



Development Control Unit

19 March 2024 at 10am



ORDER OF BUSINESS

Attendance, Apologies,
Declarations of Interests

- 1 Confirmation of Minutes
- 2 Development Applications

**HUNTER'S HILL COUNCIL
DEVELOPMENT CONTROL UNIT
19 March 2024**

INDEX

1 – CONFIRMATION OF MINUTES

- 1 Confirmation of Minutes of Development Control Unit 1 held 7 February 2024

2 - DEVELOPMENT APPLICATIONS

- | | | |
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| 2.1 | 10am 2 Margaret Street, Woolwich | 1 |
| 2.2 | 10.30am 1 Euthella Avenue Avenue, Hunters Hill | 42 |

COMMENCEMENT

The meeting opened at 11am.

IN ATTENDANCE

Steve Kourepis	Director, Town Planning
Shahram Mehdizadgan	Senior Executive Town Planner
Michael Brewer	Consultant Town Planner
Sarah Jenkins	Town Planning Coordinator

DEVELOPMENT APPLICATIONS

2.1 11AM 7 GRAY STREET, HENLEY

PROCEEDINGS IN BRIEF

Attendees Andrew Li, owner
 Dino Scatena, 2 Dick Street

Proceedings Michael Brewer gave a summary of his report and the issues that had been raised in the submissions to the application.
 Dino addressed the DCU and outlined his concerns regarding the impact on the tenants of his property during the construction phase. Also, any damage that may occur to the driveway and garden was a concern.
 Michael highlighted the special condition that deals with access to the property during construction.
 Andrew Li addressed the DCU and stated that their intent is to leave the driveway and garden in the same condition, if not better, after completion of the project.

DECISION RESOLVED on the MOTION of Mr Kourepis , seconded Shahram Mehdizadgan, That Development Application No. 20220234 for demolition of an existing pool and construction of a new secondary dwelling with swimming pool above and associated landscaping at 7 Gray Street, Henley be approved, subject to the following conditions:

Standard Conditions

GEN 0

GEN1

GEN3:

Drawing Number/ Revision	Date	Drawn By	Title
Job No. 2212, Drawing DA02, Rev A	2.12.2022	O2 Architecture	Existing Floor and Demolition Plans

Job No. 2212, Drawing DA03, Rev C	24.10.2023	O2 Architecture	Proposed Garden Plan
Job No. 2212, Drawing DA04, Rev B	14.03.2023	O2 Architecture	Proposed Secondary Dwelling Plan
Job No. 2212, Drawing DA05, Rev C	24.10.2023	O2 Architecture	Elevations and Section
Job No. 2212, Drawing DA06, Rev B	14.03.2023	O2 Architecture	Elevations
Job No. 2212, Drawing DA07, Rev B	14.03.2023	O2 Architecture	Area Calculation
Job No. 2212, Drawing DA011, Rev A	14.3.2023	O2 Architecture	Bulk Earthworks Plan
Drawing No. 2219-01, Revision D	19.03.2023	Paddock Studio	Title Sheet
Drawing No. 2219-02, Revision D	19.03.2023	Paddock Studio	Landscape DA Plan 1 of 3 Rear Garden and Terrace
Drawing No. 2219-03, Revision D	19.03.2023	Paddock Studio	Landscape DA Plan 2 of 3 Lower Rear Garden and Studio
Drawing No. 2219-04, Revision D	19.03.2023	Paddock Studio	Landscape DA Plan 3 of 3 Existing Front Garden
Drawing No. 2219-05, Revision D	19.03.2023	Paddock Studio	Planting DA Plan 1 of 1
Drawing No. 2219-06, Revision D	19.03.2023	Paddock Studio	Plant DA Schedule Plant Images
Job No. 220501, Drawing D1, Revision B	02.11.2023	Quantum Engineers	Detail, Notes and Legend
Job No. 220501, Drawing D2, Revision B	02.11.2023	Quantum Engineers	Site/ Ground Floor Plan
Job No. 220501, Drawing D3, Revision B	02.11.2023	Quantum Engineers	Lower Ground Floor Plan
Job No. 220501, Drawing D4, Revision B	02.11.2023	Quantum Engineers	Roof Plan

Job No. 220501, Drawing D5, Revision B	02.11.2023	Quantum Engineers	Stormwater Details
Job No. 220501, Drawing D6, Revision B	02.11.2023	Quantum Engineers	Sediment Control Plan
Job No. 220501, Drawing D7, Revision B	02.11.2023	Quantum Engineers	Sediment Details

Document	Prepared By	Dated
Addendum Statement of Environmental Effects	Sky Town Planning	22 March 2023
Statement of Heritage Impact	Three + One Heritage	21 March 2023
Geotechnical Investigation Report	Fortify Geotech	14 March 2023
Aboricultural Impact Assessment	Abnoba Arbor	14 March 2023

GEN 5, 6, 7, 20, 21, 23

PCC0

PCC1 (\$1,733.00).

PCC3 (\$5,000)

PCC5 (\$4,950)

PCC11

PCC12 – 1350186S

PCC13,

PCC15, 16, 17, 18, 20, 21, 32, 41, 42, 47,

PCC54 5 and 9 Gray Street and the driveway to No. 2 Dick Street

PCC72, 75, 76

The existing stone walls located within the western portion of the Site are to be protected from damage during construction to the satisfaction of Council.

Details of the method of protection of the wall are to be submitted to Council

prior to the issue of the Construction Certificate. Photographs of the wall are to be submitted to Council prior to the commencement of any building work.

Special Condition:

Nothing in this consent authorises the installation of the proposed 1.8m high timber fence along the western boundary to the Dick Street Road Reserve or for a distance of 10m along the northern and southern boundaries from the western boundary. In this regard, all plans submitted with the Construction Certificate are to delete any reference to the 1.8m high timber fence and maintain any existing sandstone walls, blocks or outcrops in order to maintain an appropriate and compatible streetscape.

Special Condition:

Nothing in this consent authorises the placement of vehicles, materials, stockpiles or any other matter within the access driveway to No. 2 Dick Street in any manner that would prevent vehicular and pedestrian access to that property from either Dick Street or Kelly Street. In the event that vehicles, machinery and/ or equipment need to be placed temporarily within the driveway to facilitate construction, the applicant shall ensure that both Council and residents of No. 2 Dick Street are advised in writing with no less than 24 hours notice in advance of any obstructions to access caused by machinery, deliveries or the like and the anticipated duration.

PCW0, 1, 2, 3, 4, 5, 6, 8, 14,16, 18

CSIO, 3

DEM0, 1,3,4,5,6,7,8,9,10,11,12,13,15,16, 17

CON0,1,2,3,4,5,7,8,9,11,12,13,14,15,17,19,20,21,23,29, 34,35,37, 41, 42, 43,44,45,47, 51, 52, 53, 54, 55, 58, 59, 70,71

POC0,1,2,3 - 1350186S,

POC4,13,14, 17,20,22,23,24,25, 28,

POC7 Landscape in accordance with the stamped approved plans.

- Landscape Plans
(prepared by Paddock Studio, dwg no 2219 – 01-06 D, dated 19.03.2023)

POC10

- Arboricultural Impact Assessment
(prepared by Abnoba Arboricultural Services, dated 14.03.2023)

POC75

The following Special Conditions apply:

PCW Tree Protection

a)

Tree No/ Location	Species	TPZ (m)
Tree 1	<i>Angophora costata</i>	8.4

- The trees listed above in (a) shall be retained and protected in accordance with the Arboricultural Impact Assessment (prepared by Abnoba Arboricultural Services, dated 14.03.2023)

b) The following works are excluded from within the TPZ, unless otherwise stated.

- * Grade alterations
- * Soil cultivation, disturbance or compaction
- * Stockpiling, storage, disposal or mixing of materials
- * Refuelling of machinery or vehicles
- * Washing of machinery or vehicles
- * Pedestrian access or vehicular access
- * Siting of offices, sheds or temporary services
- * Any action that has the potential to impact the tree's health and structural condition

PCW Street Tree Protection

- a) All street trees located directly outside the site must be retained and protected in accordance with the AS4970 Australian Standard Protection of trees on development Sites 2009.
- b) Tree trunk and major branch protection must be installed prior to the commencement of any works (including demolition). The protection must be installed and certified by a qualified Arborist (AQF Level 3) and must include:
 - An adequate clearance, minimum 250mm, must be provided between the structure and tree branches and trunks at all times;
 - Tree trunk/s and/or major branches to a height of two metres must be protected by wrapped thick underlay carpet or similar padding material to limit damage;

- Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion;
 - Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- c) Temporary signs, or any other items, must not be fixed or attached to any street tree.
- d) All hoarding support columns are to be placed a minimum of 250mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- e) Materials or goods, including site sheds, must not be stored or placed:
- around or under the tree canopy or
 - within two (2) metres of tree trunks or branches or any street trees
- f) Any excavation within any area known to or suspected of having tree roots greater than 40mm diameter must be undertaken using tree sensitive excavation methods. Roots greater than 40mm must not be severed or damaged unless approved in writing by Council.

Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council.

2.2 11.30AM 14 ELLESMERE AVENUE, HUNTERS HILL**PROCEEDINGS IN BRIEF**

Attendees Li Wang, owner
Peter Katris, architect
Bernard Moroz, planner
Andrew Livermore, 12 Ellesmere Ave
Ricarda Sanders and Idylle Tayong, 16 Ellesmere Ave
Luke Baker, 11 Foss St

Proceedings Mr Katris addressed the DCU and summarised the proposal.
Andrew Livermore addressed the DCU and outlined his concerns regarding the southern elevation, particularly the window that creates a privacy issue and is requesting the window is returned to the original court approval. Also, concerned with first floor windows and overlooking of courtyard, and requests that they are reverted to the court approved location.
Idylle addressed the DCU on behalf of her mother, Ricarda, and stated concerns with increased roofline and obstruction of view and privacy impacts. She is also concerned with first floor windows on the northern elevation and the privacy impacts.
Luke Baker addressed the DCU and outlined objections to the increased height in roofline and the resulting impacts on view.
Mr Katris advised that they can amend the roofline to comply with the original court approval.
Mr Katris also advised that the ground floor window could be reverted to the original court approved location and translucence with no issue.
Mr Katris advised that the three second floor windows on the southern elevation are for circulation, in an atrium and a bathroom.
Mr Katris advised that the first floor windows on the northern elevation are for an ensuite bathroom.
Steve Kourepis advised that the applicant is to submit amended plans to reduce the roofline to the court approved plans and to revert the ground floor windows to the court approval.
Council will further review the situation regarding all proposed first floor windows on the southern and northern elevations and advise accordingly.

**DECISION
PENDING****RECOMMENDATION**

That Development Application 2019/1034-1 for the modifications to the internal floor layout, addition of a lift and changes to windows and fencing be approved and that Condition No.2 be modified to include the following plans:

Drawing Number	Drawn By	Plan Dated
Title Page, A000, Revision E	Katris Architects Pty Ltd	24.08.23

Basement Floor Plan with Notes, A001, Revision E	Katris Architects Pty Ltd	24.08.23
Ground Floor Plan with Notes, A002, Revision E	Katris Architects Pty Ltd	24.08.23
First Floor Plan with notes, A003, Revision E	Katris Architects Pty Ltd	24.08.23
Roof Plan, A004, Revision E	Katris Architects Pty Ltd	24.08.23
Elevations, A005. Revision E	Katris Architects Pty Ltd	24.08.23
Section/Streetscape, A006, Revision E	Katris Architects Pty Ltd	24.08.23
Driveway Profile, A007, Revision E	Katris Architects Pty Ltd	24.08.23
Area Calculations, A008, Revision E	Katris Architects Pty Ltd	24.08.23
Materials and Finishes, A009, Revision E	Katris Architects Pty Ltd	24.08.23

Additional conditions to be added:

BCC3 (Construction Certificate, Principal Certifier)

BCC4

(a) The silt arrestor pit on sheet no. 104 of the Stormwater Management Plan (SMP), prepared by C & S Engineering Services, is to have a 200mm deep sediment trap below the invert of the outlet pipe. The SMP is to be revised to include the sediment trap.

BCC5 (Construction Certificate, Principal Certifier)

BCC7 (Construction Certificate, \$5,000)

BCC12 (1000630S_03)

BBW10

DBW3

Monday – Friday 7:00am to 5:00pm

Saturdays 8:00am to 1:00pm

Sundays and Public Holidays No activities permitted

DBW1

DBW24

BOC8 (Occupation Certificate)

BOC16

BOC18

Stormwater	C & S Engineering Services	Stormwater Management Plan, revisions F, G and I dated 21/08/23	000, 101, 102, 103, 104
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All other existing conditions are to remain as originally approved.

ITEM NO	: 2.1
SUBJECT	: 2 MARGARET STREET, WOOLWICH
STRATEGIC OUTCOME	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
ACTION	: DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
REPORTING OFFICER	: REAN LOURENS
DEVELOPMENT APPLICATION NO	20211244-1
PROPOSAL	ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE, REAR EXTENSION GROUND FLOOR AND MODIFIED SWIMMING POOL AND LANDSCAPING. S4.55 MODIFICATION - REPLACE BALUSTRADE, DECK AND ROOF TILES, CHANGES TO LANDSCAPING AND EXTERNAL FINISHES.
APPLICANT	DANIEL SUTTON
OWNER	MR D J & MRS A B C SMITH
DATE LODGED	27 OCTOBER 2023

Ref:688785

INTRODUCTION

Reasons for Report

The proposal resulted in two (2) submissions in response to the neighbour notification process.

REPORT

1. DESCRIPTION OF PROPOSAL

1.1 Original development proposal

The original development proposal was for the alterations and additions to an existing residence which included the rear extension of the ground floor and modifications to the swimming pool and landscaping.

1.2 S4.55 Modifications

The proposal seeks to modify development consent No. 2021/1244 to replace the front balustrade and decking boards, roof tiles, to construct a new block retaining wall within the rear setback, remove a Lilly Pilli within the eastern setback, modify the approved swimming pool to include a spa, and other minor changes to external finishes to the approved alterations and additions.

The specific proposed modifications are listed below:

1. Replace the balustrade and decking along southern section of the dwelling.
2. Modify W1, W2 and D1 in the approved Glazing Schedule and replace the existing skylight above the main bathroom.
3. Modify the approved External Finishes Schedule to alter the finishes to the retaining wall, pool coping and alfresco tiles.
4. To construct a new block retaining wall at the rear of the site with garden bed, adjacent to the existing retaining wall along the rear boundary.
5. Remove and replace the existing terracotta roof tiles from the dwelling.
6. Amend (increase) the height of the existing brick/pier boundary wall to Margaret Street to comply with fencing requirements for pools.
7. Remove the Lilly Pilli tree within the eastern setback and replacement by similar tree.
8. Modify the approved pool to include a spa.
9. Amend the approved BASIX certificate to resolve issues identified during construction and to reflect the changes proposed in this application.

It is noted that the additional information received on 23 December 2023 removed the amendments to the brick wall along the boundary on Margaret Street (Point 6 above) and added the planting of a replacement Lilly Pilly along the eastern boundary.

2. DESCRIPTION OF SITE AND LOCALITY

The site is known as 2 Margaret Street, Woolwich, on Lot A DP 354715, and located within an R2 Low Density Residential zone.

The site is rectangular in shape, located on the corner of Margaret Street and Alfred Street. The site has a total site area of 862.7m², with a fall of approximately 6m from the north to the south.

The site is located within a Heritage Conservation Area No.2 – “The Peninsula” Significance: Local, a River Front Area, and is mapped as containing Class 5 Acid Sulfate Soils.

The site contains an existing single storey brick dwelling with a pitch/gable roof. The surrounding sites consist of a mixture of single and two (2) storey dwellings, open space reserves, bushland, and the Woolwich boat ramp to the south.

3. PROPERTY HISTORY

The subject site was granted Development Consent under DA2021/1244 on 15 September 2022 for the ‘Alterations and additions to an existing residence, rear extension ground floor and modified swimming pool and landscaping’. The alterations and additions are currently under construction.

4. REFERRALS

4.1 External Approval Bodies

Not Applicable.

4.2 Internal Referrals

Heritage

The Development Application was referred to the Councils Heritage Consultant who identified a number of issues.

These were addressed by the applicant and on referral the proposed amendments were supported. Of note is the removal of the works associated with the brick wall along the boundary on Margaret Street.

A condition stating that the face brickwork of the existing house must not be tuck-pointed was provided.

Public Works and Infrastructure

The Development Application was referred to Councils Development Engineer who advised by memo that there are no objections to the development and conditions of consent have been provided. The introduction of a functional drainage system along the eastern boundary will ensure stormwater from the site is conveyed with no anticipated impacts on the adjoining development.

Parks and Landscape

The Development Application was referred to Councils Tree and Landscape Consultants who advised by memo that there are no objections to the development and conditions of consent have been provided.

5. ASSESSMENT UNDER S.4.55

The relevant matters for consideration under section 4.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) are assessed under the following headings:

5.1 Environmental Impact

It is considered that the proposal will not result in any significant environmental impacts and the proposal is therefore consistent with the provisions of Section 4.55(1A) of the EP&A Act.

5.2 Substantially the same development

The development only proposes minor amendments to the existing approval and is considered substantially the same as was approved under the original consent. The proposal is therefore considered consistent with the provisions of Section 4.55(1A) of the EP&A Act.

5.3 Notification requirements

The proposed modification was notified for 14 days until 10 November 2023, with two (2) submissions received during this period. The submissions are addressed in further detail within section 7 of this report.

5.4 Assessment under S.4.15(1)

The relevant matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* are assessed under the following headings:

Regional Environmental Plans (REPs) – Deemed SEPPs

State Environmental Planning Policy (Building Sustainably) 2022

An amended BASIX Certificate has been submitted as part of this application to include the changes to the windows, skylight, water heating and pool amendments.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

The chapter requires that consideration must be made if the amended development will have any impact upon the suitability of the land, if its contaminated, if it is suitable for the proposed use, and/or if contaminated is required to be remediated before the land is used for that purpose.

The subject site has a longstanding history of residential use; therefore, it is unlikely to contain any contaminants that would preclude to ongoing residential use.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas

The proposed amended development will require a root mapping for the Jacaranda tree located within the rear setback of the site and the removal of one (1) tree (Lilly Pilli) located within the side setback.

The Jacaranda tree will be retained, and root mapping will be carried out to ensure that the footings of the proposed block retaining wall at the rear of the site will not impact on the trees TPZ.

The Lilly Pilli tree is proposed to be removed to allow for the excavation and installation of new stormwater pipes. The proposed tree removal is considered acceptable due to the current declining health of the tree. The applicants have also agreed to plant a new tree in this location and to provide four (4) replacement native trees within the front setback located away from the drainage pipe to counteract the removal.

It is therefore considered that the proposed root mapping and tree removal will not have any significant adverse impacts on the site and is substantially the same as the original proposed development.

Other Legislation

Not applicable.

Hunters Hill Local Environmental Plan 2012

Aims and Objectives of Hunters Hill Local Environmental Plan 2012 and Zone

The site is zoned R1 Low Density Residential under the HHLEP.

The zone objectives are as follows:

- To provide for the housing needs of the community within a low density residential environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain the identity of Hunters Hill by ensuring that new buildings are compatible with the garden suburb character and heritage values that distinguish the low density localities.
- To provide for high levels of amenity that are consistent with low density residential environment.

It is considered that the proposed amendments are in keeping with the aims and objectives of the zone.

Statutory Compliance Table

The following table illustrates whether the proposed modification complies with the relevant statutory controls of *Hunters Hill Local Environmental Plan 2012*.

Statutory Controls	Proposed	Control	Compliance
Clause 4.3 Height	The modifications will not change the existing building height of 6.95m and will remain one (1) storey.	8.5m Not more than 2 storeys Height of external walls should not be more than 7.2m	Yes
Clause 4.4 Floor Space Ratio	The modifications will not increase the existing proposed FSR. The current FSR calculates to approximately 0.3:1.	0.5:1	Yes
Clause 5.10 Heritage Conservation	<p>The subject site does not contain any heritage items, however, is located within HCA No.2 Significance "The Peninsula" and is adjacent a heritage listed dwelling.</p> <p>The current proposed modifications were referred to the Councils Heritage Consultant for review upon lodgment. The application was not supported and changes to the design were requested.</p> <p>The applicant provided additional information and amended the design to comply with the Heritage objectives and is now compliant and conditions of consent apply.</p>	<p>To conserve the environmental Heritage of Hunters Hill.</p> <p>To conserve the Heritage significance of Heritage items and Heritage including associated fabric, settings, and views.</p> <p>To conserve Archaeological sites.</p> <p>To conserve Aboriginal objects and Aboriginal places of Heritage significance.</p>	Yes
Clause 6.1 Acid Sulfate Soils	The site is listed as containing Class 5 in Acid Sulfate Soils, however due	To ensure the development does not disturb, expose, or drain Acid	Yes

Statutory Controls	Proposed	Control	Compliance
	to longstanding residential use the site will not be affected, and precautions will be taken if contaminated soils are exposed.	Sulfate Soils and cause environmental damage.	
Clause 6.2 Earthworks	Sediment and erosion controls will be installed during construction to prevent any adverse impacts on soils.	To ensure that Earthworks and associated groundwater dewatering will not have any detrimental impacts on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Yes
Clause 6.3 Stormwater Management	The proposed amendments include changes to the drainage along the eastern boundary of the site.	To minimise the impacts of urban Stormwater on land which also applies to adjoining properties, native bushland and receiving waters.	Yes
Clause 6.7 Development on River Front Areas	The subject site is identified as being located within a River Front Area. As the proposed modifications are minor in nature, the development is not expected to create any adverse impacts upon the River Front Area and complies with the objectives of this clause.	Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that	Yes
Clause 6.9 Landscaped Areas for Dwelling Houses and Secondary Dwellings.	No change to the approved landscaped area is proposed. The current design shows overall soft landscaped of approximately 420m ² of soft landscaping and 72m ² of hard spaces. This calculates to an overall coverage of 56.8%.	50%	Yes

Other Special Clauses / Development Standards

Not applicable.

Draft Amendments To Statutory Controls

No relevant draft amendments pertaining to this application.

Hunters Hill Development Control Plan 2013

Hunters Hill Consolidated Development Control Plan 2013 applies to proposed development within the Hunters Hill Local Government Area. An assessment against the relevant development standards is provided below.

Statutory Controls	Proposed	Control	Complies
Height	The modifications will not change the existing height of the dwelling.	8.5m Not more than 2 storeys Height of external walls should not be more than 7.2m	Yes
Setbacks	The proposed modifications will not alter the existing proposed setbacks.	Front setbacks should be an average of adjoining dwellings. Side setbacks should be 1.5m Rear setbacks should be 6m	Yes
Landscaped Areas	The proposed modifications will not alter the existing proposed landscaped area.	As per HHLEP 50%	Yes
Visual Privacy	No changes are proposed that would create any visual privacy impacts.	Limit impacts on privacy	Yes

Trees and Vegetation

The proposed modification will include the implementation of a TPZ for the existing Jacaranda Tree and the removal of one (1) Lilly Pilli Tree located to the west of the site. The proposed removal is considered acceptable as new tree planting is proposed.

Heritage Conservation Areas

The subject site does not contain any heritage items, however, is located within HCA No.2 Significance "The Peninsula" and is adjacent a heritage listed dwelling.

As previously mentioned, the application was referred to the Councils Heritage Consultant for review upon lodgment. The application was not supported and changes to the design were requested.

The applicant provided additional information and amended the design to comply with the Heritage objectives and is now compliant and conditions of consent have been provided.

Stormwater Management

As previously mentioned, some changes are proposed to the existing approved Stormwater Management Plans that is compliant with Council requirements.

Other DCPs, Codes and Policies

Not applicable.

6. THE LIKELY IMPACTS OF THE DEVELOPMENT

Economic Impact Assessment

There is no direct financial impact on Councils adopted budget as a result of this report.

Environmental Impact Assessment

There is no direct environmental impact on council arising from Council consideration of this matter.

Social Impact Assessment

There is no direct social impact on Council arising from Council consideration of this matter.

7. SUBMISSIONS

The proposed development was notified in accordance with Council's Consolidated Development Control Plan 2013 for a period of 14 days (ending 10 November 2023) and during that period a total of two (2) submissions were received.

NOTIFICATION REQUIRED	YES
NUMBER NOTIFIED	
SUBMISSIONS RECEIVED	
Ian Black 2A Margaret Street, Woolwich	
CONCERNS RAISED	COMMENT
Location of solar panels	No change to the solar panels has been proposed. The existing approval shows 26 panels along the eastern section of the extension. The amended design shows the same layout as the approved plans.
Location and removal of the Lilly Pilli	Noted. The architectural plans show that the location of the Lilly Pilli tree to be removed is along the south-western boundary. The proposed removal is considered acceptable due to the declining health of the tree and the requirement to add stormwater infrastructure. It is considered that the removal of the tree will create minor visual privacy concerns as the carport and driveway of 2A Margaret Street directly adjoins the area.

	A new tree is also proposed in the same located that will provide the same screening once the tree has reached a maturity.
Impact on views	<p>The new planting proposed within the southern part of the site has been removed.</p> <p>It is considered that the replacement Lilly Pilly tree along the eastern boundary will alleviate privacy concerns and the new planting is therefore not required.</p> <p>This will limit the impacts on views towards the south east.</p>
Drainage infrastructure	The proposed application includes the installation of a new stormwater and drainage system along the eastern boundary. As a result, the proposed development is unlikely to create any concerns regarding drainage.
Location of off-street car parking	The off-street parking was assessed and approved as part of the original approval. No changes are proposed to either the number of bedrooms or the parking allocation.
SUBMISSIONS RECEIVED Dr. Beverley Bennett 2A Margaret Street, Woolwich	
CONCERNS RAISED	COMMENT
Location of solar panels	No change to the solar panels have been proposed. The existing approval shows 26 panels along the eastern section of the extension. The amended design shows the same layout as the approved plans.
Drainage infrastructure	The proposed application includes the installation of extensive stormwater and drainage infrastructure. As a result, the proposed development is unlikely to create any concerns regarding drainage.
Location of off-street car parking	The off-street parking was assessed and approved as part of the original approval. No changes are proposed to either the number of bedrooms or the parking allocation.
Clarity of landscaping plans	The applicant provided all new planting on the architectural design.
Location of any air conditioning units	The proposal does not include any changes to the heating or cooling of the new buildings and is therefore not relevant to this proposal.
Location and removal of the Lilly Pili	<p>Noted. The architectural plans show that the location of the Lilly Pili tree to be removed is along the south-western boundary.</p> <p>The proposed removal is considered acceptable due to the declining health of the tree and the requirement to add stormwater infrastructure.</p> <p>It is considered that the removal of the tree will create minor visual privacy concerns as the carport and driveway of 2A Margaret Street directly adjoins the area.</p> <p>A new tree is also proposed in the same located that will provide the same screening once the tree has reached a maturity.</p>

Lack of information on the proposed materials used in the extension of the boundary wall

The extension of the boundary wall was removed from the application.

8 RISK ASSESSMENT

There are no direct or indirect risks impacting on Council arising from consideration of this matter.

9 HUNTERS HILL 2030

This matter relates to ensuring that heritage and conservation of the area is respected, preserved, and enhanced including the preservation of the character, views to and from the Municipality, and the preservation of the tree canopy.

RECOMMENDATION

That pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, that Development Application DA2021/1244-1 for the proposed modifications to the approved development at 2 Margaret Street, Woolwich, be approved subject to the following conditions:

Conditions to be amended:

Condition 2:

The development must be carried out in accordance with the following drawings and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Drawing Number	Drawn By	Plan Dated
Cover Page, Proj #256, Dwg 1B	Precision Planning	13/12/2023
Site, Site Analysis and Location Plan, Proj #256, Dwg 2B	Precision Planning	13/12/2023
Existing Floor Plan, Proj #256, Dwg 3B	Precision Planning	13/12/2023
Existing Attic Floor Plan and Roof Detail, Proj #256, Dwg 4B	Precision Planning	13/12/2023
Proposed Ground Floor Plan, Proj #256, Dwg 5B	Precision Planning	13/12/2023
Proposed Attic Floor Plan and roof Detail, Proj #256, Dwg 6B	Precision Planning	13/12/2023
North East and South West Elevations, Proj #256, Dwg 7B	Precision Planning	13/12/2023
North West, South East Elevations and Concept Perspective, Proj #256, Dwg 8B	Precision Planning	13/12/2023
Section 1-1, 2-2, Proj #256, Dwg 9B	Precision Planning	13/12/2023
Section 3-3, 4-4, Proj #256, Dwg 10B	Precision Planning	13/12/2023

Drawing Number	Drawn By	Plan Dated
Section 5-5, 6-6, 7-7, 8-8, Proj #256, Dwg 11B	Precision Planning	13/12/2023
Erosion, Sedimentation Control and Waste Management Plan, Proj #256, Dwg 13B	Precision Planning	13/12/2023
Tree Protection Plan, Proj #256, Dwg 14B	Precision Planning	13/12/2023
Detailed Glazing Schedule, Proj #256, Dwg 15B	Precision Planning	13/12/2023
Arborist Statement	Hugh The Arborist	28/09/2023

Condition 11:

Under Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No A427666_04 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The Principal Certifying Authority must ensure that the building plans and specifications submitted and referenced fully satisfy the requirement of this condition.

Condition 27:

A Project Arborist (AQF Level 5) shall be engaged prior to commencement of work to provide arboricultural supervision on-site and monitor compliance with these Conditions of Consent.

Tree Protection

a)

Tree No/ Location	Species	TPZ (m)
Tree 6	<i>Robinia pseudoacacia</i>	4.2m
Tree 7	<i>Jacaranda mimosifolia</i>	7.4m

The trees listed above in (a) shall be retained and protected in accordance with the Arboricultural Impact Assessment (prepared by Hugh The Arborist, Revision 2, dated 4 June 2022)

b) The following works are excluded from within the TPZ, unless otherwise stated.

- * Grade alterations
- * Soil cultivation, disturbance or compaction
- * Stockpiling, storage, disposal or mixing of materials
- * Refuelling of machinery or vehicles
- * Washing of machinery or vehicles
- * Pedestrian access or vehicular access
- * Siting of offices, sheds or temporary services
- * Any action that has the potential to impact the tree's health and structural condition

New conditions:

New Condition 1:

All trees detailed in the table below are approved for removal.

Tree Number	Species	Location
Tree 1	<i>Acmena smithii</i> (Lilly Pilly)	Eastern side setback.

The tree removal works must be carried out by a qualified Arborist (min AQF Level 3) and in accordance with SafeWork's Code of Practice - Amenity Tree Industry. The tree removal works must be undertaken without damaging adjacent trees.

In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself, unless in the event of an emergency.

All other trees covered by Council's tree management controls must be retained.

New Condition 2:

The following new trees must be installed prior to the issuing of the Occupation Certificate:

No of Trees	Species	Location	Minimum container size at purchase
1	<i>Acmena smithii</i> (Lilly Pilly)	Within the eastern setback of the subject site.	75L

The following measures must be adhered to:

- New trees must be grown in accordance with the AS2303 Australian Standard Tree stock for landscape use 2018 and meet the requirements of this standard at the time of planting.
- New trees must be planted in natural ground with adequate soil volume. Planter boxes will not be accepted for tree planting.
- New trees must be appropriately located away from existing buildings and structures.
- New landscape plantings must be maintained in a healthy condition for an establishment period of two (2) years. Maintenance includes watering, weeding, pest and disease control and any other operations required to maintain the plantings in a healthy condition.
- Tree maintenance must be implemented and complied with immediately following the tree planting, and until the trees reach a minimum height of 5m.
- If the newly planted trees fail to establish or do not reach a height of 5m, they must be replaced with trees of comparable qualities and container size of 75 litres.

- The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

ATTACHMENTS

1. Map [↓](#)
2. Plans [↓](#)
3. Submissions [↓](#)





Building Designers



Alterations and Additions
2 Margaret Street, Woolwich 2110
Lot A, DP 354715
for Amanda and Darren Smith

Architectural Drawing Set #256

Construction Certificate

External Colours, Materials and Finishes Schedule

- 1 cover page - finishes and glazing schedule
- 2 site, site analysis and location plan
- 3 existing floor plan
- 4 existing attic floor plan
- 5 proposed ground floor plan
- 6 proposed first floor plan
- 7 north east and south west elevations
- 8 north west, south east elevations and concept perspectives
- 9 sections 1-1, 2-2
- 10 sections 3-3, 4-4
- 11 sections 5-5, 6-6, 7-7, 8-8
- 12 BASIX certification
- 13 Erosion, Sediment Control and Waste Management Plan
- 14 Tree Protection Plan
- 15 detailed glazing schedule

Important Council Conditions

3. Works, work on any building including demolition, landscaping, excavation and tree removal shall not commence until a Construction Certificate, complying in all respects with the provisions of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the National Construction Code, has been issued.
6. The supplied trees shall be planted using healthy and vigorous stock grown in accordance with Australian Standard 2303-2015 "Tree Stock for Landscape Use".
12. Access to the swimming pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the barrier is to conform to the requirements of the applicable Australian Standard 1926 "Swimming Pool Safety". Plans and specifications complying with this condition must be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The Principal Certifying Authority must ensure that the building plans and specifications submitted, referenced fully satisfy the requirement of this condition.
13. The swimming pool, including overflow water, must be drained to the sewer. The consent of Sydney Water to dispose of wastewater must be obtained prior to the issue of any Construction Certificate. Plans and specifications complying with this condition and any condition or requirements of Sydney Water must be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.
30. All works shall be carried out in accordance with the provisions of the National Construction Code of Australia and all relevant Australian Standards.
37. Suitable depth markers shall be provided at each end of the swimming pool.
38. The motor, filter, pump and all sound producing equipment or fittings associated with or forming part of the pool filtering system, rainwater tank or any air conditioning unit shall be sound insulated and/or isolated so as not to create offensive noise to the neighbouring properties. This is measured by noise exceeding the background noise level by 5dBA.
39. No plantings, apart from grass species, shall be planted within the 'non-climbable zone'. The 'non-climbable zone' is as defined in the Swimming Pools Amendment Act 2012 and AS 1926.1-2012 Part 1.

ITEM	MATERIAL PREFERENCES	COLOUR PREFERENCES
External Walls		
Existing Brick	Face Brick	retain as existing.
New Brick	Austral Range Bowral Gertrudis Brown Renovation range	to match ex.
Door and Window Framing	Aluminium Frame	'black steel'
Retaining Walls	rendered block with lights	white
Pool Coping	Limestone Travertine Pavers	Picture below.
Alfresco Tiles	12mm Silver Travertine Tile	Picture below
Awning Box / Heka Hood	Aluminium	'black'
Roof	Marseille 'earth terracotta tiles'	'per specification'
Vergola	Steel by manufacturer	'Monument'
Downpipes, Guttering	Colorbond Metal	'light green/olive'
Soffit & Fascia	Exposed Rafters	
Balustrades	Pool Fence Safety Balustrades/Timber	Frameless Glass Brilliant White

Material and Colour Links/Specs Guide:
 Colorbond Technical Specifications: <https://professionals.lysahit.com/resources/manuals>
 James Hardie Scyon Aeon Specifications: <http://www.jameshardie.com.au/products/external-cladding/scyon-aeon-cladding/>
 Colorbond Colours and Products: <http://colorbond.com/colour>
 Dulux Colour Wall: <https://www.dulux.com.au/colour/all-colours>
 Please contact supplier or manufacturer directly for confirmation on all specifications.



Section 4.55 REV A

REV B

Modifications to Plans

1. Decking boards to the original verandah to be replaced with 140mm blackbutt or spotted gum, existing boards are in need of replacement. (light earthy tone)
New boards need to be spaced to allow drainage.
2. Safety balustrades to the original verandah to be replaced to conform with NCC/BCA details have been provided to be rebuilt in timber. (light earthy tone)
Design is similar in spacing of timbers.
3. Glazing schedule: Doors, windows and Skylights have been modified and detailed.
4. External Finishes and Colours have been modified details have been provided.
5. BASIX Certification has been re-issued to reflect the amended changes to the glazing details.
6. Original skylight to the main bathroom is leaking and in disrepair, this skylight is proposed to be replaced.
7. Due to the excessive stormwater problems onsite it is proposed to introduce a block retaining wall 700mm high. Planter at the rear of the property and step down to the rear yard. The rear yard is to be flat.
8. The existing roof tiles on the original home are in disrepair and will need to be replaced.
9. Tree root mapping is being completed to locate the Jacaranda root zone, this is to determine the best place to provide footings for the retaining wall and not effect the tree protection and structural root zone
10. Deleted
12. Pool and Spa have been confirmed and BASIX has been amended to suit this modification

11. It is proposed to replace the Lilly Pilly 2m/3m in height, preferably shallow root system, we will replace with a Lilly pilly

13. Updated external colours, materials and finishes schedule

14. *NB: No ruck pointing allowed to brickwork per Council condition

Building Front - Finishes Specification

	Facia, Veranda posts, Railings - Currently Blue/grey to be painted Sage green 80 Fret Work - Currently Cream to be painted Normandy Grey 79 Veranda balustrades Currently Cream to be painted Tracery II 78 Rafters and windows and ceiling Currently Cream to be painted Portland Stone pale 155
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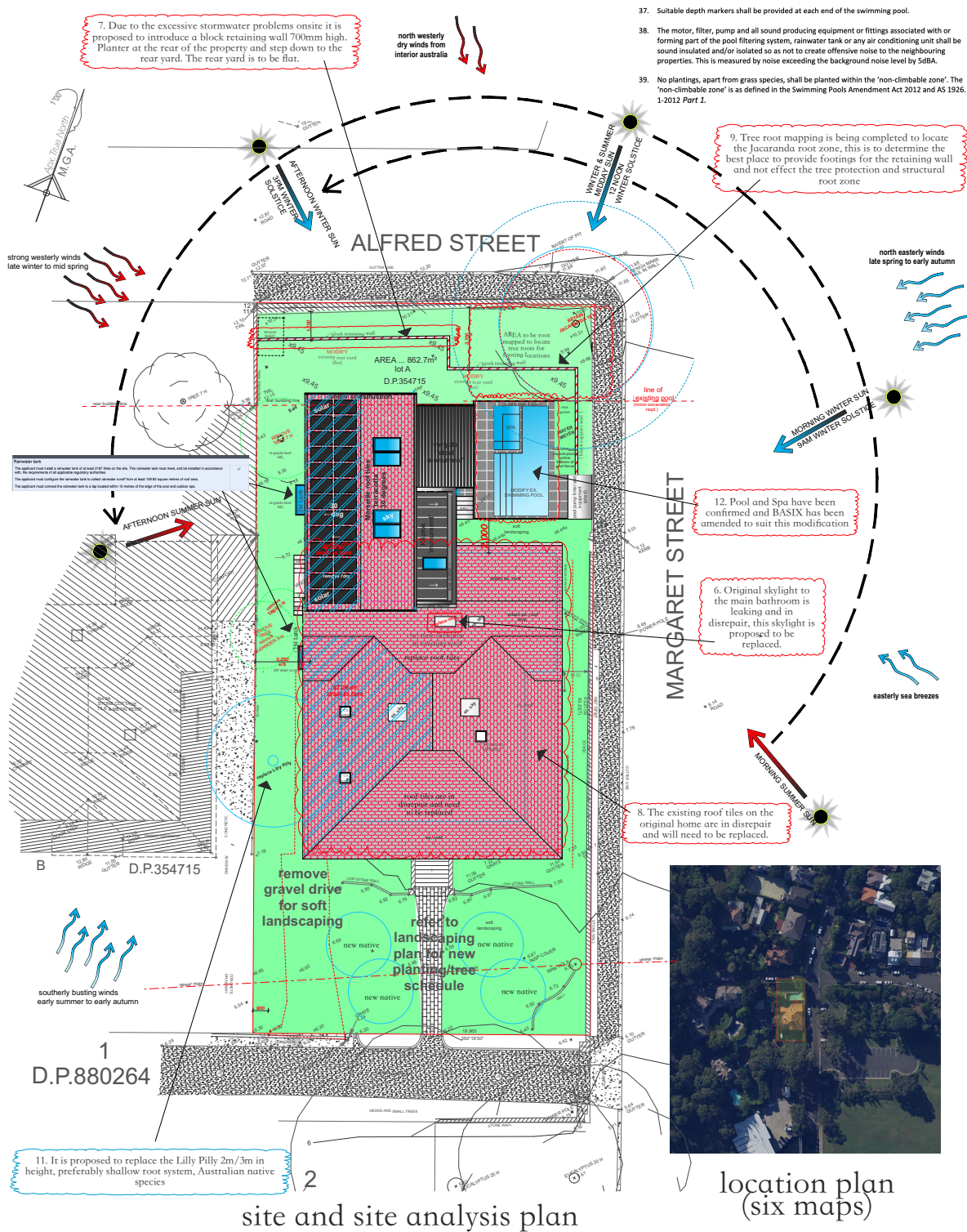
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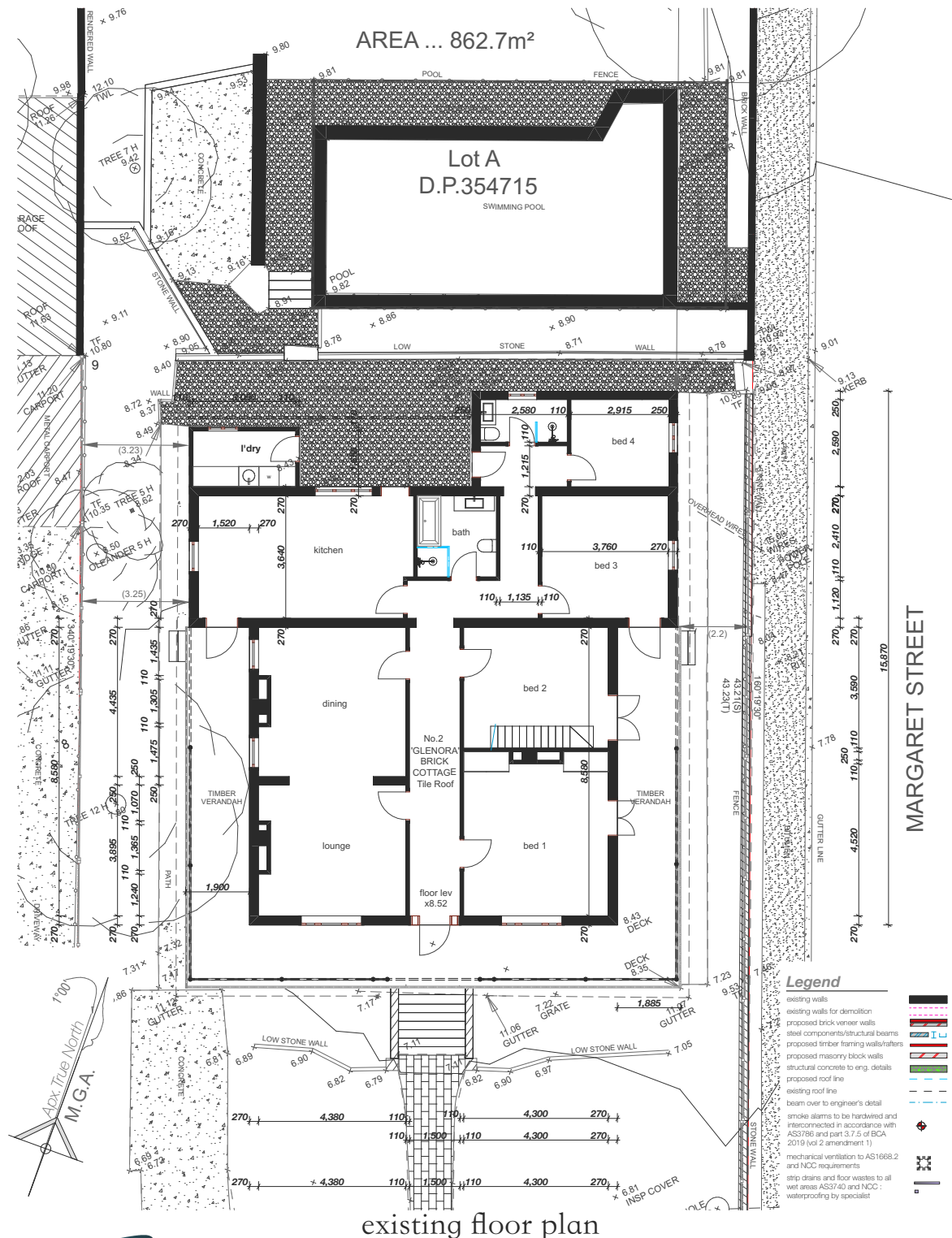
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 Project Reference: #256

#256 - 1 B



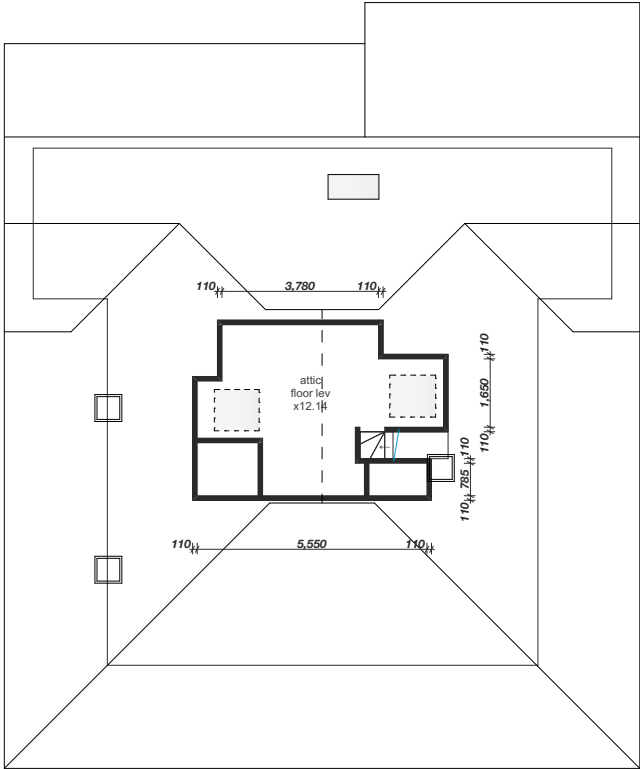
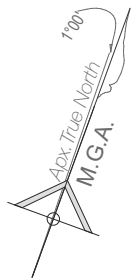
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by	date		revision

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existing attic floor plan
and roof detail

Legend

- existing walls
- existing walls for demolition
- proposed brick veneer walls
- steel components/structural beams
- proposed timber framing walls/rafters
- proposed masonry block walls
- structural concrete to eng. details
- proposed roof line
- existing roof line
- beam over to engineer's detail
- smoke alarms to be hardwired and interconnected in accordance with AS3786 and part 3.7.5 of BCA 2019 (vol 2 amendment 1)
- mechanical ventilation to AS1668.2 and NCC requirements
- strip drains and floor wastes to all wet areas AS3740 and NCC : waterproofing by specialist

PRECISION PLANNING
Building Designers
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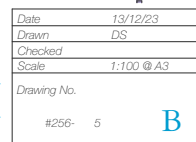
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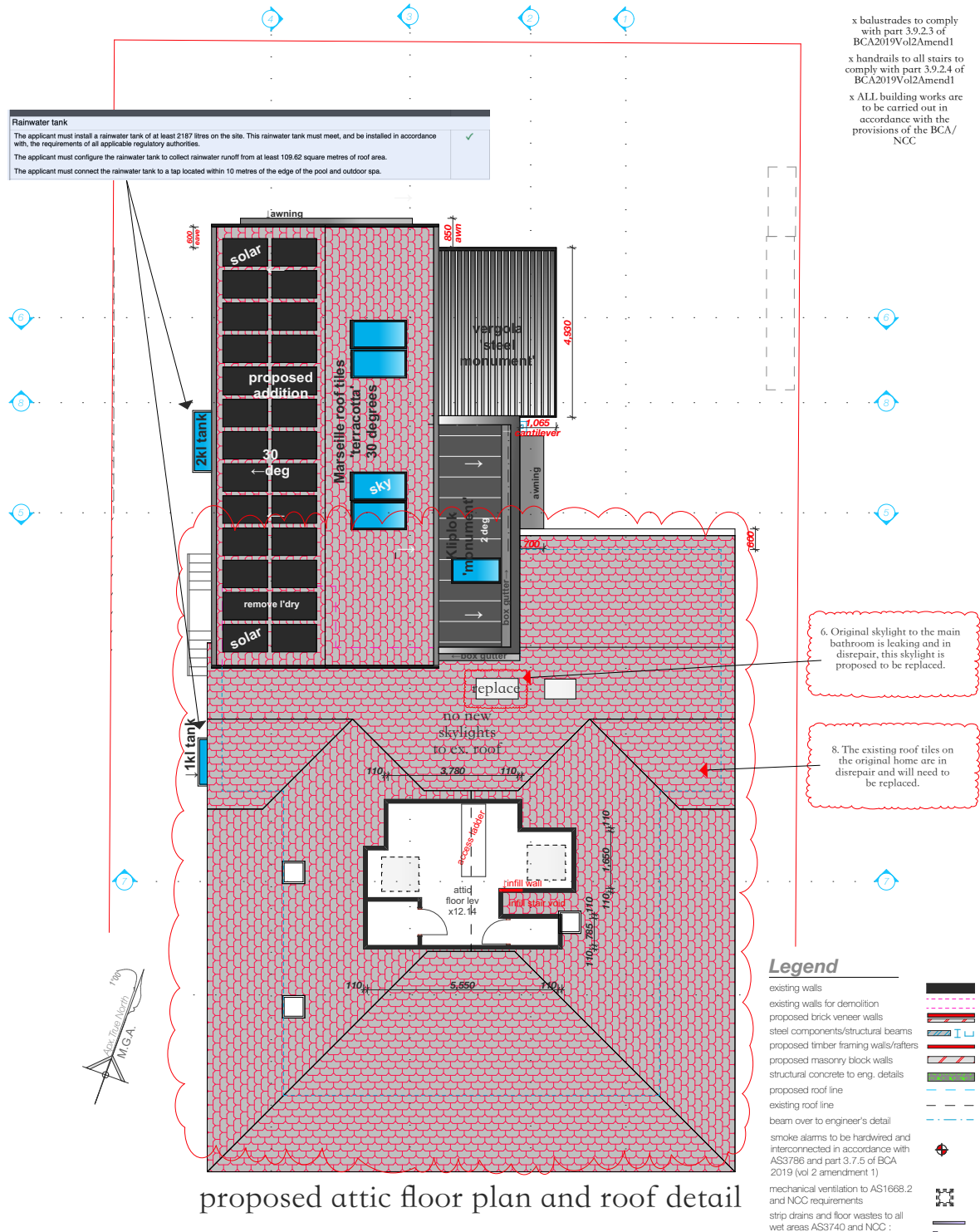
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by	date	revision

Section 4.55 Modification
DA20211244 : Approved
Date Determined: 6th/Sept/2022

Alterations and Additions
2 Margaret Street,
Woolwich 2110
Lot A, DP354715
for Amanda and Darren Smith

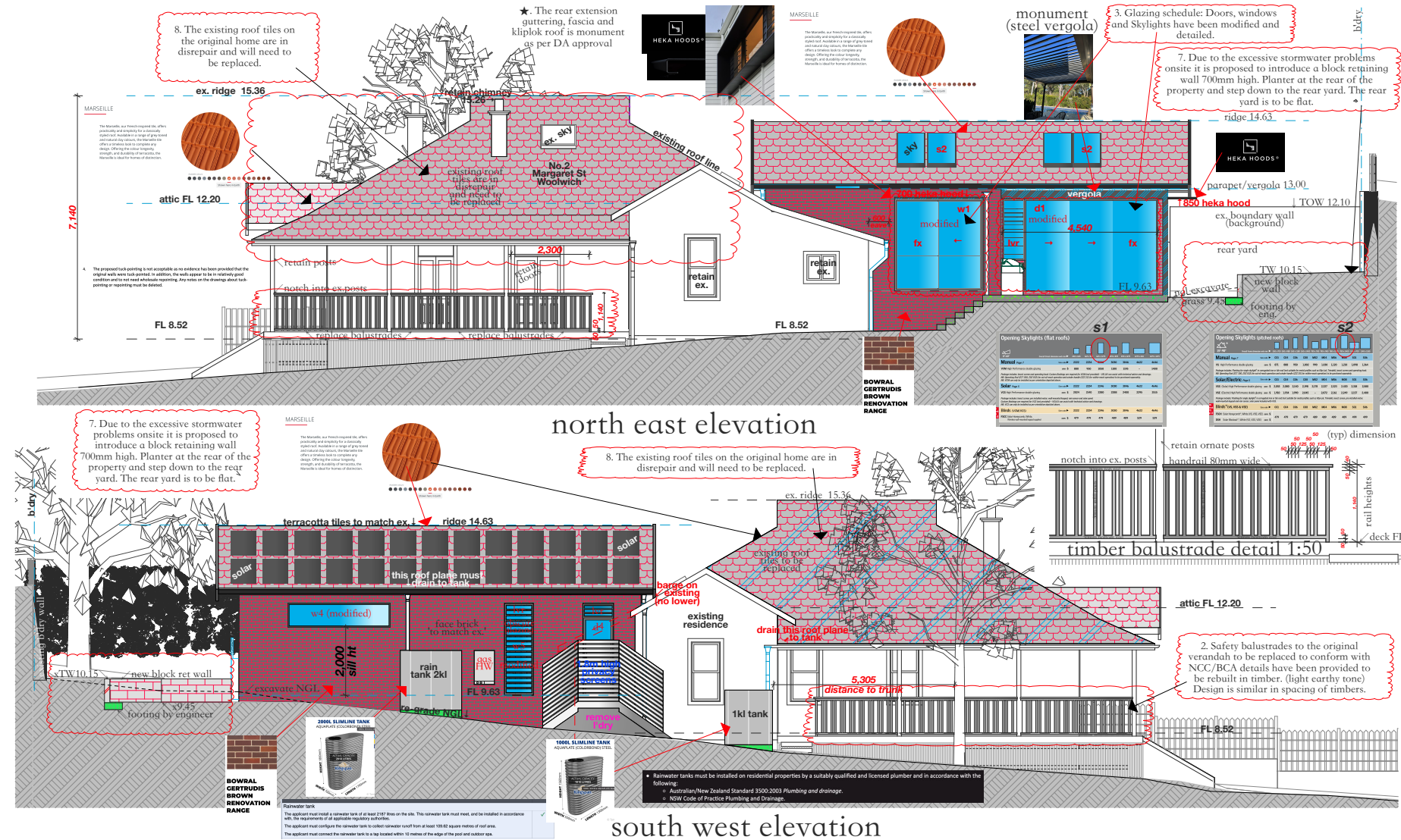
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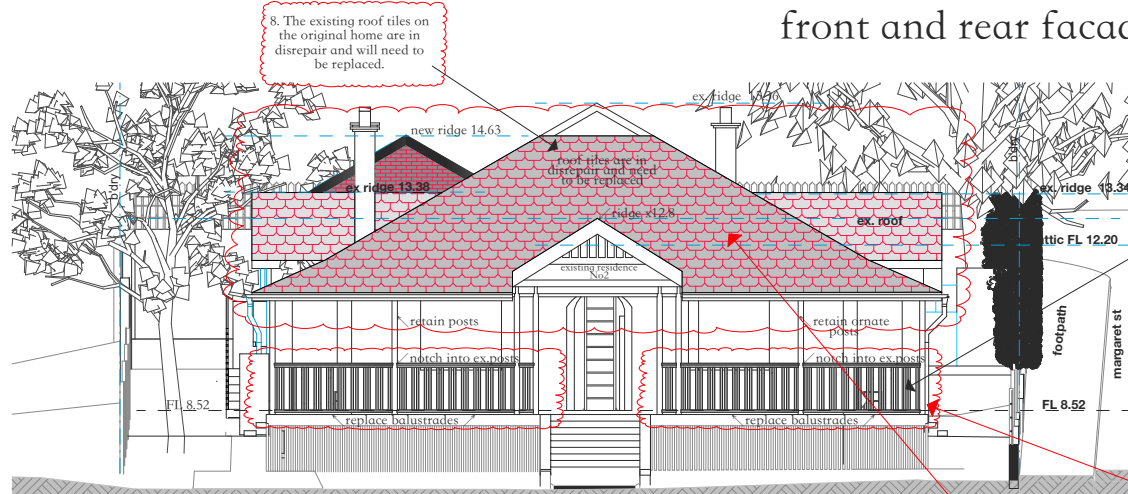
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by	date		revision

Date	13/12/23
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front and rear facade analysis



south east elevation (front)

2. Safety balustrades to the original verandah to be replaced to conform with NCC/BCA details have been provided to be rebuilt in timber. (light earthy tone)
Design is similar in spacing of timbers.

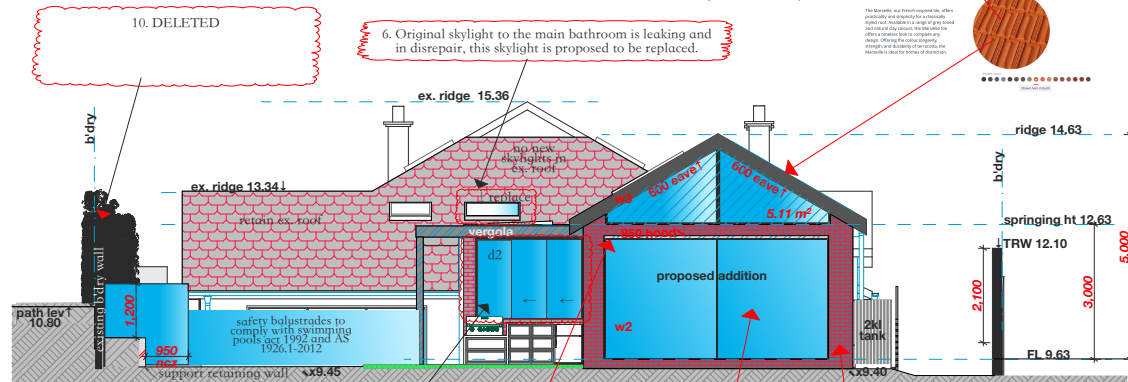
★ The rear extension guttering, fascia and kliplok roof is monument as per DA approval



artists impression

front residence
(existing photo image)

retain brick and trims as existing

northwest elevation
(rear)

3. Glazing schedule: Doors, windows and Skylights have been modified and detailed.

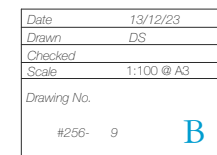


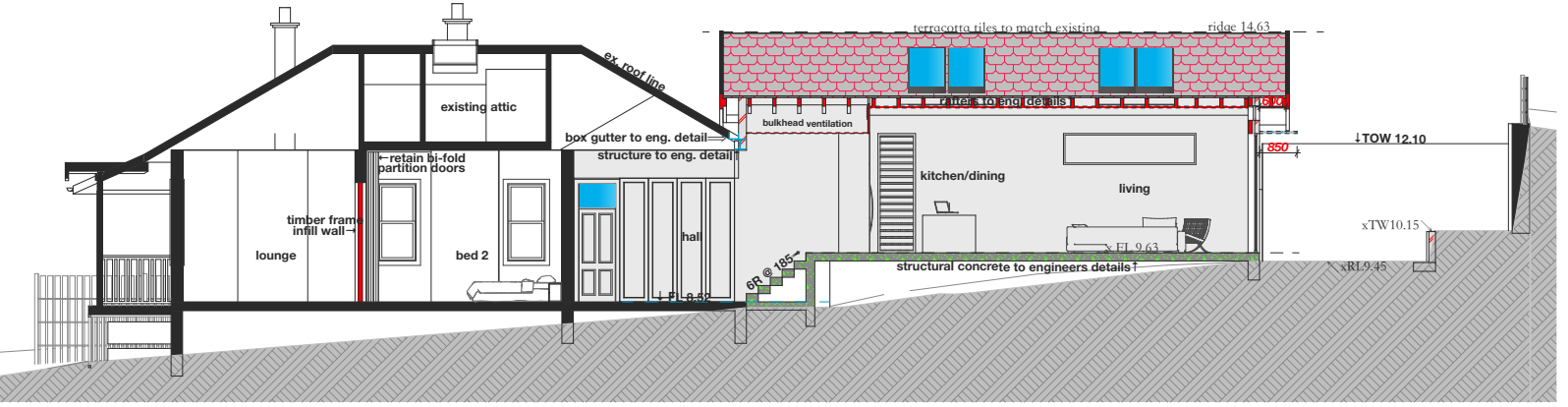
BOWRAL
GERTRUIS
BROWN
RENOVATION
RANGE

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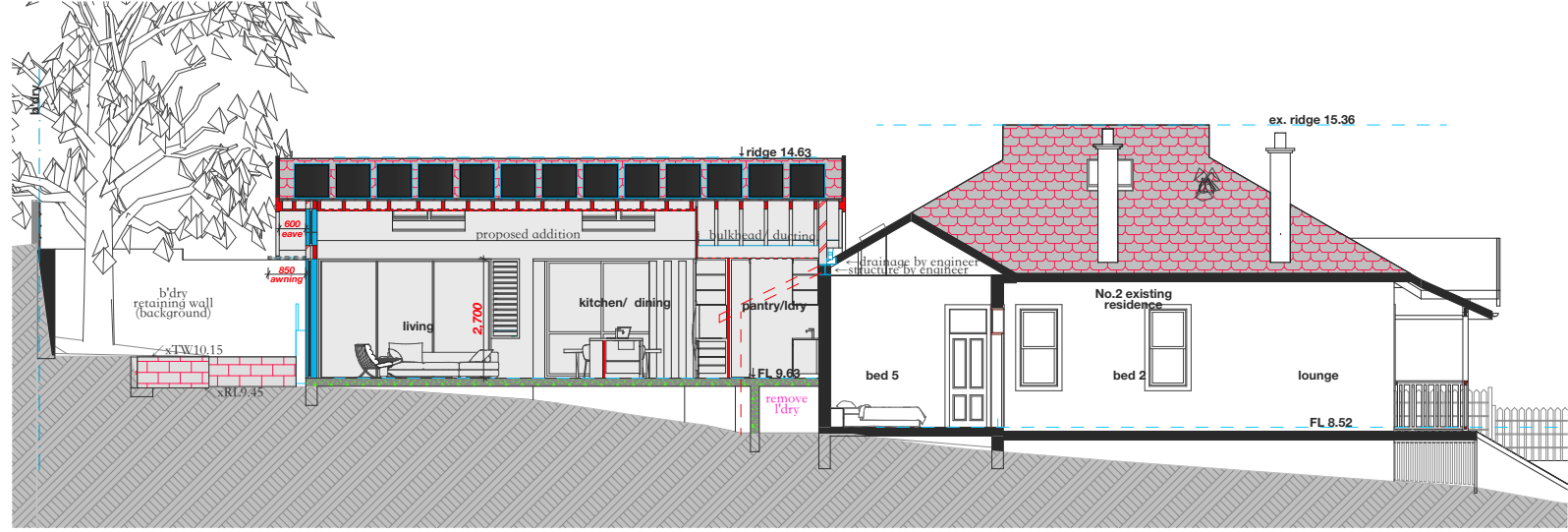
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section 3-3



section 4-4



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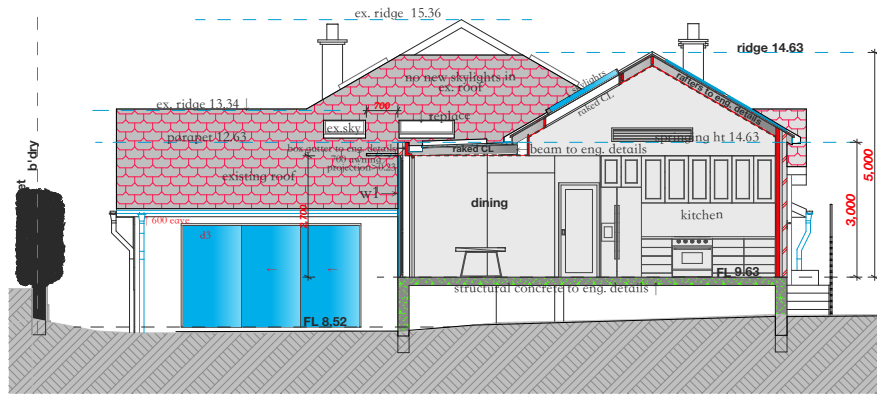
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General Notes/ Spec.
This Plan is intended for Council DA or Certifier Submission only
Builder and Contractors to check and ensure
- Boundary peg-out and survey is completed prior to concrete pour and other construction work
- Confirm all dimensions on-site. Contact Precision Planning with any dimension queries.
- Windows/door/height sizes prior to order.
- No underground services search has been conducted. It is advised to do a 'Dig Before You Dig' before construction work commences.
Termite Protection:
Korzon Barkvel or similar termite protection system is to be used in the protection against subterranean termites in accordance with AS3600.1-2000 and to manufacturer's specifications.

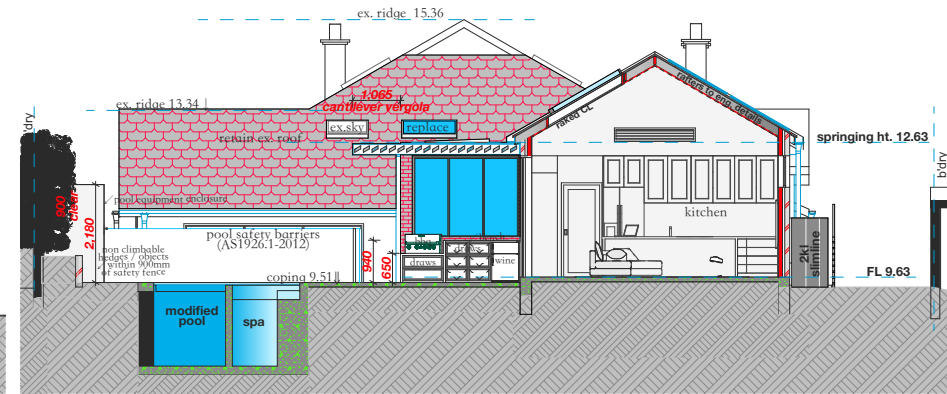
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by	date		revision

Section 4.55 Modification
DA20211244 Approved
Date Determined: 6th/Sept/2022
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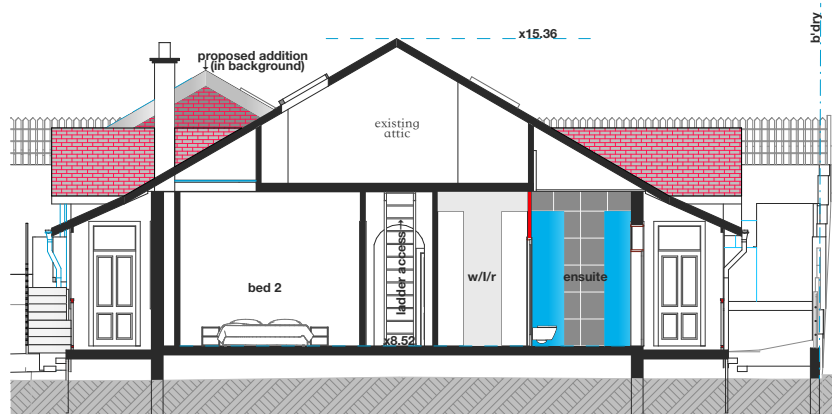
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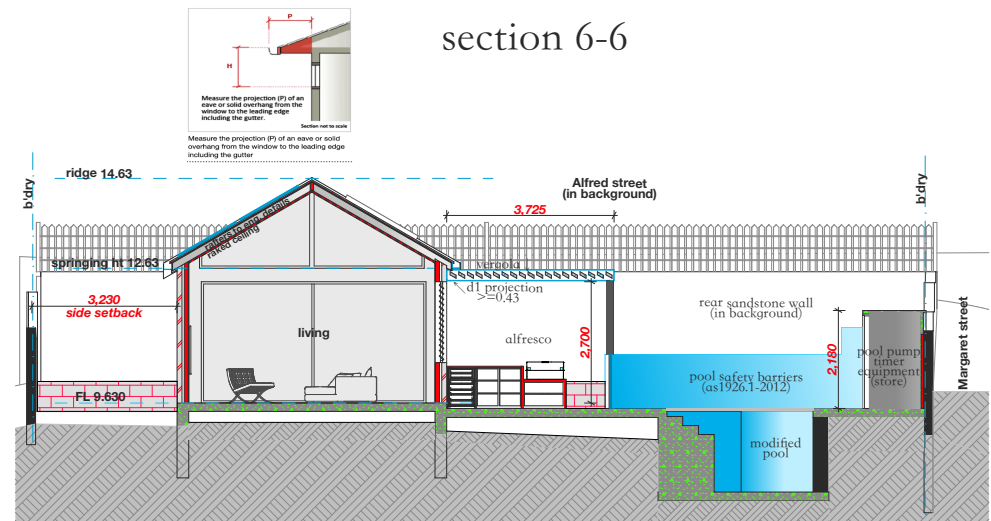
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section 6-6



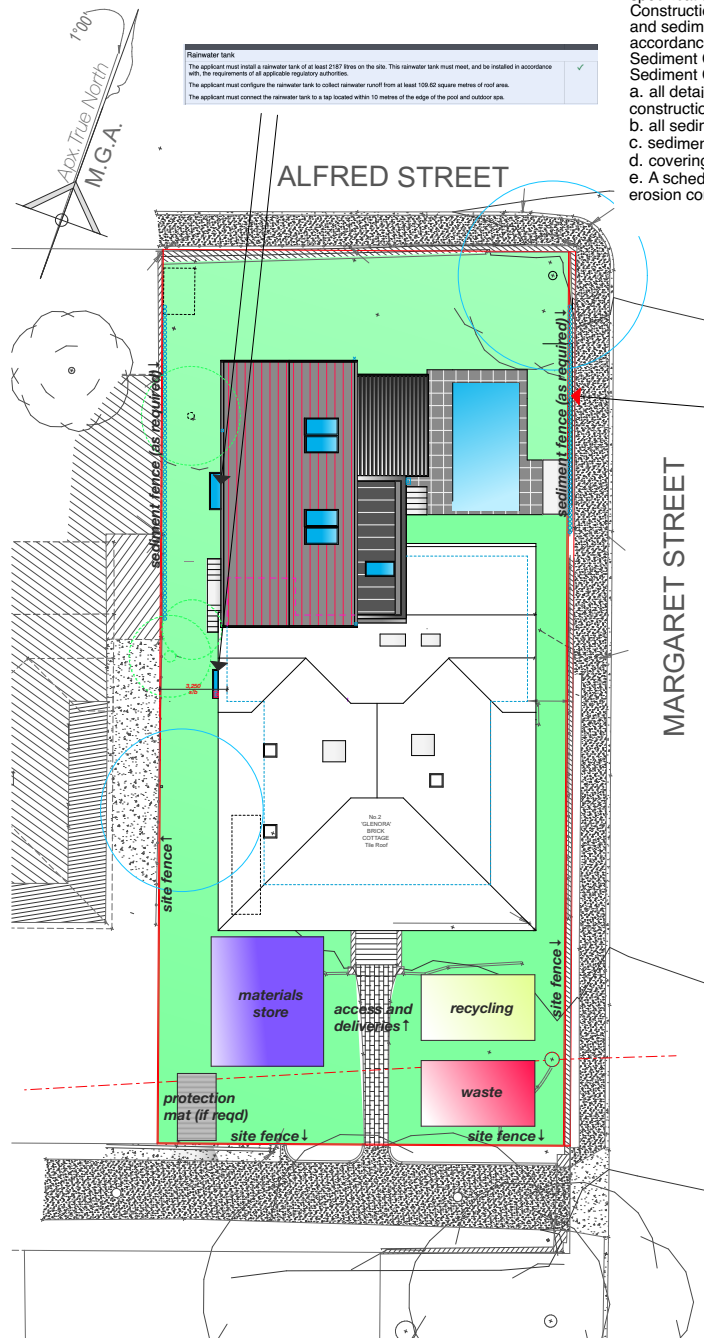
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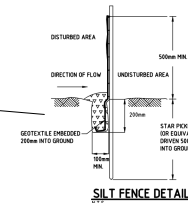
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Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Hunters Hill Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:

- all details of drainage to protect and drain the site during the construction processes,
- all sediment control devices, barriers and the like,
- sedimentation tanks, ponds or the like,
- covering materials and methods, and
- A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.



EROSION AND SEDIMENT CONTROL NOTES

- ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSTALLED PRIOR TO THE CONSTRUCTION OF WORKS.
- EXCAVATION OF THE SITE SHALL BE LIMITED TO THE IMMEDIATE CONSTRUCTION AREA.
- ANY TOPSOIL STRIPPED FROM THE SITE SHALL BE STOCKPILED AT THE SITE FOR RE-USE. THE STOCKPILE SHALL BE LOCATED AWAY FROM ANY STORMWATER FLOWPATH AND PROTECTED AS SHOWN ON PLAN.
- WASTE (INCLUDING SKIP BINS) AND CONSTRUCTION MATERIALS, EQUIPMENT AND SEDIMENT BARRIERS SHALL AT NO TIME BE PLACED IN PUBLIC WALKWAYS, VERGES, COUNCIL ROADS OR ROAD RESERVES UNLESS A PERMIT HAS BEEN OBTAINED FROM COUNCIL.
- ALL SEDIMENT CONTROL STRUCTURES TO BE INSPECTED AFTER EACH RAINFALL EVENT FOR STRUCTURAL DAMAGE AND ALL TRAPPED SEDIMENT TO BE REMOVED TO A DESIGNATED STOCKPILE SITE. ANY SEDIMENT SPILLED WITHIN THE PROPERTY OR ONTO ROADWAYS SHALL BE COLLECTED AND REMOVED WITH A SPADE AND DRY BROOM (WITHOUT WATER) AND DISPOSED OF AS TO PREVENT FURTHER EROSION AND POLLUTION OF WATERWAYS.
- DURING DRY WEATHER, WHERE THERE IS POTENTIAL OF DUST MOVEMENT, A LIGHT SPRAY OF WATER SHALL BE APPLIED TO THE SITE AT REGULAR INTERVALS (WITHOUT CREATING RUNOFF) TO MINIMISE AIRBORNE TRANSFER OF SEDIMENT.
- THE SUB-SURFACE COMPONENTS OF THE SITE DRAINAGE SYSTEM SHALL BE INSTALLED TO WORKING ORDER PRIOR TO CONSTRUCTION OF ANY BUILDING.
- PRIOR TO INSTALLATION OF ANY ROOF MATERIAL ON A BUILDING, ALL NECESSARY GUTTERS AND DOWNPIPES MUST BE FIXED AND CONNECTED TO THE APPROVED SUB-SURFACE DRAINAGE SYSTEM.
- EXCAVATED TOPSOIL SHALL NOT BE STOCKPILED AT THE SITE FOR ANY PERIOD GREATER THAN TWO WEEKS.
- ALL TREES TO REMAIN SHALL BE PROTECTED DURING THE CONSTRUCTION OF ALL WORKS.

Legend

- sand bag silt traps/sediment fence to provide sediment control for storm water run-off
- 2.1m high cyclone fencing gate with nylon mesh along boundaries during construction - builder's and certifier signage to be displayed
- protection mat for heavy machinery leaving the site - as required
- on site material store
- on site waste bins
- on site recycling/garden

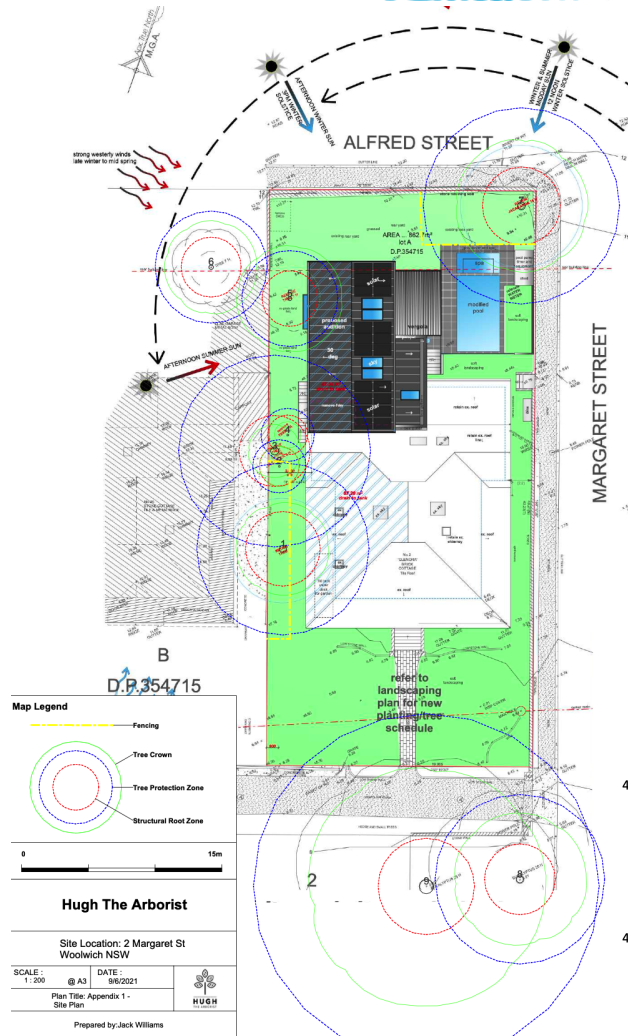
erosion, sediment control and waste management plan

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ds	sept 23	A	section 4.55 modification
by	date		revision

Date	13/12/23
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Scale	1:200 @ A3
Drawing No.	
#256- 13	B

6. The supplied trees shall be planted using healthy and vigorous stock grown in accordance with Australian Standard 2303-2015 "Tree Stock for Landscape Use".

11. It is proposed to replace the Lilly Pilly 2m/3m in height, preferably shallow root system, replace with Lilly pilly like for like.



39. No plantings, apart from grass species, shall be planted within the 'non-climbable zone'. The 'non-climbable zone' is as defined in the Swimming Pools Amendment Act 2012 and AS 1926. 1-2012 Part 1.

27. Tree Protection

REPLACE

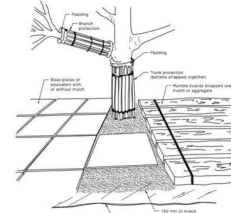
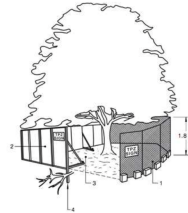
a)

Tree No/ Location	Species	TPZ (m)
Tree 1	<i>Acmena smithii</i> (Lilly Pilly)	6.5m
Tree 6	<i>Robinia pseudoacacia</i>	4.2m
Tree 7	<i>Jacaranda mimosifolia</i>	7.4m

The trees listed above in (a) shall be retained and protected in accordance with the Arboricultural Impact Assessment (prepared by Hugh The Arborist, Revision 2, dated 4 June 2022)

b) The following works are excluded from within the TPZ, unless otherwise stated.

- * Grade alterations
- * Soil cultivation, disturbance or compaction
- * Stockpiling, storage, disposal or mixing of materials
- * Refuelling of machinery or vehicles
- * Washing of machinery or vehicles
- * Pedestrian access or vehicular access
- * Siting of offices, sheds or temporary services
- * Any action that has the potential to impact the tree's health and structural condition



NOTE: 1. For trunk and branch protection, use bracing and padding that will prevent damage to bark. Bracing is to be applied to trees, not cables or wires.

NOTE: 2. Branch bracing should be of a suitable thickness to prevent soil compaction and root damage.

- 10.7 **Restricted activities inside TPZ:** The following activities must be avoided inside the TPZ of all trees to be retained unless approved by the project Arborist. If at any time these activities cannot be avoided an alternative must be agreed in writing with the project Arborist to minimise the impact to the tree.

- A) Machine excavation.
- B) Ripping or cultivation of soil.
- C) Storage of spoil, soil or any such materials
- D) Preparation of chemicals, including preparation of cement products.
- E) Refueling.
- F) Dumping of waste.

40. The following trees may be removed.

Tree No/ Species	Location	Comments
Tree 2 <i>Camellia sasanqua</i>	Western side boundary	
Tree 3 <i>Nerium oleander</i>	Western side boundary	
Tree 4 <i>Murraya paniculata</i>	Western side boundary	
Tree 5 <i>Castanosperrum australe</i>	Western side boundary	

41. All tree planting shall be undertaken at the completion of the construction works in order to reduce the potential damage throughout construction.
42. New tree planting is to be in accordance with Council's Tree Management Controls, irrespective of the size.
43. All new landscape plantings must be maintained in a healthy condition for an establishment period of 2 years. Maintenance includes watering, weeding, pest and disease control and any other operations required to maintain the plantings in a healthy condition.
44. Any landscape planting which fails to establish within the 2 years establishment period must be replaced with the same size and species as outlined on the stamped approved plans or Conditions of Consent. Alternatively, a Section 4.55 application is required to be determined by Council, in relation to tree species, tree retention and survival rate.
45. Trees covered under the provisions of Hunters Hill Council's Tree Management Controls shall be retained except where Council's prior written consent has been given.
46. All works within the TPZ (Tree Protection Zone) of the trees to be retained shall be supervised by the Project Arborist.
47. The tree planting shall be undertaken by a qualified Horticulturalist or Arborist (minimum AQF Level 2) and must be undertaken at the completion of the construction work, prior to the Interim Occupation Certificate.

tree protection plan



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email: daniel@precisionplanning.com.au

Studio Director - Daniel Sutton
Contact: 0416 110 281

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by	date	revision
ds	dec 23	B council RFI modifications
ds	sept 23	A section 4.55 modification

Section 4.55 Modification
DA20211244 : Approved
Date Determined: 6th/Sept/2022

Alterations and Additions

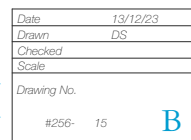
2 Margaret Street,
Woolwich 2110
Lot A, DP354715
for Amanda and Darren Smith

Date	13/12/23
Drawn	DS
Checked	
Scale	1:200 @ A3
Drawing No.	
#256-	14
	B

SHEAR
ASOCIADOS Y ASOCIADA

[illegible][illegible]

glazing schedule
detailed
(not to scale)





*Diploma of Arboriculture AQF5
NC Forestry + Arboriculture level 3
Tech. Cert level 2
NPTC City and Guilds Qualified
Registered QTRA user
ISA TRAQ Qualified
MAA
MISA*

Email: hugh@hughthearborist.com.au
Website: www.hughthearborist.com.au
Tel: 0426836701
ABN: 15737641162

Date prepared: 28th September 2023
Site Address: 2 Margaret Street Woolwich NSW
Client/applicant name: Amanda and Darren Smith
DA number: DA202211244

Summary of Findings

A site inspection was carried out on 20th September 2023 for the purpose of reviewing excavations carried out within the Tree Protection Zones of retained trees 1 and 7 within the site boundaries. A modification to the approved development has been proposed and will include structures within the Tree Protection Zones of the two trees.

Tree 1 (A. Smithii) is located to the west of the existing dwelling. The tree has been sufficiently protected via ground protection and trunk protection. The AIA assessment dated 4th June 2022 assessed the tree to be a category Z4 tree indicating the tree was in a state of decline at the time of the assessment. The tree is still in a state of decline during the development works and has not improved in condition. The proposed stormwater line is required to be installed within the TPZ area as assessed in the AIA report. However, the principal contractor has stated it is not possible to install the stormwater either at a greater setback from the tree or via tree sensitive methods. Manual excavations were carried out which exposed a multitude of woody tree roots ranging up to 40mm in diameter. The excavations showed very shallow bedrock that is required to be broken to achieve the required depth of the stormwater pipe. Therefore, to achieve the depth, most of the tree roots will require pruning to remove the rock. Given the existing condition of the tree it is highly likely to disturbance and root pruning will cause the tree to further decline in condition and the tree is recommended to be removed as part of the modification. Photographs provided at the back of the document and refer to stormwater plan C06362 prepared by Structa Consulting Engineers dated 11/11/2022 Ref H01.

Tree 7 (*J. mimosifolia*) is located in the north western corner of the site and has been sufficiently protected via fencing. The tree has been assessed as an A2 tree and is proposed to be retained under the approved development. A block retaining wall is now proposed within the Tree Protection Zone. Excavations were carried out along the alignment of the proposed wall to the south of the tree and no significant tree roots were located. Excavations carried out to the west of the tree are located outside of the Tree Protection Zone however one significant tree root was identified. This is likely because the tree is affected by the existing structures on site and the root system is more asymmetric. The tree root measures 90 millimeters in diameter and is proposed to be pruned at 7.9 metres radius from the center of the trunk which is slightly outside the calculated TPZ area to allow for some compensation for an asymmetric root plate. The area to the west beyond the pruned root is proposed to be excavated and levelled for landscaping and the tree can be retained. Refer to proposed plan #256-5 rev A by Precision Planning dated September 2023. Photos attached to the rear of the document.

Hugh Millington



Senior Consultant and Director



	
Photo A: T1 and trench part excavated to determine location of roots.	Photo B: Example of tree roots located requiring pruning for T1.



Photo C: Tree 7 and one 90mm root requiring pruning outside of the TPZ area (fencing in photo).



Photo D: T7 and excavation has been carried out along the alignment of the wall and only small/fibrous tree roots have been identified.

Ian Black
2A Margaret Street
Woolwich, NSW, 2110

Re: Proposed Development Application Modification 2 Margaret Street, Woolwich, NSW, 2110 - DA20211244 - 1

Dear Sir/Madam,

I would like to raise a number of objections to the Development Application Modification (DA20211244 - 1).

The key objections to the proposed development application modification are:

- Continued and ongoing inaccuracies in supporting documents
- Transition of the solar panels from the Eastern to Western aspect of the extension and increase in number of solar panels
- Removal of Lilly Pilly and remediation with planting of 4 new native trees
- Broader impact of landscaping modifications
 - Impacts that were previously outlined in the initial response regarding drainage and off-street parking

Continued and ongoing inaccuracies in supporting documents

Throughout the document (Statement of Environmental Effects - 2 Margaret Street Woolwich_PAN-376757.pdf) the author refers to the Lilly Pilly situated on the Eastern setback of the site of the development. The tree in question is clearly located on the western setback of the development site and as such does impact the adjoining property, rather than the eastern setback that abuts Margaret Street.

Perhaps of greater concern is the complete omission from the report of the transition of the solar panels on the roof of the extension. This has a significant impact on adjoining properties and deserves a substantial explanation in the new document. One wonders whether this is a simple error or perhaps a planned omission to prevent further discussion on this significant matter?

Transition of the solar panels from the Eastern to Western aspect of the extension and increase in number of solar panels

2 key issues:

- Most, if not all, reputable sources assert that north at 30' tilt is the optimal aspect for solar panels in Sydney to generate the maximum amount of energy over the whole year. So moving the solar panels from the north-eastern side of the roof of the extension to the western side significantly reduces the efficiency of the solar panels.
- Impact on adjoining residences - The transition of the solar panels to the western side of the extension creates a major issue around the radiant heat generated by

a large dark roofing surface that faces the adjoining property at 2A Margaret Street. Afternoon sun will strike the large dark surface of the proposed development and radiate back into the north-facing rear yard, living area and studio on the adjoining property. During the summer months this will become a potentially greater issue with extended periods of sunlight and a surface that could hold and radiate heat even after the sun has set.

- It is also worth noting that the original DA was amended and the dark metal roof that was originally planned was replaced by a tiled roof. Placing solar panels on the full width of the western side of the roof creates the same issues as did the originally planned dark metal roof.

So the proposed transition of the solar panels would render them far less effective and create a significant issue for adjoining properties. Alternatively, if the solar panels remained on the north-eastern side of the extension that would be far more effective and efficient, and have no impact on adjoining properties as the eastern side of the extension only abuts Margaret Street.

Removal of Lilly Pilly and remediation with planting of 4 new native trees

As a result of the extensive demolition and clearing work undertaken as part of the development at 2 Margaret Street, the Lilly Pilly tree in question now forms the only significant barrier between the two adjoining properties - 2 and 2A Margaret Street. The tree's significant girth and canopy provide a significant privacy screen between the living areas (both in the original residence and the extension) of 2 Margaret Street, and two bedrooms and a bathroom of 2A Margaret Street. The removal of the tree hence further significantly reduces the privacy for 2A Margaret Street. This further impacts the privacy of 2A Margaret Street that has already been significantly reduced as the western facing windows of the development view directly onto the rear living areas and back yard of the adjoining property. The modified DA also notes that the laundry has been removed from the extension. So now the living area in the extension completely overlooks not only the previously private backyard and rear living areas of the adjoining property, but two bedrooms and a bathroom with easterly aspects.

The proposed planting of four new native trees as an amelioration of this impact on privacy is completely ineffective. The new plantings proposed location is on the southern aspect (front yard) of 2 Margaret Street and hence has no impact on the lack of privacy created by the removal of the existing tree on the western setback (boundary). Further these proposed new plantings directly impact the view to and from 2A Margaret Street to Parramatta River and Sydney Harbour - directly impacting the vista to and from heritage properties..

Hence the proposed removal of Lilly Pilly and remediation with planting of 4 new native trees breaches **(Clause 4.3 - Hunters Hill Local Environmental Plan 2012 (2013 EPI 34)) that relates to loss of privacy, obstruction of views and general visual**

impacts and (Clause 6.7 of Hunters Hill Local Environmental Plan 2012) as the site is identified as a "River Front Area".

Broader impact of landscaping modifications

Both the site of the proposed development and the adjoining property at 2A Margaret Street are situated at the lower end of a sandstone shelf that runs down from Weil Park and Kelly's bush toward Parramatta River. During periods of rain there is Significant runoff over the sandstone shelf on which both properties sit.

It is unclear from the documents provided what provisions are proposed to ensure there is no impact on drainage on adjoining properties given they both sit on this sandstone shelf. And should drainage issues arise for adjoining properties as a result of the modified plans how will these issues be rectified and by whom?

The documents provided assert the following, "a) Off-street car parking should be provided according to Table 5.2". However, the plans provided show only of soft-landscaping and in fact highlight the removal of the gravel drive. So where then is the off-street parking provided for what is now a substantial dwelling of some five bedrooms?

I would also highlight that both these impacts that were previously outlined in my response to the initial development application yet have not been addressed.

In reviewing the proposed development application modification a number of issues have been identified and their impact highlighted in this response. The finished documents provided appear to be incomplete and contain a number of apparent inaccuracies, despite being developed by multiple parties (professional or otherwise) and undergoing an extended process with multiple consultations. Should the proposed development go ahead, what reassurances does council and impacted parties have that such inaccuracies and/or omissions are not carried over into the ongoing construction process?

Regards,
Ian Black

Sarah Jenkins

From: [REDACTED]
Sent: Friday, 10 November 2023 5:00 PM
To: Customer Service
Subject: Response to DA 20211244-1
Attachments: 2 Margaret St DA Response 20211244 Final.docx; 20231109 DA 20211244-1 objections and responses.docx

Please find my submission for your review
I have attached my previous correspondence for your reference
Regards
Beverley Bennett (SCHN)

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender.

Views expressed in this message are those of the individual sender, and are not necessarily the views of NSW Health or any of its entities.

Dr. Beverley Bennett
2A Margaret St,
Woolwich, 2110

Mr. Nick Tobin
Acting General Manager
Hunters Hill Council
Town Hall, Alexandra St
Hunters Hill, NSW 2110

Re: Development Application #20211244 – 2 Margaret St, Hunters Hill

Dear Mr. Tobin,

Thank you for the opportunity to comment on the proposed Development Application for 'Glenora', the historic property at 2 Margaret Street, Woolwich, comprising one of the three historic McClure Houses adjacent to the Woolwich Marina and Kelly's Bush. There are a number of significant impacts of this proposal on the adjacent heritage properties. The content of this response considers information taken from the Hunters Hill Council Website DA Tracker (accessed 12/11/2021). There are a number of documents referred to in the DA Tracker submission documents that cannot be accessed for complete review. I received the notification by post, dated 3 November 2021. Given the proposed Development Application has been under development for more than a year, with the first council consultation recorded on 9 December 2020, I kindly request an extension of the 10 day submission period to consider all documents and seek professional review of the proposal. I am grateful for your written response, by email, to this request for my personal records.

There are a number of significant impacts that are apparent on the initial review of the documents provided through the Hunters Hill DA tracker portal. My initial concerns are;

1. Adherence to process.

- a. Public display of the DA notice has been incomplete. I first recognized the public notice for Development Application #20211244 on 5 November 2021. Since this time the public notice has been intermittently displayed. Most notably the public notice was not on display from at least Friday 12th through to Sunday 14th November 2021, a time of high general community use of the area. This has resulted in a limited opportunity for community awareness about the proposed development and thus an incomplete opportunity for potential consultations.

2. Heritage Impact Statement.

- a. The final sentence in the conclusion of the first summative point of the executive summary states '**Therefore it is assessed that the proposal will have significant impact on the HCA and the proximate heritage items.**' (Urbis Heritage Impact Statement, Page 1). This assertion is repeated in the first summative point of the conclusion (Urbis Heritage Impact Statement, Page 43) and in the 'Statement of Environmental Effects' (Precision Planning, October 2021, Part 5: Miscellaneous Provisions, 5.10: Heritage Conservation, Page 19 of 52).
- b. The property at 2 Margaret Street is named 'Glenora' (as highlighted on the site and site analysis plan, Precision Planning). 'Glenora' was occupied in 1898 by F.J. Doran (Heritage Impact Statement, extract from the 'Sands Reference', page 26), pre-dating the estimated date of construction in 1906. This raises questions of the consistency of the historical information contained within this document naming the property at 2 Margaret Street as 'Glenora'.
- c. The Heritage Impact Statement lists the proposal as including conservation works to the original dwelling. The listed works on the external features represent maintenance and safety requirements and, as such, have a neutral heritage impact rather than being inflated as a positive and generous contribution to the character of the house.

- d. Previous submissions have been made to council to explore the heritage listing of 'Glenora' (2 Margaret Street). I refer to my email correspondence on record with council from November 2016 relating to the historic and cultural relevance of the 'McClure Houses' (2, 2A and 2B Margaret Street, Woolwich, Reference material used included "Heritage of Hunters Hill, The Hunters Hill Trust, Fourth Edition 2002).
 - e. The Heritage Impact Statement asserts the 'proposed rear addition is sympathetic and subservient to the existing dwelling in form, scale and siting.' This proposal seeks to increase the built living space area by over 30% from the information available on the site and site analysis plan. Furthermore the hard surfaces (estimated calculation from the site plan) appear to exceed 50% of the property area, without the inclusion of the hard surfaces in the front yard of the property. This is an addition of significant size and height from the current building footprint that has a 'significant impact on the proximate heritage items' as asserted in the Heritage Impact Statement (extract above).
 - f. The location of the proposed development has placed the greatest adverse impacts on the adjacent heritage items at 2A Margaret Street and 4 Alfred Street. The height of the building should be considered with the fall of the block (6m from rear to front, 600mm cross-fall towards the property at 2A Margaret Street). This results in a structure that appears to tower over the current studio office at 2A Margaret Street (estimated as over three times the height of the studio (mid-point height of 2.2m)) and the Private Open Spaces of 2A Margaret Street that comprise the family living and dining areas and back yard/recreation area. The height of the proposed development also dwarfs the heritage stone boundary wall at the rear of the property.
 - g. The apparent height of the proposed development impacts the views from Alfred Street, subdivided in 1895 for the, now, historically significant workers cottages. The constellation of modest workers cottages alongside grand waterfront homes, with generous surrounding gardens (epitomized by the McClure Houses), has a particular cultural and historic relevance to the history of Woolwich as an industrial and maritime suburb with a mix of workers and managers residences in close proximity. The current proposal for 'Glenora' also impacts the view from Alfred Street, adjacent to Kelly's Bush, looking towards the Horse Paddock. 'Glenora' has links to the noteworthy Kelly's Bush site as a manager's residence for the 'Sydney Smelting Co Works' in the early 1900's (References; Sands Directory 1898 and 1905, The Village of Woolwich, New South Wales – The Historic Hunters Hill Trust Inc April 1997, Emery, L. 2011. Pictorial History of Hunters Hill, Kingsclear Books)).
 - h. Although there is an overview of the provided plans outlined in the Heritage Impact Statement (pages 4 & 5) the images in this document cannot be enlarged adequately without pixelation. As such the details of essential documents with measurements, including the 'Proposed ground floor plan', raw data for the Floor Space Ratio, data for Building height calculations, Landscaping plan and Planting plan, cannot be reviewed to confirm the accuracy of calculations and assertions within the Heritage Impact Statement and the Statement of Environmental Effects. I kindly request an extension of time and clarity of this information for further consideration and professional assessment.
3. Residential Amenity.
- a. Solar Access.
 - i. There has been incomplete consideration of the impact on solar access for the proposal on the adjacent heritage property at 2A Margaret Street. There is inadequate information in the current site and site analysis plan to determine the precise extent of the solar impact on the adjacent property with respect to the Private Open Spaces and rear yard. The windows in the main family living area and the rear bedroom appear to be impacted from the current information. There is insufficient evidence presented in the web-based

- documents to confirm the proposal does not adversely impact the solar access in the main living space (i.e. receive a minimum of 3 hours sunshine between 9am and 3pm).
- ii. The impacts of solar access diminish the opportunity for the family at 2A Margaret Street to avoid using a clothes dryer to manage laundry, resulting in direct financial costs and impacting environmental sustainability.
 - iii. The impacts of solar access have not been considered with regard to the future application of solar panels to the property at 2A Margaret Street, with further potential impacts on the adjacent properties ability to enhance environmental sustainability.
 - iv. The shadow diagrams have not been provided, the site and site analysis lacks a scale, orientation marker and there are inadequate details of measurements.
- b. Privacy.
- There has been no attempt to understand the impact of this proposal on the privacy of the heritage listed 2A Margaret Street.
- i. The windows in the rear of the proposed development will look directly into the main living and family area, rear yard and bedroom space in the heritage property at 2A Margaret Street. Although the development proposal is described as a single story dwelling the height of the structure should include the impact of the considerable fall of the land moving from the rear to the front of the property.
 - ii. The removal of trees on the Western boundary of 'Glenora' will permit a direct line of vision into the main bedrooms of 2A Margaret Street.
 - iii. There is clearly consideration to the impact of privacy on the residents at 'Glenora' from this development proposal as there is a direction for screening plants to the rear of the property, although considerations for privacy are absent for other locations on the site plan. The consideration for privacy, in this proposal, is afforded to the impact on the residents within 'Glenora' and does not extend to the consideration of the adjacent properties within the Heritage Conservation Area.
- c. Anticipated Acoustic Impacts.
- i. The combination of the high gabled ceilings, multiple hard internal surfaces, a funneling effect from the rear of the property with a large opening directly onto a sandstone rear boundary wall (heritage listed) and reflection of sound from this wall will exacerbate and amplify the acoustic impacts from the proposed development which is identified as the primary living space within 'Glenora'.
 - ii. There is no information provided about the plans for air-conditioning (heating and cooling). The height of the ceiling and the open plan of the living space will require heating and cooling. I seek clarity around the site, size and position of any heating or cooling units required as placement on the Western boundary would have a significant acoustic impact on the adjacent property. I note the location of the current central heating unit sits near this Western boundary location.
- d. Drainage and water management.
- i. There are no available details around drainage and limited details around water run off management from the rear of the property. The McClure Houses at 2 and 2A Margaret Street are built on a sandstone ledge with a 6m fall (rear to front) and 600mm cross-fall towards 2A Margaret Street. This proposal changes the current water drainage without description or documentation of storm water management and potential for water damage to the adjacent property. Although there has been provision of water tanks to manage the flow from two sites of roofing there is no clear consideration of water drainage from the built structures beyond this.

- e. Landscaping plans
 - i. I am unable to review the details as there is no adequate landscaping plan available on the website (Landscaping plans in the Heritage Impact Statement are pixelated when enlarged). There are explicit descriptions and details on the preservation of the hedges on the Eastern and Front boundary, due to the heritage aesthetic. There are no details available regarding the plans for the Western boundary with the current hedging contributing to the heritage aesthetic from the Margaret Street perspective and River Vista.
 - ii. The Heritage Impact Statement describes the removal of six of the nine mature trees on the property as a part of construction and site location of the proposed development. This represents a loss of 2/3 in an area that is a wildlife corridor between Kelly's Bush and the Horse Paddock. The replanting of trees does not consider the impact of the mature tree canopy on local wildlife and surrounding residential amenity (particularly with reference to privacy).
- f. Vehicle storage
 - i. Through the process of consultation there was modification to remove planned vehicle storage with the change to plans for a carport at the front of the property. There is reference to the provision of a driveway for one vehicle at the front of the property. I am unable to review the details as there is no adequate landscaping plan available on the website (Landscaping plans in the Heritage Impact Statement are pixelated when enlarged). The current proposal does not make provision for two vehicles, as currently on site at the property.
- g. Impacts of proposed development height on adjacent heritage property.
 - i. The rear yard of 2A Margaret Street sits well below street level with a heritage listed sandstone wall at the rear boundary on Alfred Street. The Eastern wing of 'Woodstock' (3 Alfred Street) sits as an imposing structure on the Western Boundary of the yard, impacting solar access and privacy, after an extensive re-development approved in the mid-1990's. The amenity at 2A Margaret Street is thus more significantly impacted by the proposed height of the structure on the Eastern boundary due to the unique configuration of the tall rear sandstone boundary wall, an imposing tower on the Western boundary and the proposed development at 'Glenora' (estimated to be more than three times the height of the studio in the rear of the 2A residence). The impact of these structures, taken together, will have a greater effect than would be anticipated by the sum of the parts and thus should be considered in unison.

Thank you once again for the opportunity to provide initial insights into the impact of the development proposal for 'Glenora' from the limited information currently available online. There are ramifications for the cultural and built history on the broader Heritage Conservation Area from this proposal. Overall there has been little consideration, no clarification and minimal attempts to truly understand the impact of this development proposal, particularly on the Heritage property at 2A Margaret Street. It should be appreciated that the impacts of the proposed development are further exacerbated by the heritage listing of 2A Margaret Street and surrounding properties within the Heritage Conservation Area with the resultant constraints on any opportunity to modify adjacent properties to ameliorate the impact, regain lost amenity and negate financial harm.

I welcome the opportunity to consider the full details of this proposal and for time to seek further professional consultation. I am grateful for the opportunity to discuss the proposal further with representatives from Hunters Hill Council and will keenly await notification of the details and timing of further discussions, application amendments and the appeal process.

Yours sincerely,
Dr Beverley Bennett

Dr. Beverley Bennett
2A Margaret St,
Woolwich, 2110

9/11/2023

Mr. Mitchell Murphy
General Manager
Hunters Hill Council
Town Hall, Alexandra St
Hunters Hill, NSW 2110

Re: Objections to DA 20211244-1 – 2 Margaret St, Hunters Hill

Thank you once again for the opportunity to raise concerns and objections to the development application for the property at 2 Margaret Street Woolwich. I refer to my previous correspondence relating to this matter as many of the concerns outlined within that document remain pertinent to the current amended Development Application. There are a number of new changes within this development application that impact both the adjacent property and the broader amenity for the community.

The change in position of the solar panels is noted, but not listed, as a modification. This change was found on review of the plans for the amended DA. There has been a significant change in position and increase in the number of panels. My concerns relate to the impact of reflection (as experienced by the glare from reflective insulation through the construction period) from the solar panels into the main living area of the adjacent property at 2A Margaret Street. This change in solar panel position also appears to be a less efficient positioning for solar access.

There are significant concerns around the removal of the established *Syzygium smithii* (formerly *Acmena smithii*, colloquially called a Lilly Pilly tree) on the boundary adjacent to 2A Margaret Street. This tree provides shelter and food for the local wildlife, including small mammals and birds, and privacy to the adjacent property. There has already been an extensive period of excavation and disruption as a part of the prolonged demolition with the tree remaining in acceptable condition from the arborists report. The arborist report outlines that excavation of the drainage system is 'very likely to disturb the root system', the corollary of this opinion has resulted in the assumption that this outcome is a 'fait accompli'. Consequently it could be considered, that with great care taken to avoid damage, this may permit the Lilly Pilly to remain viable and in situ. This would retain the benefit of the established native tree as a refuge for wildlife, continue the privacy afforded to the disregarded property at 2A Margaret Street (bedrooms and bathroom) and maintain the leafy river vista consistent with the garden heritage feel of the Hunters Hill Conservation Area. Furthermore, the position of the replacement planting to offset destruction of the Lilly Pilly is not commensurate in position or size with the proposed planting, again impacting the neighbour's amenity/privacy and wildlife corridor/shelter.

I seek clarity regarding the plans for landscaping, which are not available on the website, this information was also limited through the initial application process. There has been no provision of this information for review online or following previous requests to the council. The available plans (online) continue to show an imbalance of the 50:50 - hard:soft surface area as required by Hunters Hill Council. As outlined in my initial opposition to the DA for 2 Margaret Street the proportion of hard surface is above the 50 to 50 ratio. In particular, I seek clarity regarding the position of the driveway. On the plans that are available for public review the current gravel driveway is to be replaced with soft planting. As such the front yard plans are ambiguous. The installation of a driveway in the front yard would result in the proportion of hard surfaces further exceeding the required ratio of hard to soft surfaces. This would also impact the privacy for the residence at 2A Margaret Street. Once again, as previously outlined, it is unlikely that a property with five bedrooms of significant grandeur and size will not have off-street parking. I am concerned that the removal of

the Lilly Pilly, without offset planting of commensurate positioning, and possible removal of the hedge (information about this has not been provided) will allow further amendments by stealth, for vehicle storage and access, after the process of construction has been completed.

The plans for the extension do not appear to include adequate measures for passive heating and cooling. As such I seek clarity on the positioning of any air conditioning units. This is still not available within the information available through the Hunters Hill DA Tracking website. This should be considered with regard to the impact of noise on the adjacent property, particularly for the main bedrooms on the boundary with 2A Margaret Street. The position of the current heating unit, when broken with resultant constant running and noise for more than 48 hours under the previous owners, significantly impacted the neighbouring resident's ability to sleep due to excessive noise.

I also seek clarity around the assessment of water run-off to determine the impact of the proposed retaining wall in the rear of 2 Margaret Street. This was an issue identified as a part of my initial objections to the DA as outlined in correspondence from November 2021 (attached with this letter for your ease of reference). This was predictable, as I have outlined, prior to any renovations beginning. I can see no documentation from any targeted assessment and I am concerned that changes in the rear of 2 Margaret Street will likely lead to a change in the watercourse that impacts the property at 2A Margaret Street. The use of the retaining wall to 'slow' stormwater, with a potentially resultant altered drainage course redirecting water into the adjacent property at 2A Margaret Street, is of concern. This has the potential to impact a heritage listed item and redirects the costs of any amelioration for water management. The initial assessment did not identify the significant issues with drainage and water run off, although these were highlighted for further assessment and consideration. Any costs that result from changes to water flow should not be borne by the owners of the adjacent property but by those who have been responsible for making the changes to water flow and the consenting bodies. A more robust and comprehensive initial evaluation, through the planning and initial assessment stages, with informed specialists in the field would have been prudent.

There is no information about the material to be used in raising the existing brick and engaged pier boundary wall. As this is elevating the height of the current structure it is anticipated that identical materials should be used to maintain the current aesthetic in keeping with the heritage of the surrounding property boundaries and fences. Review of the state of the boundary wall towards the river should be reviewed at the site, the loss of mortar raises concerns about the condition and safety of the boundary wall.

Once again, due to the council requirements and limitations, the opportunities for the adjacent heritage listed property to be modified to ameliorate the impact of the significant changes at 2 Margaret Street are extremely limited. This factor should be considered as a part of any submission for changes in plans to the DA for 2 Margaret Street.

Many thanks for you further consideration of this matter
Regards
Beverley Bennett

ITEM NO	: 2.2
SUBJECT	: 10.30AM 1 EUTHELLA AVENUE AVENUE, HUNTERS HILL
STRATEGIC OUTCOME	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
ACTION	: DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
REPORTING OFFICER	: REAN LOURENS
DEVELOPMENT APPLICATION NO	20220208
PROPOSAL	DEMOLITION, RETENTION OF SOME BUILDING ELEMENTS, AND CONSTRUCTION OF A DWELLING HOUSE AND ASSOCIATED LANDSCAPING AND SITE WORKS
APPLICANT	MARCUS BRISTOW
OWNER	MR M A & MRS S E BRISTOW
DATE LODGED	17 NOVEMBER 2022

Ref:688997

INTRODUCTION

Reasons for Report

The proposal resulted in four (4) submissions being received in response to the neighbour notification process.

This report is to review the application and in particular, view impacts with temporary height poles installed.

Background

This application was initially considered at the Development Control Unit meeting of 19 December 2023 and the matter was deferred to further explore and examine the view impacts of the adjacent property, 2 Euthella Avenue, Hunters Hill.

Below are the minutes from the DCU meeting of 19 December 2023:

Proceedings Todd Neal addressed the DCU and stated the major concern was in regards to water view loss. Of particular concern was that Council had not inspected 2 Euthella

Avenue to assess the potential view loss. Mr Neal also pointed out that the proposal is not in keeping with local character of the area.

Mr Kourepis advised that a site visit will be undertaken before the DCU will make a final decision.

In accordance with the above, a site inspection was conducted on 30 January, 2024, where two Council officers attended the site. Detailed analysis is discussed in the body of this report, *Part 3.5.5 – View Sharing*.

REPORT

1. DESCRIPTION OF PROPOSAL

The proposed development is for the demolition of existing structures including a dwelling house, garage, swimming pool, tree removal on the site; and the construction of a new detached dwelling, swimming pool, and landscaping works. The new proposed dwelling will contain the following:

- The ground floor level will contain a garage, entry foyer, bedroom, bathroom, WIR and landscaped terrace area.
- The lower ground level will contain a kitchen, living areas, two (2) bedrooms and a bathroom.
- The bottom level will contain a utility room, a pool, an open pergola and landscaped areas along the waterfront.

2. DESCRIPTION OF SITE AND LOCALITY

The proposed development is located at 1 Euthella Avenue, Hunters Hill on Lot 8 DP2392 and is located within the R2 Low Density Residential zone.

The site is irregular in shape, covering a total area of 655m². It has a front (northern) boundary of 7.6m along Euthella Avenue and a rear boundary that directly adjoins Tarban Creek. The site has a significant fall from the street to Tarban Creek.

The existing building comprises a part two and part three storey masonry dwelling with hipped and flat roof forms. The dwelling was originally constructed in the 1970s and has undergone multiple alterations over time.

Surrounding development include mostly double storey dwellings, while the site at 3 Euthella Avenue is currently vacant.

The site itself is not heritage listed or located within a Heritage Conservation Area (HCA), however the stone wall along the northern formation of Euthella Avenue is identified as a local heritage item.

3. PROPERTY HISTORY

No previous applications have been registered against the property.

4. REFERRALS

4.1 External Approval Bodies

Not Applicable.

4.2 Public Works and Infrastructure

The proposed development was referred to the Councils Engineering section who advised by memo that the development could be supported subject to appropriate conditions of consent.

4.3 Parks and Landscape

The proposed development was referred to the Councils Landscape officer who advised by memo that the development could be supported subject to appropriate conditions of consent.

4.4 Heritage

The proposed development was referred to the Councils Heritage officer who advised by memo that the proposal will not adversely affect the setting of the stone located on the opposite side of Euthella Avenue.

With regard to the impact of the proposal on the setting of “The Priory”, it is noted that the existing Fig tree along the foreshore will be retained, The proposed development is for the demolition of existing structures including a dwelling house, garage, swimming pool, tree removal on the site; and the construction of four (4) submissions being received in response to the neighbour notification process.

1. ASSESSMENT UNDER S.4.15

1.1 State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Resilience and Hazards) 2021

The site has a longstanding history of residential use and is considered unlikely to contain any contaminants that would preclude ongoing residential use.

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

The policy applies for the proposed development and a compliant BASIX Certificate has been lodged.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 10 applies to the proposed development as it is located within the Sydney Harbour Catchment and mapped as a Foreshore Building Area/Line and a River Front Area. It is considered that the proposed development satisfies the aims of Chapter 10 of the SEPP as the proposed building works will be conducted in an environmentally responsible manner. The

proposed building form has been designed to blend into the surrounding area and will be accompanied by landscaping to soften the visual effects of the site from Tarban Creek.

The majority of the works will occur outside the Foreshore Building Line with the exception of the construction of the open poolside pergola. Such development is considered acceptable as the pergola will provide further amenity to the site and no work will occur below the mean high-water mark.

1.2 Regional Environmental Plans

Not Applicable.

1.3 Hunters Hill Local Environmental Plan 2012 (HHLEP)

Statutory Compliance Table

The following table illustrates whether or not the proposed development complies with the relevant statutory controls of *Hunters Hill Local Environmental Plan 2012*.

COMPLIANCE WITH CURRENT STATUTORY CONTROLS	PROPOSED	CONTROL	COMPLIANCE
MAXIMUM HEIGHT	7.4m	8.5m	Yes
WALL HEIGHT	7.36m	7.2m	No
STOREYS	2 storey	2 storey	Yes
LANDSCAPE AREA	60%	50%	Yes
FLOOR SPACE RATIO	0.4:1	0.5:1	N/A

Clause 2.3 – Aims and Objectives of Hunters Hill Local Environmental Plan 2012 and Zone

The subject site is zoned R2 Low Density Residential Zone under the provisions of HHLEP 2012.

The objectives of the R2 Low Density Residential Zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain the identity of Hunters Hill by ensuring that new buildings are compatible with the garden suburb character and heritage values that distinguish the low density localities.*
- *To provide for high levels of amenity that are consistent with a low density residential environment.*

The proposed development is consistent with the R2 Low Density Residential Zone under the HHLEP 2012 and is compliant.

Clause 2.7 – Demolition Requires Development Consent

The application proposes the demolition of the existing dwelling and associated structures. Development consent is therefore required for these works under HHLEP 2012.

Clause 4.3 – Height of Buildings

The maximum building height of the site is 8.5m. The proposed development is compliant with this requirement as the maximum building height will be 7.4m.

It is considered that the three storey component along the southern façade is acceptable as:

- The design provides for recessive lower level within the existing topography;
- The proposed areas consist of a utilities room; and
- The design has been amended to allow for articulation on the upper levels and additional landscaping on the ground level to obscure and soften the views from the waterfront.

Clause 4.4 – Floor Space Ratio (FSR)

The maximum floor space ratio for a building on the site is 0.5:1. However, as the development complies with the building height and landscaping controls, no maximum FSR is required for the proposed dwelling. The proposal does however comply with the requirement by providing an FSR of 0.4:1.

Clause 5.10 – Heritage Conservation

As stated previously, the site itself is not heritage listed or located within an HCA, however the stone wall along the northern formation of Euthella Avenue is identified as a local heritage item.

It is considered that the proposal will not have a negative impact on the structural integrity of the wall or its heritage qualities.

Clause 6.1 – Acid Sulfate Soils

The site is mapped as containing Class 5 Acid Sulfate Soils. Where acid sulfate soils are encountered, additional measure will need to be implemented to ensure the local environment is not impacted.

Clause 6.2 – Earthworks

The proposed development will result in earthworks along the northern section of the site.

The provisions state that, before granting development consent for earthworks, Council must consider the following matters—

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposed earthworks will be managed via the implementation of a Construction Environmental Management Plan to ensure the short-term impacts are managed. The proponent will not be required to undertake any dilapidation reports as the adjacent sites are currently vacant.

Clause 6.3 – Stormwater Management

The proposed development will require the installation of new stormwater management system. A stormwater management plan has been supplied however a number of concerns have been raised by Councils Development Engineer which have been assessed in section 4.3 of this report.

Clause 6.6 – Limited Development on Foreshore Area

- (1) Development consent must not be granted to development on land in the foreshore area except for the following purposes—
 - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
 - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
 - (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).
- (2) Development consent must not be granted under this clause unless the consent authority is satisfied that—
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
 - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
 - (c) the development will not cause environmental harm such as—
 - i. pollution or siltation of the waterway, or
 - ii. an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
 - iii. an adverse effect on drainage patterns, and
 - (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and
 - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
 - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
 - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore.

The subject site has a defined Foreshore Building Line of 10m. The majority of the works will occur outside the Foreshore Building Line with the exception of the construction of a pergola comprising of 10m² that will be partially (approximately 3.5m²) within the foreshore buffer. Under the HHLEP 2012, pergolas can be defined as recreational structures which will not impact on the foreshore area. The location of the proposed pergola has been assessed against the provisions of Clause 6.6(2) and it was found that it will not impact on the local amenity, public access or historic significance and is therefore considered acceptable.

Clause 6.7 – Development on River Front Areas

The site is located within a River Front Area. It is considered that the proposed development will be in keeping with this clause as it has been designed to enhance the character of the waterway. The dwelling and associated works will be consistent with the bulk, scale and design of the surrounding development and will ensure the protection of any heritage, historical, environmental, or scenic qualities that exist on site.

Clause 6.9 – Landscaped Areas

This clause states that all sites that have a direct frontage to Paramatta River or Lane Cover River require a landscaped area of 60%, and for all other sites 50%. It is noted that the site has a direct frontage to Tarben Creek and not the Paramatta River or Lane Cover River, therefore a minimum landscaped area of only 50% is required. The proposed development will provide a total landscaped area of 60%, therefore meeting the landscape requirement.

1.4 Draft Amendments to Statutory Controls

No relevant draft amendments pertaining to this application.

1.5 Hunters Hill Development Control Plan 2013*Part 2.2 – Planning Policy – All Development*

The objectives of Planning Policy, All Development are:

- *Conserve and enhance character and environmental identity of the hunters Hill Municipality by the appropriate use and development of land, existing buildings and structures.*
- *Maintain and enhance qualities of existing buildings and structures, tree covered streetscapes and scenically prominent landscape settings which are important elements of this Municipality's heritage, scenic quality and environmental identity.*
- *Complement provisions of the Hunters Hill LEP 2012 to ensure that future development does not detract form existing character of landscape settings, streetscapes. Residential gardens and buildings which contribute to this Municipality's heritage, scenic quality and environmental identity.*

The proposed development meets all requirements of the HHLEP 2014 and is generally consistent with the planning objectives.

It is noted that during the public submissions period, multiple applications referred to the proposed development as inconsistent with the character of the locality in terms of bulk, scale and design. Although the development will be of modern design, modern dwellings are not prohibited within established areas, with many of the surrounding sites recently having undergone modern alterations and additions. The site is also not located within an HCA area and will be of one (1) storey appearance from the streetscape, with accompanying landscaping to soften any potential impacts of the built form. It is therefore considered that the proposed development will positively contribute to the character of Hunters Hill and will not create any adverse visual or environmental concerns.

Part 2.3 – Trees and Vegetation

The proposed development will require the removal of four (4) trees within the site, while the proposal incorporated the retention of two (2) trees and the planting of one (1) new tree. The proposed development was referred to the Councils Landscape officer who advised by memo that the development could be supported subject to appropriate conditions of consent.

Part 2.4 – Heritage Conservation

As stated previously, the site itself is not heritage listed or located within an HCA, however the stone wall along the northern formation of Euthella Avenue is identified as a local heritage item.

It is considered that the proposal will not have a negative impact on the structural integrity of the wall or its heritage qualities.

Part 3.3 – Dwelling Houses

Part 3.3.2 – Height

The proposed development meets the maximum building height standard of 8.5m.

The proposal includes a variation to the maximum wall 7.2m height limit requirement. The non-compliance affects the eastern portion of the dwelling and ranges between up to 7.4m.

The affected walls are articulated by windows and does not provide for unarticulated blank walls, while the horizontal steps provided in the design provides for visual interest. The building setbacks and landscaping will provide further relief. It is considered that the non-compliance is acceptable as the eastern section of the dwelling does not include a sloped roof that will limit the perceived bulk and scale.

Part 3.3.3 – Setbacks

The proposed garage is setback 5.33m from the road frontage and the applicant calculated that the average setback of the adjoining development is 5.15m. The proposal therefore complies with the front setback requirement.

The proposed dwelling will maintain a 1.5m side boundary setback on each level. The rear setback will be well over 6m from the waterfront which is compliant with the HHDCP 2013 controls.

Part 3.3.4 – Landscaped Areas

As stated, the site requires a minimum landscaped area of 50%. The proposed development will provide adequate hard and soft landscaping, forming a total landscaped area of 60%. It is noted that the proposed landscape plan is not compliant and is recommended to be amended to offer more appropriate landscaping for the site before the application can be approved.

Part 3.5 – Residential Amenity

Part 3.5.2 – Solar Access

The applicant provided shadow diagrams that indicate the new dwelling will result in a minor increase of shadowing on 3 Euthella Avenue. The additional overshadowing will only mostly occur during the afternoon periods and is considered acceptable in this instance.

Part 3.5.3 – Visual Privacy

The proposed dwelling has been designed to ensure that limited visual privacy impacts arise. The development on the upper level will provide a large bathroom window on the eastern façade and a narrow window along on the main bedroom. The bathroom window will be fitted with privacy screens, while the bedroom window will not result in any significant privacy issues.

Part 3.5.4 – Acoustic Privacy

No acoustic concerns have been identified as a result of the proposed development.

Part 3.5.5 – View Sharing

The proposed development will alter views from the properties along the northern frontage of Euthella Avenue. It is noted that a submission received from the owners at 2 Euthella Avenue identified issues with the potential impact on views.

Notes from the site visit of 30 January, 2024 are below:

Site visit

Inspection from ground floor

It was witnessed that from study room and stair thoroughfare, existing structures including trees would impede water views currently, hence this analysis should be taken on the upper levels.

Inspection from first floor and upper levels.

It was witnessed that when standing or sitting in the areas of bedrooms, thoroughfares stairwell, some water views would be impeded however not the majority percentage when considering existing landscaping of trees and other structures.

The proposal would not have a major impact on loss of views when considering the view share principles, tenacity where the proposal would not be a devastating impact.

When viewing from the upper levels, it was witnessed that the existing structure to be demolished would further open the water views and have regard to the overall proposed height of the new development. Views can be seen over the proposed structure, hence the proposal would not be devastating, addressing the tenacity principles of view loss.

In conclusion, as stated within the report the proposal will not have devastating impacts on view loss, when considering the tenacity principles and Council's view sharing principles with acceptable and minimal impacts. The proposal will, in parts, impede some water views, however will not impact or impede any iconic views or provide any devastating impacts.

The final decision has been deferred pending a possible further site visit, an amended report and a new DCU meeting.

The NSW Land and Environment Court established specific planning principle in respect to the assessment of view impacts resulting from new developments. The specific provisions are provided in *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140.

It is noted that members of the Development Control Unit (DCU) undertook a site visit on 30 January 2024 to gain a better understanding of the potential impacts. The applicant also installed height poles along the eastern elevation of the proposed building.

The four steps and the guidance provided by the Court in this case is undertaken in four (4) steps:

Step One – Assessment of the views to be affected.

The views that will be impacted are not of iconic views such as the Opera House or the Harbour Bridge, which are highly valued.

The sites along the northern frontage of Euthella Avenue currently have partial views of Tarban Creek, which again is less valued than uninterrupted water views. It is also noted that the existing vegetation on the site and the adjacent park currently partially obscures the water views.

Step Two – Consideration from what part of the property the views are obtained

Step 2 of the assessment states consideration must be given to the part of the affected development the view loss will occur. It is stated that the views from the front setback and those gained from a sitting position is difficult to protect.

The DCU members confirmed the views from the lower level will not be altered as the existing development obscured water views. The upper level views are located within a stairway thoroughfare and bedrooms.

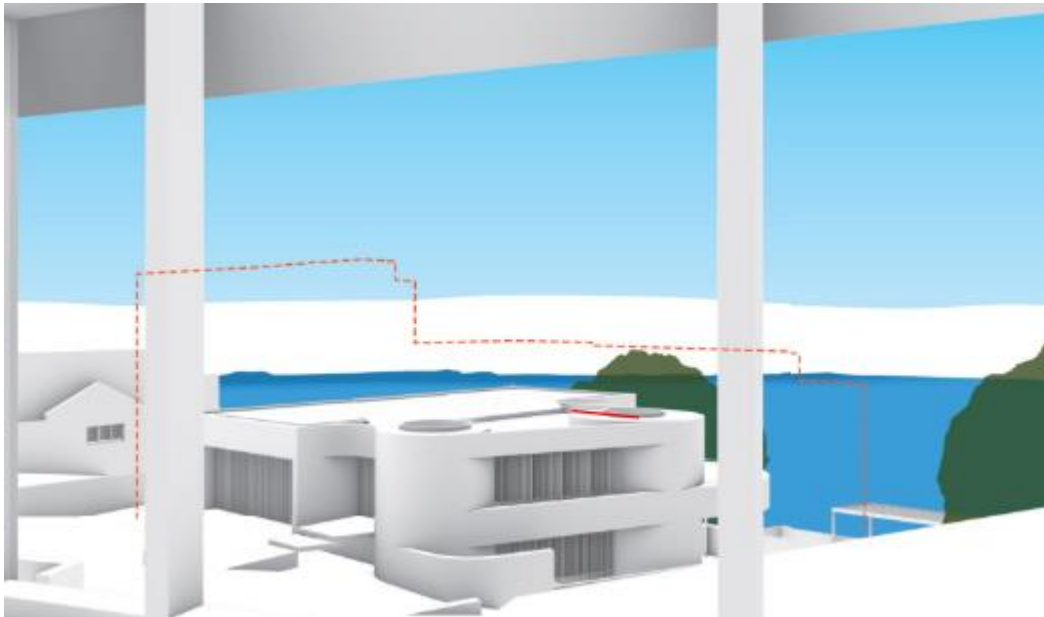


Figure 1: Image from Visual Impact Assessment from the lower level on 2 Euthella Avenue

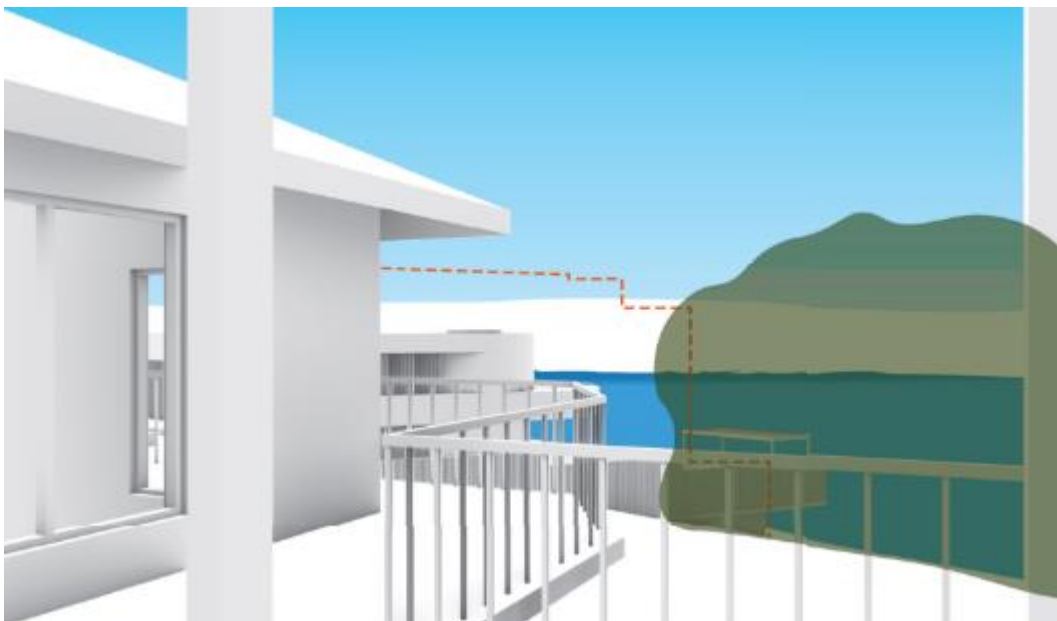


Figure 2: Image from Visual Impact Assessment from the upper level on 2 Euthella Avenue

Step Three – Assessment of the extent of the impact

Step 3 of the assessment should be done for the whole of the property, not just for the view that is affected.

It is considered that the views from the bedrooms will not be completely lost as shown in the Figures 1 and 2.

Further, the applicant stated that, as the western part of the new dwelling will be approximately 1.0m lower than the existing development, the view plane may be increased over part of the dwelling.

Step Four – Assessment of the reasonableness of the proposal that is causing the impact

Step 4 states that development that complies with all planning controls would be considered more reasonable than one that breaches them. The proposal complies with the HHLEP 2012 height control of 8.5m, proposing an overall height of 7.36m.

The minor non-compliance with the wall height requirement contained in the HHDCP 2013 occurs on the south-eastern portion of the development and does not impact on any views from the development along the northern frontage of Euthella Avenue.

The DCU members considered the potential impacts and concluded that the proposal will not have devastating impacts on view loss, when considering the tenacity principles and Councils view sharing principles. The proposal will, at parts, impede some water views, however will not impact or impede any iconic views or provide any devastating impacts. The impact will therefore be acceptable as it will have minimal impacts on views.

From the discussion above, it is concluded that the view loss resulting from the new development is acceptable in this instance.

Part 5.3 – Car Parking and Vehicle Access

The proposed development will involve the construction of an attached garage that will provide two (2) car parking spaces.

Part 5.4 – Sediment and Erosion Control

It is considered that the appropriate conditions of consent will be imposed to ensure control measures are implemented during the construction process.

Part 5.6 – Stormwater Management

It is considered that the appropriate conditions of consent will be imposed to ensure control measures are implemented during the construction process.

Part 5.7 – Waste Management

The proposed development will result in a substantial production of waste as a result of the demolition and construction phases. A waste management plan will be required detailing how any waste produced will be managed and disposed of.

2. The Likely Impacts of The Development*FINANCIAL IMPACT ASSESSMENT*

There is no direct financial impact on Council's adopted budget as a result of this report.

ENVIRONMENTAL IMPACT ASSESSMENT

There is no direct environmental impact on Council arising from Council consideration of this matter.

SOCIAL IMPACT ASSESSMENT

There is no direct social impact on Council arising from Council consideration of this matter.

3. ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

The proposed development was notified in accordance with Council's *Consolidated Development Control Plan 2013* for a period of 14 days (ending 1 December 2022) and during that period a total of four (4) submissions were received.

It is noted that three (3) submissions were received during the notification period, while the submission received from Colin Biggers & Paisely Lawyers (on behalf of the owners of 2 Euthella Avenue) was received after the notification period.

A letter of support was also received after the closure of the notification period from the owner at 4 Euthella Avenue. The submission refuted the claim of earlier submissions that all neighbours along the northern frontage of Euthella Avenue provided consent to the submissions. On the contrary the submitter stated support for the design. It was also noted in the submission that the photos taken from 4 Euthella Avenue were taken without consent.

The issues identified in the four (4) submissions are discussed below:

NOTIFICATION REQUIRED	YES
NUMBER NOTIFIED	
SUBMISSIONS RECEIVED Submission from resident mrsnmrh@hotmail.com Address unknown	
CONCERNS RAISED	COMMENT
Landscaped areas should not be altered by more than 1.0m.	It is noted that the site level will be altered by the proposal, however the landscaped areas will not be altered significantly. The only step in the landscaped area is along the western area in the location of the proposed pergola that includes a step of 0.54m.
The proposed roof design is not characteristic to the area according to Part 2.2.3 and 2.2.4 of the HHDCP.	The proposed modern design is allowed in established areas. It is noted that the area is not in an HCA and the dwellings in the area vary in age, dating from the latter half of the 20th century.
Dwellings should not be dominant (more than 2 storeys) when viewed from Euthella	The proposal complies with the maximum height level and the lower level of the new

Avenue and Pitt Street according to part 2.2.3 of the HHDCP.	dwelling will be recessive within the landscape. The dwelling will therefore present as a double storey dwelling from both the road frontage (partially) and the foreshore.
Non-compliant with the maximum building/wall height according to Part 3.3.2 of the HHDCP.	The proposal complies with the building height requirement and the breaching of the wall height requirement has been discussed earlier in the report and is considered appropriate in this instance.
Development is of a three (3) storey design.	As discussed in Clause 4.3 of the HHLEP2012 above.
Side setback design must be angled 90 degrees with the boundary according to Part 3.3.3 of the HHDCP.	This is not considered feasible in this instance and no issues were raised by the owners of 3 Euthella Avenue.
Proposed development does not meet the minimum required landscaping according to Clause 6.9 of the HHLEP.	As discussed in Clause 6.9 of the HHLEP 2012 above, the proposal complies with the requirement.
SUBMISSIONS RECEIVED Submission received from neighbours springbloom265@gmail.com Address of submitter unknown	
Inaccuracy of boundaries showed on architectural plans.	Unclear what this refers to. The applicant provided a survey that was prepared by a qualified surveyor and is therefore considered accurate. The site boundaries are identified on the site plan.
Pergolas are not allowed in foreshore areas.	It is noted that the HHLEP contains specific requirements for development the foreshore area. As pergolas can be defined as a recreation structure and will not impact on the foreshore area, it is considered that the location of part of the open pergola can be supported in this instance.
3D model is not accurate as it shows a one (1) storey development from the road.	Applicant provided an accurate 3D model. The model shows that the upper level (that includes the garage) will be located at ground level along the eastern part of the frontage. It clearly shows that the areas to the west will transition to the lower level as the site topography changes.
Inaccuracies of wall heights shown on the 3D model.	As above.
The proposed development is for a new building and not for the retention of the existing building.	It is noted that the description states that some building elements will be retained. The proposal goes on to state that some pool

	elements will remain on site and will be utilised as part of the new outdoor areas.
The proposed development will result in a significant loss of views.	The view loss resulting from the proposal was considered earlier in the report and is considered appropriate in this instance.
Building and wall height are not compliant with both the HHLEP and HHDCP requirements.	As above.
The new proposed setbacks will result in overshadowing of 3 Euthella Avenue.	The proposal will only overshadow the site at 3 Euthella Avenue during the afternoon and the impact is considered appropriate when taking into consideration the DCP controls.
The proposed landscaped areas are not compliant according to Part 3.3.4 of the HHDCP.	As discussed in Clause 6.9 of the HHLEP 2012 above, the proposal complies with the requirement.
Public interest was not considered as part of the development.	The assessment did not identify any issues that made the development contrary to the public interest.
SUBMISSIONS RECEIVED Submission received from neighbours Bluebay@outlook.com Address of submitter unknown	
The proposed site frontage is two (2) storeys not one (1).	As discussed above.
The 3D model is not accurate.	As discussed above.
The proposed garage is located on the boundary.	<p>As discussed previously in the report, the proposal complies with the front setback requirements.</p> <p>It is noted that the garages along Euthella Avenue are mostly at a zero setback due to the topography of the area. The garage at 6 Euthella Avenue faces the frontage directly, while a number of others are set at 90 degrees to the road. These differ from the proposed development as it provides for a 5.35m setback, which provides for visual relief when viewed from the frontage.</p>
The proposed development will be three (3) storeys	As discussed in Clause 4.3 of the HHLEP2012 above.
The proposed development will result in a significant loss of views.	The view loss resulting from the proposal was considered earlier in the report and considered appropriate in this instance.
The proposed landscaping is less than 50%.	As discussed in Clause 6.9 of the HHLEP 2012 above, the proposal complies with the requirement.

The pergola will be located within the waterfront area.	It is noted that the HHLEP contains specific requirements for development the foreshore area. As pergolas can be defined as a recreation structure and will not impact on the foreshore area, it is considered that the location of part of the open pergola can be supported in this instance.
No development should occur within the foreshore area.	As above.
The proposed development is not consistent with the surrounding character.	The proposed modern design is allowed in established areas. It is noted the that the area is not in an HCA and the dwellings in the area date from the latter half of the 20th century.
SUBMISSIONS RECEIVED	
Colin Biggers & Paisely Lawyers on behalf of the owners of 2 Euthella Avenue	
Inaccuracy of boundaries showed on architectural plans.	Unclear what this refers to. The applicant provided a survey that was prepared by a qualified surveyor and is therefore considered accurate.
Pergolas are not allowed in foreshore areas.	It is noted that the HHLEP contains specific requirements for development the foreshore area. As pergolas can be defined as a recreation structure and will not impact on the foreshore area, it is considered that the location of part of the open pergola can be supported in this instance.
3D model is not accurate as it shows a one (1) storey development from the road.	Applicant provided an accurate 3D model. The model shows that the upper level (that includes the garage) will be located at ground level along the eastern part of the frontage. It clearly shows that the areas to the west will transition to the lower level as the site topography changes.
Inaccuracies of wall heights shown on the 3D model.	As above.
The proposed development is for a new building and not for the retention of the existing building.	The proposal description is for the demolition of the existing structures and the construction of a new dwelling.
The proposed development will result in a significant loss of views.	The view loss resulting from the proposal was considered earlier in the report and considered appropriate in this instance.
Building and wall height are not compliant with both the HHLEP and HHDCP requirements.	As above.

The new proposed setbacks will result in overshadowing of 3 Euthella Avenue.	The proposal will only overshadow the site at 3 Euthella Avenue during the afternoon and the impact is considered appropriate when taking into consideration the DCP controls.
The proposed landscaped areas are not compliant according to Part 3.3.4 of the HHDCP.	As discussed in Clause 6.9 of the HHLEP 2012 above, the proposal complies with the requirement.
Public interest was not considered as part of the development.	The assessment did not identify any issues that made the development contrary to the public interest.

4. CONCLUSION

It is considered that the proposed demolition and construction works are consistent with the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

5. RISK ASSESSMENT

There are no direct or indirect risks impacting on Council arising from consideration of this matter.

6. HUNTERS HILL 2030

The proposed development will not affect the overall area of Hunters Hill and upholds the relevant aims and objectives of Hunters Hill 2030.

RECOMMENDATION

Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, Development Application 2022/0208 for the demolition, retention of some building elements, and construction of a dwelling house and associated landscaping and site works at 1 Euthella Avenue, Hunters Hill be approved subject to the following conditions:

GEN0 GEN1

GEN3

Drawing Number	Drawn By	Plan Dated
DA000, Legend, DWG list, Site Map, Proj. 2017 Euthella 1, Rev P1	Smart Design Studio	10/10/2022
DA001, Site & Roof Plan, Proj. 2017 Euthella 1, Rev P3	Smart Design Studio	10/10/2022
DA100, GF Plan, Site Map, Proj. 2017 Euthella 1, Rev P3	Smart Design Studio	10/10/2022
DA101, LG Plan, Proj. 2017 Euthella 1, Rev P5	Smart Design Studio	17/11/2023
DA102, Sub LG Plan, Proj. 2017 Euthella 1, Rev P4	Smart Design Studio	01/11/2023
DA103, LG Plan - Pergola, Proj. 2017 Euthella 1, Rev P1	Smart Design Studio	20/03/2023
DA300, East & West Elevations, Proj. 2017 Euthella 1, Rev P4	Smart Design Studio	20/03/2023

DA301, North & South Elevations, Proj. 2017 Euthella 1, Rev P5	Smart Design Studio	17/11/2023
DA400, Section A & B, Proj. 2017 Euthella 1, Rev P6	Smart Design Studio	17/11/2023
DA910, Waste Management Plan, Proj. 2017 Euthella 1, Rev P1	Smart Design Studio	10/10/2022

GEN5 GEN6 GEN7 GEN15 GEN20 GEN21

PCC0 PCC1(\$2,983) PCC3(\$1,650) PCC5(\$11,930) PCC11 PCC12(1336841S) PCC15 PCC16 PCC17 PCC18 PCC19 PCC20 PCC21 PCC31 PCC32 PCC40 PCC41 PCC42 PCC43 PCC46 PCC48 PCC57 PCC65 PCC73 PCC75, PCC76

PCC(SP)

To ensure the protection of the *Avicennia marina* (Grey Mangrove) located to the rear of the site details of a swimming pool overflow drainage system must be shown on the Landscape Plan Landscape Plans (prepared by Tarn Design Ecology, dwg no XX.EA.101, 102, 203 dated 29.09.2022). The swimming pool overflow system must ensure the protection of the Grey Mangrove from chlorinated water being released from the pool.

The amended Landscaped Plan Landscape Plans (prepared by Tarn Design Ecology, dwg no XX.EA.101, 102, 203 dated 29.09.2022) complying with this condition must be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The Principal Certifying Authority must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

PCW0 PCW1 PCW2 PCW3 PCW4 PCW5 PCW6 PCW14**PCW Tree Protection**

a)

Tree No/ Location	Species	TPZ (m)
Tree 1	<i>Ficus rubiginosa</i> Port Jackson <i>Fig</i>	10.1
Tree 3	<i>Avicennia marina</i> Grey Mangrove	3

The trees listed above in (a) shall be retained and protected in accordance with the Arboricultural Impact Assessment Report (prepared by McArdle Arboricultural Consultancy, 21.10.2022)

b) The following works are excluded from within the TPZ, unless otherwise stated.

- * Grade alterations
- * Soil cultivation, disturbance or compaction
- * Stockpiling, storage, disposal or mixing of materials
- * Refuelling of machinery or vehicles
- * Washing of machinery or vehicles
- * Pedestrian access or vehicular access
- * Siting of offices, sheds or temporary services

* Any action that has the potential to impact the tree's health and structural condition

CS10 CS11 CS13

DEM0 DEM1 DEM3 DEM4 DEM5 DEM6 DEM7 DEM8 DEM9 DEM11 DEM12 DEM13

CON0 CON1 CON2 CON4, CON5 CON8 CON9 CON11 CON14 CON17 CON27 CON28 CON41 CON42 CON43 CON44 CON45 CON50

Tree No	Location	Comments
Tree 2 <i>Camellia</i> spp. <i>Camellia</i>	Rear of site	
Tree 4 <i>Syzygium</i> spp. Lilly Pilly	Southern side boundary	
Tree 5 <i>Syzygium</i> spp. Lilly Pilly	Southern side boundary	

CON51 CON52 CON53 CON54 CON55 CON56 CON58 CON59 CON60 CON67

POC0 POC1 POC2 POC4 POC8

POC7

- Landscape Plans
(prepared by Tarn Design Ecology, dwg no XX.EA.101, 102, 203 dated 29.09.2022)

POC10

- Arboricultural Impact Assessment Report
(prepared by McArdle Arboricultural Consultancy, 21.10.2022)

POC14 POC18 POC21 POC23 POC24 POC25 POC28 POC60 POC61

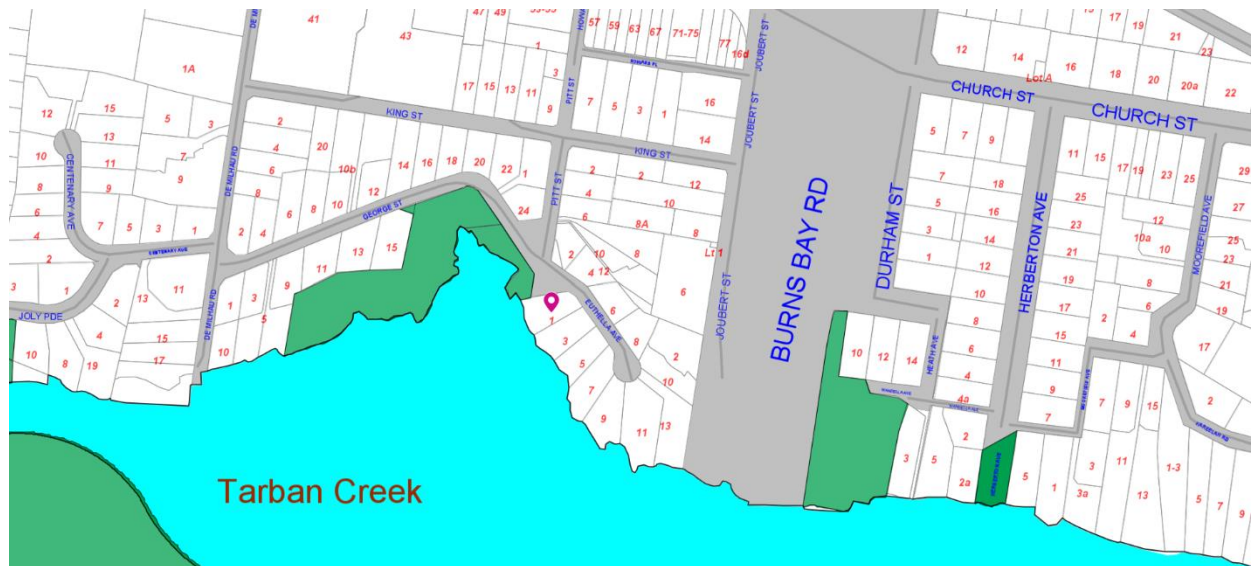
POC70

Stormwater	In-Line Hydraulic Services	Stormwater Drainage Concept Plan, revision P2, dated 14/10/22	22232 HDA01, HDA02, HDA03, HDA04, HDA05, HDA06, HDA07
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POC73 POC75

ATTACHMENTS

1. Map [↓](#)
2. Plans [↓](#)
3. Submissions [↓](#)



DRAWING SCHEDULE		
000 - LEGEND, SITE, DEMOLITION		
DA000	LEGEND, DWG LIST, SITE MAP	
DA001	SITE & ROOF PLAN	
DA002	SETBACKS PLAN	
100 - PLANS		
DA100	GF PLAN	
DA101	LG PLAN	
DA102	SUB LG PLAN	
DA103	LG PLAN - PERGOLA	
DA110	AREA PLAN - GFA	
DA111	AREA PLAN - LANDSCAPE	
300 - ELEVATIONS		
DA300	EAST & WEST ELEVATIONS	
DA301	NORTH & SOUTH ELEVATIONS	
DA905	WALL HEIGHT 3D	
400 - SECTIONS		
DA400	SECTION A & B	
900-DIAGRAMS		
DA900	STREETSCAPE- SOUTH	
DA901	STREETSCAPE- NORTH	
DA902	GARAGE TO HOUSE RATIO	
DA910	WASTE MANAGEMENT PLAN	
950-SHADOW STUDIES		
DA950	SHADOW DIAGRAMS - PROPOSED	

BASIX REQUIREMENTS	
External Walls	
Cavity brick light coloured face brick with 25 mm foil faced PIR board on side face of cavity, render internally	
Retaining walls - 190 blockwork 40mm cavity 110 brickwork render internally	
Metal cladding battens, breathable membrane to inside of cavity stud framing with R2.5 high density batts plasterboard internally to skylight clerestory walls	
Internal walls	
110 and 270 brickwork plasterboard internally throughout	
Roof	
Concrete with light coloured pebble ballast on R3 extruded polystyrene or PIR board above the slab	
Ceilings	
Plasterboard with R3 batts to ceiling below clerestory skylights.	
Floors	
Concrete with finishes as shown on drawings	
Windows & Glazed doors	
All windows and glazed doors – equivalent to aluminium framed argon filled double glazed with high solar gain Low E clear glazing	
U value ≤ -4.1 SHGC = 0.57 $\leq 10^6$ a	
All external doors and windows to be fitted with draught excluding weather stripping and have light coloured framing 0.4 solar absorptance.	
External retractable blinds with 90% block out to be fitted with sliding glazed doors to Living room and Bedroom 01 and well as to the western edge of the ground floor terrace.	
Skylights	
All skylights to be equivalent to VEL-012-01 W VELUX FCM - Fixed Curb Mount Skylight DG 3mm LoE 366 / 8.5mm Argon Gap / 5.36mm Clear La U = 4.0: SHGC = 0.27.	
General	
Insulation, services and sealing of the building to be in accordance with BCA NSW 3.12	
All downlights to be sealed or IC rated or fitted with covers	
All exhaust fans to be sealed or fitted with dampers and max. 180 mm. dia.	
Thermal comfort rating has been done with assumptions in regard to ceiling penetrations and it may need to be revised when final lighting layouts are available to confirm compliance with BCA 12.1.2(e)	
BASIX REQUIREMENTS	
Landscaping to include min. 50 m2 of low water use or native endemic planting	
4,000 l rainwater tank connected to garden tap and toilets	
Electric heat pump hot water system – 26-30 STC	
3.0 kW PV system	



1 LOCALITY PLAN

APPLICANT : M. BRISTOW
LOT/DP : 8/26392

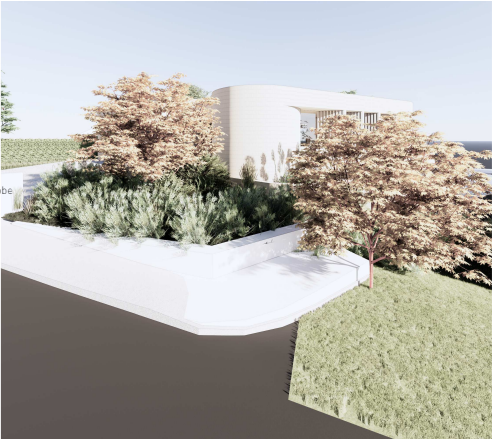
PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON FOR DA	DATE
P1		10.10.22

ABBREVIATIONS

AC	Air Conditioning	DP	Downpipe	GAR	Garage	PF	Paint Finish
ADU	Air Condensor Unit	DWG	Drawing	HALL	Hallway/Corridor	PLT	Plant Room
AFFL	Above Finished Floor Level	EC	Exhaust Cowl	HRL	Handrail	PU	Paving Unit
AL	Aluminium	EGL	Existing Ground Level	HWH	Hot Water Heater	PV	Photovoltaic Cell
AS	Australian Standard	ELEC	Electrical	HYD	Hydraulic	RF	Roofing
BAL	Balustrade	ENG	Engineer	ICM	Intercom	RL	Relative Level
BALC	Balcony	ENS	Ensuite	J	Joinery Item	RWH	Rain Water Head
BATH	Bathroom	ENTRY	Entry	KIT	Kitchen	RWO	Rain Water Outlet
BCA	Building Code of Australia	EX/EXIST	Existing Structure or Finish	KRB	Kerb	SCR	Screen
BDY	Boundary	EXH	Exhaust	LDY	Laundry	SL	Skylight
BED	Bedroom	F	Fixed	LIV	Living Room	ST	Stone
BG	Box Gutter	FAM	Family	LOB	Lobby	STL	Steel
BK	Brick	FCL	Finished Ceiling Level	LV	Louvre	STO	Storage
BLDG	Building	FFL	Finished Floor Level	ME	Metal	STRUCT	Structural
BLS	Ballast	FGL	Finished Ground Level	MECH	Mechanical	SWP	Stormwater Pit
BTH	Bath	Foyer	Foyer	MR	Metal Roof	TERR	Terrace
CB	Concrete Block	FPL	Fireplace	MS	Mild Steel	TM	Timber
COL	Column	FR	Fire Resistant	MT	Mosaic Tile	TMF	Timber Floor
CONC	Concrete	FW	Floor Waste	N	New Item	TOP	Top of Parapet
COS	Confirm On Site	G	Clear Glass UNO	N/A	Not Applicable	TOW	Top of Wall
CPT	Carpet	G-BAL	Glass Balustrade	NTS	Not To Scale	TPZ	Tree Protection Zone
CR	Cement Render	G-F	Glazing - Fixed	O/H	Overhead	VP	Vent Pipe
CT	Ceramic Tile	G-O	Glass - Obscured	OF	Overflow Spitter	W	Window
D	Door	G-T	Glass - Translucent	PB	Plasterboard	WC	Water Closet

WIR Walk In Robe



2 PERSPECTIVE

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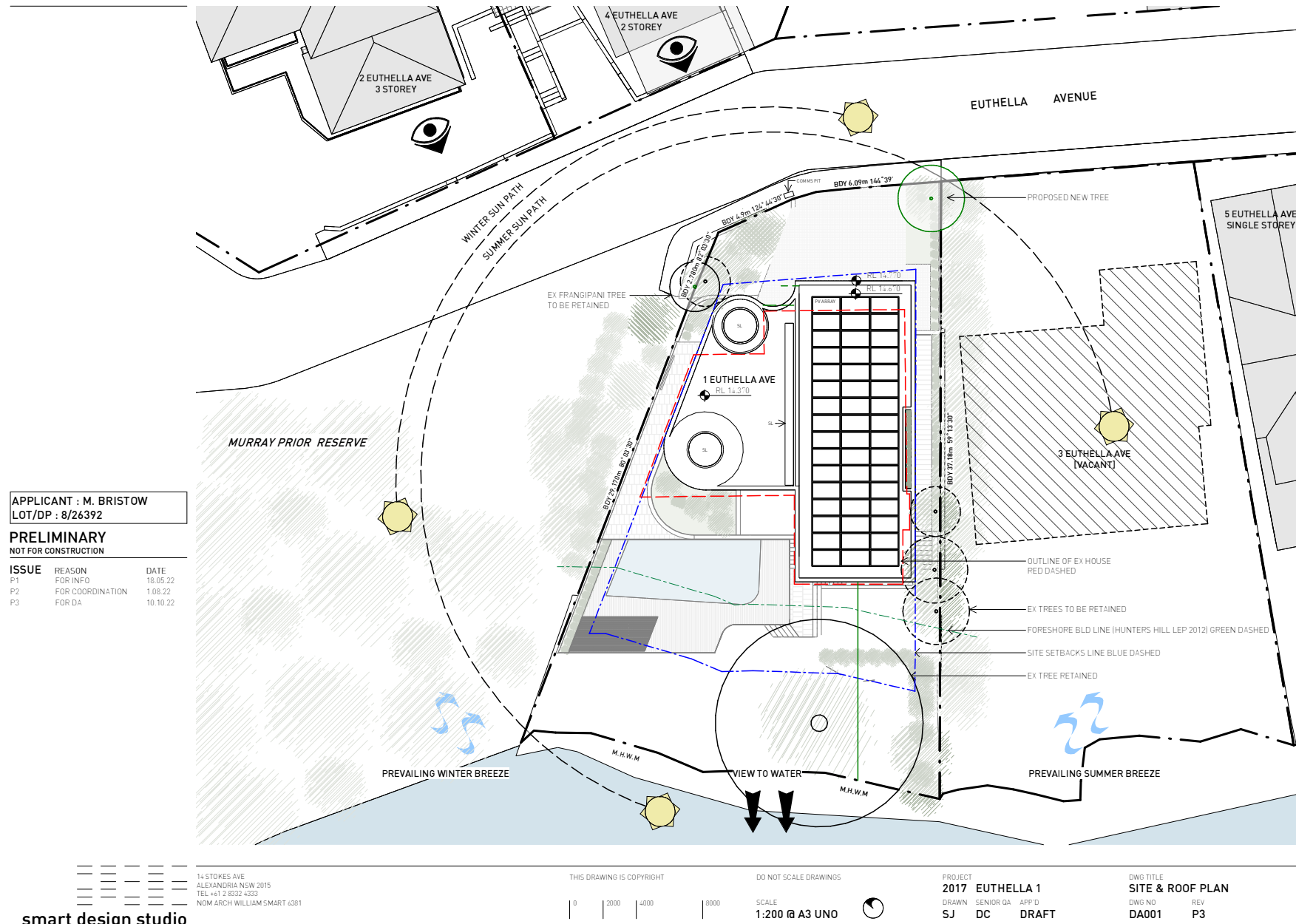
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NOM ARCH WILLIAM SMART 4381

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PROJECT
2017 EUTHELLA 1
DRAWN SENIOR QA APP'D
SJ DC DRAFT

DWG TITLE
LEGEND, DWG LIST, SITE MAP
DWG NO. REV
DA000 P1

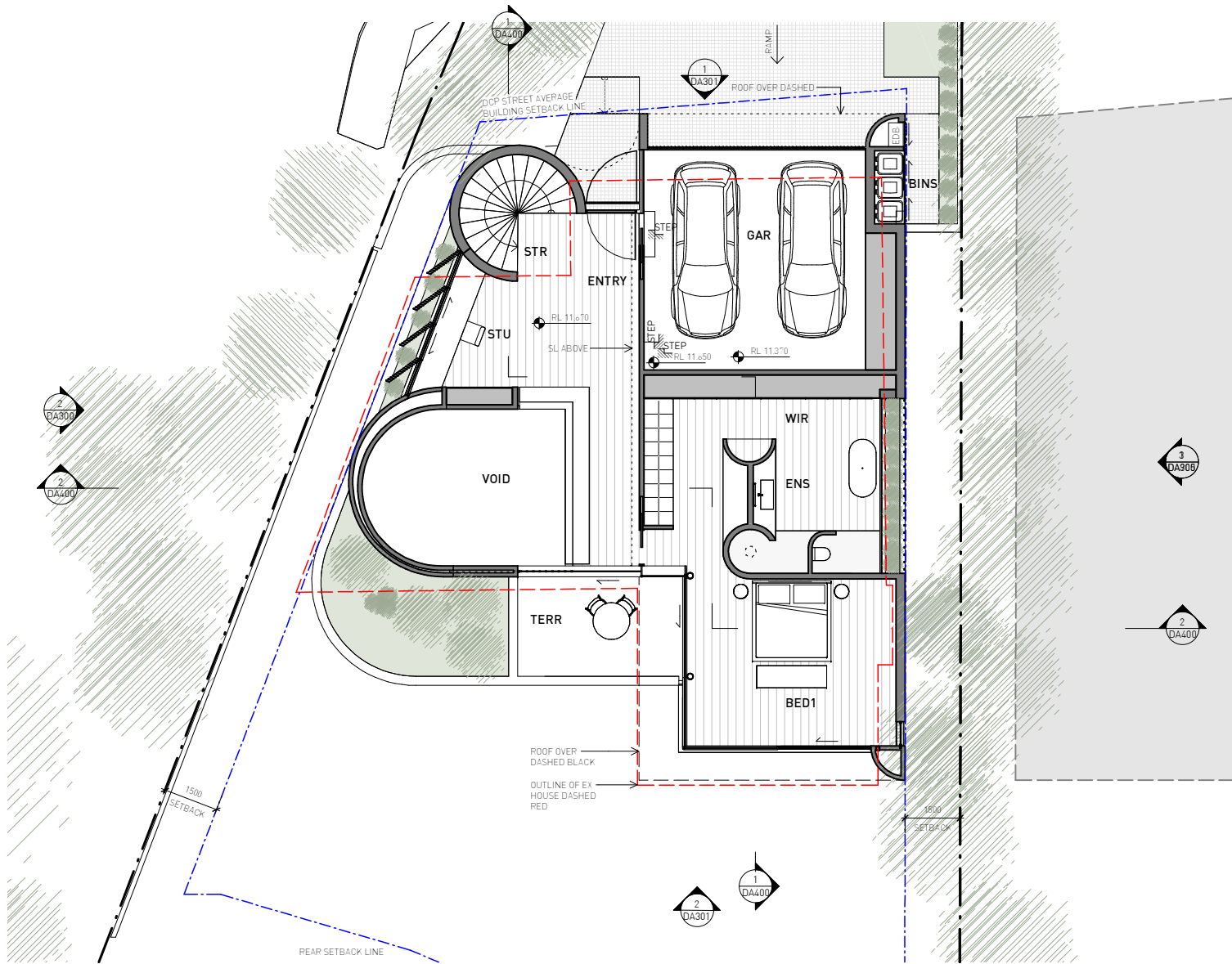


LEGEND	
	NEW WALL
	EXISTING WALL RETAINED

APPLICANT : M. BRISTOW
LOT/DP : 8/26392

PRELIMINARY
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ISSUE	REASON	DATE
P1	FOR INFO	18.05.22
P2	FOR COORDINATION	1.08.22
P3	FOR DA	10.10.22



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PROJECT
2017 EUTHELLA 1
DRAWN JS SENIOR QA DC APP'D DRAFT

DWG TITLE
GF PLAN
DWG NO. DA100 REV P3

LEGEND

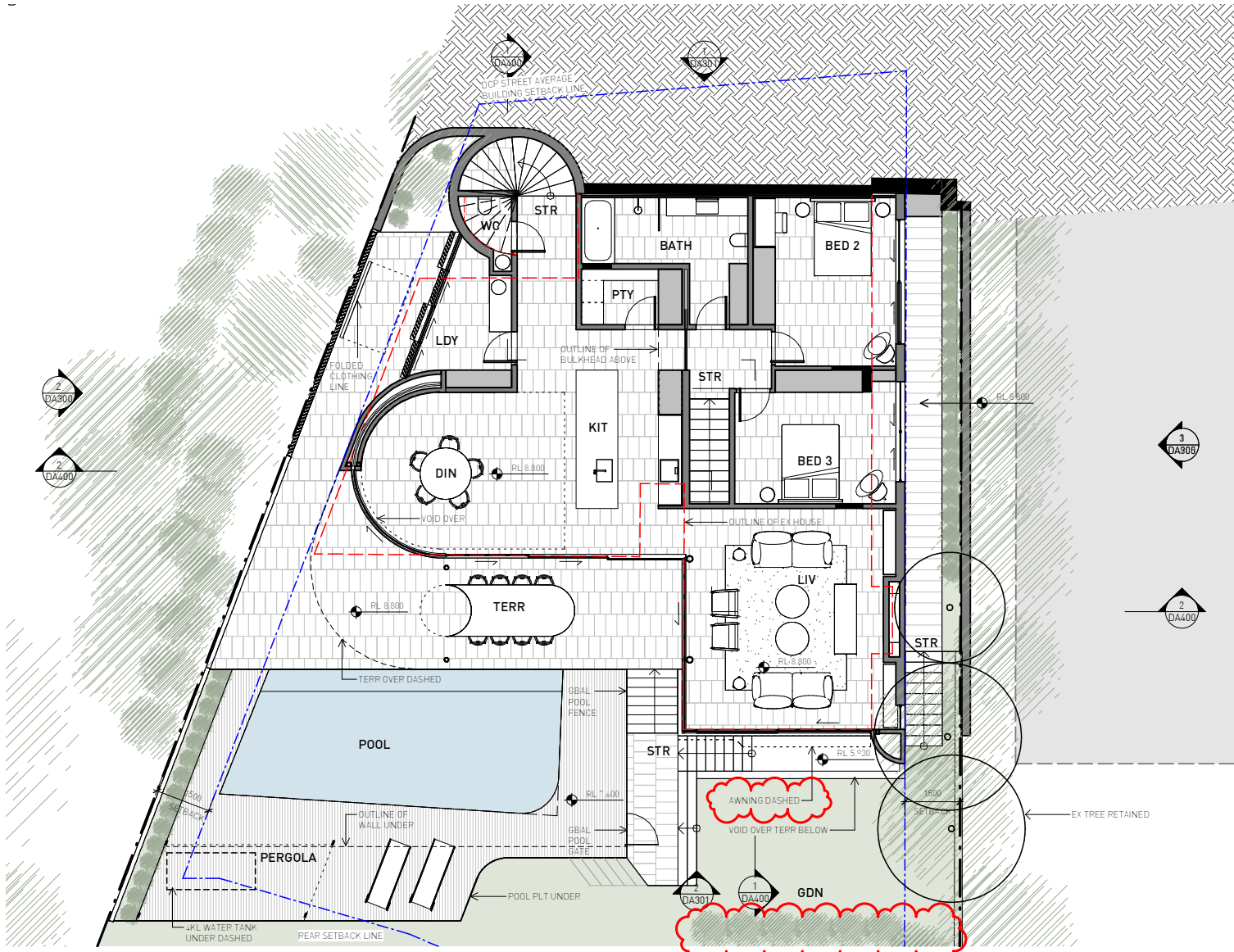
NEW WALL

EXISTING WALL RETAINED

APPLICANT : M. BRISTOW
LOT/DP : 8/26392

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
P1	FOR INFO	18.05.22
P2	FOR COORDINATION	1.08.22
P3	FOR DA	10.10.22
P4	DA - MORE INFO	01.11.23
P5	DA - REVISED	17.11.23



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PROJECT
2017 EUTHELLA 1
DRAWN SENIOR QA APP'D
SJ DC DRAFT

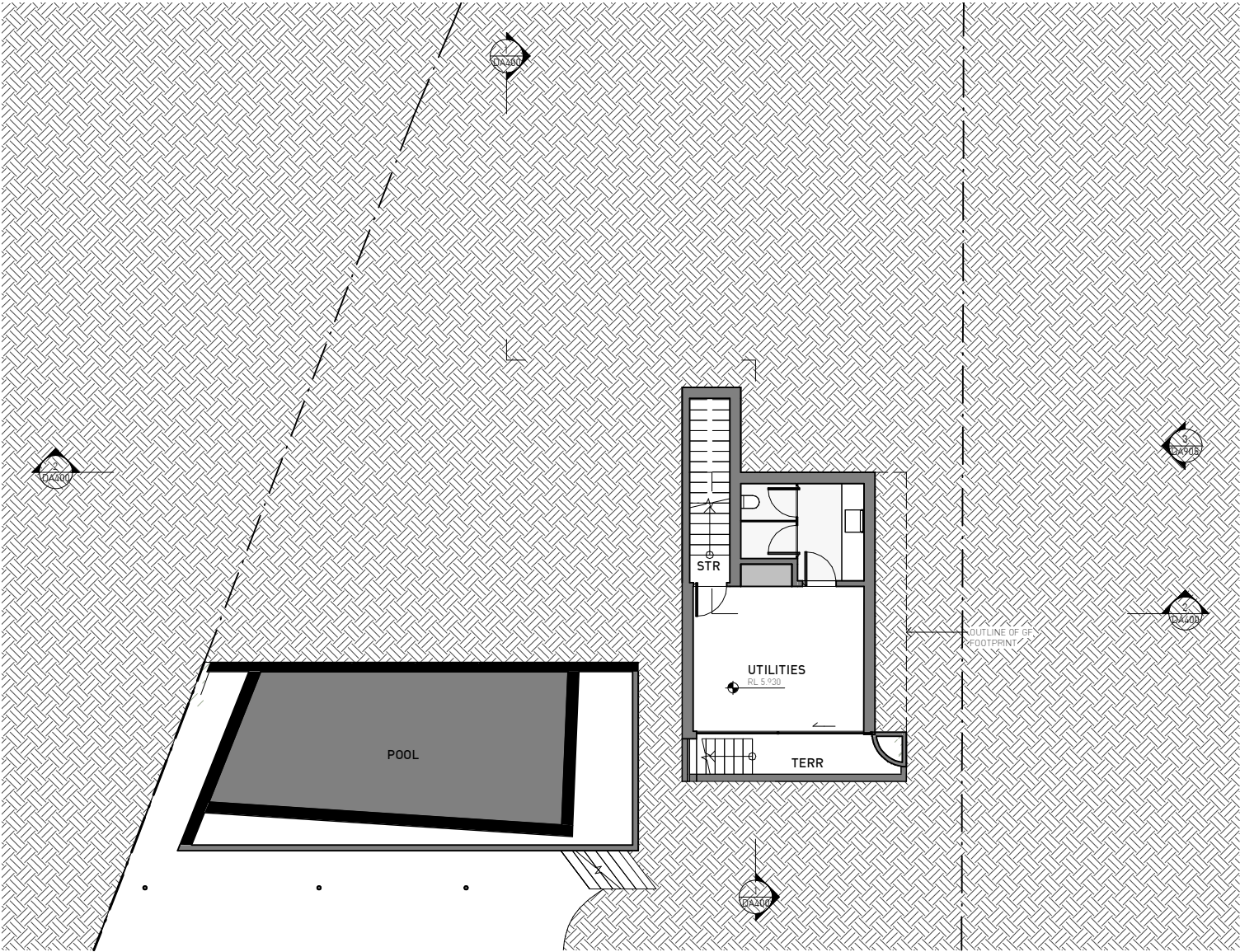
DWG TITLE
LG PLAN
DWG NO DA101 REV
P5

LEGEND	
	NEW WALL
	EXISTING WALL RETAINED

APPLICANT : M. BRISTOW
LOT/DP : 8/26392

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
P1	FOR INFO	18.05.22
P2	FOR COORDINATION	1.08.22
P3	FOR DA	10.10.22
P4	DA - MORE INFO	01.11.23



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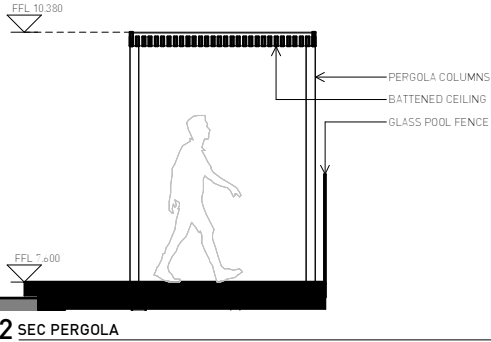
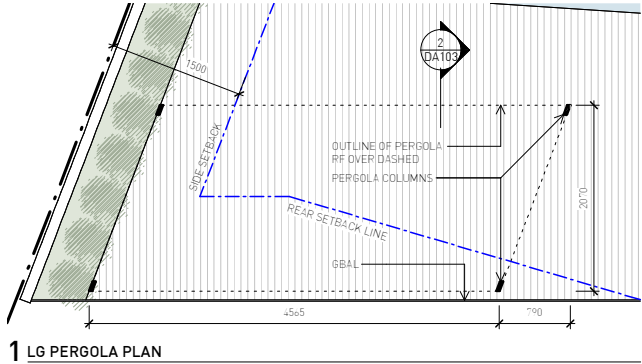
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PROJECT
2017 EUTHELLA 1
DRAWN SENIOR QA APP'D REV
JH DC DRAFT

DWG TITLE
SUB LG PLAN
DWG NO. REV
DA102 P4

LEGEND	
	NEW WALL
	EXISTING WALL RETAINED



PRELIMINARY NOT FOR CONSTRUCTION		
ISSUE	REASON	DATE
P1	DA RFI	20.03.23

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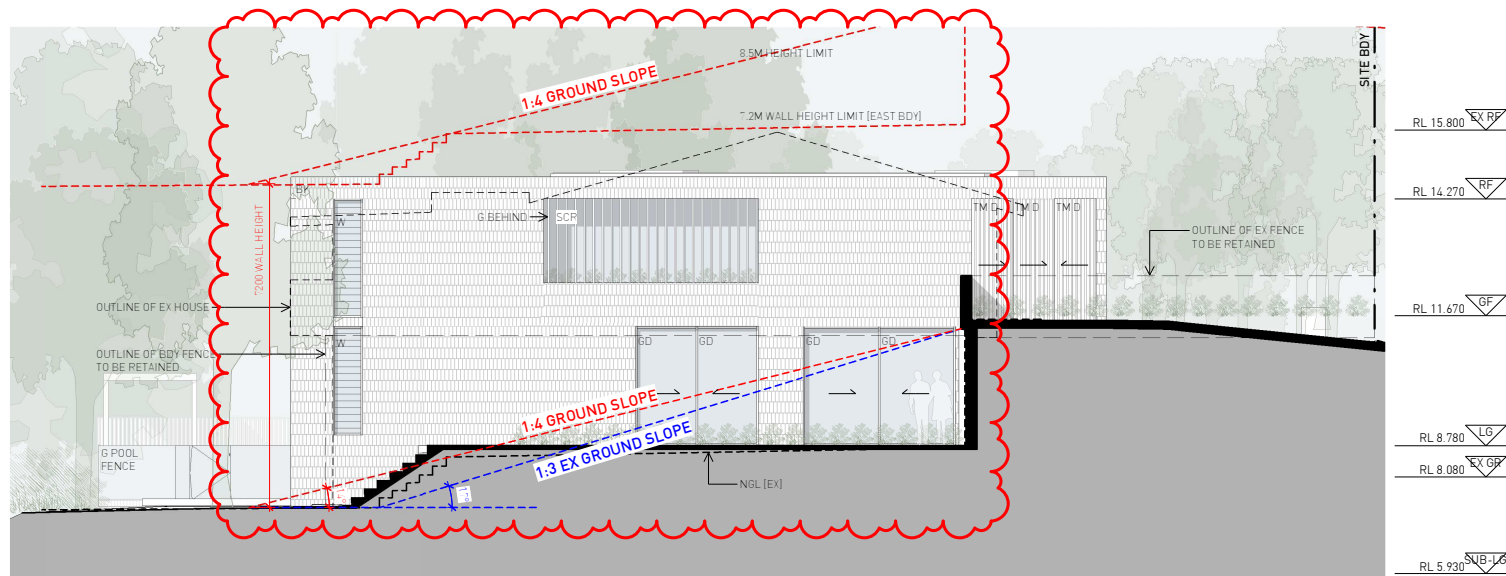


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PROJECT		
2017	EUTHELLA 1	
DRAWN	SENIOR QA	APP'D
DC	DRAFT	DRAFT

DWG TITLE	
LG PLAN - PERGOLA	
DWG NO	REV
DA103	P1

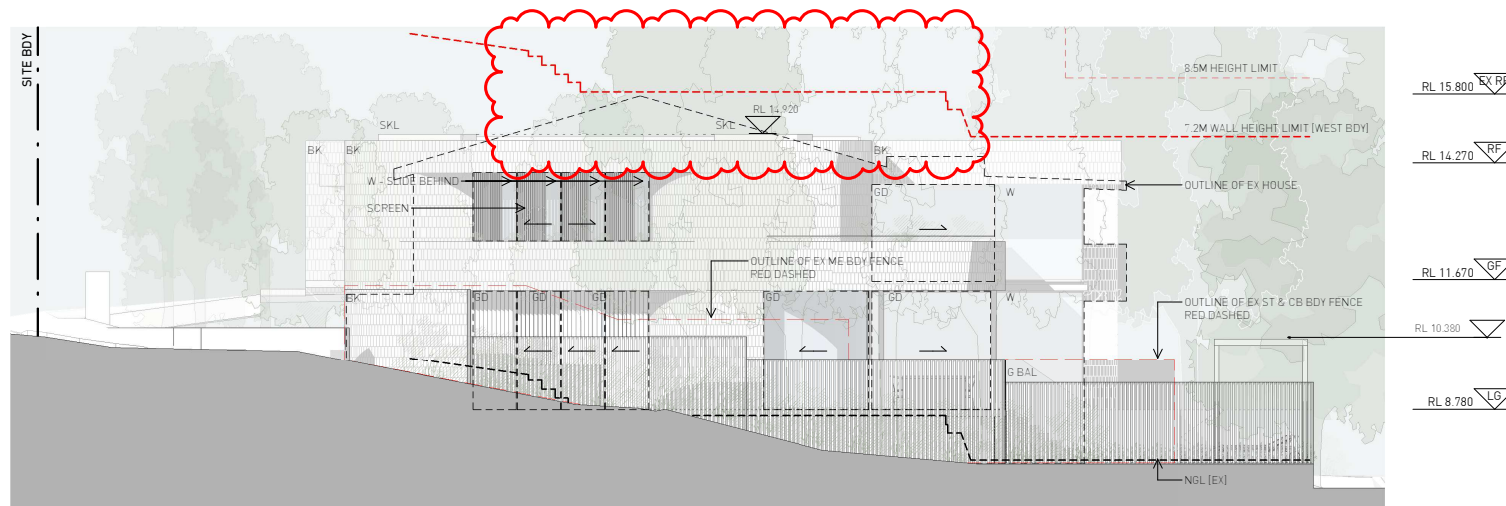


1 EAST ELEVATION

APPLICANT : M. BRISTOW
LOT/DP : 8/26392

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
P1	FOR INFO	18.05.22
P2	FOR COORDINATION	1.08.22
P3	FOR DA	10.10.22
P4	DA RFI	20.03.23



2 WEST ELEVATION

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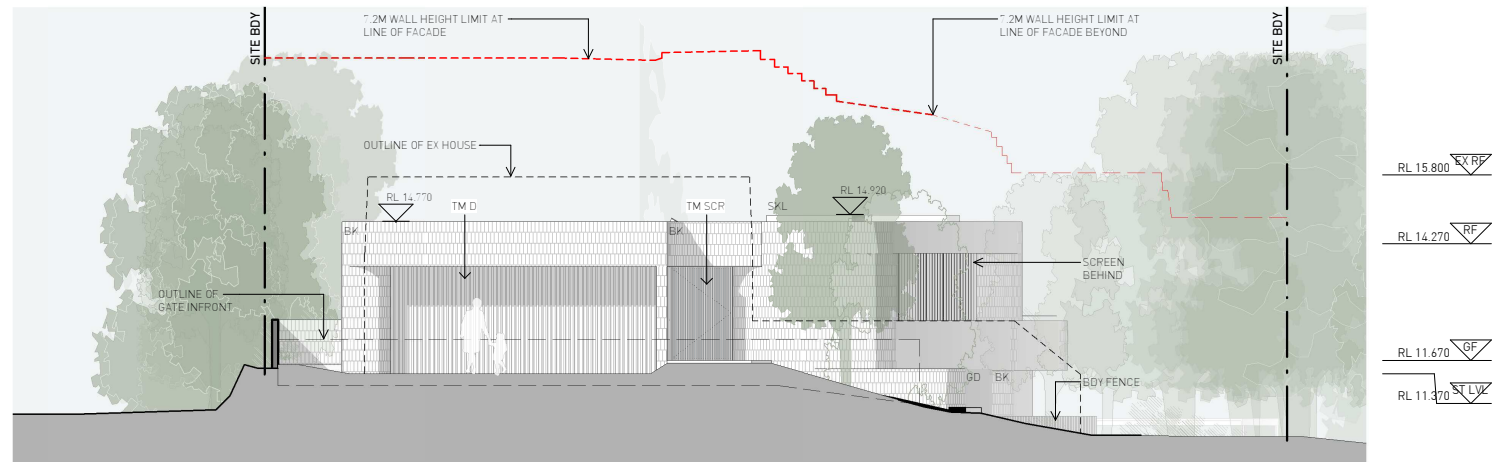
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PROJECT
2017 EUTHELLA 1
DRAWN SENIOR QA APP'D
SJ DC DRA

DWG TITLE
EAST & WEST ELEVATIONS

DWG NO
DA300

REV
P4

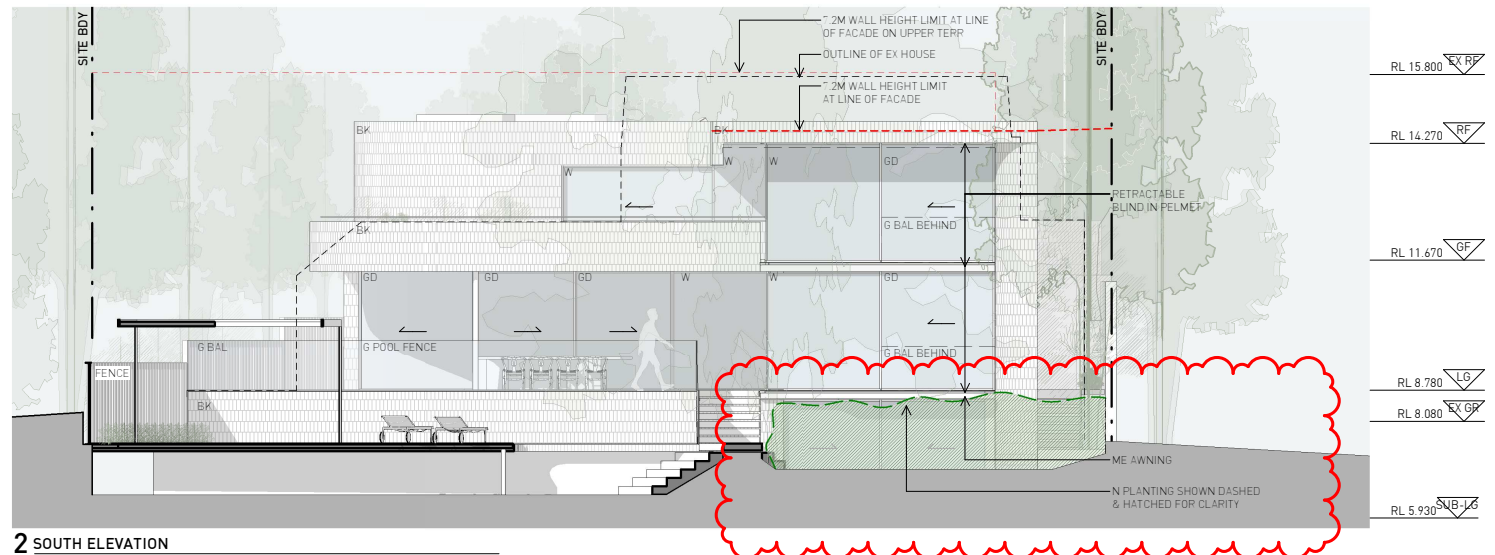


1 NORTH ELEVATION

APPLICANT : M. BRISTOW
LOT/DP : 8/26392

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
P1	FOR INFO	18.05.22
P2	FOR COORDINATION	1.08.22
P3	FOR DA	10.10.22
P4	DA RFI	20.03.23
P5	DA - REVISED	17.11.23



2 SOUTH ELEVATION

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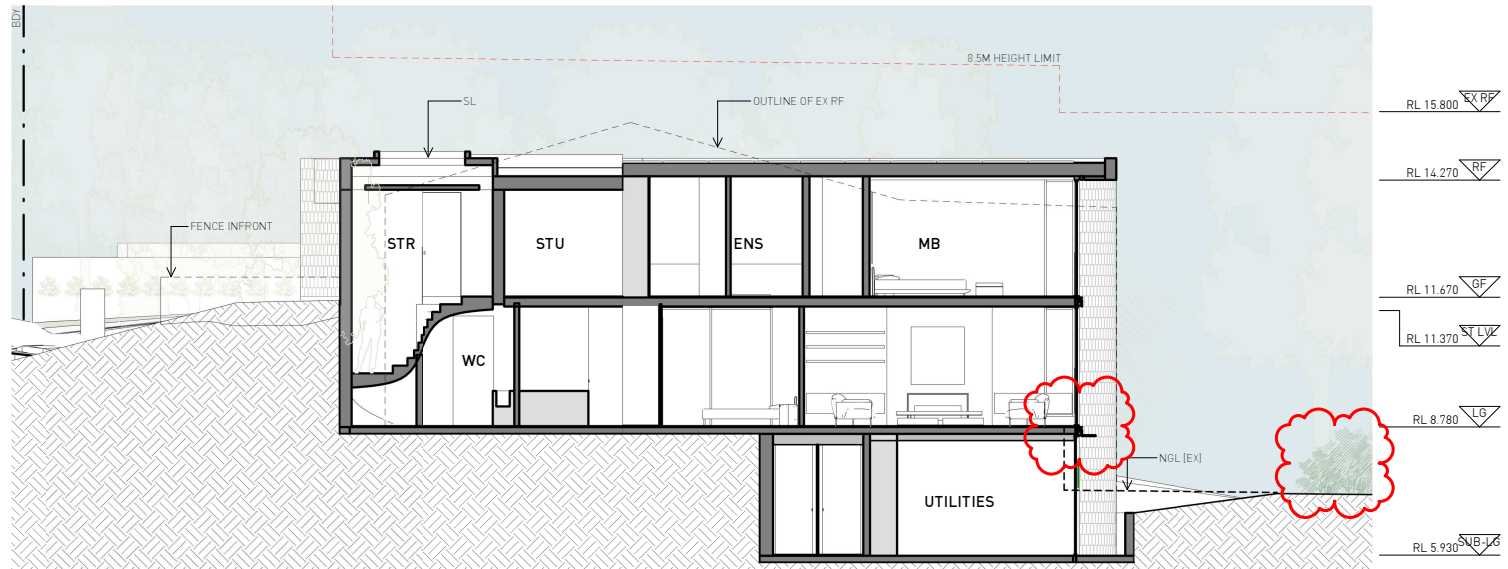
PROJECT
2017 EUTHELLA 1
DRAWN SENIOR QA APP'D
SJ DC DRAFT

DWG TITLE
NORTH & SOUTH ELEVATIONS
DWG NO. REV
DA301 P5

LEGEND

NEW WALL

EXISTING WALL RETAINED

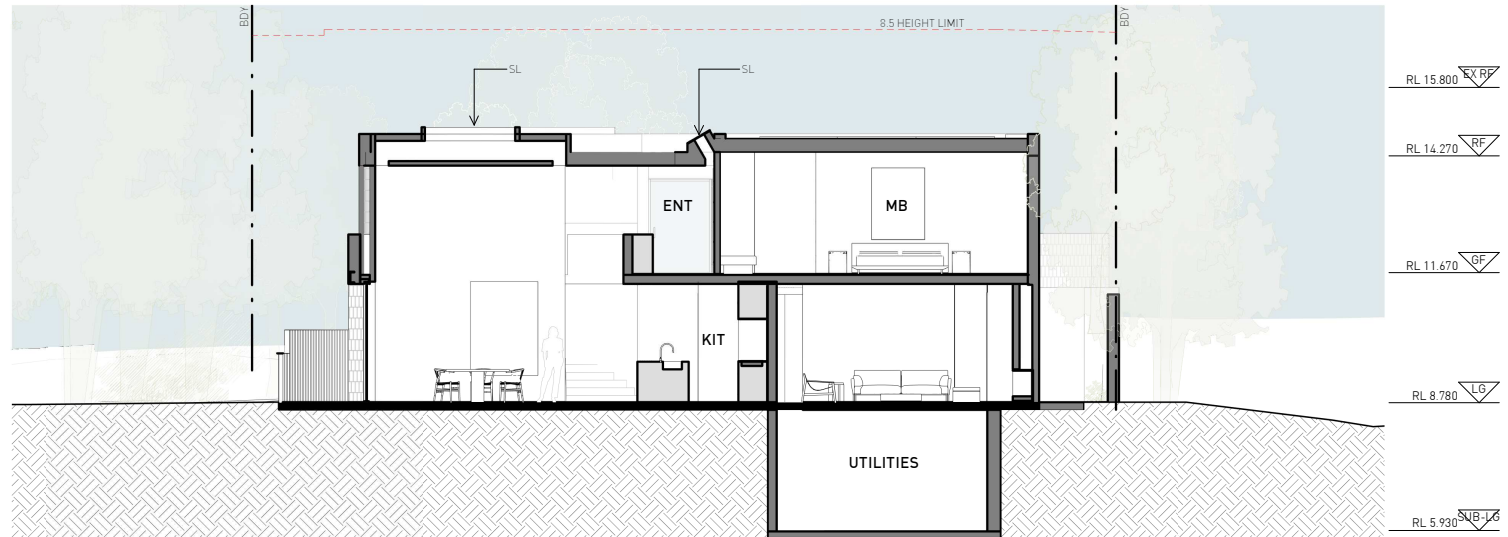


1 SECTION A-A

APPLICANT : M. BRISTOW
LOT/DP : 8/26392

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
P1	FOR INFO	18.05.22
P2	FOR COORDINATION	1.08.22
P3	FOR DA	10.10.22
P4	DA RFI - MORE INFO	23.10.09
P5	DA - MORE INFO	01.11.23
P6	DA - REVISED	17.11.23



2 SECTION B-B

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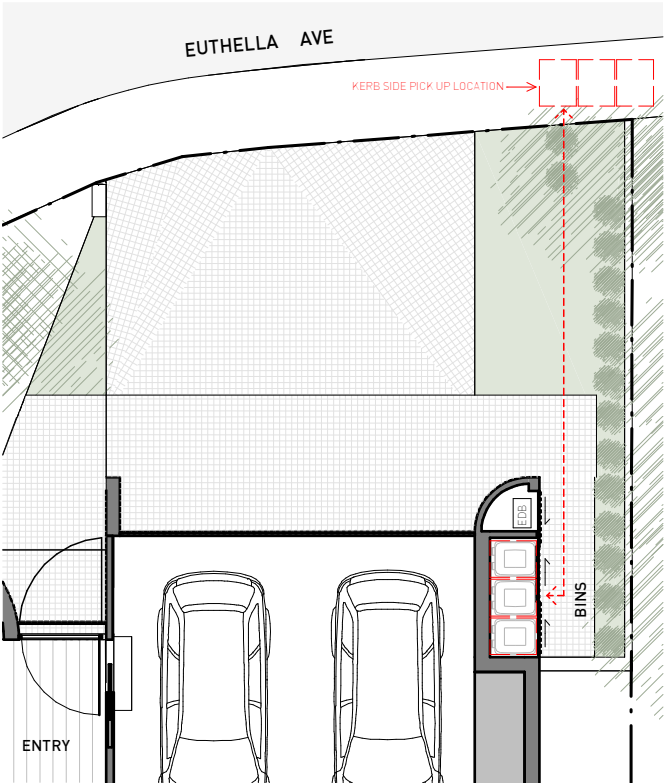
PROJECT
2017 EUTHELLA 1
DRAWN SENIOR QA APP'D
SJ DC DC

DWG TITLE
SECTION A & B
DWG NO. REV
DA400 P6

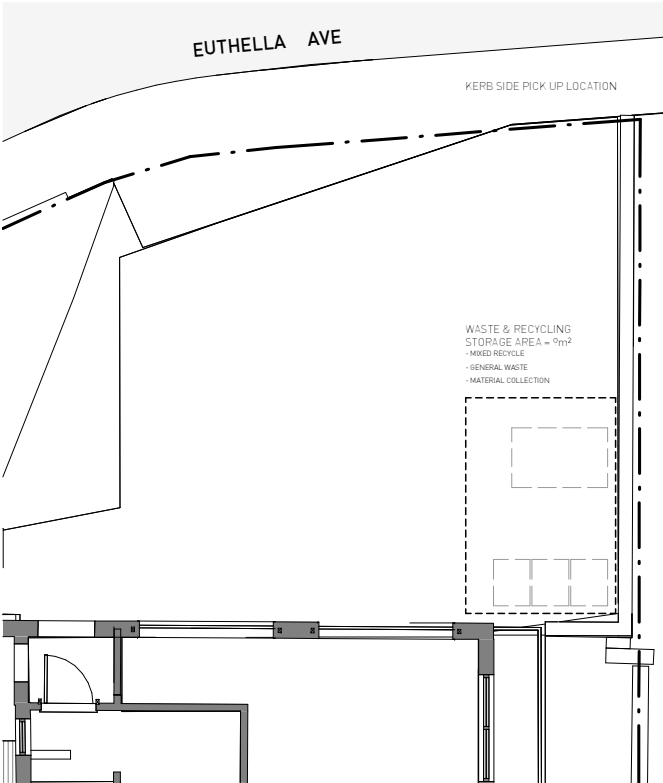
APPLICANT : M. BRISTOW
LOT/DP : 8/26392

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
P1	FOR DA	10.10.22



1 GF - ONGOING WASTE



2 GF - DEMO & CONST WASTE

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SCALE
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PROJECT
2017 EUTHELLA 1

DRAWN	SENIOR QA	APP'D
SJ	DC	DRAFT

DWG TITLE
WASTE MANAGEMENT PLAN

DWG NO	REV
DA910	P1

Sarah Jenkins

From: [REDACTED]
Sent: Tuesday, 29 November 2022 11:51 PM
To: Customer Service
Subject: Objection Submission DA20220208 1 Euthella Ave Hunters Hill - Email 1/4
Attachments: Objection Submission DA20220208 1 Euthella Ave Hunters Hill.pdf; Attachment 2.pdf; Attachment 1.pdf

29 November 2022

The General Manager
Hunter's Hill Council
PO Box 21
Hunters Hill NSW 2110

Development Application No. DA20220208

Proposed Development: Demolition, retention of some building elements, and construction of a dwelling house and associated landscaping and site works

Premises: 1 Euthella Avenue, Hunters Hill NSW 2110

Attention: Shahram Mehdizadgan
Acting Director
Town Planning

Dear Sir/Madam,

In reference to Council's notification letter dated 17 November 2022, please find attached initial submission letter and attachments (total 25 attachments).

Due to the size of the attachments, this is the first email of a total of 4 emails.

Thank you in advance

Regards

2 Euthella Avenue
Hunters Hill NSW 2110

The General Manager
Hunter's Hill Council
PO Box 21
Hunters Hill NSW 2110

Development Application No. DA20220208
Proposed Development Demolition, retention of some building elements,
and construction of a dwelling house and associated landscaping and site works
Premises 1 Euthella Avenue, Hunters Hill NSW 2110

Attention: Shahram Mehdizadgan
Acting Director
Town Planning

Dear Sir/Madam,

In reference to Council's notification letter dated 17 November 2022, please find below initial submission letter.

Submissions lodgement timeframe

The Council notification letter dated 17 November 2022 was not received until 23 November 2022 (still no mail received when checked on 22 November), so following this initial submission, a more detailed submission shall follow at a later date as soon as possible from a professional planner and lawyer once they have reviewed the proposal given the scale of the proposed development. Trust this is acceptable to Council since the Council notification letter was not received on the day the letter was dated so loss of time due to the delay.

Inaccuracy of Proposal Drawings and Statement of Environmental Effects

The proposal drawings have been reviewed with a professional architectural consultant, and have identified the drawings are not accurate, therefore misleading Council and the neighbouring properties of the true extent of view loss and proposed building envelope.

- location of lot boundaries of 2 Euthella Ave in relation 1 Euthella Ave is not accurate
- pergolas are not permitted in the foreshore area under Hunters Hill Consolidated DCP 2013, hence proposed 4.78m pool pergola is not permitted (Attachment 23)
- proposed setback of the building as shown on the streetscape elevation and 3D models does not match the corresponding setback shown on the site plan (which is closer to the side boundary than the setback portrayed by the 3D model). Further, the drawings do not specify/dimension the proposed setback - do not confirm the proposed side setback is 1.5m, just same as existing, however existing setback have not been confirmed to be 1.5m on the drawings.
- the streetscape view of the building is 2 storeys according to the drawings, not 1 storey as the streetscape elevation and 3D model portrays
- elevations inaccurately showed the 7.2m maximum height line as higher than it actually is (please see Attachment 22)
- the proposal is a new building not retention of existing building as described

The Statement of Environmental Effects ('SEE') is inaccurate regarding compliance of proposal with development controls and its impact on existing vistas and view corridors of surrounding sites:

SEE: 2 Euthella Avenue currently benefits from partial views to the Bay which are presently partially obscure by the existing dwelling at 1 Euthella Avenue, other dwelling along Euthella Avenue, and some trees including those within Murray Prior Reserve. Properties will still benefit from expansive views towards Tarban Bay.

Comment: Incorrect - due to the row of trees within Murray Prior Reserve, the only views towards Tarban Bay is via view corridor over the single storey part of 1 Euthella Ave. Therefore, due to the proposal the existing views are totally impacted and the view lost is devastating.

SEE: The views are likely enjoyed from a sitting/standing position however it is likely that the best avenue for enjoying the view is from a standing position from the top floor front facing balcony. Limited side views are present and are likely eclipsed by the views along the front façade.

Comment: Incorrect - main living areas, terraces and balconies on the middle level, enjoyed from both standing and sitting positions, therefore best avenue for enjoying the view is from the living areas and terraces and balconies in standing and sitting positions, which are highly valuable.

SEE: In this instance, given the existing dwelling is slightly higher than the proposed dwelling the view is likely to increase when viewed from the top floor balcony and windows. The scale of the development albeit larger than that of the existing dwelling, steps down the allotment and is unlikely to significantly reduce view corridors. In this instance the impacts are considered as negligible, and 2 Euthella Avenue will still enjoy sufficient views to Tarban Bay. It is likely that view corridors may increase due to the reduced height of the building.

Comment: Incorrect - the current views are not over the top of 1 Euthella Ave but from view corridor, and existing dwelling lower than proposal reduced height of the building or steps down the allotment is irrelevant as it is the the proposed extension to the side that will block the current view vista. Therefore existing views or view corridors are not increased but decreased, significantly reduce view corridors, hence insufficient views to Tarban Bay.

Current view avenues will be impacted particularly due to the extension of the dwelling to the side. The scale of the development is larger than that of the existing dwelling, fully removing existing views hence the impacts are significant. Additional view would be gained by a compliant scheme as the building is sloped, hence the variation would be major as it is more than just 200mm in a straight vertical plane but also to the side facade.

Habitable rooms of the current building at 2 Euthella Ave capture direct water views of Tarban Bay in a southerly direction. Specifically, the views are obtained from the living areas on all three levels as shown in the attached 'Existing' Images - as can see by comparing the existing views with the view montage showing impact of proposed development, the significant and valuable Tarban Bay water views for 2 Euthella Ave have been totally obliterated by the proposal, as estimated in the 'Proposed' Images (please see Attachments 1-14 for 2 Euthella Ave and also Attachment 15 for 4 Euthella Ave).

View Loss Impacts Assessment on 2 Euthella Avenue Hunters Hill (including 4 Euthella Ave and 6 Euthella Ave)

The four-step assessment established by Senior Commissioner Roseth under *Tenacity Consulting v Waringah [2004] NSWLEC 140* ('*Tenacity*'), wherein the extent and reasonableness of view obstruction is analysed, is properly assessed for 2 Euthella Avenue as follows:

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than

partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The views to be affected are water views of Tarban Bay, iconic to Hunters Hill, therefore are valuable. The current views of Tarban Bay are only through view corridor over 1 Euthella Avenue, as otherwise it is largely blocked by the row of trees within Murray Prior Reserve (please see Attachments 18-19).

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The significant Tarban Bay views are currently obtained from internal and external areas facing the front boundary, and enjoyed from both standing and sitting positions.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The current views are from habitable rooms including living areas as well as bedrooms, and terraces and balconies. It is now available from three levels from the front. The extent of impact is devastating as the view is lost in highly used areas. The proposal would obliterate views (100% view loss) from the lower two levels (which comprise of living rooms, terraces, bedrooms and balconies) from standing and sitting positions. From the top level it would obliterate it (100% view loss) from sitting positions and reduce it by 90% from standing positions. Therefore, the impact would be devastating.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The proposal is not reasonable. It breaches two development standards, namely the requirement not to exceed two storeys and the maximum wall height. The property may APPEAR one storey from the street and APPEAR two storey from the waterway according to the SEE, but the proposal is a three storey development, which breaches the development standards, and it is due to these non-compliances that directly contribute to the subject view loss.

Applying the *Tenacity* principles, although the proposal may comply with the height limit of 8.5m, however, that height limit is a maximum - it does not entitle the applicant to a building envelope 8.5m high over the whole site.

The proposal will result in 1 Euthella capturing views at the complete expense of 2 Euthella Ave, 4 Euthella Ave, 6 Euthella Ave, 6 Pitt St, 4 Pitt St, 2 Pitt St and the public roads Euthella Ave and Pitt St (please see Attachments 16-17 for public roads, Attachment 20 for 4 Euthella Ave and Attachment 21 for 6 Euthella Ave). This does not represent view sharing.

A proper view loss assessment pursuant to *Tenacity* would conclude that the degree of impact is unreasonable in the circumstance and due to the non-compliances that directly contribute to the subject view loss. This is because it is the objectives of the height and setback standards:

Non-compliances with Council's Planning Controls

Hunters Hill Local Environmental Plan 2012

4.3 Height of buildings

(1) The objectives of this clause are as follows—

- (a) to specify limits for the size and scale of development that would be compatible with the character, amenity and potential of particular locations,*
- (b) to maintain the character and identity of Hunters Hill by limiting the scale of buildings to a maximum of two storeys in the low density residential zone, heritage conservation areas and foreshore areas facing Lane Cove River or Parramatta River,***
- (c) to consolidate developments that would be taller than two storeys in business zones, while ensuring a suitable visual transition to the adjoining zones,*
- (d) to protect existing dwellings from excessive overshadowing, loss of privacy, obstruction of views and general visual impacts.***

Comments:

- The proposal contains three storeys (the lowest level contains habitable rooms), hence does not comply with objectives of Hunters Hill Local Environmental Plan 2012.
- As demonstrated above in the View Loss Impacts Assessment, the existing dwellings are not protected from obstruction of views.

Hunters Hill Development Control Plan 2013

3.3.2 HEIGHT

Objectives

Objectives in relation to the height of residential developments are:

- (a) Avoid adverse impacts upon an existing residential area which result from excessive height, scale or bulk.*
- (b) Ensure that proposed buildings are compatible with height, scale and bulk of the locality's existing and desired characters.*
- (c) Maintain and enhance the domestic scale, form and variety which are characteristic of the surrounding residential area.*
- (d) Ensure that new developments minimise adverse visual impacts, the obstruction of views, and loss of privacy or sunlight to existing residential development.***
- (f) Minimise scenic and visual impacts for new developments within a River Front area that would be visible from the Lane Cove River, the Parramatta River, or from public places such as parks and roads.***

Comments:

- The height of the proposed external wall is 7.4m, exceeding the maximum of 7.2m, resulting in excessive height incompatible with the locality's existing characters.
- As demonstrated above in the View Loss Impacts Assessment, the new development does not minimise obstruction of views as it totally obliterate existing views.

- The proposal would totally obliterate existing views (100% view loss) from public places including the road (whole of Pitt St) and its properties (including 6 Pitt St, 4 Pitt St and 2 Pitt St). Therefore 'View corridors towards the waterway from public roads and reserves will be retained' as stated in the SEE is incorrect.

Controls

Storeys & external walls

Development proposals should comply with the following controls which complement objectives

of the Hunters Hill LEP 2012 in relation to maximum building height:

(a) New buildings, including alterations and additions, should contain not more than two storeys which should be measured in relation to ground level (existing) immediately below.

(b) The height of external walls generally should not be more than 7.2 metres which should be measured in relation to ground level (existing) immediately below.

Comments:

- The proposal contains three storeys (the lowest level contains habitable rooms), hence does not comply with the requirement of maximum two storeys.
- The height of the proposed external wall is 7.4m, exceeding the maximum of 7.2m.

Sloping sites

The following provisions apply to steep sites where the slope of ground level (existing) exceeds 1 in 4 (measured perpendicular to contours beneath the proposed building):

(a) Minor non-compliance with height of external walls might be acceptable if natural features such as rock outcrops significantly exaggerate the slope of ground level (existing), and provided that the development proposal would be consistent with:

- (i) Objectives of this chapter that are specified in relation to height; and
- (ii) Controls for desired character in Chapter 2.2 Character.

(b) Developments should not have the appearance of three habitable storeys, irrespective of numeric compliance with the maximum building height which is specified by the Hunters Hill LEP 2012.

(c) Foundations or sub floor areas that would be visible from a waterway or a public place should be enclosed by walls that are designed as a base or plinth for the proposed building, and should incorporate finishes such as sandstone blocks which contrast the texture and colour of exterior walls above.

Comments:

- The proposal contains and have appearance of three storeys (the lowest level contains habitable rooms), hence does not comply with the requirements of maximum two storeys.
- The height of the proposed external wall is 7.4m, exceeding the maximum of 7.2m.
- The development does not achieve the objectives and the controls.

3.3.3 FRONT, SIDE & REAR SETBACKS

Objectives

Objectives in relation to setbacks for residential developments are:

(a) Ensure that the siting of new buildings, or of alterations and extensions to an existing building, respects the pattern of setbacks that are characteristic of the surrounding locality, particularly in relation to pre-1930's buildings which define the Municipality's identity.

(b) Maintain adequate garden space between buildings for compatibility with the Municipality's existing character and to minimise adverse visual impacts for adjacent properties.

(c) Comply with foreshore building lines that are specified by the Hunters Hill LEP 2012.

- (d) In river front areas that are specified by the Hunters Hill LEP 2012: maintain and, where possible, improve views between buildings towards waterways.**
(e) Ensure equitable access to sunlight, privacy and private views.
(f) Preserve and enhance streetscape character.

Comments:

- The proposed design could not be said to minimise impacts of the obstruction of views impacts given the loss of views suffered by 2 Euthella Ave, 4 Euthella Ave, 6 Euthella Ave, 6 Pitt St, 4 Pitt St, 2 Pitt St and the public roads (Euthella Ave and Pitt St). The views have not been maintained. The views have not been increased/improved. This is due to the proposal is three storeys and with a wall height of 7.4m, exceeding the maximum of two storeys and exceeding the maximum 7.2m wall height, therefore the proposal does not comply with the objectives nor controls of Hunters Hill Development Control Plan 2013.
- There would be overshadowing at all times of western wall (and its openings) of any new building at 3 Euthella Ave (with proposed side setback of minimum 1.5m), hence the proposal does not ensure equitable access to sunlight (please see Attachment 24).

3.3.4 LANDSCAPED AREAS

Controls

Development proposals should provide landscaping which complies with the following requirements and numeric controls:

- (a) At least two thirds of the minimum landscaped area that is required by the Hunters Hill LEP 2012 should be planted with lawns, shrubs and trees, and should not include paved areas such as driveways or patios, or structures such as retaining walls or swimming pools.**

Comments:

- The submitted plans do not show 50% of proposed deep soil landscaping. It is including swimming pool and pergola in its calculation, which are required to be excluded as per Hunters Hill Development Control Plan 2013.

Public Interest

It therefore can be concluded that the subject view is significant and viewed from a reasonable position that warrants protection. The extent of impact upon the current and future residents of 2 Euthella Ave, 4 Euthella Ave, 6 Euthella Ave, 6 Pitt St, 4 Pitt St, 2 Pitt St and the public roads (Euthella Ave and Pitt St) is expected to be devastating. According to Brown C in *Ex Gratia Pty Limited v Dungog Shire Council [2005] NSWLEC 148*, there are severe impacts that will result from the proposed development, and therefore are not in the public interest.

Conclusion

For the above reasons, we ask Council to refuse consent to this DA for the current proposal, which the non-compliances that directly contribute to the subject view loss, fully removes the last vestiges of water view left from 2 Euthella Ave, 4 Euthella Ave, 6 Euthella Ave, 6 Pitt St, 4 Pitt St, 2 Pitt St and the public roads (Euthella Ave and Pitt St), must be refused by Council.

Thank you in advance

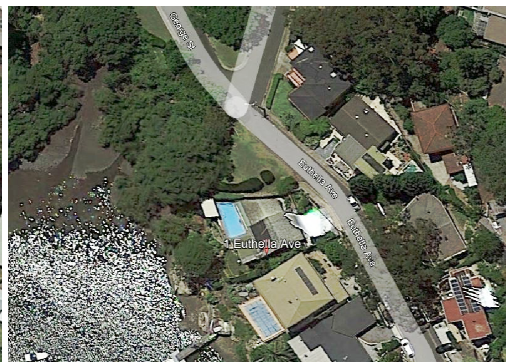
Kind regards

Owner of 2 Euthella Ave Hunters Hill (including for owners of 4 Euthella Ave, 6 Euthella Ave, 6 Pitt St, 4 Pitt St and 2 Pitt St)

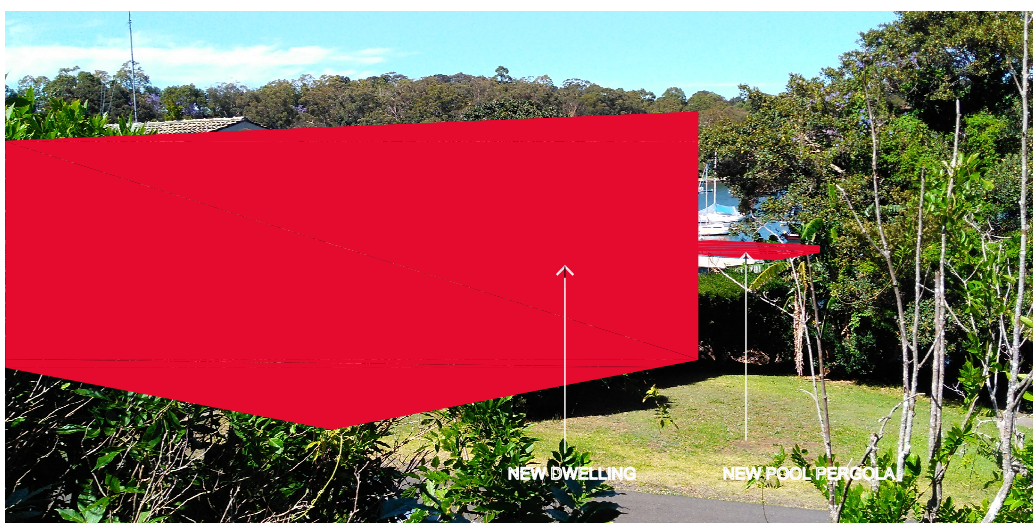
OBJECTION FOR THE DEVELOPMENT APPLICATION
From No.1 Euthella Avenue Hunters hill Development -
DEVASATING IMPACTING / LOSE WATER VIEW



IMPACTING WATER VIEW AREA - PROPOSED



NOT-IMPACTING WATER VIEW AREA - EXISTING



IMPACTING WATER VIEW FROM LIVING AREA - PROPOSED



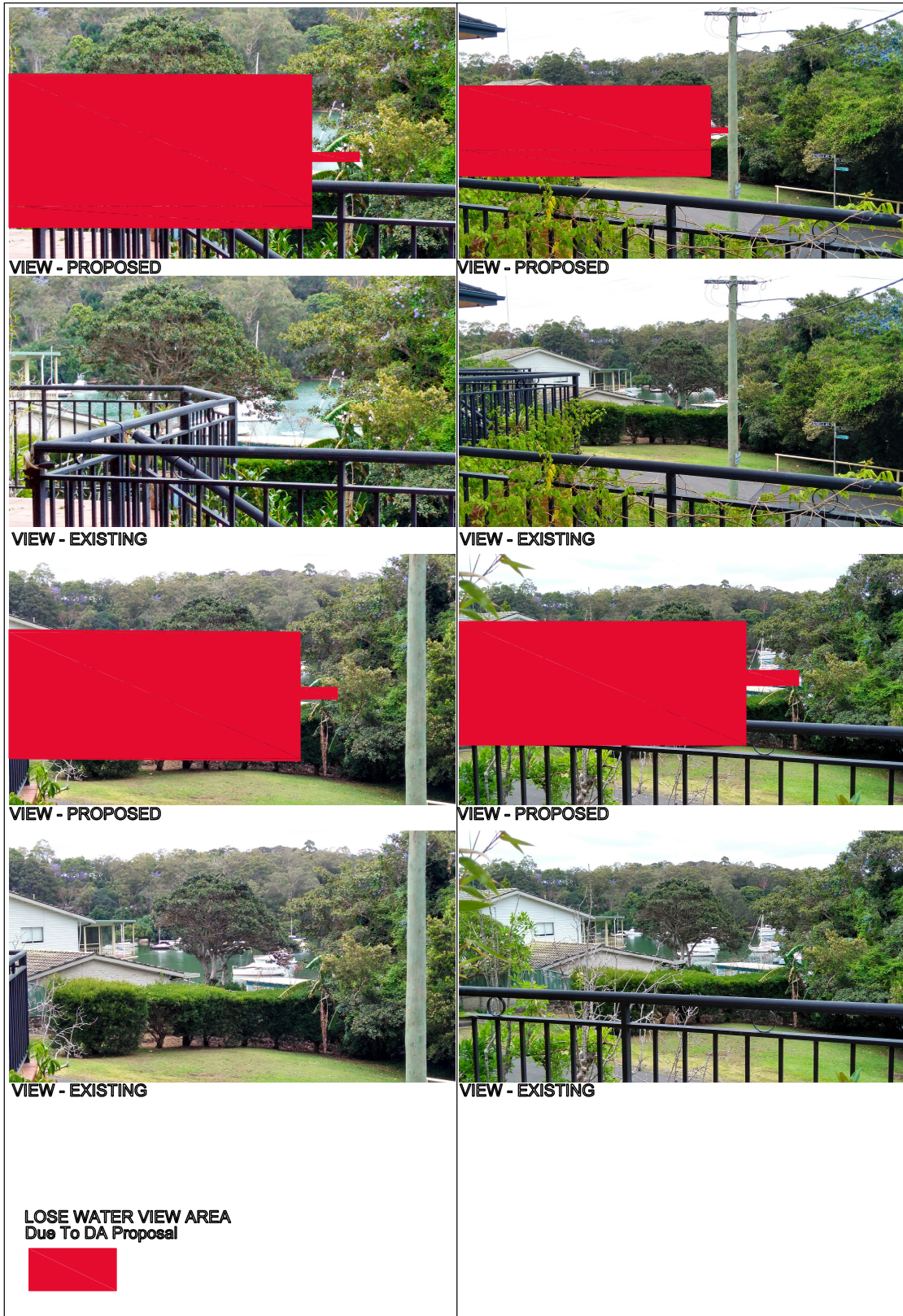
VIEW - EXISTING WHOLE VIEW OF WATER

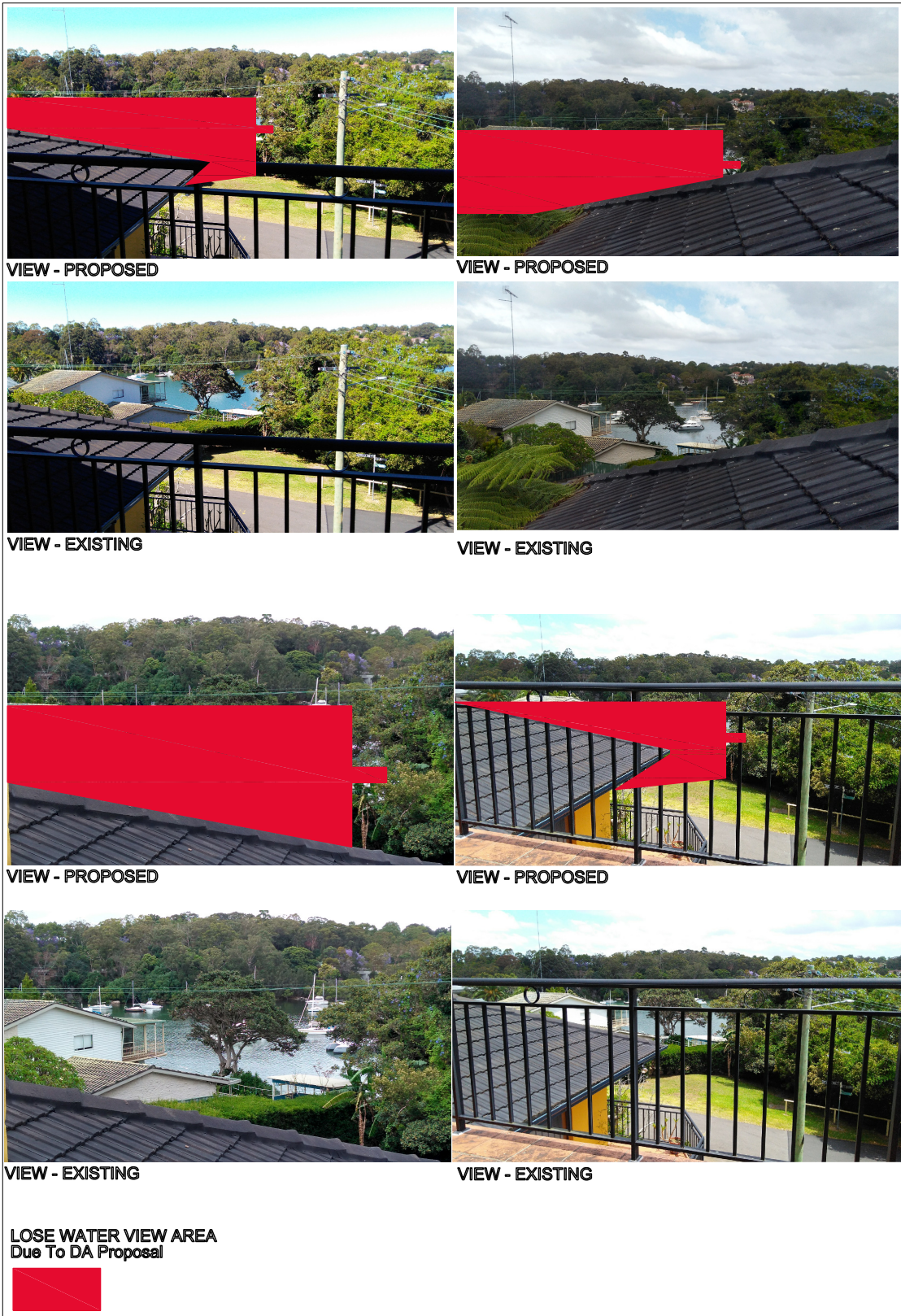


**VIEW - PROPOSED****VIEW - EXISTING****VIEW - PROPOSED****VIEW - EXISTING****VIEW - PROPOSED****VIEW - EXISTING**

**LOSE WATER VIEW AREA
Due To DA Proposal**













VIEW - PROPOSED



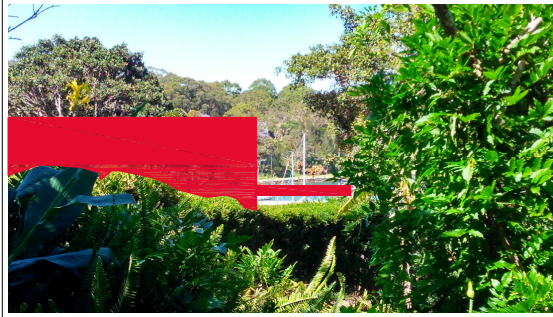
VIEW - EXISTING

**LOSE WATER VIEW AREA
Due To DA Proposal**









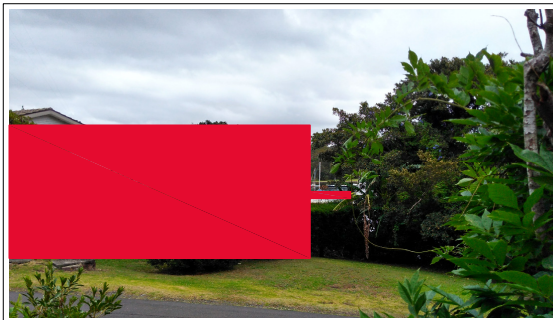
VIEW - PROPOSED



VIEW - EXISTING

**LOSE WATER VIEW AREA
Due To DA Proposal**



**VIEW - PROPOSED**

**LOSE WATER VIEW AREA
Due To DA Proposal**

**VIEW - EXISTING****VIEW - PROPOSED****VIEW - EXISTING**



WATER VIEW - WINDOW/DOOR/BALCONY AT No.2



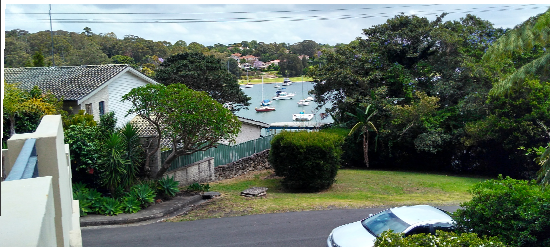
Outline of new building



WATER VIEW - WINDOW/DOOR/BALCONY AT No.2



WATER VIEW - WINDOW/DOOR/BALCONY AT No.4



WATER VIEW - WINDOW/DOOR/BALCONY AT No.4



WATER VIEW - WINDOW/DOOR/BALCONY AT No.4



WATER VIEW - WINDOW/DOOR/BALCONY AT No.6



VIEW - PROPOSED



VIEW - EXISTING

LOSE WATER VIEW AREA
Due To DA Proposal





VIEW - PROPOSED



VIEW - EXISTING



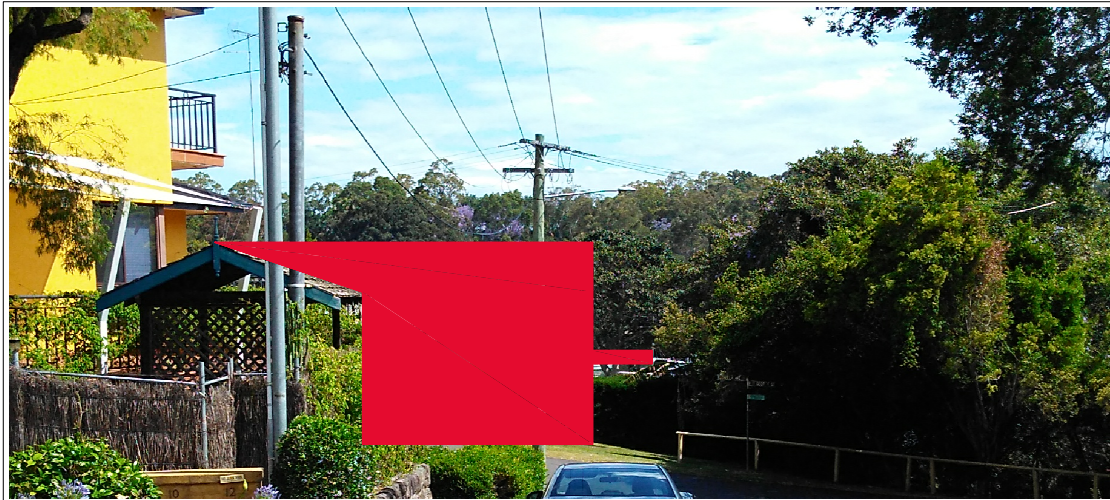
VIEW - PROPOSED



VIEW - EXISTING

LOSE WATER VIEW AREA
Due To DA Proposal





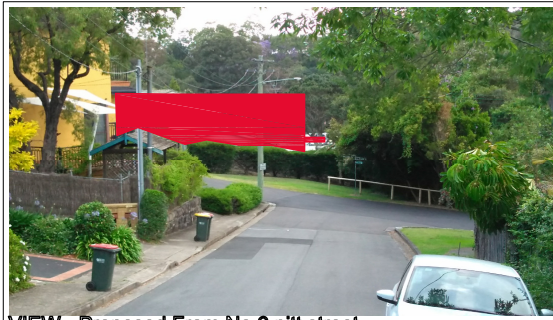
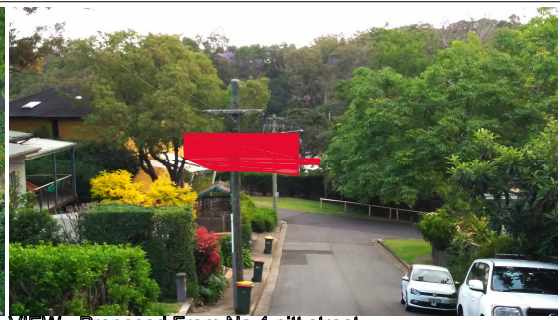
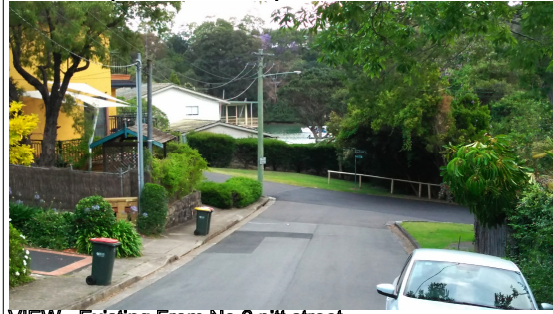
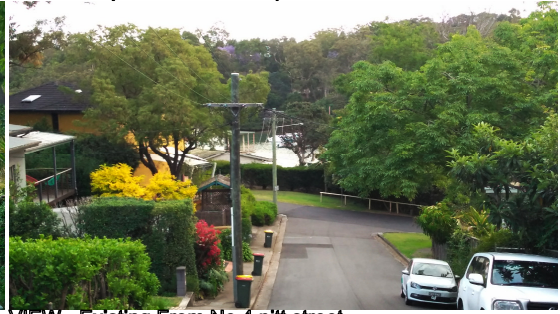
VIEW - PROPOSED



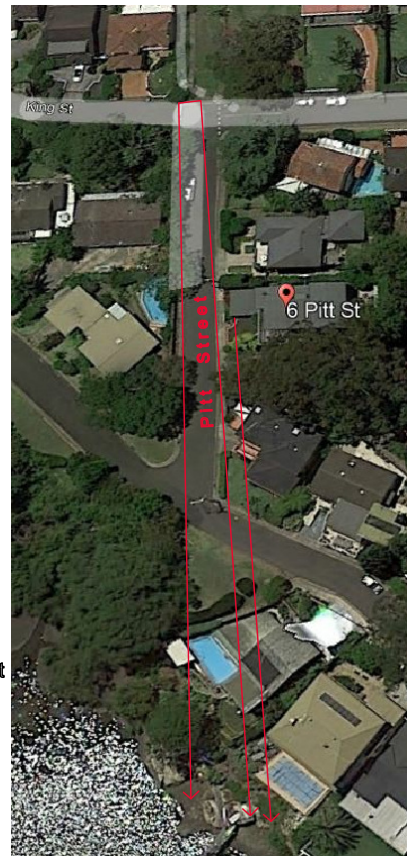
VIEW - EXISTING

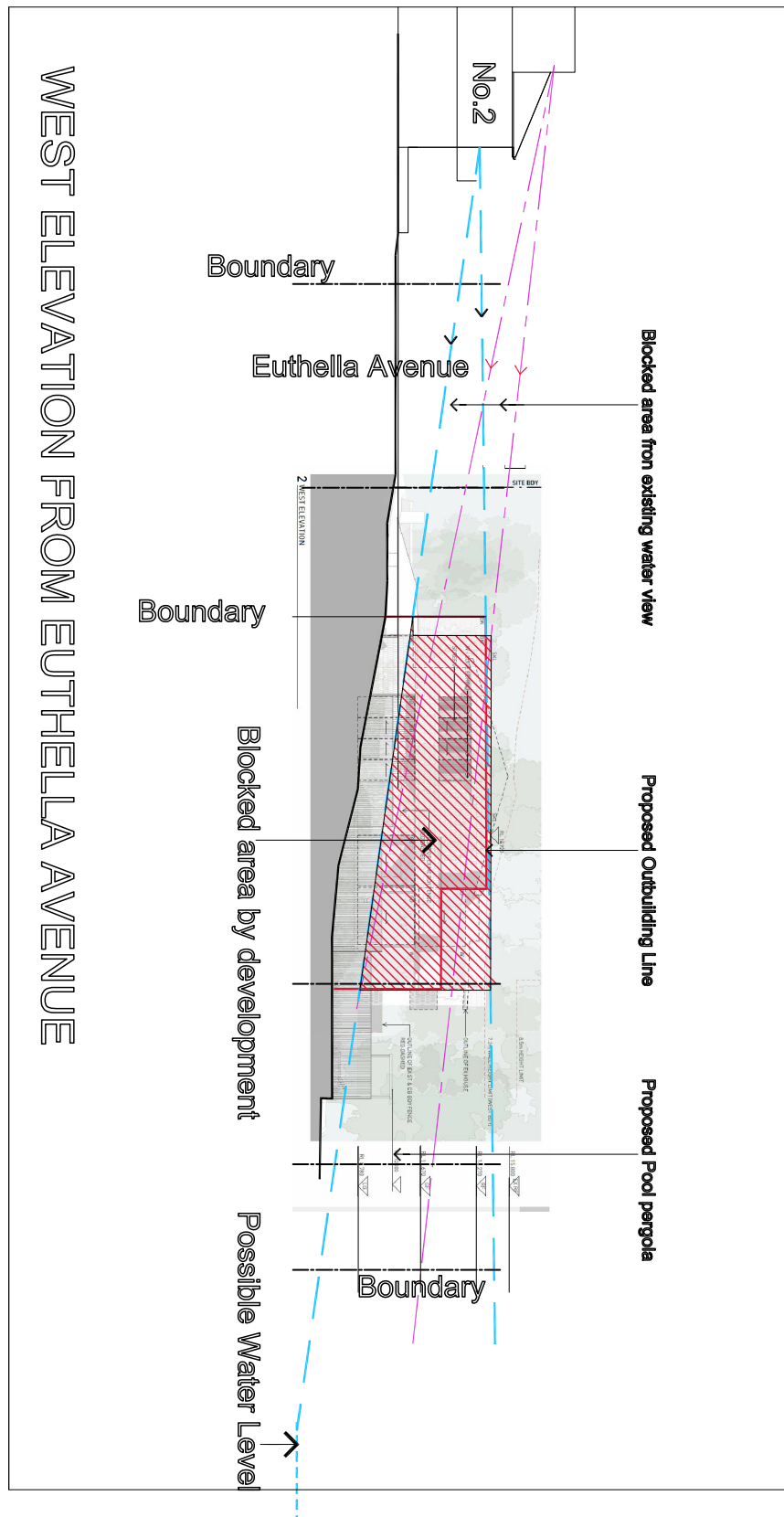
**LOSE WATER VIEW AREA
Due To DA Proposal**



**VIEW - Proposed From No.6 pitt street****VIEW - Proposed From No.4 pitt street****VIEW - Existing From No.6 pitt street****VIEW - Existing From No.4 pitt street****VIEW - Proposed From Cross section King street and Pitt Street****VIEW - EXISTING From Cross section King street and Pitt Street**

**LOSE WATER VIEW AREA
Due To DA Proposal**

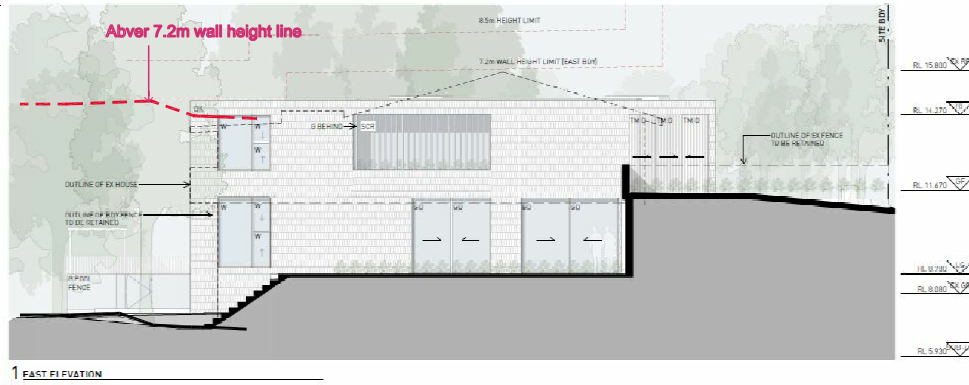
**Location Plan**



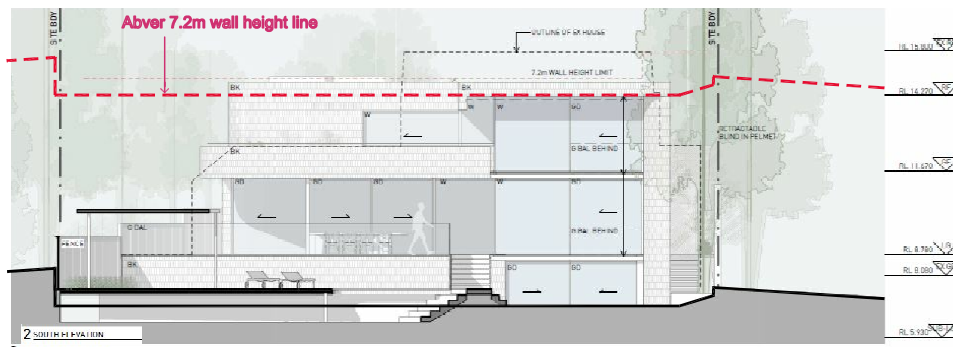




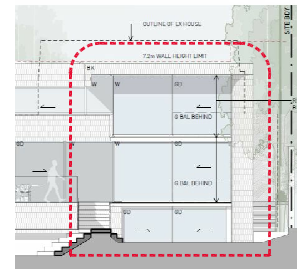




Over the height of requirement



Over the height of requirement



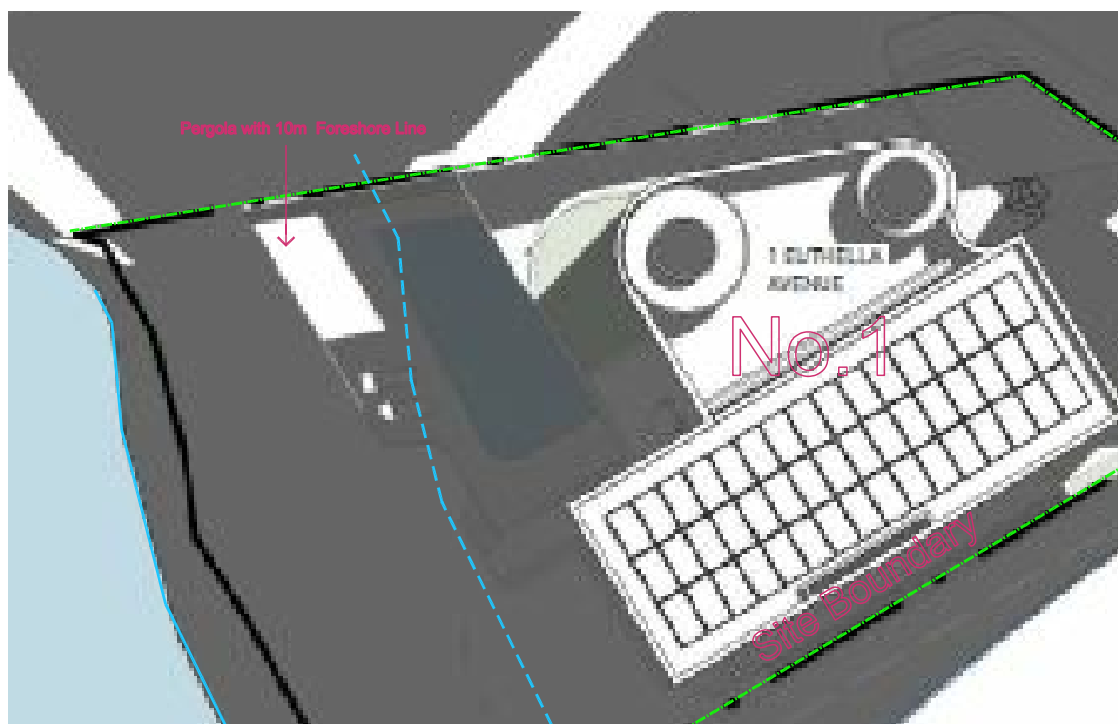
What is the side setback ???

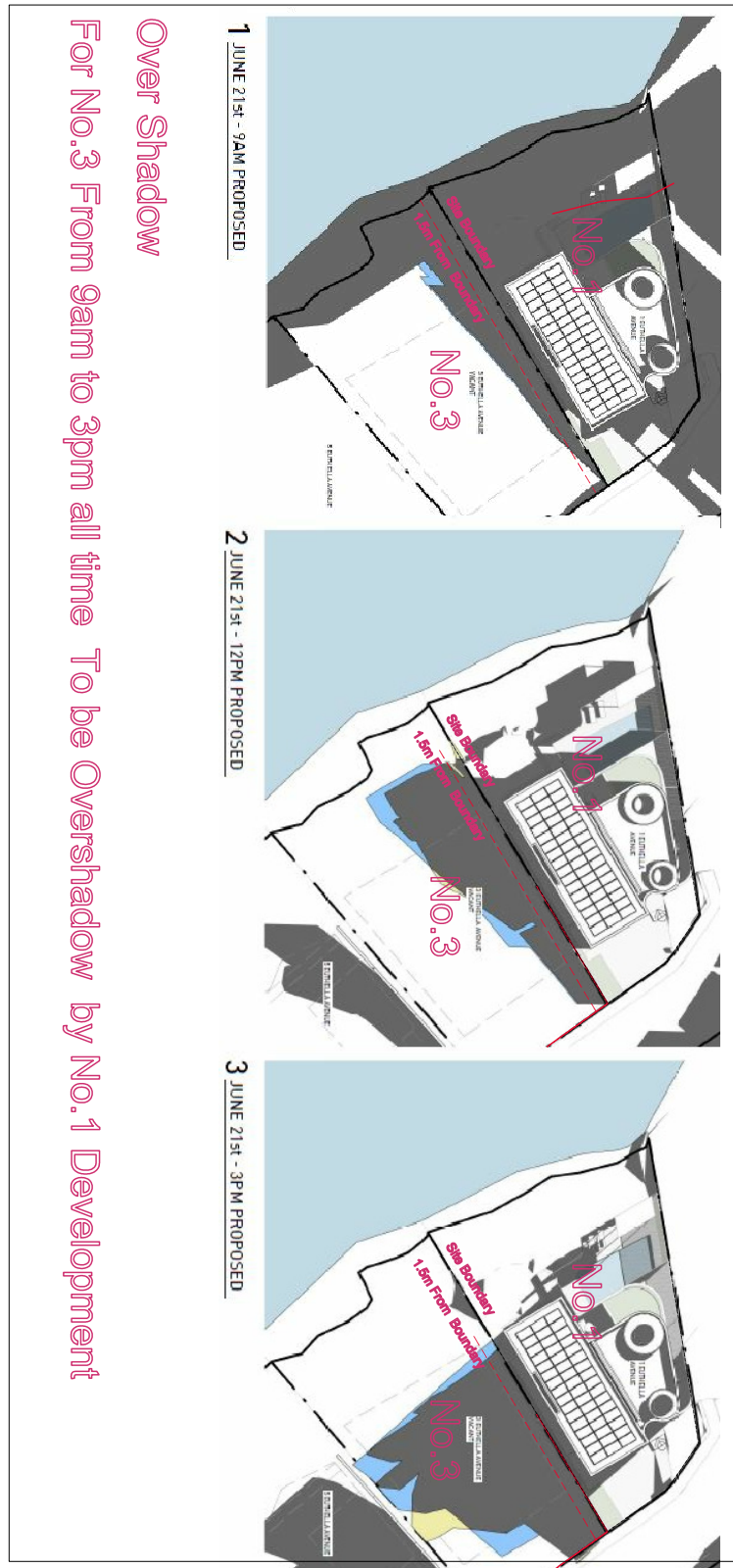
More than 2 storey dwelling



1 Storey at frontage 1 Storey at frontage Vacant Site 2 Storey at frontage

At frontage this is Not 1 Storey IT IS 2 Storey





Sarah Jenkins

From: Blue Bay [REDACTED]
Sent: Sunday, 4 December 2022 7:40 PM
To: Customer Service
Subject: Objection Letter to 1 Euthella Ave Hunters Hill (DA20220208)
Attachments: Objection Letter DA20220208.pdf

To the General Manager of Hunters Hill Council

Dear The General Manager

Please find attached objection letter to DA20220208 for 1 Euthella Ave Hunters Hill.

OPPOSITION OF DEVELOPMENT - PROPOAL CONSTRUCTION OF A DWELLING HOUSE AT No.1 EUTHELLA AVENUE HUNTERS HILL

To The General manager
Hunters Hill Council

From Local Residents Surround the Development Site
Date:02.12.2022

e-mail: marc@marc.com

Dear The General Manager

We are Local residents Living around the Development Site That will be constructing a dwelling House
At No.1 Euthella Avenue Hunters Hill

We are Submitting our Opposition of the development, however we noted the date of issue of the notification is on 17.11.2022, But From the Post Office shows the Date To Mail is 20.11.2022.

There are some Important Items to be advised to Council regarding the Proposal:

* The Notification plan and other document - Not Enough and with some incorrect Information to show the whole development

- 1) On the Proposed Site Plan It is not shown the Important Setback of the New Building
- 2) on the Street Elevation shows the New dwelling on the Street is 1 storey dwelling but the truth is it is a 2 storey dwelling and No 3 Euthella Ave site is a vacant site - Not a 2 storey dwelling
- 3) On the 3D Model It is looks like a wide setback from side boundary But actually is very close to the side boundary - DIFFERENT WITH THE PROPOSED SITE PLAN
- 4) On the Street Scope existing or proposal - there are not all the garage build on the boundary
- 5) From Rear elevation the truth is this is a 3 storey dwelling, please refer to the study picture that shows from No.5-9 all are Max.2 storey dwelling. IF COUNCIL APPROVED THE DEVELOPMENT, IT WILL BE Serious destruction of the local streetscape and amenity and not follow the control with DCP
- 6) If the proposal is approved By Council It will Impact the local environment -
 - Street view from Pitt street, all views of water will be fully lost
 - Neighbour's water views from Living area or Balconies will be seriously destructed
- 7) The Proposed building height is higher than the Max. height By Council
- 8) The Proposed Landscaping area is less than the requirement - 50%
- 9) The Proposed construction looks like A new modern / public museum building not a house- is not consistent with the existing streetscape
- 10) The existing swimming pool will be refurbished and new pergola with a 4.78m is quite high and within 10m Foreshore line - Makes a dangerous precedent
 - Breach of the foreshore control line
 - In the future anyone will follow the bad example to build within the foreshore control line

During the short time to review the very unclear information, we will continue to get more information to discuss the items to make sure any development will be under the controls to make the area better.

We strongly suggest when Council assess the development will carefully consider the Opposition From the local residents' concerns. To Make sure the Development complies with the Local COUNCIL DCP AND LEP and all other Related Regulations



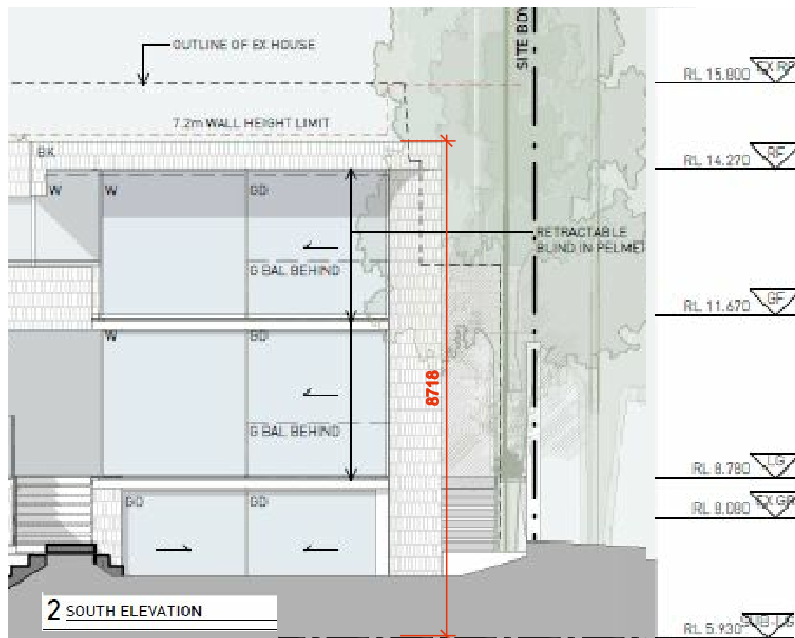
View from Entry of Pitt Street



This Development Site - No.1 Euthella Avenue Hill Proposal is Serious destruction of the local streetscape and amenity. Mostly Important ALL existing View of Water will be lost for when people walk from Pitt Street going to Euthella Ave.

* The Building height is 8.72m ,It is much more higher than DCP allow 7.2m

* The Building is 3 Storey dwelling . It is Not allow Max.2 storey dwelling At Zone



From Park see through along the foreshore All the dwelling have max.2 Storey Outward appearance
The Proposal from the site No.1 Euthella Avenue There will be 3 Storey dwelling
again It will be SERIOUS DESTRUCTION of the locality and Not Allow for the R2
Zone



View from Opposite of water to see the Development
Site and neighbor's dwelling

The aerial photo shows that along the waterline that not have anything within 10m foreshore line

The Proposed development site - No.1 Euthella Ave Hunters Hill - have a increasing height of pergola to 4.7 m within the 10m Foreshore Line .It is not allowed to have anything within the Foreshore area.

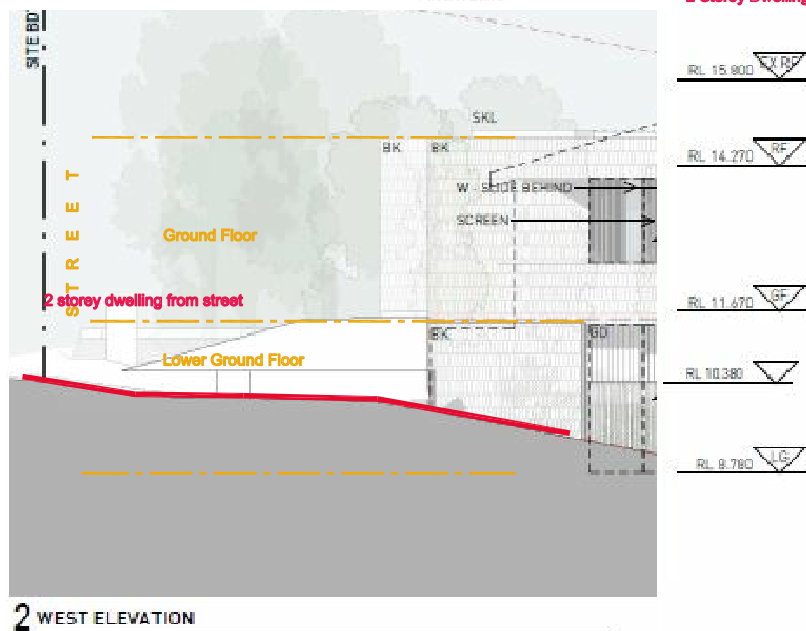
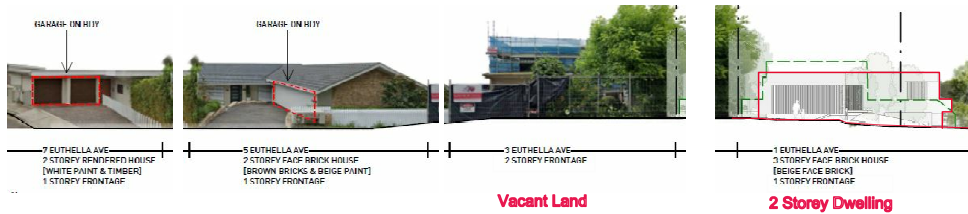
Page 3 of 4



* At this foreshore line All dwellings have 1 storey Outward appearance, Why this proposal (No.1 Euthella Ave.) have 2 storey Modern exterior ?

* At this foreshore line All dwellings have 1 storey Outward appearance, Why this proposal (No.1 Euthella Ave.) have 2 storey Modern exterior ?

* It will be **SERIOUS DESTRUCTION** of the local streetscape





No.2 Euthella Avenue Hunters Hill



No.4 Euthella Avenue Hunters Hill



No.6 Euthella Avenue Hunters Hill



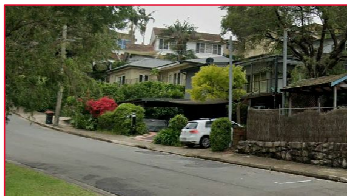
No.5 Euthella Avenue Hunters Hill



No.7 Euthella Avenue Hunters Hill



No.9 Euthella Avenue Hunters Hill



No.4 and No.6 Pitt Street Hunters Hill



No.2 Pitt Street Hunters Hill

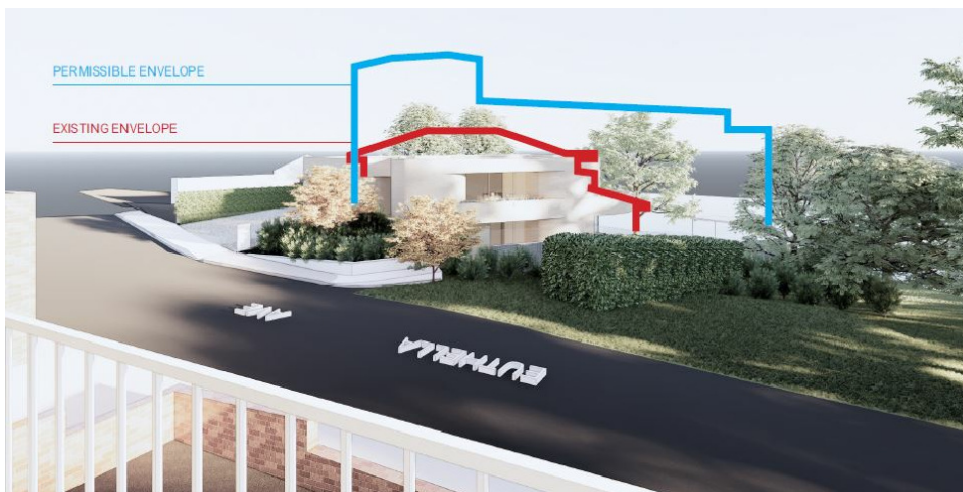


No.22 and No.24 George Street Hunters Hill

Around the Development Site - No.1 Euthella Avenue Hill Always There are traditional Houses that Keep the street outward appearance consistent with the existing streetscape

This Development Site - No.1 Euthella Avenue Hill Proposal is Serious destruction of the local streetscape and amenity

This Development Site - No.1 Euthella Avenue Hill Proposal looks like a public building and makes people feel like a commercial area and it is not a residential area



No.1 Euthella Avenue Hunters Hill Development Site Proposal Public modern building look Not a residential dwelling