




 DEVELOPMENT ASSESSMENT REPORT				
Application No.	DA/2022/0791			
Address	14 Hillcrest Avenue ASHFIELD			
Proposal	Proposal for strata subdivision of an existing heritage listed building and tree removal.			
Date of Lodgement	23 September 2022			
Applicant	Paolo Festa			
Owner	Mr Toni El-Haddad Mrs Taminy S El-Haddad			
Number of Submissions	0			
Value of works	\$8,000			
Reason for determination at Planning Panel	Removal of trees on a site containing a Heritage Item			
Main Issues	Unauthorised works			
Recommendation	Approved with Conditions			
Attachment A	Recommended conditions of consent			
Attachment B	Plans of proposed development			
Attachment C	Arboricultural Assessment Report			
Attachment D	Statement of Heritage Significance			
				
LOCALITY MAP				
Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for the strata subdivision of an existing heritage listed building and tree removal at 14 Hillcrest Avenue Ashfield.

The application was notified to surrounding properties and no submissions were received in response to the notification.

The main issues that have arisen from the application include the unauthorised works that have already been undertaken to the building

The unauthorised works are the subject of a concurrent Building Information Certificate (BIC). The application is recommended for approval subject to the requirements of the BIC.

2. Proposal

The proposal involves the strata subdivision of an existing heritage listed building and the removal of two (2) trees.

The proposed strata subdivision of the site will result in two lots, one lot on the ground floor of the existing building and one on the first floor with access to a communal garage and open space at the rear of the site.

3. Site Description

The subject site is located on the southern side of Hillcrest Avenue, between Armstrong Street and Queen Street, Ashfield. The site area is approximately 530sqm with a frontage to Hillcrest Avenue. An existing two storey residential building containing two flats is located on the site.

Surrounding land uses are predominantly single and two storey dwelling houses, and two storey flat buildings.

The subject site is listed as a heritage item but is not located within a conservation area.

A 20m high Cypress pine and 8m high Camphor laurel are also located on the site.



Figure 1: Zoning Map

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
Building Application 9205	Construction of a 2 storey building comprising two flats.	20 November 1940
BC/2022/0159	Unauthorised works	N/A – see discussion under Application history below

4(b) Application history

During assessment of the application a request for additional information was issued to the applicant requesting clarification regarding works to the internal layout of the building. A building information certificate (BIC) was also required for any works undertaken without consent.

Amended plans were received during the assessment of the application to clarify the internal works already undertaken without consent and a Heritage Impact Statement was also submitted. Renotification was not required in accordance with Community Engagement Framework. The amended plans are the subject of this report.

A BIC, known as BC/2022/0159 was lodged 21 December 2022 for the following internal works which have been undertaken without development approval:

- Removal of internal walls and construction of the timber framework for new walls;
- Removal of the walls connecting the kitchen and dining in both units,
- Removal of carpet;
- Partial removal of the ceiling lining;
- Removal of the existing bathroom fit out on both floors;
- Installation of new bathrooms within the former study in both units;
- Installation of plumbing and water proofing to the brick work;
- Enclosure of living room door and installation of a new door opening from the bedroom adjoining the study; and
- Infill of brick mantels in both units.

A request for additional information was issued by Council for the BIC requiring additional works to be undertaken to address heritage matters and to ensure significant features of the heritage item are reinstated and replaced. A condition has been included in the recommendation to ensure the subdivision certificate is not issued until the building information certificate (BC/2022/0159) has been approved and issued by Council.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*.

Division 4.11 EP&A 1979 and Part 7 EP&A Regulations 2021

The following is a summary of the assessment of the application in accordance with the relevant provisions under Division 4.11 Existing uses of the *EP&A 1979* and Part 7 Existing uses of the *EP&A Regs 2021*:

Division 4.11 – EP&A Act 1979	Provision	Performance	Compliance
Section 4.65 Definition of “existing use”	In this Division, existing use means— (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and (b) the use of a building, work or land— (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and (ii) that has been carried out,	The proposal meets the relevant provisions under this Clause as follows: <ul style="list-style-type: none"> • Development consent no. 9205, dated 20 November 1940 was granted before the commencement of the provision of the IWLEP 2022 having effect to prohibit the use on the site; and • The works and use were for a lawful purpose before the IWLEP 2022 came into force, gazetted on 12 August 2022. 	Yes

	<p>within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.</p>		
<p>Section 4.66 Continuance of and limitations on existing use</p>	<p>(1) Except where expressly provided in this Act, nothing in this Act or an environmental planning instrument prevents the continuance of an existing use.</p> <p>(2) Nothing in subsection (1) authorises—</p> <p>(a) any alteration or extension to or rebuilding of a building or work, or</p> <p>(b) any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned, or</p> <p>(c) without affecting paragraph (a) or (b), any enlargement or expansion or intensification of an existing use, or</p> <p>(d) the continuance of the use therein mentioned in breach of any consent in force under this Act in relation to that use or any condition imposed or applicable to that consent or in breach of any condition referred to in section 4.17(1)(b), or</p> <p>(e) the continuance of the use therein mentioned where that use is abandoned.</p> <p>(3) Without limiting the generality of subsection (2)(e), a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.</p>	<p>The provisions are noted. Available evidence, including rates and charges for the use suggests the use has not been abandoned.</p>	<p>Yes</p>
<p>Section 4.67 Regulations respecting existing use</p>	<p>(1) The regulations may make provision for or with respect to existing use and, in particular, for or with respect to—</p> <p>(a) the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, and</p>	<p>These provisions are noted, and the development includes removal of a tree from the site and otherwise no physical works are proposed. Alterations to the heritage item are being dealt with under BC/2022/0159, lodged 21 December 2022. The proposed development is considered</p>	<p>Yes</p>

	<p>(b) the change of an existing use to another use, and (c) the enlargement or expansion or intensification of an existing use. (d) (Repealed) (2) The provisions (in this section referred to as the incorporated provisions) of any regulations in force for the purposes of subsection (1) are taken to be incorporated in every environmental planning instrument. (3) An environmental planning instrument may, in accordance with this Act, contain provisions extending, expanding or supplementing the incorporated provisions, but any provisions (other than incorporated provisions) in such an instrument that, but for this subsection, would derogate or have the effect of derogating from the incorporated provisions have no force or effect while the incorporated provisions remain in force. (4) Any right or authority granted by the incorporated provisions or any provisions of an environmental planning instrument extending, expanding or supplementing the incorporated provisions do not apply to or in respect of an existing use which commenced pursuant to a consent of the Minister under section 4.33 to a development application for consent to carry out prohibited development.</p>	<p>appropriate for the site under the relevant planning controls, as discussed throughout this report.</p>	
<p>Section 4.68 Continuance of a limitations on other lawful uses</p>	<p>(1) Nothing in an environmental planning instrument operates so as to require consent to be obtained under this Act for the continuance of a use of a building, work or land for a lawful purpose for which it was being used immediately before the coming into force of the instrument or so as to prevent the continuance of that use except with consent under this</p>	<p>The provisions are noted. Development consent was issued dated 20 November 1940 and available evidence, including a rates notices suggests the use has not been abandoned.</p>	<p>N/A</p>

	<p>Act being obtained.</p> <p>(2) Nothing in subsection (1) authorises—</p> <p>(a) any alteration or extension to or rebuilding of a building or work, or</p> <p>(b) any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned, or</p> <p>(c) without affecting paragraph (a) or (b), any enlargement or expansion or intensification of the use therein mentioned, or</p> <p>(d) the continuance of the use therein mentioned in breach of any consent in force under this Act in relation to that use or any condition imposed or applicable to that consent or in breach of any condition referred to in section 4.17(1)(b), or</p> <p>(e) the continuance of the use therein mentioned where that use is abandoned.</p> <p>(3) Without limiting the generality of subsection (2)(e), a use is presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.</p> <p>(4) (Repealed)</p>		
<p>Section 4.69 Uses unlawfully commenced</p>	<p>(1) The use of a building, work or land which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except—</p> <p>(a) the commencement of an environmental planning instrument which permits the use without the necessity for consent under this Act being obtained therefor, or</p> <p>(b) the granting of development consent to that use.</p> <p>(2) The continuation of a use of a building, work or land that was unlawfully commenced is, and is taken always to have been, development of the land within the meaning of and for the purposes of any deemed</p>	<p>It is considered the building was not unlawfully commenced as:</p> <ul style="list-style-type: none"> Development consent no. 9205 was granted on 20 November 1940, which was before the commencement of the provision of the IWLEP 2022 having effect to prohibit the use on the site. 	<p>Yes</p>

	environmental planning instrument applying, or which at any time applied, to or in respect of the building, work or land.		
Section 4.70 Saving of effect of existing consents	<p>(1) Nothing in an environmental planning instrument prohibits, or requires a further development consent to authorise, the carrying out of development in accordance with a consent that has been granted and is in force.</p> <p>(2) This section—</p> <p>(a) applies to consents lawfully granted before or after the commencement of this Act, and</p> <p>(b) does not prevent the lapsing, revocation or modification, in accordance with this Act, of a consent, and</p> <p>(c) has effect despite anything to the contrary in section 4.66 or 4.68.</p> <p>(3) This section is taken to have commenced on the commencement of this Act.</p>	The provisions are noted and the consent no 9205 was granted on 20 November 1940 was granted before the commencement of the Act.	Yes
Part 5 – EPA&A Regs. 2021	Provision	Performance	Compliance
Section 162 Application of Part	The provisions of this Part are provisions in force for the purposes of the Act, section 4.67(1).	Noted.	Noted.
Section 163 - Certain development allowed	<p>(1) An existing use may, subject to this Part—</p> <p>(a) be enlarged, expanded or intensified, or</p> <p>(b) be altered or extended, or</p> <p>(c) be rebuilt, or</p> <p>(d) be changed to another use, but only if the other use is a use that may be carried out with or without development consent under the Act, or</p> <p>(e) if it is a commercial use—be changed to another commercial use, including a commercial use that would otherwise be prohibited under the Act, or</p> <p>(f) if it is a light industrial use—be changed to another light industrial use or a commercial use, including a light industrial use or commercial use that would otherwise be prohibited under the Act.</p>	<p>The proposal meets the relevant provisions as follows:</p> <ul style="list-style-type: none"> • The proposal includes only tree removal and subdivision. • No physical works are proposed to the building. Alterations to the heritage item are being dealt with under BC/2022/0159, lodged 21 December 2022. 	Yes

	<p>(2) However, an existing use must not be changed under subsection (1)(e) or (f) unless the change—</p> <p>(a) involves only minor alterations, and</p> <p>(b) does not involve an increase of more than 10% in the gross floor area of the premises associated with the existing use, and</p> <p>(c) does not involve the rebuilding of the premises associated with the existing use, and</p> <p>(d) does not involve a significant intensification of the existing use.</p>		
Section 164 Enlargement, expansion and intensification of existing use	<p>(1) Development consent is required for any enlargement, expansion or intensification of an existing use.</p> <p>(2) The enlargement, expansion or intensification must be—</p> <p>(a) for the existing use and for no other use, and</p> <p>(b) carried out only on the land on which the existing use was carried out immediately before the relevant day.</p>	The provisions are noted. No enlargement, expansion or intensification of the existing use are proposed.	N/A
Section 165 Alterations of building and works	<p>(1) Development consent is required for an alteration of a building or work used for an existing use.</p> <p>(2) The alteration must be—</p> <p>(a) for the existing use of the building or work and for no other use, and</p> <p>(b) erected or carried out only on the land on which the building or work was erected or carried out immediately before the relevant day.</p>	Noted. The proposal involves no alterations to the existing building.	N/A
Section 166 Rebuilding of buildings and works	<p>(1) Development consent is required for any rebuilding of a building or work used for an existing use.</p> <p>(2) The rebuilding must be—</p> <p>(a) for the existing use of the building or work and for no other use, and</p> <p>(b) carried out only on the land on which the building or work</p>	The provisions are noted. The development involves no physical works to the existing building.	Yes

	was erected or carried out immediately before the relevant day.		
Section 167 – Change of existing uses	(1) Development consent is required for— (a) a change of an existing use to another use, and (b) for a building, work or land that is used for different existing uses—a change in the proportions in which the various parts of the building, work or land are used for the different existing uses. (2) This Part does not prevent the granting of a development consent referred to in another provision of this Part at the same time as the granting of a development consent referred to in subsection (1).	Noted. The proposal includes strata subdivision of the existing building to create a dual occupancy. No physical works are proposed to the existing building.	N/A

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council’s records. The land will be suitable for the proposed use as there is no indication of contamination.

5(a)(ii) *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

Chapter 2 Vegetation in non-rural areas

The SEPP concerns protection/removal of vegetation and gives effect to the local tree preservation provisions of Council's DCP.

The application seeks the removal of vegetation from within the site. The application was referred to Council's Tree Management Officer whose comments are summarised as follows:

- The proposed removal of two (2) trees, one within close proximity to the heritage item and one which is dead is considered acceptable subject to appropriate replacement tree planting being proposed.

Overall, the proposal is considered acceptable with regard to the SEPP and the Inner West Comprehensive Development Control Plan 2016 subject to the imposition of conditions, which have been included in the recommendation of this report.

5(a)(iii) *Inner West Local Environmental Plan 2022 (IWLEP 2022)*

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.6 – Subdivision
- Section 2.7 – Demolition requires development consent
- Section 4.3 – Height of buildings
- Section 4.3C – Landscaped areas for residential accommodation in Zone R1
- Section 4.4 – Floor space ratio
- Section 4.4A – Exception to maximum floor space ratio for active street frontages
- Section 4.5 – Calculation of floor space ratio and site area
- Section 4.6 – Exceptions to development standards
- Section 5.10 – Heritage conservation
- Section 6.3 – Stormwater management

Section 2.3 Land Use Table and Zone Objectives

The application proposes to strata subdivide the existing building into two units. **Dual occupancies** are prohibited within the R2 Low Density Residential zone. As outlined in the background above, an application for the construction of a building comprising two flats was approved before the commencement of the Inner West LEP 2022 (IWLEP 2022). As a result, it is considered the prohibited use on the site meets the definition of an “**existing use**” under Clause (Cl.) 4.65 of the *EP&A Act 1979*. See discussion under Part 5 of this report.

Further, the application proposes no physical works apart from tree removal and strata subdivision only to form a dual occupancy, which can be permitted for properties that enjoy existing use rights under Section 4.67 of the *EP&A Act 1979* and Clause 165 of the *Environmental Planning and Assessment Regulation 2021 (EP&A Regs. 2021)* which has been discussed in Part 5 of this report.

The proposal is consistent with the relevant objectives of the zone, as it will assist to provide for the housing needs of the community within a low-density residential environment.

Section 2.6 Subdivision requirements

The application seeks development consent for the subdivision of the existing lot into 2 (two) strata lots, which is permissible with consent.

Section 2.6 Demolition requires development consent

The proposal satisfies the section as follows:

- Demolition works are proposed, which are permissible with consent; and
- Standard conditions are recommended to manage impacts which may arise during demolition.

Section 4 Principal Development Standards

The following table provides an assessment of the application against the development standards:

Standard	Proposal	Non compliance	Complies
Height of Buildings Maximum permissible: 8.5m	8.7m (no change)	n/a	Yes
Floor Space Ratio Maximum permissible: 0.7:1 or 371sqm	0.31:1 or 164sqm	n/a	No

Section 5.10 Heritage Conservation

The subject site is listed as a heritage item within the IWLEP 2022.

The proposal seeks approval to strata subdivide the site into two flats and remove two trees within the front garden area of the property. The proposed subdivision and tree removal will not have an adverse impact on the significance of the heritage item.

As noted earlier in this report, a Building Information Certificate (BC/2022/0159, lodged 21 December 2022) has been submitted for a number of unauthorised works that have been undertaken to the heritage item. A request for additional information and additional works to be undertaken to the heritage item has been issued by Council to ensure significant elements of the heritage item are replaced and reinstated. It is noted that the BIC has in-principal support from Council’s Heritage and Building Units subject to these requests being satisfied. As such, matters related to heritage are being addressed through the building information certificate application.

This application does not include any physical works to the heritage item. However, a condition has been imposed on the recommendation to ensure the occupation certificate and subdivision certificate are not issued until the building information certificate (BC/2022/0159) has been approved and issued by Council.

Therefore, the proposal is considered to have an acceptable impact on the heritage item and Section 5.10 of IWLEP 2022 subject to conditions.

5(c) [Draft Environmental Planning Instruments](#)

N/A

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

IWCDCP2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
A – Miscellaneous	
2 - Good Design	Yes
4 - Solar Access and Overshadowing	Yes
6 - Safety by Design	Yes
8 - Parking	Yes – see discussion
9 - Subdivision	Yes – see discussion
15 - Stormwater Management	Yes
C – Sustainability	
1 – Building Sustainability	Yes
2 – Waste and Recycling	Yes
4 – Tree Preservation and Management	Yes – see discussion
6 – Tree Replacement and New Tree Planting	Yes – see discussion
E1 – Heritage items and Conservation Areas (excluding Haberfield)	
1 – General Controls	Yes – see discussion
2 – Heritage Items	Yes – see discussion
7 – Subdivision and lot consolidation affecting heritage items or in heritage conservation areas	Yes – see discussion
F – Development Category Guidelines	
1 – Dwelling Houses and Dual Occupancy	Yes – see discussion

The following provides discussion of the relevant issues:

Parking

The DCP does not include specific car parking and bicycle parking requirements for dual occupancy development. Two car parking spaces are provided on the site, one for each occupancy which is considered acceptable for the site, the proposed use and the relevant guidelines.

No changes are proposed the garage and vehicle access to the site as part of this proposal.

Subdivision

Landscaping, communal open space, vehicular access areas will be designated as common property.

A condition has been included in the recommendation to ensure an additional letterbox provided for the owners' corporation, with numbering and "owners' corporation" title clearly displayed is provided.

All matters relating to strata management will be dealt with upon registration of the plan.

Heritage

A Building Information Certificate, known as BC/2022/0159 was lodged 21 December 2022 for a number of internal works that have been undertaken to the heritage item without consent.

A request for additional information was issued by Council as part of the Building Information Certificate requiring additional works to be undertaken to address heritage matters and to ensure significant features of the heritage item are reinstated and replaced.

The subject application is for strata subdivision and tree removal only and proposes no physical works to the heritage item. The proposed strata subdivision ensures that the significance of heritage item is maintained in accordance with Part 7 of Chapter E1.

A condition has been imposed on the recommendation to ensure the subdivision certificate is not issued until the Building Information Certificate (BC/2022/0159) has been approved and issued by Council.

The proposal is considered acceptable with regard to Chapter E1 subject to conditions.

Tree preservation

The Cypress Pine is located within 3m from the building and there is inadequate above and below ground space for sound, long term development. Council's Tree Officer determined that any property clearance pruning would be detrimental to the trees natural form, that the tree is located on a site identified as a heritage item and the removal of the tree eliminates any possible damage to the building and that replacement planting can better achieve the objectives of the DCP within a reasonable time.

A condition has been included in the recommendation requiring a replacement tree be planted. The tree is to be a minimum of 75 litre size, which will attain a minimum mature height of 8 metres, and is to be planted in a more suitable location within the property at a minimum of 1.5 metres from any boundary, 2.2m from any dwelling or garage wall and allowing for future tree growth.

Council's Tree Officer has also confirmed that the Camphor laurel tree is dead, and its removal is supported.

Dwelling Houses And Dual Occupancies*PC6 Garage, carports and driveways*

Two car parking spaces are provided for the dual occupancy. No changes are proposed to the building form of the garage structure

PC8 Landscaped area and site coverage

No changes are proposed to the landscaping and site coverage however the proposal is consistent with this part as follows:

Minimum landscaped area required:

501sqm+ - 35%

216sqm (41%) landscaped area proposed.

Maximum site coverage required:

501sqm+ - 50%

143sqm (27%) site coverage proposed

PC9 Principal private open space

The proposal does not result in any physical works to the site apart from tree removal and doesn't provide private open space that is directly accessible from the living area for both units. However, the proposal does not involve any physical works apart from tree removal and benefits from existing use rights as discussed elsewhere in this report. The proposal provides communal open space greater than 40sqm at the rear of the site and as such the site provides adequate recreation space for future occupants of the site.

PC14 Visual privacy

An adequate level of visual privacy for development and adjoining properties is maintained as no new openings are proposed.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

5(f) The suitability of the site for the development

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

No submissions were received in response to the notification.

5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

Referrals	Summary of Response
Engineer	Conditions provided
Heritage	Acceptable
Urban Forest	Conditions provided
Building certification	Acceptable

6(b) External

Nil.

7. Section 7.11 Contributions/7.12 Levy

No Contributions or Levy are applicable to the development.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2022/0791 for the Strata Subdivision of an existing heritage listed building and tree removal at 14 Hillcrest Avenue, ASHFIELD subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
Drawing No. 01 Issue B	Demolition and Existing Site Plan	14 December 2022	DBB
Drawing No. 02SP GF Issue B	Ground Floor Plan Strata Subdivision	14 December 2022	DBB
Drawing No. 02aSP FF Issue B	First Floor Plan Strata Subdivision	14 December 2022	DBB
Drawing No. 3 Issue B	Existing Floor Plans	14 December 2022	DBB

As amended by the conditions of consent.

GENERAL CONDITIONS

2. Stormwater Drainage System – Simple

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, down pipe, pits and pipelines discharged by gravity to the kerb and gutter of a public road. Stormwater runoff from proposed new or altered roof areas may be discharged to the existing site drainage system.

Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road shall be disposed to an absorption trench subject to ensuring no concentration of flows or nuisance to other properties.

3. Works to Trees

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate:

Tree/location	Approved works
one (1) <i>Cupressus sp.</i> located at front.	Removal
one (1) <i>Cinnamomum camphora</i> (camphor laurel) located at front.	Removal

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

4. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

5. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

DURING DEMOLITION AND CONSTRUCTION**6. Construction Hours – Class 1 and 10**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

PRIOR TO OCCUPATION CERTIFICATE**7. Protect Sandstone Kerb**

Prior to the issue of a Strata Subdivision Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

8. Strata Title Subdivision to Occur before Occupation

Prior to the issue of a Strata Certificate for any dwelling on the site, the certifying authority is to be provided with evidence that the subdivision that forms part of this consent has been registered with the NSW Land Registry Services.

9. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF5 Certificate of Horticulture or Arboriculture that:

A minimum of 75 litre size tree, which will attain a minimum mature height of 8 metres, has been planted in a more suitable location within the property at a minimum of 1.5 metres from any boundary, 2.2 metres from any dwelling or garage wall and allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, and species recognised to have a short life span will not be accepted as suitable replacements.

If the tree is found dead or dying before it reaches dimensions where it is protected by Council's Tree Management Controls, it must be replaced in accordance with this condition.

10. Smoke Alarms - Certification of upgrade to NCC requirements

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

11. Building Information Certificate - Occupation Certificate

Prior the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that the Building Information Certificate, BC/2022/0159 has been approved and issued by Inner West Council.

PRIOR TO SUBDIVISION CERTIFICATE**12. Strata Title Subdivision**

Prior to the issue of a Strata Subdivision Certificate, the Certifying Authority must verify that any physical works within this consent have been constructed.

13. Section 73 Certificate

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with the Section 73 Certificate. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

14. Strata Subdivision Plan

Prior to the release of a Strata Subdivision Plan, the Certifying Authority must be provided with plans indicating that the strata subdivision of the development has been carried out in accordance with approved plans and demonstrating that:

- a. Each strata lot comprising a dwelling and one car space;
- b. Car spaces must not be given separate strata lot numbers;
- c. Landscaping, communal open space and vehicular access are to be included in common property;
- d. A letterbox titled 'owners corporation' is to be provided at the front of the site.

If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. <https://www.innerwest.nsw.gov.au/live/information-for-residents/roads-and-footpaths/how-to-apply-for-a-street-number>

15. Strata Subdivision Plan to Show Easements and Right of Ways

Prior to the release of a Strata Subdivision Plan, the Certifying Authority must be provided with evidence that all instruments under Section 88B of the *Conveyancing Act 1919* used to create easements or right-of-ways are shown.

16. Release of Subdivision Certificate

Prior to the release of a Subdivision Certificate, the Certifying Authority must be provided with a copy of the Final Occupation Certificate.

17. Building Information Certificate

Prior to the release of a Subdivision Certificate, the Certifying Authority must be provided with evidence that the Building Information Certificate known as BC/2022/0159 has been approved and issued by Inner West Council.

ON-GOING**18. Bin Storage**

All bins are to be stored within the site.

ADVISORY NOTES**Permits**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;

- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent;
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by

this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Dial before you dig

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20

			www.fairtrading.nsw.gov.au
			Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig		1100	
			www.dialprior toyoudig.com.au
Landcom		9841 8660	
			To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments	131441	
			www.lspc.nsw.gov.au
NSW Food Authority		1300 552 406	
			www.foodnotify.nsw.gov.au
NSW Government			www.nsw.gov.au/fibro
			www.diySAFE.nsw.gov.au
			Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555	
			www.environment.nsw.gov.au
Sydney Water		13 20 92	
			www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA	1300 651 116	
			www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)			www.waterrating.gov.au

WorkCover Authority of NSW 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

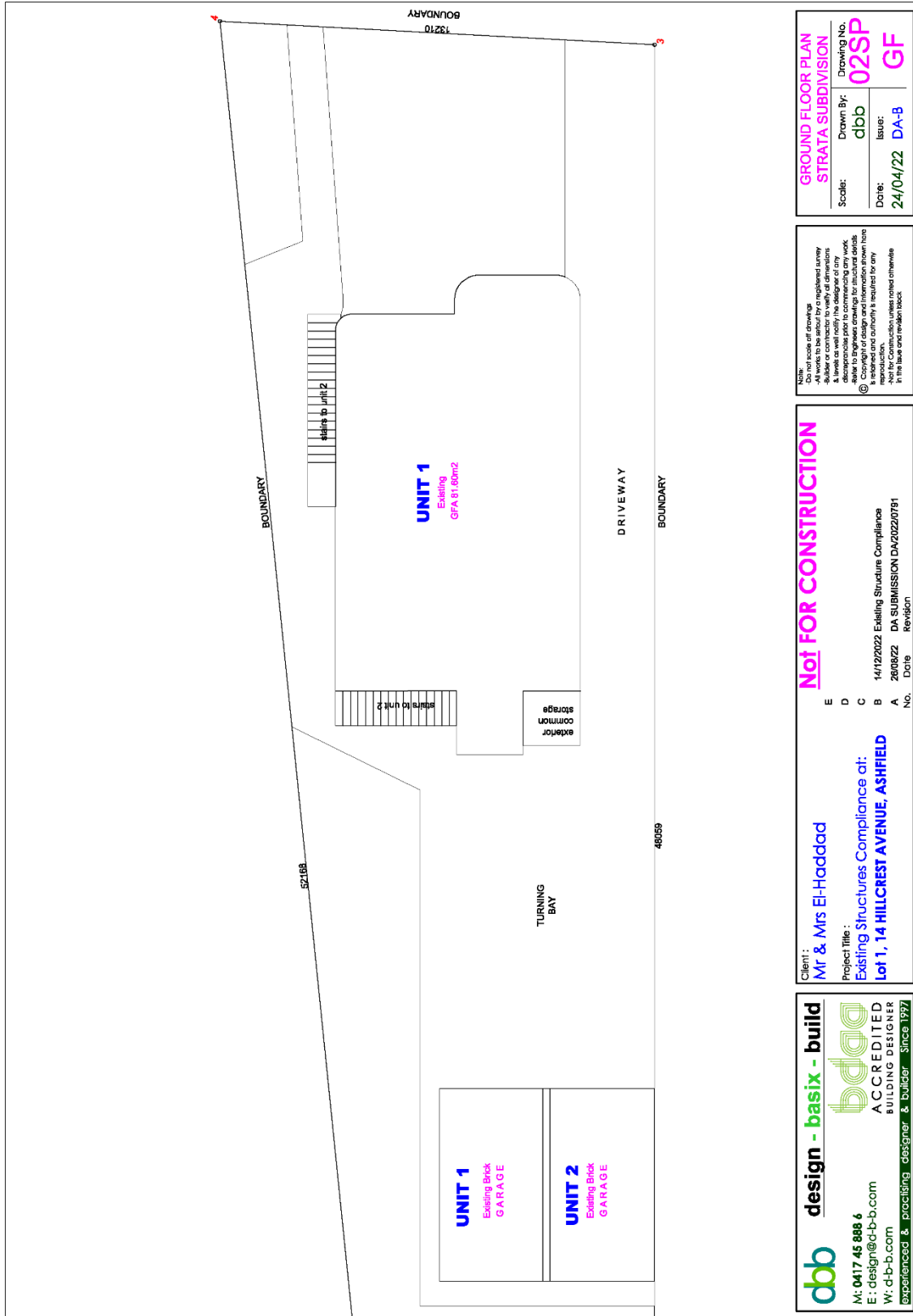
Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Street Numbering

If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to [Street Numbering Application](#)



GROUND FLOOR PLAN
STRATA SUBDIVISION

Scale: Drawing No:
 dbb 02SP
 Date: 24/04/22 DA-B Issue: GF

Not for construction

Note: All scale of drawings shall be without by a registered surveyor or contractor to verify all dimensions and measurements prior to commencing any work. Refer to engineer drawings for structural details. Copyright of design and information shown here is the property of the designer and is not to be reproduced without the written consent of the designer.

Not for CONSTRUCTION

Client: Mr & Mrs El-Haddad

Project Title: Existing Structures Compliance at:
Lot 1, 14 HILLCREST AVENUE, ASHFIELD

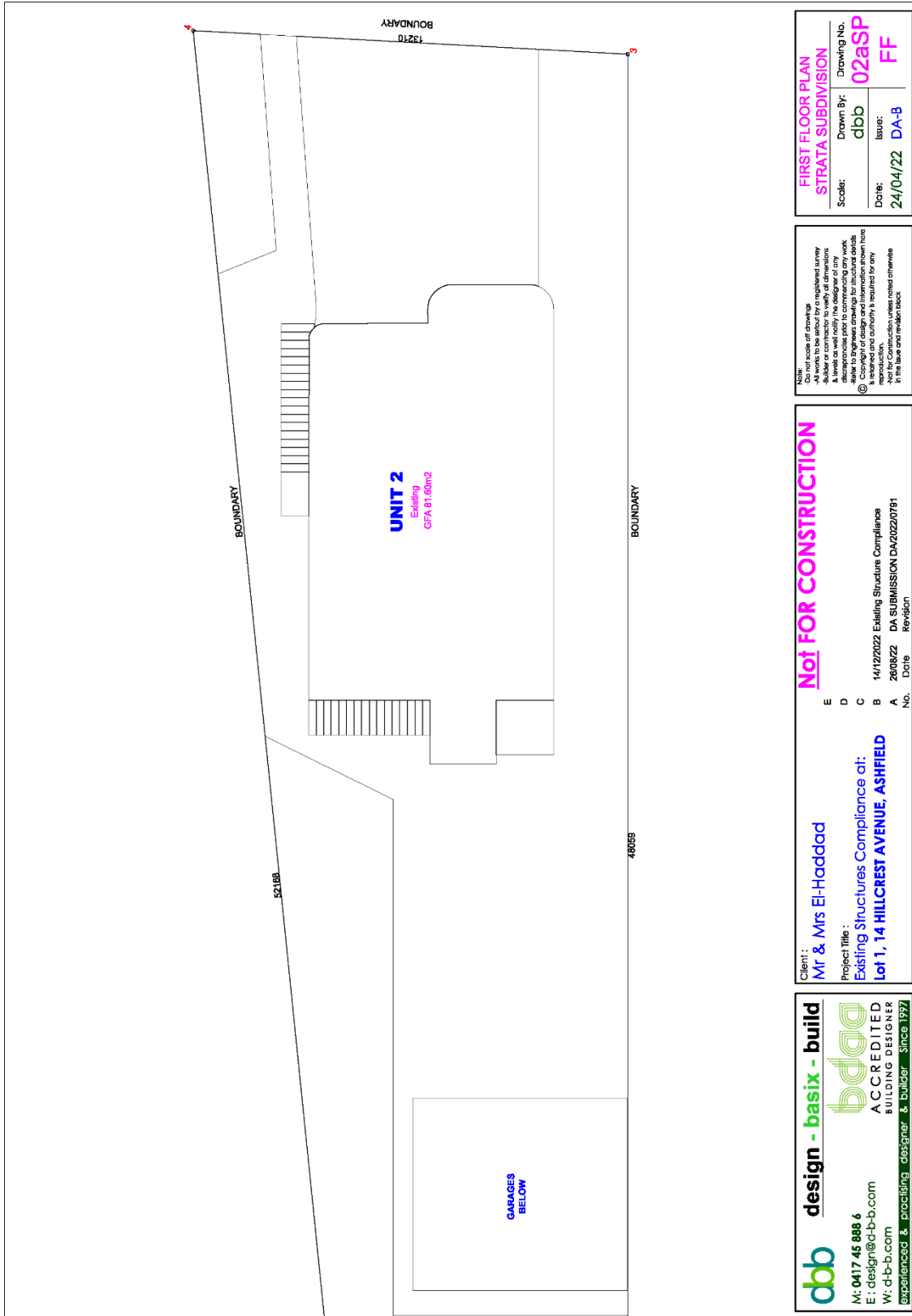
No.	Date	Revision
A	26/08/22	DA SUBMISSION DA/2022/0781
B	14/12/2022	Existing Structure Compliance
C		
D		
E		

design - basix - build

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 E: design@cb-b.com
 W: cb-b.com

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**FIRST FLOOR PLAN
STRATA SUBDIVISION**

Scale: Drawing No:
Date: 24/04/22 DA-B Issue: dbb 02aSP FF

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Not for construction

Client: Mr & Mrs El-Haddad

Project Title: Existing Structures Compliance at:
Lot 1, 14 HILLCREST AVENUE, ASHFIELD

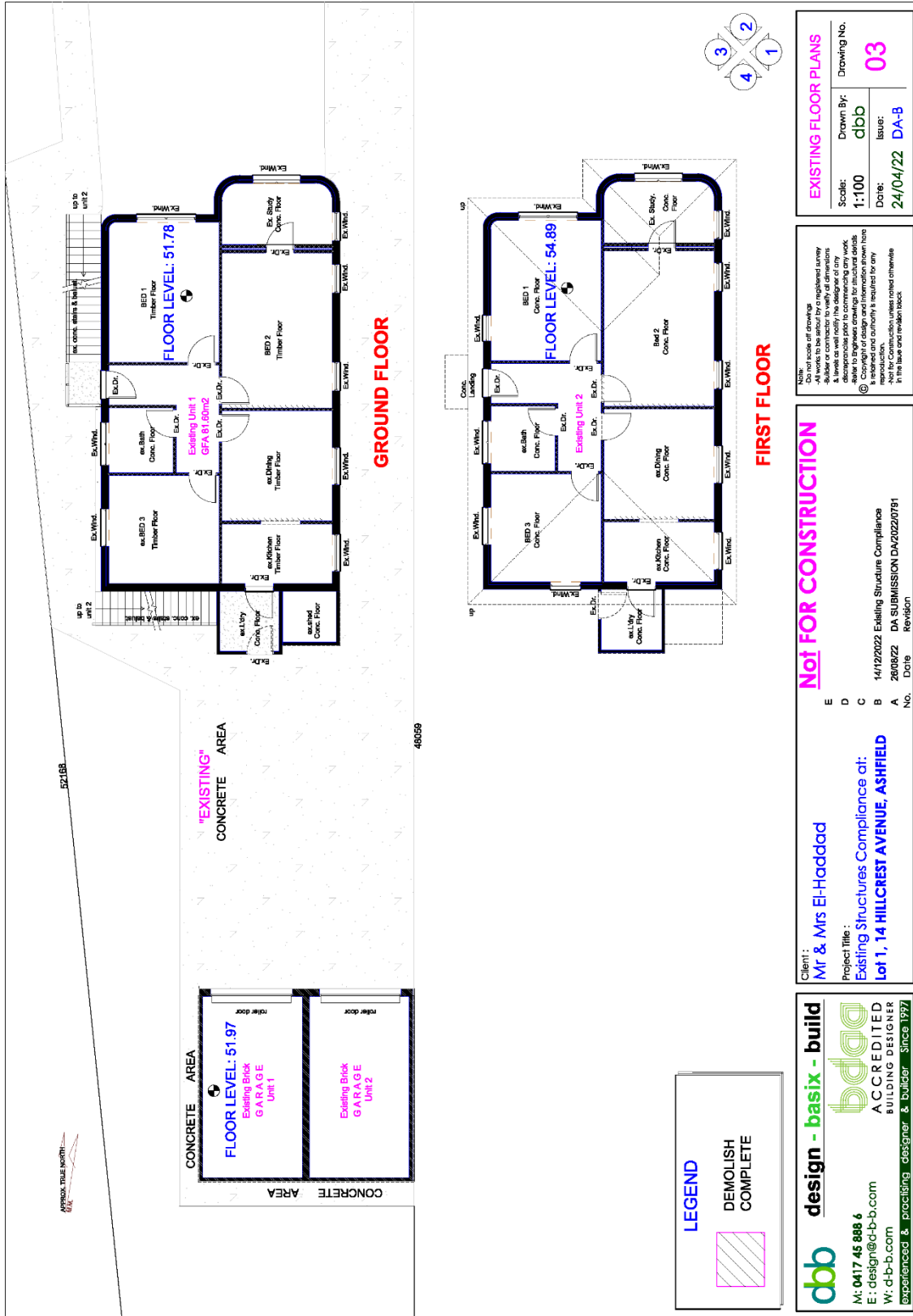
No.	Date	Revision
A	26/08/22	DA SUBMISSION DA/2022/0781
B	14/12/2022	Existing Structure Compliance
C		
D		
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EXISTING FLOOR PLANS

Scale:	1:100	Drawn By:	dbb	Drawing No.	03
Date:	24/04/22	Issue:	DA-B		

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 All works to be shown by a registered surveyor or contractor to verify all dimensions
 All dimensions are to be taken from the approved plans to commence any work
 Refer to engineer drawings for structural details
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 Not for construction unless stated otherwise
 In the above order please check.

Not FOR CONSTRUCTION

No.	Date	Revision
A	26/08/22	DA SUBMISSION
B	14/12/2022	Existing Structure Compliance
C		
D		
E		

Client: Mr & Mrs El-Haddad
Project Title: Existing Structures Compliance at:
Lot 1, 14 HILLCREST AVENUE, ASHFIELD

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LEGEND
 DEMOLISH COMPLETE

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Attachment C- Arboricultural Assessment Report



Arboricultural Assessment Report

Prepared for
MR T EL-HADDAD
6 Hillcrest Ave
ASHFIELD NSW 2131

Site
14 Hillcrest Ave
ASHFIELD NSW 2131

Prepared by
Malcolm W Coote
The Arborist
Dip. (Arboriculture) [AQF Level 5]
ABN- 3429 409 1905

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3 SUBJECT TREES..... 5

4.0 SITE INSPECTION METHODOLOGY: 7

5.0 DISCUSSIONS OF OBSERVATIONS..... 7

6.1 RECOMMENDATION **Error! Bookmark not defined.**

Disclaimer:

M W Coote The Arborist advises that this report should be read and considered in its entirety. This report has been formed on Visual Tree Assessment (VTA) methodology and no aerial type inspection, internal tree analysis or root excavation has been undertaken.

The total safety of any tree cannot be guaranteed as severe climatic or weather conditions cannot be predicted. Therefore, the assessment and recommendations in this report are based in the current environmental conditions and current arboriculture information and research practices.

Information contained within this report is limited to those trees that have been assessed at the time of the site inspection, and in preparing this document, M W Coote The Arborist has relied upon information and documents provided by the Client or prepared by other Consultants within their various areas of expertise.

M W Coote The Arborist is unable and does not accept responsibility for any errors or omissions in any of the material provided by other parties.

M W Coote The Arborist

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SUMMARY

The Arborist Malcolm Coote was engaged by MR T EL-HADDAD (the client) to produce this tree report. The subject site 14 Hillcrest Ave Ashfield NSW 2131. Ownership of the subject trees was by the client.

My brief from the client was to assess the structural condition of two (2) trees at the front of the subject site.

An onsite inspection was conducted on Wednesday, August 10, 2022. The onsite inspection revealed that the subject trees one (1) *Cupressus* (Conifer) tree and one (1) *Cinnamomum camphora* (camphor laurel).

The purpose of this report is to provide an assessment of the subject trees and make recommendations for retaining or removal.

Map 1. The Subject Site. (Nearmaps maps)



M W Coote The Arborist

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1.0 INTRODUCTION:

1.1.1 Mr. T El-Haddad of 6 Hillcrest Ave Ashfield NSW 2131 engaged me to inspect the two (2) trees located at the front of the property 14 Hillcrest Ave Ashfield NSW 2131.

1.1.2 My brief from the client was to assess the structural condition, health of the two (2) trees. The client was concerned that the subject tree posed a potential damage to the heritage significance of the property. The purpose of this report is to provide an assessment of the subject trees and make recommendations for retention or removal.

2.0 THE SITE

2.1.1 The site is identified as an item of local heritage significance, which is listed under Schedule 5 of Ashfield Local Environmental Plan 2013. The site is also situated within the vicinity of a number of heritage items and heritage conservation areas.

2.1.2 The subject site is located on the southern side of Hillcrest Ave and is situated within an established urban streetscape, which is largely characterized by detached-style residential housing and detached multi-storey residential flat buildings.

2.1.3 The site has a mostly rectangular shape, narrowing at the rear, with a conventionally wide frontage to Hillcrest Ave, it comprises an area of 530sqm and is predominantly level, with an undulating surface.

2.1.4 The subject site comprises an area of 530sqm, with the building situated towards the front, allowing for a generous setback from the street and establishing a deep landscape area at the rear.

2.1.5 Most of the landscape front and rear garden are comprised of grassed lawn. At the front of the building is a cluster of plants and trees which hinders views to and from the site.

3.0 SUBJECT TREES

3.1.1 **Tree 1** *Cupressus spp* located on the front boundary, has been allowed to grow to a height of 20m, the upper canopy has been allowed to rub against the building and over time has causing damage to the roof and gutters, this tree has a thick growth habit and is blocking all sun light into the front rooms of the property, both the ground floor and the second floor.

3.1.2 This tree is situated within 3 metres of the dwelling. The root system would be pressing up against the foundation of the house and has the potential to cause damages to the property, the canopy covers 70% of the front of the property and has caused damage to the roof and gutters, as well as blocking natural light into the front rooms on both floors.

M W Coote The Arborist

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3.1.3 The *Cupressus* species tree has a shallow root system extending horizontally to a distance equal to the tree's height. The roots outcompete other vegetation for moisture and nutrients.

3.1.4 Allowed to reach mature size and vigor in limited landscapes, the tree's roots may damage property.

3.1.5 To prune this tree would require a large amount to be removed, leaving it as a poor specimen.

3.1.6 Tree 2 *Cinnamomum camphora* is on the NSW's Noxious Weeds list, the Camphor laurel is a highly invasive evergreen tree that tends to form single species communities and exclude most other desirable native vegetation.

3.1.7 The Camphor laurel is mildly toxic to humans, and mild symptoms may occur if large quantities are eaten. All parts of the plant are poisonous and can cause nausea, vomiting and respiratory distress. Allergic skin reactions can also occur.

3.1.8 *Cinnamomum camphora* is native to China south of the Yangtze River, Taiwan, southern Japan, Korea, India and Vietnam, and has been introduced to many other countries. It grows up to 20–30 m tall.

3.1.9 Camphor laurel seeds germinate more readily after ingestion by birds.

3.1.10 The Camphor laurel is situated in behind the *Cupressus*, the Camphor laurel would be from a bird dropping and has been allowed to grow untouched, this tree is also within 3 metres of the dwelling, adding to the lack of natural sun light into the front rooms on both floors, if left to grow it has the potential to grow to a height of 20–30 m.

Tree No	Scientific Name	Common Name	DBH (cm)	Height (m)	Spread (m)	Vigour	Recommendations	SULE
T 1	<i>Cupressus sp</i>	Cypress pine	1500	20	19.5m	Good	Remove	3B
T 2	<i>Cinnamomum camphora</i>	camphor laurel	200mm	8	4	Good	Remove	3B

M W Coote The Arborist

4.0 SITE INSPECTION METHODOLOGY:

4.1.1 An onsite inspection was conducted on Wednesday, August 10, 2022.

4.1.2 The onsite inspection was carried out by consulting arborist Malcolm W Coote. Approximately 60 minutes was spent on site for the purpose of gathering field notes. The client Mr T El-Haddad was not present for the onsite inspection.

4.1.3 An assessment of the tree was made from ground level using the Visual Tree Assessment method, also known as VTA (Mattheck & Breloer 1999) (See APPENDIX 1). No aerial inspection, root mapping or diagnostic testing was undertaken. Field notes were recorded on paper notebook. The summary of observations is an accurate account of notes gathered whilst in the field.

4.1.4 The health of the subject trees, were assessed by observing the trees vigour as exhibited by the crown density, leaf colour, presence of epicormic shoots, ability to withstand disease invasion, and the degree of dieback.

4.1.5 The condition of the subject trees, were assessed by observing the trees form and growth habit as modified by its environment (aspect, past pruning, suppression by other trees) and the state of the scaffold (i.e. trunk and major branches), including structural defects such as cavities, crooked trunks or weak trunk/branch junctions.

5.0 DISCUSSIONS OF OBSERVATIONS AND RECOMMENDATION

5.1.1 The subject site is situated within the Inner West Council local government area in the locality of Ashfield NSW 2131. Ownership of the subject trees was by the client (Mr T El-Haddad). The subject trees are in an exposed situation, planted at the front of the property and within 3m of the building.

5.1.2 The site is identified as an item of local heritage significance, which is listed under Schedule 5 of Ashfield Local Environmental Plan 2013. The site is also situated within the vicinity of a number of heritage items and heritage conservation areas.

5.1.3 Most of the landscape front and rear garden are comprised of grassed lawn. At the front of the building is a cluster of plants and trees which hinders views to and from the site.

5.1.4 The two (2) trees in the front of the building have been allowed to grow to the point that they now hinder views to and from the site. The *Cupressus* is now causing damage to the roof and the gutters of the building, the *camphor laurel* is from a bird dropping and if left to grow will only cause more damage to the building.

M W Coote The Arborist

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5.1.5 Tree 1 *Cupressus spp* located on the front boundary, has been allowed to grow to a height of 20m, the upper canopy has been allowed to rub against the building and over time has caused damage to the roof and gutters, this tree has a thick growth habit and is blocking all sun light into the front rooms of the property, both the ground floor and the second floor.

5.1.6 Tree 1 is situated within 3 metres of the dwelling. The root system would be pressing up against the foundation of the house which has the potential to cause damages to the property.

5.1.7 Tree 1 has a shallow root system extending horizontally to a distance equal to the tree's height. The roots outcompete other vegetation for moisture and nutrients. Allowed to reach mature size and vigor in limited landscapes, the tree's roots may damage property.

5.1.8 To prune **Tree 1** would require a large amount to be removed, leaving it as a poor specimen.

5.1.9 Tree 2 *Cinnamomum camphora* is on the NSW's Noxious Weeds list, the *Camphor laurel* is a highly invasive evergreen tree that tends to form single species communities and exclude most other desirable native vegetation.

5.1.10 Tree 2 is mildly toxic to humans, and mild symptoms may occur if large quantities are eaten. All parts of the plant are poisonous and can cause nausea, vomiting and respiratory distress. Allergic skin reactions can also occur.

5.1.11 Tree 2 *Cinnamomum camphora* is native to China south of the Yangtze River, Taiwan, southern Japan, Korea, India and Vietnam, and has been introduced to many other countries. It grows up to 20–30 m tall.

5.1.12 The *Camphor laurel* seeds germinate more readily after ingestion by birds.

5.1.13 Tree 2 is situated in behind the *Cupressus*, the *Camphor laurel* would be from a bird dropping and has been allowed to grow untouched, this tree is also within 3 metres of the dwelling, adding to the lack of natural sun light into the front rooms on both floors, if left to grow it has the potential to grow to a height of 20–30 m.

5.1.14 This site is identified as an item of local heritage significance, to maintain the heritage significance of the building the two trees should be removed.

5.1.15 The removal of these trees will bring back the original views of the building with landscaping the heritage significance will be restored.

M W Coote The Arborist

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Plate 1 The Subject trees.



Cinnamomum camphora

Cupressus spp

M W Coote The Arborist

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Plate 2



Damage to the roof and gutters.



Canopy rubbing on the roof.



Growing within 3m of the building



blocking all sun light into the front rooms

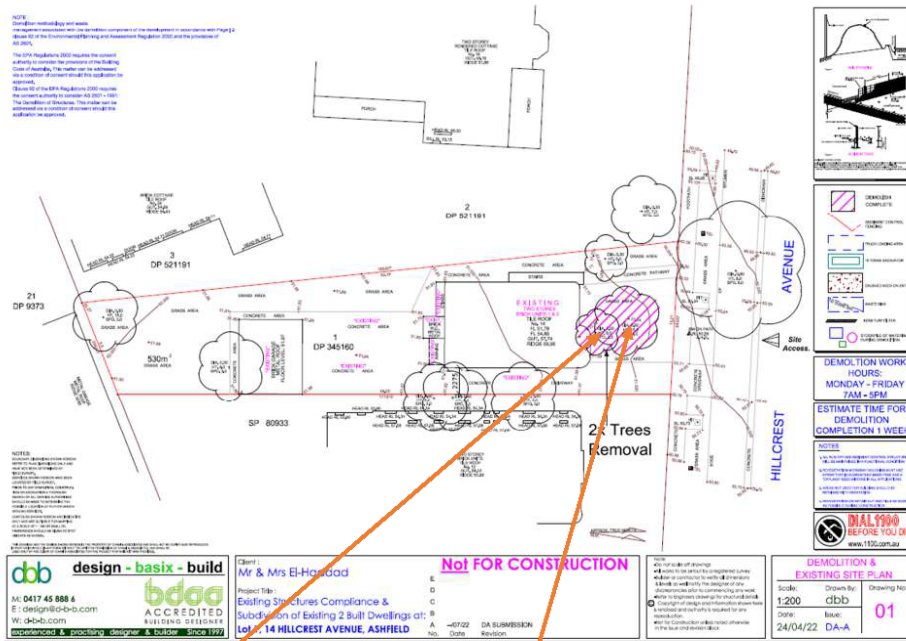
Plate 2



Cinnamomum camphora

Cupressus spp

Site Plan



Tree 2 *Cinnamomum camphora*

Tree 1 *Cupressus spp*

M W Coote The Arborist

APPENDIX 1

(VTA)Assessment MethodologyModel. (Mattheck andBreloer 1994.)

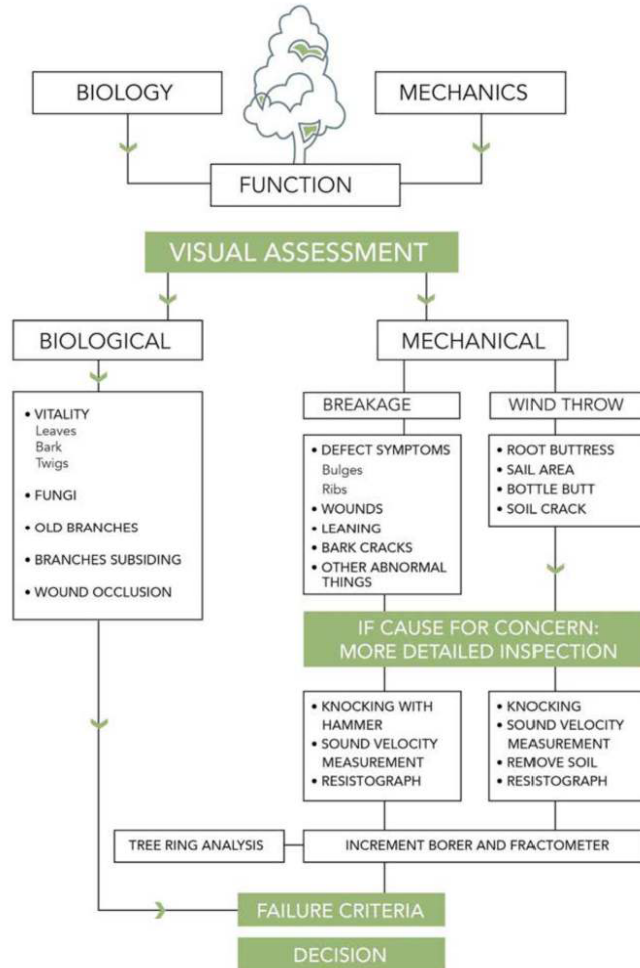


Table 1.0 Tree retention Value- Priority matrix

		SIGNIFICANCE				
		1.HIGH Significance in landscape	2.MEDIUM Significance in landscape	Significance in landscape	3.LOW Environmental pest/noxious weed species	Hazardous/ Irreversible decline
ESTIMATED LIFE EXPECTANCY	1.Long >40 years					
	2.Medium 15-40 years					
	3.Short <1-15 years					
	Dead					

LEGEND FOR MATRIX ASSESSMENT

	<p>Priority for retention (HIGH) – These trees are considered important for retention and should be retained and protected. Design modification or relocation of building/s should be considered to accommodate the setbacks as prescribed by the Australian Standard AS4970 Protection of Trees on Development Sites. Tree sensitive construction measures must be implemented eg. pier and beam etc if works are to proceed within the Tree Protection Zone</p>
	<p>Consider for retention (MEDIUM) – These trees may be retained and protected. These are considered less critical; however their retention should remain priority with removal considered only if adversely affecting the proposed building/works and all other alternatives have been considered and exhausted</p>
	<p>Consider for removal (LOW) – These trees are not considered important for retention, nor require special works or design modification to be implemented for their retention</p>
	<p>Priority for removal (LOW) – These trees are considered hazardous, or in irreversible decline, or weeds and should be removed irrespective of development</p>

REFERENCES:

IACA, Institute of Australian Consulting Arborists

Australia ICOMOS Inc.1999, The Burra Charter – The Australian ICOMOS Charter for Places of Cultural Significance, International Council of Monuments and Sites, www.icomos.org/australia

Draper BD and Richards PA 2009, Dictionary for Managing Trees in Urban Environments, IACA, Institute of Australian Consulting Arborists, CSIRO Publishing, Collingwood Victoria, Australia

Footprint Green Pty Ltd, 2001, Footprint Green Tree Significance & Retention Value Matrix, Avalon NSW Australia www.footprintgreen.com.au

APPENDIX 2

SULE-Categories (after Barrell 1996, Updated 01/04/01.) The five categories and their sub-groups are as follows:

- 1. Long SULE - tree appeared retainable at the time of assessment for over 40 years with an acceptable degree of risk, assuming reasonable maintenance.**
 - A. Structurally sound trees located in positions that can accommodate future growth.
 - B. Trees, which could be made suitable for long-term retention by remedial care.
 - C. Trees of special significance, which would warrant extraordinary efforts to secure their long-term retention.

- 2. Medium SULE- tree appeared to be retainable at the time of assessment for 15 to 40 years with an acceptable degree of risk, assuming reasonable maintenance.**
 - A. Trees which may only live from 15 to 40 years.
 - B. Trees, which may live for more than 40 years but would be removed for safety or nuisance reasons.
 - C. Trees, which may live for more than 40 years but would be removed to prevent interference with more suitable individuals or to provide space for new planting.
 - D. Trees which could be made suitable for retention in the medium term by remedial care.

- 3. Short SULE - tree appeared to be retainable at the time of assessment for 5 to 15 years with an acceptable degree of risk, assuming reasonable maintenance:**
 - A. Trees which may only live from 5 to 15 years.
 - B. Trees, which may live for more than 15 years but would be removed for safety or nuisance reasons.
 - C. Trees, which may live for more than 15 years but would be removed to prevent interference with more suitable individuals or to provide space for new planting.
 - D. Trees which require substantial remediation and are only suitable for retention in the short term.

- 4. Removal - trees, which should be removed within the next 5 years.**
 - A. Dead, dying, suppressed or declining trees.
 - B. Dangerous trees through instability or recent loss of adjacent trees.
 - C. Dangerous trees because of structural defects including cavities, decay, included bark, wounds or poor form.

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- D. Damaged trees that are clearly not safe to retain.
 - E. Trees, which may live for more than 5 years but would be removed to prevent interference with more suitable individuals or to provide space for new planting.
 - F. Trees, which are damaging or may cause damage to existing structures within the next 5 years.
 - G. Trees that will become dangerous after removal of other trees for the reasons given in (a) to (f).
 - H. Trees in categories (a) to (g) that have a high wildlife habitat value and, with appropriate treatment, could be retained subject to regular review.
- 5. Small, young or regularly pruned Trees that can be moved or replaced;**
- A. Small trees less than 5m in height.
 - B. Young trees less than 15 years old but over 3m in height.
 - C. Formal hedges and trees intended for regular pruning to artificially control growth.

SAFEUSEFUL LIFE EXPECTANCY (SULE)

In a planning context, the time a tree can expect to be usefully retained is the most important long-term consideration.

SULE i.e. a system designed to classify trees into a number of categories so that information regarding tree retention can be concisely communicated in a no technical manner.

SULE categories are easily verifiable by experienced personnel without great disparity. A tree’s **SULE** category is the life expectancy of the tree modified first by its age, health, condition, safety and location (to give safe life expectancy), then by economics (i.e. cost of maintenance: retaining trees at an excessive management cost is not normally acceptable), effect on better trees, and sustained amenity (i.e. establishing a range of age classes in a local population).

SULE assessments are not static but may be modified as dictated by changes in tree health and environment. Trees with a short **SULE** may be at present by making a contribution to the landscape but their value to the local amenity will decrease rapidly towards the end of this period, prior to their being removed for safety or aesthetic reasons.

Streetscape Significance: Refers to the visual significance of a tree or stand of trees when viewed from the street.

Hazard Rating: Refers to three separate categories.

**Failure Potential,
Size of Defective Part,**

Target Rating.

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A tree is given a score of 1 to 4 in each individual category. A score of 12 would rate as an extreme Hazard Rating; a score of 3 would rate as a very low Hazard Rating. (Source; Matheny and Clarke 1994)

(Failure Potential) – Identifies the most likely failure and rates the likelihood that the structural defect will result in failure.

1. **Low** - defects are minor (eg. Dieback of twigs, small wounds with good wound wood development)

2. **Medium** – defects are present and obvious (eg. Cavity encompassing 10-25% of stem circumference).

3. **High** – numerous and or significant defects present (eg. Cavity encompassing 30-50% of stem circumference or major bark inclusions).

4. **Severe** – defects are very severe (eg. heart-rot, fruiting bodies, cavity encompassing more than 50% stem circumference).

(Size of Defective Part) – Rates the size of the part most likely to fail. The larger the part that fails, the greater the potential for damage.

1. Most likely failure less than 150mm in diameter.

2. Most likely failure 150mm – 450mm in diameter.

3. **Most likely failure 450mm – 750mm in diameter.**

4. More than 750mm in diameter.

(Target Rating) – Rates the use and occupancy of the area that would be struck by the defective part.

1. Occasional use (eg. jogging/cycle track).

2. Intermittent use (eg. picnic area/day use parking).

3. Frequent use, secondary structure (eg. seasonal camping area/storage facilities).

4. **Constant use, structures (eg. year-round use for a number of hours each day/residences).**

Hazard Rating = Failure Potential + Size of Part + Target Rating. (Add each of these categories for a total rating out of 12).

Retention Value: Refers to three separate categories.

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Health, Condition and Age. A tree is given a score of 1 to 4 in each individual category. A score of 12 would rate a tree as having a high retention value and a score of 3 would rate a tree as having a low retention value.

(Health) - Refers to the tree's vigour as exhibited by the crown density, leaf colour, presence of epicormic shoots, ability to withstand disease invasion, and the degree of dieback. (Matheny and Clarke 1994)

1. Poor.
2. Declining.
3. Fair.
4. Good.

(Condition) - Refers to the tree's form and growth habit, as modified by its environment (Aspect, suppression by other trees, soils) and the state of the scaffold (i.e. trunk and major branches), including structural defects such as

cavities, crooked trunks or weak trunk/branch junctions. These are not directly connected with health as it is possible for a tree to be healthy but in poor condition. (Matheny and Clarke 1994)

1. Poor.
2. Declining.
3. Fair.
4. Good.

(Age) - Refers to the age of a tree on a site and its potential for future growth taking into account any physical restrictions, (eg. position of house.)

1. Refers to a tree that is over-maturing and senescing due to advanced age.
2. Refers to a tree that is late mature and is in, or entering, decline.
3. Refers to a tree that is mature.
4. Refers to a tree that is semi-mature.

Retention Value = Health + Condition + Age. (Add each of these three categories together for a score out of 12.)

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APPENDIX 3

GLOSSARY

Age Classes; (S) Semi-mature refers to a tree between immaturity and full size.

(M) Mature refers to a full sized tree with some capacity for further growth.

(LM) Late Mature refers to a tree that is entering decline.

(O) Over-mature refers to a tree already in decline.

Health; Refers to the tree's vigor as exhibited by the crown density, leaf colour, presence of epicormic shoots, ability to withstand disease invasion, and the degree of dieback. Classes are Good (G), Fair (F), Declining (D), and Poor (P).

Condition; Refers to the tree's form and growth habit, as modified by its environment (Aspect, suppression by other trees, soils) and the state of the scaffold (i.e. trunk and major branches), including structural defects such as cavities, crooked trunks or weak trunk/branch junctions. These are not directly connected with health, it is possible for a tree to be healthy but in poor condition.

Classes; Good (G), Fair (F), Declining (D), and Poor (P).

Diameter at breast height: (DBH); Tree stem diameter at 1.3 metres above ground.

Critical Root Zone (CRZ); Refers to a radial offset of five (5) times the trunk DBH measured for the center of the trunk, rounded to the nearest 0.5 metres.

Primary Root Zone (PRZ); Refers to a radial offset of ten (10) times the trunk DBH measured from the center of the trunk, rounded to the nearest 0.5 metres.

Visual Tree Assessment (VTA); Refers to visual inspection of tree only.

Aerial Inspection; Refers to climbing a tree to obtain more accurate information.

Crown; Refers to the position of the tree consisting of branches and leaves and any part of the trunk from which branches arise.

Stem; Refers to an organ, which supports branches, leaves, flowers and fruits.

Epicormic Growth; Refers to shoots produced by dormant buds within the bark or stem of a tree as a result of stress, incorrect pruning or increased light.

Fall Zone; Refers to a radial offset of 1.5 the height of a tree measured from the center of the tree stem.

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AS4373; Refers to Australian Standard for Pruning of Amenity Trees. This certification commenced in 1996 and is a standard for correct arboricultural techniques. The standard takes into account tree biology and tree worker safety issues.

Endemic; Refers to locally indigenous species.

APPENDIX 4

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TREENET Conference 2008, 2009,2010,2011,2012,2014 and 2015.

Local Government Tree Resources Association (LGTRA)

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Attachment D – Heritage Impact Statement



Heritage Impact Statement

Strata Title Subdivision of the existing building and removal of two (2) trees
14 Hillcrest Avenue, Ashfield

August 2022
EHC2022/0195

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	18/08/2022	D	Revised		

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HERITAGE IMPACT STATEMENT | 14 Hilcrest Avenue, Ashfield

EHC2022/0195

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1.0 EXECUTIVE SUMMARY

1.1 Context of the Report

This Heritage Impact Statement has been prepared by Edwards Heritage Consultants Pty Ltd at the request of Toni El-Haddad, to establish the cultural heritage significance of 14 Hillcrest Avenue, Ashfield (the subject site) and to then assess the potential heritage impacts against those assessed heritage values and significance. It is intended that this report will then accompany a Development Application to Inner West Council.

The subject site is situated within the Inner West Council local government area and in the locality of Ashfield, which is 8 kilometres west of Sydney city. The subject site comprises Lot 1 in Deposited Plan 345160, commonly known as 14 Hillcrest Avenue, Ashfield.

The site is identified as an item of local heritage significance, which is listed under Schedule 5 of *Ashfield Local Environmental Plan 2013*. The site is also situated within the vicinity of a number of heritage items and heritage conservation areas.

The existing heritage listing is informed by a primitive assessment of cultural significance, stemming from a number of heritage studies undertaken in the early 1990s. Subsequently, this Heritage Impact Statement has re-assessed the heritage values of the property and found that the residential flat building at 14 Hillcrest Avenue, Ashfield, is of historical, aesthetic, and representative significance at a local level and subsequently, a more comprehensive Statement of Cultural Significance has been developed.

This Heritage Impact Statement has been prepared to consider the potential heritage impacts resulting from the proposed development, which involves the strata subdivision of the existing Torrens tile and removal of two (2) trees.

1.2 Recommendation and Mitigation Measures

The proposal has been assessed with regards to the identified heritage values and available physical and documentary evidence, including a visual inspection of the site and statutory planning requirements. In applying the evaluation criteria for assessing the likely impact of a proposed development on the heritage significance of listed items of heritage significance or heritage conservation areas (as published by the Heritage Council of NSW), the proposal is considered to have an entirely acceptable heritage impact.

2.0 INTRODUCTION

2.1 Acknowledgement of Country

Edwards Heritage Consultants Pty Ltd (herein referred to as 'EHC Pty Ltd') acknowledges the traditional custodians of the land on which we work and we recognise their continuing connection to land, waters and culture.

We pay our respects to Aboriginal Elders past, present and emerging, for they hold the memories, the traditions, the culture and hopes of Aboriginal peoples across the state.

EHC recognises that a better understanding and respect for Aboriginal cultures develops an enriched appreciation of Australia's cultural heritage and is essential to the maturity of Australia as a nation and fundamental to the development of our collective Australian identity.

2.2 Context of the report

This Heritage Impact Statement has been prepared at the request of Toni El-Haddad to assess the potential heritage impacts and to accompany a Development Application to Inner West Council, which seeks approval for a strata subdivision at 14 Hilcrest Avenue, Ashfield.

The report considers:

1. An assessment of the property to establish its cultural heritage significance with the formulation of a Statement of Significance.
2. What impact the proposed works will have on the identified heritage significance;
3. What measures are proposed to mitigate negative impacts;
4. Why more sympathetic solutions are not viable;
5. Recommendations to mitigate heritage impacts.

2.3 Methodology

This report has been prepared in accordance with the general methodology and guidelines set out in the Heritage Council of NSW publication '*Statements of Heritage Impact*' as contained in the *NSW Heritage Manual*.

The overarching philosophy and approach to this report is guided by the conservation principles and guidelines of the Australia ICOMOS *Charter for the Conservation of Places of Cultural Significance (Burra Charter)* 2013.

A visual examination of the subject site has been undertaken, which is followed by a merit and significance based desktop assessment of the development proposal.

The potential, actual and / or perceived heritage impacts stemming from the development proposal have been assessed with reference to the *Ashfield Local Environmental Plan 2013*, the *Comprehensive Inner West Development Control Plan 2016* and the Heritage Council of NSW assessment criteria.

2.4 Authorship

This Heritage Impact Statement has been prepared by Bethany Robinson BA, M.Mus&Herit, Heritage Consultant for EHC Pty Ltd. The report has been reviewed and endorsed by Michael Edwards B.Env.Plan M.Herit.Cons, M.ICOMOS, JP, Director & Principal Heritage Consultant / Advisor for EHC Pty Ltd.

Ms Robinson is a young and vibrant Heritage Consultant who is passionate about the historic built environment. Her fast-growing skills set is underpinned by her background and experience in cultural heritage management and conservation practice with various museums collections.

Mr Edwards has over 15 years extensive experience in both the town planning and heritage conservation disciplines and has held previous positions in Local and State Government. Mr Edwards has previously worked with the former Heritage Division of the NSW Office of Environment and Heritage and is currently Heritage Advisor to the City of Ryde Council, Cessnock City Council and Georges River Council.

Unless otherwise noted, all contemporary photography in this report is by EHC.

2.5 Limitations

This Heritage Impact Statement:

- Considers the site, external structures and internal rooms and spaces that were visually and physically accessible by EHC on the day of the inspection.
- Is limited to the investigation of the non-Aboriginal cultural heritage of the site. Therefore, it does not include any identification or assessment of Aboriginal significance of the place.
- Is limited to a due-diligence archaeological assessment only and does not present a detailed archaeological assessment of the site.
- Does not provide a structural assessment or advice. Subsequently, this report should be complemented by advice from a Structural Engineer with demonstrated heritage experience.
- Does not provide a detailed assessment of the provisions of the *Comprehensive Inner West Development Control Plan 2016*, but considers generally the development standards relating to the development of heritage items and development within a heritage conservation area.

2.6 Terminology

The terminology used throughout this report is consistent with the NSW Heritage Manual and the Australia ICOMOS *Burra Charter* (2013).

A glossary of common terms used is listed in Appendix A.

2.7 Physical Evidence

A visual examination of the site and the surrounding area was undertaken on 28 August 2022. All contemporary photography used in Section 2 of this report was captured by EHC Pty Ltd at this time, unless otherwise credited.

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3.0 SITE ASSESSMENT

3.1 Location and Context

The subject site is situated within the Inner West Council local government area and in the locality of Ashfield, which is 8 kilometres west of Sydney city. The subject site comprises Lot 1 in Deposited Plan 345160, commonly known as 14 Hillcrest Avenue, Ashfield.

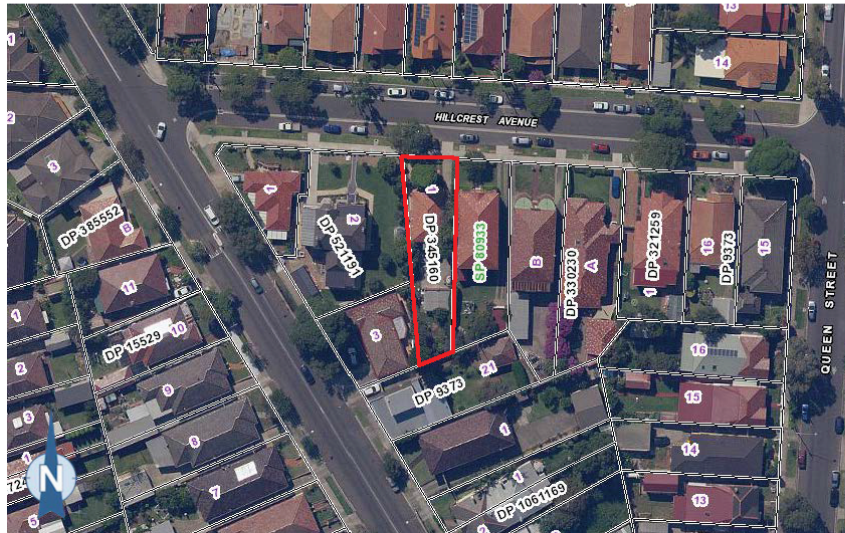


Figure 1: Aerial view of the locality. The subject site is denoted by red outline.
 [Source: NSW Land and Property Information, 2022]



Figure 2: Aerial view of the subject site (denoted by red outline).
 [Source: NSW Land and Property Information, 2022]

3.2 The subject site

The subject site is located on the southern side of Hillcrest Avenue and is situated within an established urban streetscape, which is largely characterised by detached-style residential housing and detached multi-storey residential flat buildings.

The site has a mostly rectangular shape, narrowing at the rear, with a conventionally wide frontage to Hillcrest Avenue. It comprises an area of 530sqm and is predominantly level, with an undulating surface.

The site is adjoined to the north and south by detached single storey dwellings, to the east by a multi-storey residential flat building and to the west by a grand two-storey Victorian dwelling. The streetscape evidences urban renewal with an emerging trend of two-storey domestic built forms and contemporary additions to existing dwellings.



Figure 3: View of the site from Hillcrest Avenue.

3.1 The Building – Exterior

Situated on the site is a detached two-storey 'walk-up flats' building with a typical rectangular footprint. The front elevation has an asymmetrical arrangement and is orientated to sit parallel to the street, having primary frontage to Hillcrest Avenue.

The building has a double fronted façade, with a projecting wing on the eastern side and a recessed wing on the western side. Both sides have subtly curved edges, creating a sinuous and continued line around the building. The building is of face brick construction and has a low-pitched hipped roof clad in terracotta tiles.

Around the exterior of the building are string courses of brickwork that highlight the top and bottom of the windows at the ground and first floor. A string course also denotes the floor level between the two storeys. Fenestration along the eastern and western elevations are uniform timber sash windows with solid course lintels and sills.

Along the western elevation is a set of steep cementitious steps that gives external access to the first-floor unit. Directly below the first-floor entrance is the mirrored ground floor entrance. The rear elevation of the site is largely symmetrical with minimal architectural detailing. Located to the west is another set of external stairs that gives rear access from the first-floor unit.

At the rear of the site are two masonry garages, placed side by side separated by a masonry wall in the middle. The garages have a high parapet wall with a recessed panel above the roller doors. The language and form of the structures are more angular than the primary built form potentially indicating they were constructed after the flat building.

The definitive framework for identifying architectural styles within Australia is that developed by Apperly, Irving and Reynolds in *'Identifying Australian Architecture: Style and Terms from 1788 to the Present'*. The authors provide a perceptive account of what constitutes and defines a style. Mostly concerned with 'high' or 'contrived' architectural styles, rather than the 'popular' styles or the vernacular, it is accepted that the boundaries between identified styles are not always clear-cut.

Subsequently, the terminology for a style and the framework to be applied in defining the style, comprises two parts, firstly identifying the period in which the building belongs and secondly describing the major characteristics.

In this manner, the building displays characteristics that are attributed to the Inter-War period of the early 20th century and of the Functionalist architectural style.



Figure 4: View of the front elevation facing southwest.



Figure 5: Detailed view of the external brickwork facing south.



Figure 6: View of the front elevation facing south.



Figure 7: View of the eastern elevation facing north.

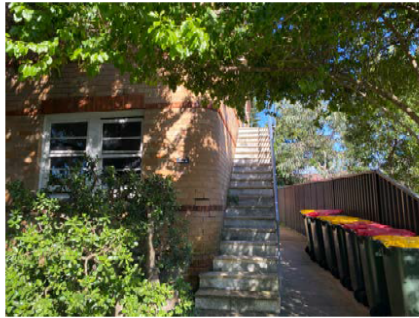


Figure 8: Detailed view of the side steps along western elevation.



Figure 9: View of the western elevation facing south.



Figure 10: View of the garages at the rear.



Figure 12: Detailed view of side window.



Figure 11: View of the rear elevation.

3.2 The Dwelling – Interior

The interior of the building is separated into two levels, establishing the two separate units.

Unit 1

Unit 1 is situated on the ground floor is accessed from the western elevation.

The front entry comprises a narrow hallway that flows to the transecting hallway (north to south). To the north of the unit are a large bedroom and living room. The living comprises two windows along the eastern elevation with a masonry and timber mantel situated in between the windows. There is no

chimneybreast and the opening has been covered with planks of wood. Adjacent to the living room is a small, enclosed balcony / study, which is situated within the curvature of the projecting wing. The walls are face brick in this section and the floor is concrete.

In the centre of the unit is the dining room with adjoining kitchen to the east and the bathroom and second bedroom to the west. The kitchen and bathroom have an early 20th Century fit out.

Off the kitchen is a small laundry addition with external access to the rear yard.

Carpet has been installed in the halls, bedrooms and living room. Linoleum flooring has been installed in the dining room and kitchen. Walls are finished in set plaster and painted, and the decorative architraves have a classic angular art deco pattern. The timber architraves have been stained a dark colour the entirety of the colour palette is closer what would have been the original colour scheme. The ceilings have been plastered with minor decorative detailing around the cornices.

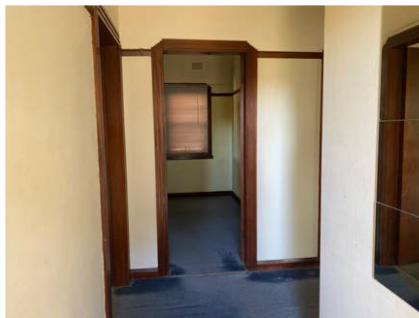


Figure 13: View of the entry hallway facing east.

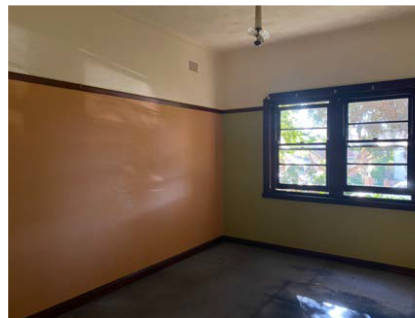


Figure 14: View of Bedroom 1 facing northwest.



Figure 15: View of the Living Room facing northeast.



Figure 16: View of the Living Room facing southeast.



Figure 17: View of the study / balcony facing north.



Figure 18: View of the dining room facing southeast.

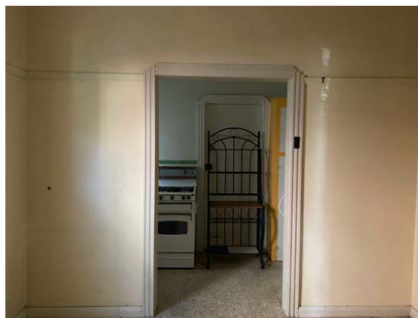


Figure 19: Detailed view of entry to kitchen facing south.

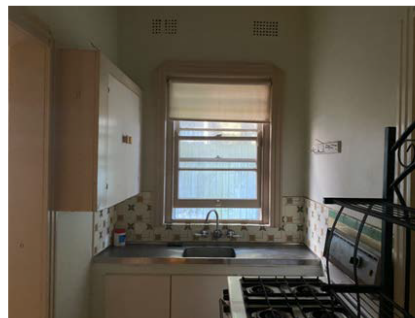


Figure 20: View of here kitchen facing east.



Figure 21: View of the bathroom facing southwest.



Figure 22: View of Bedroom 2 facing south

Unit 2

Unit 2 is situated on the first floor and is largely a mirrored layout of Unit 1.

Unit 2 is situated on first floor and accessed from steep cementitious steps from the western elevation. The front entry comprises a narrow hallway that flows to the transecting hallway (north to south). To the north of the unit are a large bedroom and living room. The living comprises two windows along the eastern elevation with a masonry and timber mantel situated in between the windows. There is no chimney breast or fireplace and appears to be ornamental. Adjacent to the living room is a small enclosed balcony / study, which is situated within the curvature of the projecting wing. The walls are face brick in this section and the floor is concrete.

In the centre of the unit is the dining room with adjoining kitchen to the east and the bathroom and second bedroom to the west. The kitchen and bathroom have an early 20th Century fit out.

Off the kitchen is a small laundry addition with external access to the rear yard.

Carpet has been installed in the halls, bedrooms and living room. Linoleum flooring has been installed in the dining room and kitchen. Walls are finished in set plaster and painted, and the decorative architraves have a classic angular art deco pattern. The ceilings have been plastered with minor decorative detailing around the cornices.



Figure 23: View of the entry hallway facing east.



Figure 24: View of Bedroom 1 facing northwest.



Figure 25: View of the Living Room facing northeast.



Figure 26: View of the Living Room facing southeast.



Figure 27: View of the study / balcony facing north.



Figure 28: View of the dining room facing southeast.



Figure 29: Detailed view of entry to kitchen facing south.

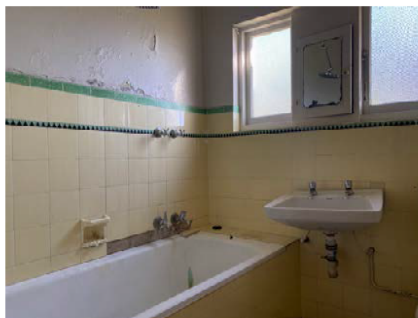


Figure 30: View of the bathroom facing southwest.



Figure 31: View of laundry facing south.

3.3 Landscape

The subject site comprises an area of approximately 530sqm, with the building being situated towards the front, allowing for a generous setback from the street and establishing a deep landscaped area at the rear.

The landscaped garden setting is informal, comprised of a variety of established plantings, generally framing the property boundaries with shrubs and individual specimen trees and framing the front of the dwelling with plantings.

The majority of the landscaped front and rear gardens are comprised of grassed lawns. At the front of the building is a cluster of plantings and an established tree which hinders views to and from the site. Immediately to the east, south and west of the building is a cementitious apron providing a pathway and driveway either side of the building. Behind the garage is an open grassed area.

A concrete driveway runs parallel to the eastern side boundary, leading to the detached masonry garages at the rear of the site. While a concrete pathway winds from the front boundary down the western elevation to the steps and ground floor entry of the building.

The front boundary is delineated by a low height masonry fence.



Figure 32: View of the site from Hillcrest Avenue.



Figure 33: Detailed view of plantings in the front yard of the site.



Figure 34: View of the driveway from Hillcrest Avenue along the eastern boundary.



Figure 35: View of the driveway within the site along the eastern boundary.

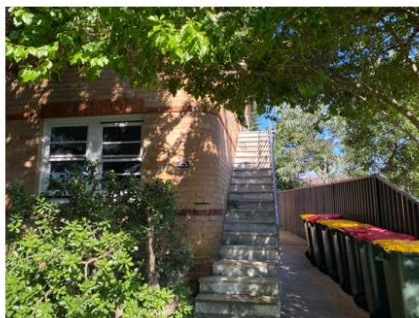


Figure 36: View of the western elevation path and steps.



Figure 37: View of the garages and cementitious apron to the rear of the site.



Figure 38: View of the rear yard facing south.



Figure 39: View of the rear yard facing southwest.

3.4 Streetscape contribution

Built c1940, the building forms a part of the early 20th century housing character of Hillcrest Avenue and is one of a number of detached multi-storey residential flat buildings, which, for the greater part, are characteristic of the southern side of Hillcrest Avenue. The remainder of the built form is largely detached single and two-storey residential housing.

Individually, the building is considered visually distinctive by virtue of the form, scale, and architectural style, having architectural features that distinguish the building from other similar built forms within the street.

The attributes and characteristics of 14 Hillcrest Avenue makes an important contribution to the cohesive streetscape character and pattern of development, thus contributing to the sensory appeal of the streetscape and the heritage conservation area.

As a result, the building is considered a contributory element to the heritage conservation area and its loss through demolition or unsympathetic alterations and additions would erode the integrity and cohesiveness of the attributing streetscape.

3.5 Integrity and condition

The integrity of a site, in terms of its heritage significance, can exist on a number of levels. For instance, a site may be an intact example of a particular architectural style or period and thus have a high degree of significance for its ability to illustrate that style or period.

Equally, heritage significance may arise from a lack of architectural integrity where the significance lies in an ability to illustrate an important evolution to the building or change in use.

While a detailed structural assessment is beyond the scope of this report, a non-invasive visual inspection of the exterior and interior has been undertaken, which identifies a number of structural and non-structural cosmetic changes that have been undertaken, including painting to the interior and installation of carpet tiles and wallpaper.

Overall, the changes demonstrate the evolution of the building during its time of occupation and changes in lifestyle trends, technology and the requirements of the occupants. The changes have little altered the original building footprint and silhouette and the notable changes are generally considered to have a low impact on the overall character and design integrity of the building.

The building appears in reasonable repair and condition.

4.0 HISTORICAL OVERVIEW

4.1 Introduction

This section attempts to place 14 Hillcrest Avenue into the context of the broader history of the region as well as outlining the sequence of development, occupation and use of the site.

Analysing and understanding the historical context of the site is an important consideration in the assessment of cultural significance (see Section 7.0), informing the assessment of historical significance and historical associations of significance.

The history of the site is presented in a narrative form and is mainly derived from the published sources as referenced throughout. The historical analysis also builds on existing extensive publication and research and assumes a prior knowledge of the Aboriginal history of the area.

4.2 First land grant

The first land grant in the area was given in 1793 to Reverend Richard Johnson, the Chaplain of the Colony at the time. His land ran from what is now known as ‘Yeo Park’, down to Canterbury Racecourse and he named it ‘Canterbury Park’.¹ The following year 100 acres was granted to James Hunt Lucas (11th November), John Clephan (11th November) and William Peterson (3rd October).²

Lieutenant James Lucas was an Ensign with the NSW Corps. He was described as “short, fat and good humoured.” He was stationed at Norfolk Island and came to Sydney in 1795 and 1798, after which time he stayed before returning to Norfolk Island in 1800 where he died.³ Similarly, John Clephan was also a lieutenant in the First Fleet and does not appear to have made any built improvements on his grant. There is little known about William Peterson, but it is believed that he was also a member of the NSW Corps and was granted the land as a gift for his service.



Figure 40: Extract of Parish of Petersham showing the three of the original land grants. [Source: NSW Land and Property Information, 2021].

¹ Pratten, C, May 2005. ‘A Short Walk Through Ashfield’s Past’.
² Ibid.
³ Capt. James Lucas, 2015. Accessed at <https://jameshuntlucas.wordpress.com>

In 1810 all the land in the Ashfield municipal area had been granted. The name 'Ashfield' is first recorded in a newspaper advertisement in early 1816, and was most probably adopted by Robert Campbell junior, who in 1814 built a substantial two-storey house on land he owned in what is today known as North Croydon.⁴

Robert Campbell (the Elder) the prominent Sydney merchant, purchased Canterbury Vale farm in May 1803 to accommodate the overflow of imported cattle rejected by the government. By 1806 he was the largest private holder of cattle.⁵ Campbell ultimately gained control of the large Canterbury Park Estate which included Richard Johnson's original grant in the area and a large portion of a land within the Ashfield area north and south of Liverpool Road. By 1810 this farm had an area of 1,611 acres on which Campbell ran 640 cattle, 266 sheep and 20 horses.⁶

Campbell (the elder) had purchased Clephams grant and proceeded "to buy up all the farms to the north of Canterbury Vale, between Cook's River and Liverpool Road, acquiring practically the entire frontages north and south of Liverpool Road, excepting only the eastern section between Paramatta and Prospect Roads."⁷

4.3 Subdivision of Estates

By the 1820s, the grants had been amalgamated into four primary estates: Robert Campbell (the elder) and Joseph Underwood, (Canterbury Estate and Ashfield Park Estate), Henry Kable, (whose lands covered the northern part of Summer Hill and what is now Ashfield Park), and Simeon Lord, who had acquired Bayly's original Dobroyde grant in 1805. Ashfield Park was believed to be named by Robert Campbell (Junior), whose father was the laird of Ashfield in Scotland.⁸

In 1838 Robert Campbell (Canterbury Estate) and Elizabeth Underwood (Ashfield Park Estate) arranged to adjust the northern and southern boundaries of their respective estates in the vicinity of the present Ashfield shopping centre so that Campbell owned the land south of Liverpool Road and Underwood all land to the north.⁹

This resulted in a boom in residential development, when Elizabeth Underwood, subdivided lots along the north side of Liverpool Road, which would go to become the Village of Ashfield.¹⁰ From here Ashfield

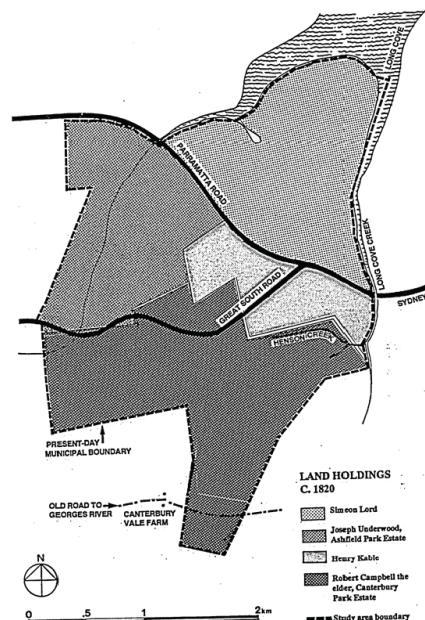


Figure 41: Map of the main landowners, c.1820s. [Source: Ashfield Heritage Study, Godden McKay Pty Ltd, 1993. Volume 1.]

⁴ Pratten, C, May 2005. 'A Short Walk Through Ashfield's Past'.
⁵ Godden McKay Pty Ltd, 1993. 'Ashfield Heritage Study' Volume 1.
⁶ Ibid.
⁷ Ibid.
⁸ Pratten, C, May 2005. 'A Short Walk Through Ashfield's Past'.
⁹ Godden McKay Pty Ltd, 1993. 'Ashfield Heritage Study' Volume 1.
¹⁰ Pratten, C, May 2005. 'A Short Walk Through Ashfield's Past'.

continued to grow, establishing churches, shops and schools.

After the death of Robert Campbell (Senior) in 1846, Canterbury Farm Estate was subdivided and inherited by his children.¹¹ A portion of which went to his daughter Sophia Ives Campbell in July 1874.¹² Shortly after receiving the land Sophia proceeded to sell the six acres, one rood and fifteen perches to Charles Robinson. The land was bound by Sea View Road, Canterbury Road (now Queen Street) and Armstrong Street.¹³

It appears the land remained undeveloped until the early 20th Century when the land was subdivided.

4.4 Early 20th Century

Charles Robinson was a local to Ashfield and an avid Horticulturalist. He was a reporter for the "Hansard" and the Sydney Morning Herald, he eventually went into civic service as the Secretary to the Commission. He also had a property in Gosford where his orchard was kept and maintained and he became a well-known citizen in his later years to the Gosford area.¹⁴ After his initial retirement he lived in Ashfield where he contributed significantly to the community.

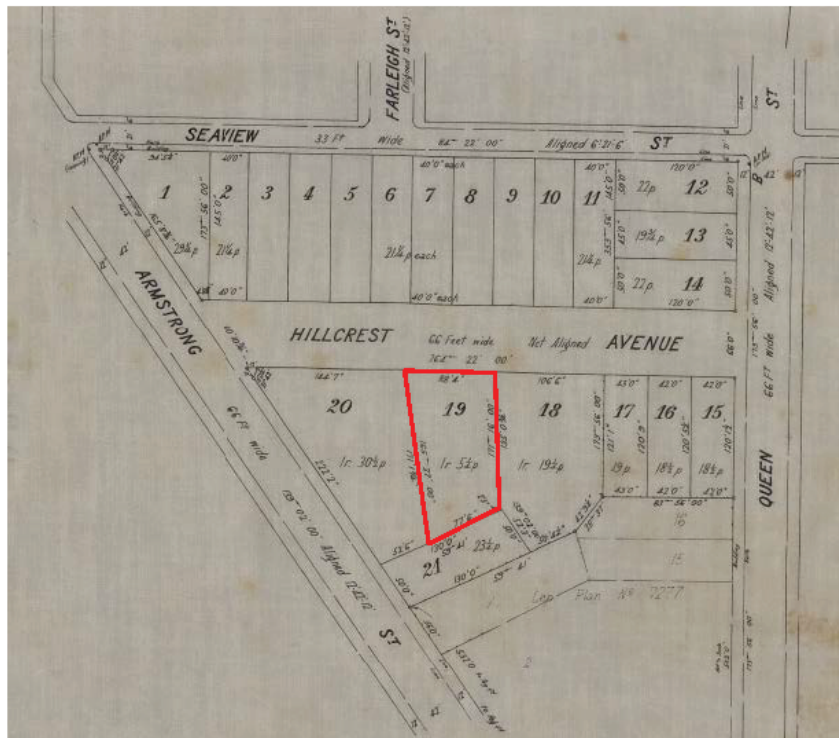


Figure 42: Deposited Plan of Charles Robinsons land in 1918. Subject site indicated in red.
 [Source: NSW Land and Property Information, 2022. DP9373]

¹¹ Godden McKay Pty Ltd, 1993. 'Ashfield Heritage Study' Volume 1.
¹² NSW Land and Property Information, 2022. CT Book 183 Fol. 211.
¹³ Ibid. CT Book 183 Fol. 219.
¹⁴ The Gosford Times and Wyong District Advocate, 1922. P.10

In 1913, Robinson subdivided four acres from the original six establishing a new site.¹⁵ The remainder of the original portion was subdivided and sold as residential speculative development. In December 1918 the larger portion (four acres) was subdivided into twenty allotments and a new road (Hillcrest Avenue) through the subdivision was established.¹⁶

The land sold relatively quickly with many of the lots sold by late 1919 or early 1920. The remainder of the land stayed in Robinson's name until he passed away in 1922. After which time the land automatically transferred to his children. Charles Hebert Palmer Robinson, Alfred Stanley Rishworth and Frank Milton Robinson continued to sell the land once the estate had been transferred in 1923 to the three.¹⁷

In June 1925 Catherine Lawson purchased allotment 19 in the subdivision, situated on the southern side of Hillcrest Street and comprising one rood and five and a quarter perches.¹⁸ Documentary evidence suggests that during this ownership there were no built improvements on the site.

In 1940 Catherine Lawson transferred the property to Emily Lettice Reddel, wife of Otto Henry Reddel. Otto Henry Reddel was a prolific builder in the area, having constructed a number of residential flat buildings in the Ashfield locality.¹⁹ In 1940 a building application was submitted for the construction of a flat building at 14 Hillcrest by O. H. Reddel.²⁰ The flat building was constructed by 1941 and was speculated to cost £2,250.²¹



Figure 43: Aerial photograph of the site, c.1943.
[Source: NSW Land and Property Information, 2022]

Aerial photography from 1943 shows that adjacent to the subject site an additional multi-storey residential flat building had been constructed, likely by Mr Reddel. The form has been largely unchanged

¹⁵ NSW Land and Property Information, 2022. CT. Book 2499 Fol. 1

¹⁶ Ibid. DP9373.

¹⁷ Ibid. CT. Book 2499 Fol. 1

¹⁸ Ibid. CT. Book 3746 Fol. 214

¹⁹ Ibid.

²⁰ 'Construction', 1940. 'Buildings and Works Approved.' p.3

²¹ 'Construction', 1941. 'Metropolitan Water, Sewerage and Drainage Board.' P.12

with the building having a simple rounded, rectangular form, a driveway along the eastern boundary, a path along the western boundary and a garage towards the south. The landscaping appears to be simple with a few established plantings along the western boundary to the neighbouring property.

Once No. 14 and 12 Hillcrest Avenue had been constructed the site was subdivided creating two (2) new allotments in June 1941.²² No. 12 was sold to Stanley Thomas Mealing and the subject site was retained by the Reddells.

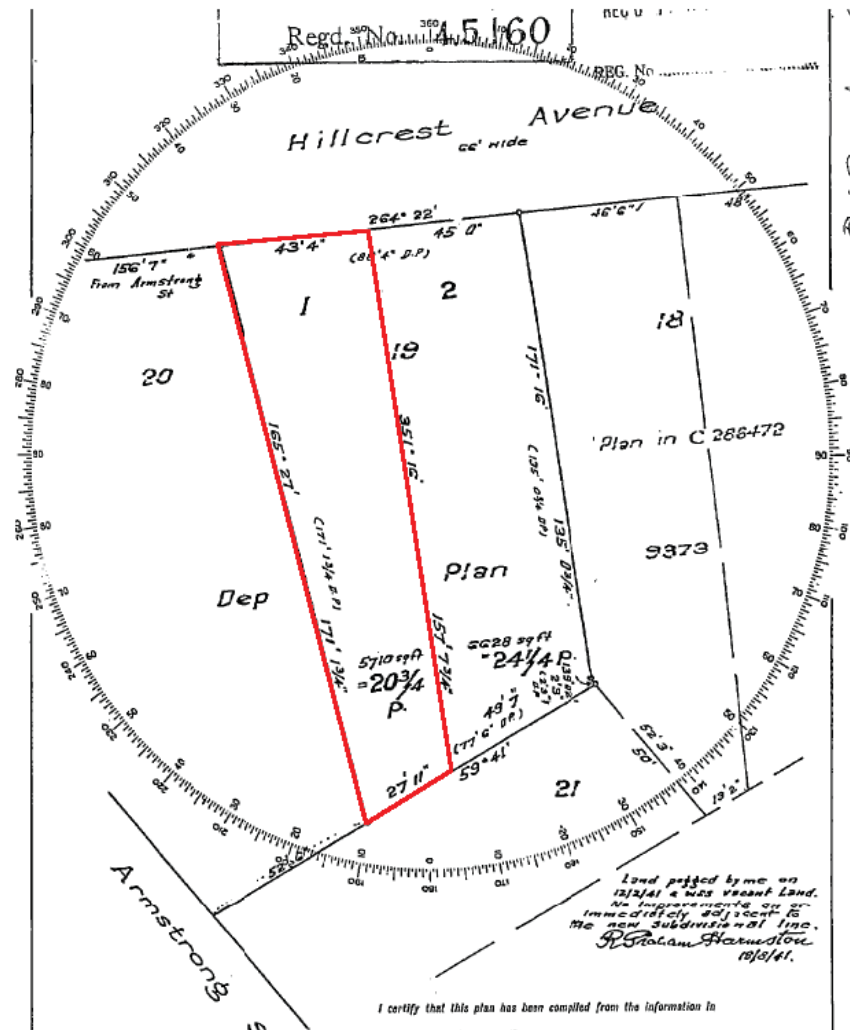


Figure 44: Deposited Plan established after the construction of the two residential flat buildings on the site. Subject site denoted in red.

[Source: NSW Land and Property Information, 2022. DP 345160]

²² NSW Land and Property Information, 2022. DP345160

4.5 The subject site

The Reddel's continued to lease the property throughout the late 20th Century. The site was eventually transferred in 1973 to the Briganti family who also retained the property for leasing. The site was transferred again in 1979 to the Antoniazzi's who retained ownership until May 2022 when the current owners purchased the site.

During the 1991 Heritage Study of Ashfield, the site was identified as having significance owing to the high integrity of the built form and for being a "good though idiosyncratic example of the Inter-War functionalist style." Subsequently the site was listed as an item of local heritage significance. This was also largely attributed to the similarly built neighbouring residential flat buildings. The streetscape character has remained largely intact with little infill development disrupting the context and setting of the site.



Figure 45: Photograph of the site, c.1991.
[Source: Godden McKay Pty Ltd. Ashfield Heritage Study, 1991-1992.]

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5.0 HERITAGE LISTING STATUS

5.1 Introduction

Identification of the statutory and non-statutory heritage listings applicable to the subject site is as follows:

5.2 Statutory and non-statutory heritage listings

Statutory lists

The subject site **is** identified as an item of local heritage significance (Item No.1133), listed under Schedule 5 of *Ashfield Local Environmental Plan 2013*.

The subject site **is not** located within a Heritage Conservation Area listed under Schedule 5 of *Ashfield Local Environmental Plan 2013*.

Non-statutory lists

The subject site **is not** identified on any non-statutory heritage lists or registers.



Figure 46: Map showing the heritage status of the subject site and surrounding allotments.
 [Source: *Ashfield LEP 2013, Heritage Map HER_006* and *Canterbury LEP 2012, Heritage Map Her_006*]

5.3 Items of heritage significance within the vicinity of the site

For the purposes of this heritage impact assessment, the term 'in the vicinity' is taken to be any item or items that:

- i) Are within an approximate 100m radius of the boundaries of the subject site;
- ii) Have a physical relationship to the subject site i.e. adjoin the property boundary;
- iii) Are identified as forming a part of a group i.e. a row of terrace houses;
- iv) Have a visual relationship to and from the site; or
- v) Are a combination of any of the above.

In applying the above criteria, items of local heritage significance (listed under Schedule 5 of *Ashfield Local Environmental Plan 2013*) within the vicinity of the subject site include:

- 'Flats' 12 Hillcrest Avenue, Ashfield (Item No.1132)
- 'Flats' 10 Hillcrest Avenue, Ashfield (Item No.1131)
- 'House' 8 Hillcrest Avenue, Ashfield (Item No.1130)
- 'House' 160 Queen Street, Ashfield (Item No.1286)
- 'House' 17 Armstrong Street, Ashfield (Item No.125)
- 'Ambleside and Holwood Conservation Area', Ashfield (C1)
- 'Farleigh Estate Conservation Area', Ashfield (C3)
- 'Goodwin Avenue Conservation Area', Ashfield (C4)

In applying the above criteria, items of local heritage significance (listed under Schedule 5 of *Canterbury Local Environmental Plan 2012*) within the vicinity of the subject site include:

- 'Ashbury Conservation Area', Ashbury (C1)

Items of State heritage significance (listed on the State Heritage Register (SHR) under the *Heritage Act 1977*) within the vicinity of the subject site include:

- 'Ashfield Reservoir (WS003)' 165-169 Holden Street, Ashbury (Heritage ID No. 4575750)

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6.0 EXISTING HERITAGE SIGNIFICANCE ASSESSMENTS

6.1 Existing description of the heritage item – ‘Flats/Home Units’

The Ashfield Heritage Study (Godden and McKay Pty Ltd, 1911) provides a physical description of the item as follows:

‘A block of flats the plan and form of which display some of the assertive features of the Functionalist Style: “Streamlined” comers, horizontal facade bands, window sashes divided by horizontal glazing bars; welded steel stair handrails. Yet there are strong conservative elements as well: traditional hipped roofs whose comers overhang the curves; mock dentillation at the eaves; soldier brick courses above the windows. This is one of the better blocks of flats of the period in Ashfield.’

6.2 Existing Statement of Cultural Significance – ‘Flats/Home Units’

The Ashfield Heritage Study (Godden and McKay Pty Ltd, 1991) provides a Statement of Cultural Significance of the item as follows:

“A good though idiosyncratic example of the inter-war functionalist style applied to the design of the block of flats.

Part of a good group of three adjacent contemporaneous blocks in Hillcrest Avenue. See separate inventory sheets for the other two.”

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6.2.1 ASSESSMENT OF CULTURAL SIGNIFICANCE

6.3 Methodology

The assessment of cultural significance follows the methodology recommended in *Assessing Heritage Significance*²³ by using the NSW Heritage Assessment Criteria and is consistent with the guidelines as set out in the *Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter 2013)*²⁴.

An item or place will be considered to be of heritage significance if it meets at least one or more of the following criteria:

Criterion:	Significance theme:	Explanation:
Criterion (a)	Historical	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (b)	Historical association	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (c)	Aesthetic	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
Criterion (d)	Social	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
Criterion (e)	Technical / Research	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (f)	Rarity	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (g)	Representative	An item is important in demonstrating the principal characteristics of a class of NSW's (or the local area's) cultural or natural places or natural environments.

It is important to note that only one of the above criteria needs to be satisfied for an item or place to have heritage significance. Furthermore, an item or place is not excluded from having heritage significance because other items with similar characteristics have already been identified or listed.

6.4 Assessment against NSW Heritage Assessment Criteria

6.4.1 Criterion (a) – Historical Significance

An item or place is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	✓/X	Guidelines for Exclusion	✓/X
<ul style="list-style-type: none"> Shows evidence of a significant human activity. 	X	<ul style="list-style-type: none"> Has incidental or unsubstantiated connections with historically important activities or processes. 	✓
<ul style="list-style-type: none"> Is associated with a significant activity or historical phase. 	✓	<ul style="list-style-type: none"> Provides evidence of activities or processes that are of dubious historical importance. 	X
<ul style="list-style-type: none"> Maintains or shows the continuity of a historical process or activity. 	X	<ul style="list-style-type: none"> Has been so altered that it can no longer provide evidence of a particular association. 	X

²³ NSW Heritage Branch, 2001. *Assessing Heritage Significance*.

²⁴ Australia ICOMOS, 2013. *Burra Charter*.

Assessment of Significance

- 14 Hillcrest Avenue, Ashfield provides evidence of the later residential development in the Ashfield locality, being constructed during in the 1940s when there was a renewed boom in development. The residential flat buildings were example of the beginning of high density living in the outer suburbs of Sydney.
- The flat building at 14 Hillcrest Avenue is an early example of a change in residential development in the area and evidences the later phase of construction within the immediate vicinity.

14 Hillcrest Avenue, Ashfield satisfies this criterion in demonstrating historical significance at a local level.

6.4.2 Criterion (b) – Historical Association Significance

An item or place has strong or special association with the life or works of a person, or group of persons, of importance in NSW’s cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	✓/X	Guidelines for Exclusion	✓/X
• Shows evidence of a significant human occupation.	X	• Has incidental or unsubstantiated connects with historically important people or events.	X
• Is associated with a significant event, person or group of persons.	X	• Provides evidence of people or events that are of dubious historical importance.	X
		• Has been so altered that it can no longer provide evidence of a particular association.	X

Assessment of Significance

- The site forms part of the original grant of land given to John Clepham in 1784, before it was amalgamated into Robert Campbell’s Canterbury Farm estate. After Campbells death, the land was divided amongst his family who proceeded to subdivide sell those portions. Charles Robinson purchased six acres of the former estate before subdividing for speculative development in the early 20th Century. The association with Clepham, Campbell and Robinson is only evidenced through documentary sources and is considered of dubious historical associative significance.
- After the subdivision of the land, the subject site remained vacant despite the various owners throughout the early 20th Century. The site was purchased by Otto Henry Reddel in 1940 and the residential flat building was constructed soon after. Despite constructing a number of flat buildings in the area, there is nothing in the fabric of the present building that demonstrates an association with the Reddel family, and such associations are equally considered of dubious historical associative significance.

14 Hillcrest Avenue, Ashfield does not satisfy this criterion in demonstrating historical associative significance.

6.4.3 Criterion (c) – Aesthetic Significance

An item or place is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Guidelines for Inclusion	✓/X	Guidelines for Exclusion	✓/X
• Shows or is associated with, creative or technical innovation or achievement.	X	• Is not a major work by an important designer or artist.	✓
• Is the inspiration for a creative or technical innovation or achievement.	X	• Has lost its design or technical integrity.	X

• Is aesthetically distinctive.	✓	• Its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded.	X
• Has landmark qualities.	X	• Has only a loose association with a creative of technical achievement.	✓
• Exemplifies a particular taste, style or technology	✓		

Assessment of Significance

- 14 Hillcrest Avenue is attributed to the housing stock of the early 20th century Inter-War period and has features that typify the Functionalist architectural style and vernacular. There are a number of examples remaining of this style in street, forming a collective group that highlights the architectural type and period of development.
- The building is complemented by the simple landscaping and pleasant streetscape, much like the surrounding sites. The scale, language and detailing on the façade, that has been largely unchanged, exemplify the aesthetic qualities of the site.
- There is no evidence to suggest that the dwelling is the work of an important designer.

14 Hillcrest Avenue, Ashfield satisfies this criterion in demonstrating aesthetic significance at the local level

6.4.4 Criterion (d) – Social Significance

An item or place has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Guidelines for Inclusion	✓/X	Guidelines for Exclusion	✓/X
• Is important for its associations with an identifiable group.	X	• Is only important to the community for amenity reasons.	✓
• Is important to a community's sense of place.	X	• Is retained only in preference to a proposed alternative.	✓

Assessment of Significance

- Erected in the early 20th century as a private residential flat building, the subject site retains its long-established residential use.
- Apart from the esteem and value in which the dwelling is held by current and former owners / occupiers, there is no evidence to suggest that the dwelling has any present direct or indirect associations with a particular community or cultural group for social, cultural or spiritual.

14 Hillcrest Avenue, Ashfield does not satisfy this criterion in demonstrating social significance.

6.4.5 Criterion (e) – Technical / Research Significance

An item or place has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	✓/X	Guidelines for Exclusion	✓/X
• Has the potential to yield new or further substantial scientific and/or archaeological information	X	• The knowledge gained would be irrelevant to research on science, human history or culture.	✓

• Is an important benchmark or reference site or type.	X	• Has little archaeological or research potential.	✓
• Provides evidence of past human cultures that is unavailable elsewhere.	X	• Only contains information that is readily available from other resources or archaeological sites.	✓

Assessment of Significance

- 14 Hillcrest Avenue, Ashfield, displays evidence of form and detailing that is typical of an Inter-War Functionalist style residential flat building of the early 20th century period.
- The building has a high degree of integrity with only minor cosmetic changes carried out internally. The building has a simplified language, largely rectangular in shape with subtle detailing to the exterior. As such, the building is not considered an important benchmark or reference site, given that there a number of similarly scaled and designed flat buildings adjoining the site.
- The archaeological potential is low, with no known structures pre-dating the existing dwelling house.

14 Hillcrest Avenue, Ashfield does not satisfy this criterion in demonstrating technical / research significance.

6.4.6 Criterion (f) – Rarity

An item or place possesses uncommon, rare or endangered aspects of NSW’s cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	✓/X	Guidelines for Exclusion	✓/X
• Provides evidence of a defunct custom, way of life, or process.	X	• Is not rare.	✓
• Demonstrates a process, custom or other human activity that is in danger of being lost.	X	• Is numerous but under threat.	✓
• Shows unusually accurate evidence of a significant human activity.	X		
• Is the only example of its type.	X		
• Demonstrates designs or techniques of exceptional interest.	X		
• Shows rare evidence of a significant human activity important to the community	X		

Assessment of Significance

- The building is characteristic of one of the prevailing housing form and typology within the immediate streetscape, evidencing the simply designed and scaled residential flat housing of the early 20th century period.
- 14 Hillcrest Avenue, Ashfield is one of three residential flat buildings of similar scale, design and language within Hillcrest Avenue. As such it is attributed to an architectural style and class of building that is not considered rare or under threat within the streetscape or wider Ashfield locality, typifying the housing forms of the established streetscapes.

14 Hillcrest Avenue, Ashfield does not satisfy this criterion in demonstrating significance through the item’s rarity.

6.4.7 Criterion (g) - Representativeness

An item or place is important in demonstrating the principal characteristics of a class of NSW's:

- Cultural or natural places; or
- Cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments.).

Guidelines for Inclusion	✓/X	Guidelines for Exclusion	✓/X
• Is a fine example of its type.	✓	• Is a poor example of its type.	X
• Has the principal characteristics of an important class or group of items.	X	• Does not include or has lost the range of characteristics of a type.	X
• Has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity.	X	• Does not represent well the characteristics that make up a significant variation of a type.	✓
• Is a significant variation to a class of items.	X		
• Is part of a group which collectively illustrates a representative type.	✓		
• Is outstanding because of its setting, condition or size.	X		
• Is outstanding because of its integrity or the esteem in which it is held.	X		

Assessment of Significance

- 14 Hillcrest Avenue is a modestly scaled residential flat building, which displays features attributed to the Inter-War Functionalist style vernacular dated to c.1940. Despite cosmetic modifications to the building through the late 20th century, the form and language of the original building can be read and appreciated.
- As such, the dwelling has a high degree of architectural integrity and value, whereby it is considered a representative example of the architectural style.

14 Hillcrest Avenue, Ashfield satisfies this criterion in demonstrating representative significance at the local level.

6.5 Summary Level of Significance

The following table summarises the assessed level of significance against each criterion for assessing heritage significance:

Criterion	What is the assessed level of significance?
Criterion (a) – Historical Significance	LOCAL
Criterion (b) – Historical Association Significance	Does not satisfy criterion
Criterion (c) – Aesthetic Significance	LOCAL
Criterion (d) – Social Significance	Does not satisfy criterion
Criterion (e) – Technical / Research Significance	Does not satisfy criterion
Criterion (f) – Rarity Significance	Does not satisfy criterion
Criterion (g) – Representativeness Significance	LOCAL
Overall assessed level of cultural significance	LOCAL

6.6 Recommended Statement of Cultural Significance

14 Hillcrest Avenue, Ashfield provides evidence of the later residential development in the Ashfield locality, being constructed during in the 1940s when there was a renewed boom in housing development. The residential flat buildings were examples of the beginning of high density living in the outer suburbs of Sydney.

The site is attributed to the housing stock of the early 20th century Inter-War period and has features that typify the Functionalist architectural style and vernacular. There are a number of examples remaining of this style in street, forming a collective group that is representative of the architectural type and period of development. The site is complemented by the simple landscaping and pleasant streetscape. The scale, language and detailing on the façade, that has been largely unchanged, exemplify the aesthetic qualities of the site.

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7.0 DEVELOPMENT PROPOSAL

7.1 Plans & Drawings Referenced

This Heritage Impact Statement provides an assessment of the development proposal as shown on the following plans and drawings:

Drawing No:	Revision:	Title:	Dated	Prepared By:
01	DA-A	Demolition and Existing Site Plan	24/04/22	Design – Basix - Build
02		Strata Subdivision Plan		
03		Existing Floor Plans		
04		Proposed Site Plan		
05		Ground Floor Plan		
06		First Floor Plan		
07		Front Elevation		
08		Elevations		
09		Rear and Garage Elevations and Section		
SP1-GF		Ground Floor Subdivision Plan – Strata Subdivision		
SP2 - FF		First Floor Subdivision Plan – Strata Subdivision		

7.2 Description of the Proposed Works

The development proposal seeks the consent of Inner West Council for the Strata Title subdivision of the existing walk-up flats building, subdividing the existing one (1) Torrens Title lot into two (2) Strata Title lots with one (1) common property lot.

The objective of the proposal is to formally subdivide the two (2) existing units as part of a Strata Title subdivision to allow for a more efficient use of the site, allowing the individual sale and ownership of the individual units. The building was constructed with the intent to operate as two units, as evidenced through the multi-levels and the two separate entries.

No physical works are proposed to the building as a part of the subdivision, essentially being a ‘paper-based’ subdivision. The existing building will be retained in its current form whereby there are no alterations or additions proposed. Similarly, the subdivision does not include the removal or addition of parking to accommodate the new strata plan.

The proposal also includes the removal of two (2) established trees at the front of the property. The objective of the tree removal is to minimise the impact to significant fabric as a result of the trees’ close proximity to the front elevation of the building.

The heritage impacts of the above-described proposal are considered in detail in the ensuing sections of this report.

8.0 ASSESSMENT AGAINST STATUTORY PLANNING AND HERITAGE CONTROLS**8.1 Ashfield Local Environmental Plan 2013**

Clause 5.10 of the *Ashfield Local Environmental Plan 2013* establishes the statutory framework for heritage conservation and the management of heritage items, heritage conservation areas and archaeological sites (both Aboriginal and non-Aboriginal).

The provisions specify circumstances where development consent is and is not required, together with specifying statutory requirements and key considerations for the Consent Authority.

In assessing development proposals relating to listed items of heritage significance, or involving development on land situated within a Heritage Conservation Area, Council as the Consent Authority, must consider the impacts of the proposed works on the heritage item and / or Heritage Conservation Area (clause 5.10(4)).

The ensuing heritage impact assessment considers in detail what impact the proposed development will have on the established cultural significance and heritage values of the subject site, together with listed items of heritage significance and Heritage Conservation Areas within the vicinity of the site (as identified in Section 5.3).

8.2 Inner West Comprehensive Development Control Plan 2016

Chapter E1 of the *Inner West Comprehensive Development Control Plan 2016* ('the DCP'), contains performance-based controls that relate to the development of heritage items, development within the vicinity of a heritage item, or development within a heritage conservation area.

These development controls seek to ensure that new development is appropriately designed, contextually responsive and sympathetic to the heritage values and significance of an item or place.

The proposed development has been considered against the development guidelines of the DCP and consistency is demonstrated in the ensuing heritage impact assessment.

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9.0 HERITAGE IMPACT ASSESSMENT

9.1 Consideration of the Heritage Impact

The ensuing heritage impact assessment is based upon the Statement of Significance (refer to Section 7.4 above); available physical and documentary evidence including a visual inspection of the site and statutory planning requirements.

The Heritage Council of NSW has published the NSW Heritage Manual, which contains a series of evaluation criteria for assessing the likely impact of a proposed development on the heritage significance of listed heritage items or heritage conservation areas²⁵, which are listed below and considered in the ensuing statement of heritage impact.

9.2 Response to the evaluation criteria

i) Subdivision

- *How is the proposed curtilage allowed around the heritage item appropriate?*

The site is presently listed as a local heritage item, situated in the vicinity of a number of heritage items. The building itself is an intact example of an early 20th century Inter-War period Functionalist style 'walk-up flats' building which evidences the later residential development in the Ashfield locality.

Individually, the building is considered a significant and intact example of its style and class, which has been complemented and exemplified by the neighbouring Inter-War period residential flat buildings. As the site is identified as a locally listed item, the curtilage is defined by the lot boundaries (lot and deposited plan).

The proposed Strata Title subdivision will not alter or impede these existing boundaries and instead will be limited to the built forms on the site, neatly defining the two (2) units already present. As the site was constructed to function as two separate residences, the proposed Strata Title subdivision will maintain the character of the building and reinforce the existing use and arrangement, whereby there will be no adverse impacts on the significance of the site.

The adjoining heritage item will retain its existing allotment configuration and curtilage, with the subdivision capable of being undertaken without fragmenting, reducing or diminishing the setting and visual or physical curtilage of the subject site or neighbouring heritage items.

- *Could future development that results from this subdivision compromise the significance of the heritage item? How has this been minimised?*

The proposal will essentially continue the existing use of the property without physically or visually compromising the significant elements of the site. As there are no physical works proposed at the site, there will be no adverse impacts, or notable changes to the site.

The existing architectural language including interiors will be retained in their entirety, no additional penetrations or entrances will be required as part of the strata plan and there will be no increase in residents to the site as the plan seeks to maintain the two (2) unit

²⁵ NSW Heritage Branch, 'Heritage Impact Statements – Some questions to be answered in a Statement of Heritage Impact and Supporting Information Required'.

structure of the site. The two existing garages will continue to accommodate for the existing units whereby there will not be an increase in traffic to the site and the existing facilities are considered sufficient to maintain the two (2) units proposed.

- *Could future development that results from this subdivision affect views to, and from, the heritage item? How are negative impacts to be minimised?*

As the proposal seeks to formalise the existing two units, it is reasonably anticipated that any future development could occur in a manner that will not visually obscure or significant views or features of the heritage item, having a minimal visual impact on the established streetscape.

Any future residential development on the newly established Lots will require a development application to Council whereby works can be appropriately considered in the context of the new lots.

ii) *Tree Removal or Replacement*

- *Does the tree contribute to the heritage significance of the item or landscape?*

The two (2) trees proposed for removal are located at the front of the site situated directly in front of the building. The trees comprise of the *Cupressus* (cyprus pine) and *Cinnamomum camphora* (camphor laurel). The site has a number of trees that contribute to the pleasant landscape setting most notably along the western boundary and around the perimeter of the site.

Aerial photographs taken shortly after the construction of the existing building, demonstrate that the site had little established vegetation, likely having been cleared in preparation for construction. Most evidently, is the cleared landscape at the front of the building which indicates an open grassed landscape style. Aerial photography from the 1970s indicates that one of the trees were likely planted around this time and has since developed. Since this time, additional trees and plantings have been included in the front garden.

Subsequently, despite the tall canopies of the trees and the visual prominence from the street, the trees have a low contribution to the overall significance of the property. Furthermore, the ongoing maintenance issues that are associated with the trees are considered to be contributing to a greater degree of material affectation to significant fabric. As such, the removal of the trees is considered to have a beneficial and positive conservation outcome.

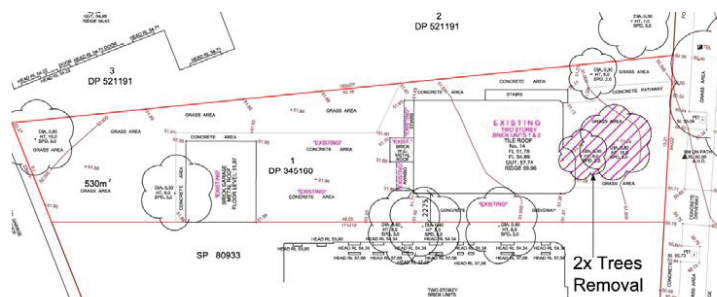


Figure 47: Site plan of 14 Hillcrest Avenue, Ashfield. Trees to be removed indicated in purple. [Source: Design – Basix – Build, ‘Demolition and Existing Site Plan’. 2022]

- *Why is the tree being removed?*

The proposed removal of the trees is a result of the ongoing damage caused by the limbs that lean against the front elevation of the building. The close proximity of trees to the building also means that root systems come close to the building foundations, potentially causing movement and damage.

As the trees are not significant plantings to the site or wider streetscape, their removal is supported on the basis that it will have a positive impact on the significant fabric of the site. The removal of the trees will also allow for improved views to and from the site and will improve the solar amenity along the northern elevation.

The camphor laurel is also identified as a noxious weed whereby its removal will benefit the surrounding landscape and site, given its dense, shallow root system which, when accompanied by the shading provided by the canopy, suppresses the regeneration of other vegetation.

- *Has the advice of a tree surgeon or horticultural specialist been obtained?*

An arboricultural report has been prepared by Malcolm Coote (August 2022) as part of this proposal, however, as the health and vigour of the tree is not being contested, this assessment is considered on the basis of the ongoing maintenance and risks associated with the two (2) trees' retention. Nonetheless, the arboricultural report recognises that the two (2) trees in the front of the building "have been allowed to grow to the point that they now hinder views to and from the site. The Cupressus is now causing damage to the roof and the gutters of the building, the camphor laurel is from a bird dropping and if left to grow will only cause more damage to the building."

This report therefore considers the removal of the trees acceptable, based on the impact it has to the cultural heritage significance of the property, which is an item of local heritage significance.

- *Is the tree being replaced? Why? With the same or a different species?*

A review of the plans submitted to EHC for this assessment, together with the project brief provided to EHC by the Client, does not indicate any replacement plantings. Council may require replacement tree planting by way of condition of consent.

- *Would the removal of the tree adversely impact on, detract, diminish or confuse the understanding and readability of the embodied cultural heritage of the heritage item?*

Whilst the trees are visually prominent from the street, they are not considered significant cultural plantings and removal would not adversely denude the landscaped setting of the site, diminish the treed canopy nor would result in the loss of a significant planting or obscurantism of an earlier planting scheme or theme for the site.

The cultural significance of the site is imbued in the historical, aesthetic, and representative qualities, evidencing one of the later development phases in the original subdivision. The site is significant as a highly intact Inter-War Functionalist style walk up flat building with architectural detailing that is presently hindered by the presence of the two (2) trees. The trees, whilst contribute to the overall landscaped setting, are not in and of themselves significant, being later plantings on the site.

10.0 RECOMMENDATIONS AND MITIGATION MEASURES

10.1 Conclusion

The property is presently identified as an item of local heritage significance, listed on Schedule 5 of the *Ashfield LEP 2013*. However the existing heritage listing is informed by a primitive assessment of cultural significance, stemming from a number of heritage studies undertaken in the early 1990s.

Subsequently, this Heritage Impact Statement has re-assessed the heritage values of the property and found that the residential flat building at 14 Hillcrest Avenue, Ashfield, is of historical, aesthetic, and representative significance at a local level and subsequently, a more comprehensive Statement of Cultural Significance has been developed.

The proposed Strata Title subdivision of the existing building and removal of two (2) trees, and the site has been assessed with regards to the re-assessed heritage values and consideration has been given to the visual and physical impacts of the proposed development on the identified heritage values of the property.

The proposal will not result in any material affectation essentially being a 'paper-based' subdivision. The new Strata subdivision reinforces the existing layout and language of the building and will have no adverse impacts on the site. Additionally, the trees proposed for removal are of little cultural significance, whereby their removal will have no adverse impacts on the significance of the site.

Having considered all relevant matters for consideration in this report, the proposed strata subdivision at 14 Hillcrest Avenue, Ashfield, is considered to have an entirely acceptable heritage impact.

10.2 Recommended Mitigation Measures

There are no specific recommendations made with regards to the proposed strata subdivision.

End of Report

Appendix A

Common Terms Used

The following is a list of terms and abbreviations adopted for use in the NSW Heritage Manual (prepared by the Heritage Council of NSW), and other terms used by those involved in investigating, assessing and managing heritage, including terms used within this Heritage Impact Statement:

Aboriginal significance: An item is of Aboriginal heritage significance if it demonstrates Aboriginal history and culture. The National Parks and Wildlife Service has the primary responsibility for items of Aboriginal significance in New South Wales.

Adaptation: Modification of a heritage item to suit a proposed, compatible use.

Aesthetic significance: An item having this value is significant because it has visual or sensory appeal, landmark qualities and/or creative or technical excellence.

Archaeological assessment: A study undertaken to establish the archaeological significance (research potential) of a particular site and to propose appropriate management actions.

Archaeological feature: Any physical evidence of past human activity. Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks. During an archaeological excavation the term 'feature' may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole).

Archaeological significance: A category of significance referring to scientific value or 'research potential' that is, the ability to yield information through investigation.

Archaeological sites: A place that contains evidence of past human activity. Below-ground archaeological sites include building foundations, occupation deposits, features and artefacts. Above-ground archaeological sites include buildings, works, industrial structures and relics that are intact or ruined.

Archaeology: The study of material evidence to discover human past. See also historical archaeology.

Artefacts: Objects produced by human activity. In historical archaeology the term usually refers to small objects contained within occupation deposits. The term may encompass food or plant remains (for example, pollen) and ecological features.

Australia ICOMOS: The national committee of the International Council on Monuments and Sites.

Burra Charter: (and its guidelines). Charter adopted by Australia ICOMOS which establishes the nationally accepted principles for the conservation of places of cultural significance.

Comparative significance: In the NSW Heritage Assessment Procedure there are two

values used to compare significance: representativeness and rarity.

Compatible use: A use for a heritage item, which involves no change to its culturally significant fabric, changes which are substantially reversible or changes, which make a minimal impact.

Cultural landscapes: Those areas of the landscape, which have been significantly modified by human activity. They include rural lands such as farms, villages and mining sites, as well as country towns.

Cultural significance: A term frequently used to encompass all aspects of significance, particularly in guidelines documents such as the Burra Charter. Also one of the categories of significance listed in the Heritage Act 1977.

Curtilage: The geographical area that provides the physical context for an item, and which contributes to its heritage significance. Land title boundaries and heritage curtilages do not necessarily coincide.

Demolition: The damaging, defacing, destroying or dismantling of a heritage item or a component of a heritage conservation area, in whole or in part.

Conjectural reconstruction: Alteration of a heritage item to simulate a possible earlier state, which is not based on documentary or physical evidence. This treatment is outside the scope of the Burra Charter's conservation principles.

Conservation: All the processes of looking after an item so as to retain its cultural significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these.

Conservation Management Plan: (CMP) A document explaining the significance of a heritage item, including a heritage conservation area, and proposing policies to retain that significance. It can include guidelines for additional development or maintenance of the place.

Conservation policy: A proposal to conserve a heritage item arising out of the opportunities and constraints presented by the statement of heritage significance and other considerations.

Contact sites: Sites which are associated with the interaction between Aboriginal and non-Aboriginal people.

Excavation permit: A permit issued by the Heritage Council of New South Wales under

section 60 or section 140 of the Heritage Act 1977 to disturb or excavate a relic.

Façade: The elevation of a building facing the street.

Heritage Act 1977: The statutory framework for the identification and conservation of heritage in New South Wales. The Act also describes the composition and powers of the Heritage Council.

Heritage Advisor: A heritage consultant engaged by a local council, usually on a part-time basis, to give advice on heritage matters to both the council and the local community.

Heritage assessment criteria: Principles by which values for heritage significance are described and tested. See historical, aesthetic, social, technical/ research, representativeness, rarity.

Heritage conservation area: An area which has a distinctive character of heritage significance, which it is desirable to conserve.

Heritage Council: The New South Wales Government's heritage advisory body established under the Heritage Act 1977. It provides advice to the Minister for Urban Affairs and Planning and others on heritage issues. It is also the determining authority for section 60 applications.

Heritage fabric: All the physical material of an item, including surroundings and contents, which contribute to its heritage significance.

Heritage inventory: A list of heritage items, usually in a local environmental plan or regional environmental plan.

Heritage item: A landscape, place, building, structure, relic or other work of heritage significance.

Heritage NSW: The State Government agency of the Department and Premier and Cabinet, responsible for providing policy advice to the relevant Minister, administrative services to the Heritage Council and specialist advice to the community on heritage matters.

Heritage precinct: An area or part of an area which is of heritage significance. See also heritage conservation area.

Heritage significance: Of aesthetic, historic, scientific, cultural, social, archaeological, natural or aesthetic value for past, present or future generations.

Heritage study: A conservation study of an area, usually commissioned by the local council. The study usually includes a historical context report, an inventory of heritage items

within the area and recommendations for conserving their significance.

Heritage value: Often used interchangeably with the term 'heritage significance'. There are four nature of significance values and two comparative significance values. See heritage significance, nature of significance, comparative significance.

Hierarchy of significance: Used when describing a complex heritage site where it is necessary to zone or categorise parts of the area assigning each a particular significance. A commonly used four level hierarchy is: considerable, some, little or no, intrusive (that is, reduces the significance of the item).

Industrial archaeology: The study of relics, structures and places involved with organised labour extracting, processing or producing services or commodities; for example, roads, bridges, railways, ports, wharves, shipping, agricultural sites and structures, factories, mines and processing plants.

Integrity: A heritage item is said to have integrity if its assessment and statement of significance is supported by sound research and analysis, and its fabric and curtilage are still largely intact.

International Council on Monuments and Sites (ICOMOS): An international organisation linked to UNESCO that brings together people concerned with the conservation and study of places of cultural significance.

There are also national committees in sixty countries including Australia.

Level of significance: There are three management levels for heritage items in New South Wales — local, regional and state. The level is determined by the context in which the item is significant. For example, items of state

heritage significance will either be fine examples or rare state-wide or will be esteemed by a state-wide community.

Local significance: Items of heritage significance which are fine examples, or rare, at the local community level.

Moveable heritage: Heritage items not fixed to a site or place (for example, furniture, locomotives and archives).

Occupation deposits: (In archaeology.) Accumulations of cultural material that result from human activity. They are usually associated with domestic sites, for example, under-floor or yard deposits.

Post-contact: Used to refer to the study of archaeological sites and other heritage items dating after European occupation in 1788 which helps to explain the story of the relationship between Aborigines and the new settlers.

Preservation: Maintaining the fabric of an item in its existing state and retarding deterioration.

Rarity: An item having this value is significant because it represents a rare, endangered or unusual aspect of our history or cultural heritage.

Reconstruction: Returning a place as nearly as possible to a known earlier state by the introduction of new or old materials into the fabric (not to be confused with conjectural reconstruction).

Relic: The Heritage Act 1977 defines relic as: '...any deposit, object or material evidence relating to non-Aboriginal settlement which is more than fifty years old.' The National Parks and Wildlife Act 1974 defines a relic as: '...any deposit, object or material evidence (not

being a handicraft made for sale) relating to indigenous and non-European habitation of the area that comprises New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction, and includes Aboriginal remains.'

Representativeness: Items having this value are significant because they are fine representative examples of an important class of significant items or environments.

Restoration: Returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without introducing new material.

Social significance: Items having this value are significant through their social, spiritual or cultural association with a recognisable community.

State heritage inventory: A list of heritage items of state significance developed and managed by the Heritage Division. The inventory is part of the NSW Heritage Database.

State significance: Items of heritage significance which are fine examples, or rare, at a state community level.

Statement of heritage significance: A statement, usually in prose form which summarises why a heritage item or area is of importance to present and future generations.

Technical/research significance: Items having this value are significant because of their contribution or potential contribution to an understanding of our cultural history or environment.
