".
    - Our house is actually pre-war and has been modified by previous owners to represent a 1970's non-bungalow-style property.
    - We are entirely surrounded by 2 storey dwelling houses and our house remains 1 of 2 single-storey properties amongst 8 double-storey buildings.
    - It could easily be concluded that our property is indeed the aberration as it currently stands relative with the surrounding area, although in a diametrically opposed context to what has been applied by Council's heritage advisor.
    - Our proposal would restore and provide 1 of only 2 examples closely representing preservation guidelines in over 10 adjoining properties.

- The history of the development process, as captured within the S79C form, does not properly represent important historical events, those being the written understanding of the in-principle agreement reached with the previous Heritage Advisor; and the our response to Council's letter of the 27th July requesting additional support information. It is noted that on many occasions, advice was sought from council as to the nature of the additional information required, and this advice has never been satisfactorily received or clarified in any manner.
26 Nov 2007  Extract of SITE PLAN showing position of tree as replaced

Refer to original SITE PLAN for numerated descriptions
26 Nov 2007    Extract of SITE PLAN showing position of existing tree

Refer to original SITE PLAN for numerated descriptions

Existing tree

NORTH

10425

EASTWOOD AVENUE

B

C

D

E

F

G

A
STATEMENT OF ENVIRONMENTAL EFFECTS

Property: 65A Epping Avenue, Eastwood
Owners: Mr & Mrs Walker
Prepared By: Roger B. Saunig – Design Consultant
Phone: 9570 9445
Fax: 9580 6472
Mob: 041825 1125

Builders: Modum Pty Limited
Suite 4, Level 2,
2 East Street, Five Dock 2046
Phone: 9713 1500
Fax: 9713 2481
B. L. No.: 39078

Date: 28th September 2006
1.0 DEVELOPMENT IDENTIFICATION

1.1 DESIGN CRITERIA

The existing site is zoned 2A residential and the proposal allows for an increase for residential use. The site is located on the eastern side of Eastwood Avenue. The street is characterized by a mixture of single and two-storey detached housing of brick construction and tiled pitched roof forms.

The proposed additions we believe comply with council standards in that:

1.1.1 The proposed additions are similar to those recently constructed in the street.

1.1.2 The proposed roof forms reflect the original and surrounding roof forms.

1.1.3 The existing trees will not be affected by the proposed additions.

1.1.4 There will be no increase in the number of people who will reside at the residence.

1.2 BUILDING ENVELOPE

1.2.1 The site area is 1269sqm.

1.2.2 The site coverage of the existing building and additions is approximately 28%.

1.2.3 The existing ground floor area of 141.51sqm, plus the proposed ground floor area of 8.69sqm and proposed attic area of 27.51sqm gives a total floor area of 177.71sqm. As the site area is 1269sqm, this results in a floor space ratio of approximately 14%, well within council requirements. Also we have designed the additions to maintain privacy and solar access to the adjoining properties.

1.2.4 The proposed additions falls within the Council’s height restriction

1.2.5 Rear boundary setback is within Council requirements.

1.2.6 Proposed car parking is to the front of the property by means of a double garage taking the place of existing carport.
2.0 ENVIRONMENTAL EFFECT

2.1 VIEWS

This development does not obstruct views from adjoining properties.

2.2 AMENITY

This proposal does not detract from features which make for a comfortable and pleasant life of adjoining owners.

2.3 PRIVACY

The rear setback of the proposed additions is within Council requirements.

The side setback on the ground floor south side is 1.140m, which complies with Council's requirement.

2.4 SOLAR ACCESS

Being a ground floor extension maintaining existing roof forms and pitch, minimal overshadowing will occur.

2.5 STREETSCAPE

The existing streetscape is a mixture of single and two storey detached housing. As can be seen from the plans, the proposed ground floor addition is of a similar character of the existing ground floor, and others in the immediate area.

The proposed additions have been designed to minimize the impact and reduce overshadowing the adjoining property.

2.6 LANDSCAPING

The proposed additions will not affect the existing landscaping areas.

2.7 STORMWATER

Additional stormwater will be connected to the existing drains which discharge into the street.

3.0 CONCLUSION

It is our professional opinion that the proposed development will in no way adversely affect the surrounding streetscape, and will not impact on adjoining properties as there are several similar additions located in the street. It is a simple ground floor proposal consisting of a double garage and new entry roof adding much needed character to the house.
Sketch

Epping Avenue

Beck Cottage No. 67

Wing Wall (0.97) Over Main Wall (0.26) CLR

Main Wall (0.23) CLR

Pendent Cottages Tile Roof

WALL-BOY (1.14)

Fence (0.19)

2 Storey Beck Cottage No. 65

WALL-BOY (1.15)

Fence (0.15)

197

D.P. 84.24

Fence (0.25)

12-92

Fence (0.25)

Paling

Fence (0.25)

16-19

MESH FENCE

Tennis Court

(A) - Easement for Support 1.5 Wide

(B) - Right of Access 1.5 Wide

(C) - Covenant (A687235)

(D) - Easement (0965327)

28.98

Beck Wall

Tennis Court (C)

Tennis Court (D)

30.48

Fence (0.15)

Fence (0.13)

MESH FENCE

Fence (0.19)

MESH FENCE

Fence (0.27)

Fence (0.27)

2000 E.J. Garvin & Company
STATEMENT OF HERITAGE IMPACT:
ALTERATIONS TO ITEM IN CONSERVATION AREA
65A EPPING AVENUE, EASTWOOD
NOVEMBER 2006
HT 06/037

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GENERAL NOTES FOR CLIENT

This report follows the standard format for heritage impact assessments as outlined in the guideline *Statements of Heritage Impact*, published by the New South Wales Heritage Office as part of the *NSW Heritage Manual*. The general methodology is to:

* examine the significance of the affected heritage item or area;
* outline a brief policy, or general approach, for conservation of the item or area; and
* assess the impact of the proposed development on the item or area, having regard to its significance and the preferred approach to its conservation.

Heritage assessment methodology in Australia generally derives from the *Burra Charter* (as revised 1999) published by Australia ICOMOS. (ICOMOS is the international standard-setting body for heritage.) The following terminology from the *Burra Charter* is commonly used in heritage reports and the definitions of the terms should be noted:

_Cultural significance_ means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. (Article 1.2 of the *Burra Charter*)

_Conservation_ means all the processes of looking after a place so as to retain its cultural significance. (Article 1.4)

_Maintenance_ means the continuous protective care of the fabric and setting of a place, and is to be distinguished from repair. Repair involves *restoration* or *reconstruction*. (Article 1.5)

_Preservation_ means maintaining the fabric of a place in its existing state and retarding deterioration. (Article 1.6)

_Restoration_ means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material. (Article 1.7)

_Reconstruction_ means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric. (Article 1.8)

_Adaptation_ means modifying a place to suit the existing use or a proposed use. (Article 1.9)

The following principles of the *Burra Charter* relating to the process of conservation should be particularly noted:

Change may be necessary to retain cultural significance, but is undesirable where it reduces cultural significance. The amount of change to a place should be guided by the cultural significance of the place and its appropriate interpretation. (Article 15.1)

_Maintenance_ is fundamental to conservation and should be undertaken where fabric is of cultural significance and its maintenance is necessary to retain that cultural significance. (Article 16)

_Preservation_ is appropriate where the existing fabric or its condition constitutes evidence of cultural significance, or where insufficient evidence is available to allow other conservation processes to be carried out. (Article 17)

_Restoration_ is appropriate only if there is sufficient evidence of an earlier state of the fabric. (Article 19)

_Reconstruction_ is appropriate only where a place is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the fabric. In rare cases, reconstruction may also be appropriate as part of a use or practice that retains the cultural significance of the place. Reconstruction should be identifiable on close inspection or through additional interpretation. (Article 20)

_Adaptation_ is acceptable only where the adaptation has minimal impact on the cultural significance of the place. Adaptation should involve minimal change to significant fabric, achieved only after considering alternatives. (Article 21)

New work such as additions to the place may be acceptable where it does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation. New work should be readily identifiable as such. (Article 22)

NOTE FOR CONSENT AUTHORITY

It is recommended that a copy of this report be lodged in the Local Studies collection of the local Council Library or other relevant repository.
Statement of Heritage Impact for:
65A Epping Avenue, Eastwood

This statement forms part of a Development Application for:
Alterations and additions to a dwelling within a Conservation Area, as shown in drawings numbered 0649/1-7, prepared by Modum Pty. Ltd., dated 21 September 2006.

Date:
5 November 2006

Reference to controls:
City of Parramatta:
Within the Epping/Eastwood Conservation Area under Parramatta Local Environmental Plan of 2001
Heritage Control Plan 2001

Address and Property Description:
65A Epping Avenue, Eastwood

Prepared by:
Tony Prescott, MA(Hons), Dip Ed, MPHA, FAPI
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For client:
Simon and Yvette Walker

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SUMMARY AND RECOMMENDATIONS

The objective of this Heritage Impact Assessment is to assess the impact of additions and alterations to the front and rear of the house. On the basis of the significance of the Conservation Area, it is concluded that:

- The proposal respects the heritage significance of the Conservation Area through sympathetic alterations to the house.
- The proposal does not have a detrimental impact upon the aesthetic quality of the Conservation Area.

It is recommended that the proposal be approved on heritage grounds.

PART A: SIGNIFICANCE OF THE ITEM

Historical and Physical Evidence:

History

The area between Eastwood and Epping on the western side of the Main Northern Railway was originally granted to Captain William Kent in 1796 and remained largely covered with timber or orchards until the end of the nineteenth century. The opening of the railway in 1886 brought with it the construction of a station at Epping. Gradual suburban subdivision followed around Epping and the lands of the Kent estates were released for subdivision in the 1910s. The allotments were affected by building covenants which specified minimum standards and values and effectively ensured that the area would become a middle-class suburb of free-standing houses. The proclamation of the area as a residential district under the Local Government Act in 1932 ensured that it was little affected by changes since.¹

By 1909, 220 acres of the land extending from Midson Road to the railway was in the ownership of Reginald Galbraith and Lewis Johnstone who sold off the subdivided lots between 1909 and 1922. The subject property is a further subdivision of one of these lots and contains a house erected after the 1940s.²

The Building and its Context

The residence is a modest example of a post-war bungalow.³ It is a double fronted rendered

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² NSW Land and Property Information: Certificates of Title vol. 2984, folio 240; vol. 3220, folio 231; vol. 5224, folio 302; computer folio 154/8424. *Sand Sydney and Suburban Directory, 1922-1932/33*.

brick house with terracotta tiled roof. Surrounding development is a mixture of interwar and post-war housing, with some more recent infill developments and a number of attic/attic extensions to older houses. The houses are predominantly single storey, with some two-storey buildings.

Photographs of the site and its environs are at Appendix A. A description of the Conservation Area and its significance from the Heritage Control Plan is at Appendix B.

Significance:

The property is a component of the Epping/Eastwood Conservation Area. Council's Heritage Control Plan (2001) describes the significance of this area as follows:

An intact residential suburban area [from] the first quarter of the twentieth century developed alongside the railway and from earlier villa estates. It includes a variety of houses in size and style, with Federation houses and 'between-the-wars' bungalows predominating. Mature trees, on private and public land (including remnant native trees), combine with the natural terrain to provide views, which are an integral part of the character of the area.

In Council's Heritage Control Plan (DCP) 2001, the property is listed as one of the Intact Houses of the 1940s and 1950s that complete the major developmental history of the area. The subject property is thus a representative contributor to the aesthetic and historical heritage values of the Conservation Area.

In summary, it is concluded that the Epping/Eastwood Conservation Area has:

Aesthetic significance as

- an intact early to mid twentieth-century suburban area with a high quality of architecture complemented by gardens and trees;

Historical significance as

- relatively undisturbed evidence of early to mid twentieth century suburban development in Epping/Eastwood.

It is concluded that the Conservation Area is of representative aesthetic and historical local significance and that no. 65A Epping Avenue is a minor contributor to that significance.

PART B: CONSERVATION POLICY

Council’s Heritage Control Plan (2001) provides the setting for a Conservation Policy for this property. It states general objectives for the Epping/Eastwood Conservation Area to:

- Keep the attributes that contribute to the heritage value and character of the area.
- Maintain and improve residential amenity.
• Allow development compatible with the significance and character of the area.

Houses from the 1940s/1950s, such as the subject property, complete the major developmental history of the area. The Plan notes that their scale, materials and gardens complement the character of the area and that their conservation is to be encouraged.

The Plan sets out a number of objectives for the area relating to design and materials, outbuildings, fences, gardens and trees. The predominant single storey character of the area is noted with the comment that "extensions to the rear of houses ... may be preferable to inserting rooms within the existing roof, especially with houses whose style rarely included rooms in the roof (such as Californian bungalows)" (page 68). Other relevant points in the Plan for this property are:

• that the scale, form and architectural details of existing houses of heritage value be maintained (page 69);
• original architectural details to facades should be kept (page 69);
• a consistency of scale and materials in extensions to existing buildings should be kept so that the new work does not detract from the heritage buildings and their amenity or from the streetscape (page 70);
• extensions to existing buildings should use the same materials as the existing house and linked pavilions or skillions at the back of the house are preferred (page 70).

In general, the Plan indicates a preference that the original external form of the house is retained with any extensions to be at the rear.

PART C: IMPACT OF PROPOSAL ON SIGNIFICANCE

Description of the Proposal:

The proposal is for addition of a garage to the front of the house (incorporating an attic room), with associated works to the house entry, and some minor fitout work inside the house including the rear sunroom/kitchen area. In principle, the proposed garage at the front of the house contravenes the provisions of the Heritage Control Plan. However, the clearance at the side of the house is too narrow for a modern larger car to access parking at the rear. A decision was therefore made that, in view of the lack of significant architectural merit at the front of the house, a garage be attached to the front of the house with gable designs that would help match the work to the general qualities of the street setting.

It is understood that the client has held discussions with Council’s heritage planner and that the proposal was accepted in principle provided that the vehicle door of the garage was located side-on to the extension so that it was not visible from the street. The proposed design has thus been executed along these lines as discussed. Materials and finishes for the new work are to match the existing (cement-rendered walls, terra cotta roof tiles).

Extracts from the development plans for the proposed work are at Appendix C.
Impacts of the proposal:

The proposal results in an addition to the front of a house listed in Schedule B of the Heritage Control Plan. However, the work will not involve demolition of the existing building and has been designed, after consultation, to best-respect both the property and its setting.

Aspects that respect or enhance the significance of the item or area:

The proposal respects the heritage qualities of the Conservation Area and, in a broad rather than specific sense, the objectives of the Heritage Control Plan.

Alternatives:

There are not considered to be any significant alternatives to the proposal given the site limitations (narrow side access). Excavation of a garage under the house was considered but found to be more detrimental to heritage qualities, both physically and visually.

Measures to mitigate impacts:

No specific measures are considered necessary given the generally sympathetic design of the proposal.

Conclusion:

The proposal does go against some of the objectives of the Heritage Control Plan for the Conservation area but is sympathetically resolved and is appropriate in terms of broad heritage objectives.

BIBLIOGRAPHY


NSW Land and Property Information: Certificates of Title vol. 2984, folio 240; vol. 3220, folio 231; vol. 5224, folio 202; computer folio 154/8424.

Parramatta City Council, City of Parramatta Heritage Study, 1993.

APPENDIX A
Site photographs
No. 65A from street. Site of proposed garage is behind the car.

Setting of property (at right) from south-east

Setting of property (at left) from east
APPENDIX B
Description of the Epping/Eastwood Conservation Area from the Parramatta Heritage Control Plan
3.0 Distinctive Characteristics

- The area comprises the edge of a sandstone plateau falling in a series of spurs and gullies. The landform is partially obscured by the pattern of roads, the development and the tree cover.
- Close and middle distance views dominated by trees and longer distant views of surrounding suburbs and the city from high land, particularly near the railway
- A range of allotment sizes
- Predominantly single storey brick bungalows built between 1910 and 1940, with typical Sydney architectural details of their time, such as stone foundations, leadlight windows, and front porches; a small number of original timber houses
- Some later post-war houses in similar scale, including some two-storey houses in and near Chesterfield Road
- Some substantial houses, eg in Railway Avenue, Chesterfield Road and High Street, mostly in Federation style
- Houses in Railway Parade and High Street are sited at the top of the rise to take advantage of the views and have large mature front gardens
- Predominance of brick as a building material, with tiles, slate and a few houses with asbestos slates, as roof cladding
- Street trees and gardens with plantings characteristic of the 1910s - 1930s - including date palms, brush box, etc; mature trees including some remnant indigenous trees
- A considerable number of original brick fences and stone retaining walls
- Lack of structures, garages, carports between the building line and the front fence
- Low brick fences, grass verges and footpaths to each street with brick paving in some areas - such as the southern end of High Street
- Some recent development of villa units has resulted in the loss of trees and increase in hard-surfacing
- Some two storey extensions, most of which are designed to match the style and scale of the existing houses

4.0 Why This Area Is Important & Worth Keeping

A statement of heritage significance

An intact residential suburban area in the first quarter of the twentieth century developed alongside the railway and from earlier villa estates. It includes a variety of houses in size and style, with Federation houses and 'between-the-wars' bungalows predominating. Mature trees, on private and public land (including remnant native trees), combine with the natural terrain to provide views, which are an integral part of the character of the area.
APPENDIX C
Extracts from plans for proposed development: 65A Epping Avenue
(A) - EASEMENT FOR SUPPORT 1.5 WIDE
(B) - RIGHT OF ACCESS 1.5 WIDE
(C) - COVENANT (A687235)
(D) - EASEMENT (D96592)