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The Manager
Planning Assessment
City of Sydney
GPO Box 1591
Sydney NSW 2001

dasubmissions@cityofsydney.nsw.gov.au

jsymons@cityofsydney.nsw.gov.au

Dear Ms Symons

Re: Site address: 20 & 22 Forest Street , FOREST LODGE NSW 2037, 13 & 15 Ross Street , FOREST LODGE NSW 2037 Appeal to the Land & Environment Court: RE-NOTIFICATION (COURT APPEAL)

The Society has reviewed the renotification. There are many problems with the application including geotechnical, water, tree preservation, FSR and site consolidation issues.

This submission focuses on the proposed change to the Forest Street elevation of the DA. In our view demolition of the houses at 20 and 22 Forest Street is not justified and the changes to the design of the Forest Street elevation do not alter this.

The existing houses are important not only because they are Contributory items in the Hereford and Forest Lodge Heritage Conservation Area but are also of a type which is identified as being of particular importance to the character of the HCA.

1. The Heritage Inventory Assessment for the Hereford and Forest Lodge Heritage Conservation Area

The Heritage Inventory Assessment identifies one of the special qualities of the HCA as being the way it illustrates *various periods of development and architectural styles and building types (some of a very early date)*. It notes that the *early surviving working-class cottages are inherent to the character of the suburb*. In managing the significance of the conservation area it includes the principle to *retain 1 Storey Cottages* of which 20 and 22 Forest Street are good examples.

The fact that there are only a small number of these one storey mid-19th century workers cottages in the precinct; Lodge Street has two; Forest Street has three; St Johns Road two and that number 18, 20 and 22 Forest Street (the three Forest Street ones) are the only grouping of the typology, reinforces the importance of 20 and 22 Forest Street to the Heritage Conservation Area and the need to keep them.

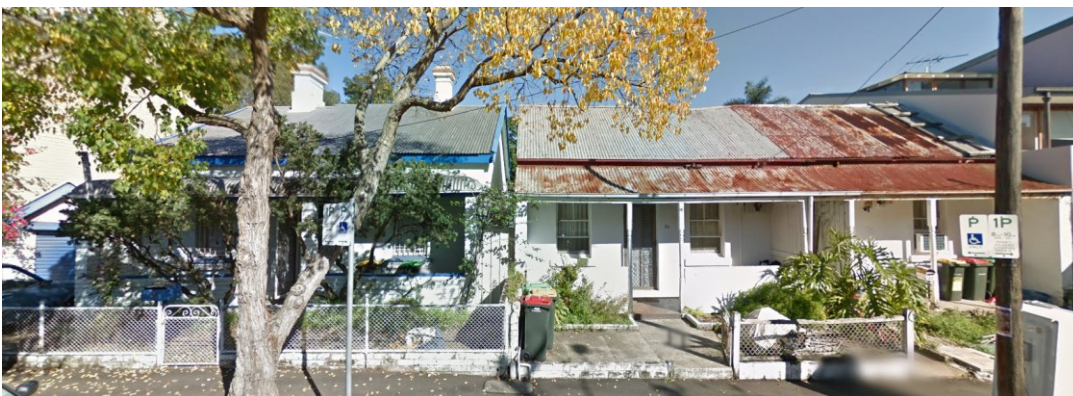


Figure 1 Numbers 20 and 22 along with 18 Forest Street comprise a group of three single storey early vernacular houses

2. Retention of the Cottages does not preclude development of the site for affordable housing

The cottages are built close to the front of the block (see Figure 2 below). The skillions to the left of the dotted line in Figure 2 are less significant than the main section of the houses under the gabled roof.

The dwellings have direct access from the street to the garden via the former night soil alley (see Figure 3 below). This provides considerable flexibility allowing for the pair of houses to be retained while providing the potential to develop additional density in the garden behind.

It is quite feasible to retain the houses, adapting them for accommodation or for use as common areas, while providing additional accommodation behind the original dwellings.



Figure 2 Figure 20 The principal parts of the cottages are located at the front of the blocks, to the right of the dotted line



Figure 3 The door circled in red leads into a passage which was separate from the two dwellings and led to the backyard.

3. State Environmental Planning Policy Housing (2021)

Division 6 of the Housing SEPP requires that developments must:

c) complement heritage conservation areas

Demolition of a pair of Contributory houses of a type which is rare in the HCA and is specifically identified for retention does not complement the heritage conservation area. Retention of the houses as shown in Figs 2 and 3 above does not preclude the development of the site for affordable housing.

4. The 2012 City of Sydney Development Control Plan

The DCP is quite specific that Contributory buildings are to be retained unless the consent authority determines the replacement is justified in exceptional circumstances.

Together all four factors provide a strong case for the retention of the cottages. It is only an *exceptional* circumstance which can justify their demolition.

5. Why Exceptional Circumstances have not been established

The application relies on Capital Engineering Consultants reports Project No. – STA2221 – R01 Date Issued – 29/07/2022 and Project No. – STA2221 – R03 Date Issued – 4/04/2023 to claim that the exceptional circumstance is that it is not feasible from an engineering perspective to retain the buildings.

The engineering reports identify misaligned brickwork and loss of render in the houses and conclude that this indicates that *the footings supporting the house walls appeared to be insufficient for the given loads and ground conditions.*

Our submission of 5 July 2023 included photographic evidence which establishes that the loss of render and misalignment of some of the bricks occurred between 2021 and 2023, see images 4, 5, 6 and 7 below.



Figure 4 Number 22 Forest Street, Feb 2021 (Google street view)



Figure 5 Number 22 Forest Street, June 2023 showing cracking which appears to have been caused by the impact of a heavy object



Figure 6 Interior view in 2021, the window in the north eastern wall can be seen on the right (realestate.com), and Fig 7 below.



Figure 7 Inside view of the north eastern wall of number 22, Weir Phillips Heritage Impact Statement 20—22 Forest Street Forest Lodge , March 2023.. The wall beneath the window appears to have been impacted by a heavy force

The houses were built in the 1870s. The loss of internal and external plaster between 2021 and 2023 is not likely to be the result of movement in the footings which have supported the house for 150 years.

The engineering report includes a number of unsubstantiated claims, for example it assumes that all the roofing timbers are rotten while admitting they have not been examined. The assumption is based on water damage to the rear skillion of number 20 Forest Street (see figure 8)



Figure 8 This image in the Structural Report of a water damaged ceiling is in the skillion of number 20 not the main house

The ceilings

Overall the ceilings are in better order than the report claims. The damage to the ceiling illustrated at Fig 2 of the Structural Report (re Figure 8 in this submission) is in the rear skillion of number 20 not in the main section of the building under the pitched roof.

Roof Framing

The structural report states that the roof framing, which was not inspected, will need to be replaced, and that because of the assertion that the foundations are inadequate, a conclusion which is based on the loss of internal and external plaster which occurred between 2021 and 2023, a complex process will be needed to stabilise the foundations. There is no evidence to support this claim.

The assertion that the roof framing is rotten beyond repair is followed by another assertion that the roof provides essential lateral support to the walls and its removal and replacement would destabilise the house.

This seems unlikely as:

- the footings of the building appear stable,
- the building is of one storey
- is of double brick construction, and
- has six lateral walls (four of double brick) running east/west and three (two of double brick) running north/south

Severe Cracking to the Terrace Slab

The report describes the verandah as *a concrete apron slab on ground* and states that *the terrace slab was found to be in very poor condition with extensive cracking seen in numerous areas*. A visual inspection from the street suggests a sandstone flagged verandah. This is typical for the period of construction of the house and many examples of this treatment can be seen in this part of Forest Lodge. The stone slabs have been topped with concrete which is cracking. This is not a serious structural problem. The concrete topping could be removed and the stone paving restored.

The North Eastern Front Wall

Section 2.3 of the report states that *the north-eastern frontage wall consists of brickwork supported by brick footings bearing onto the reactive ground*. We have commented extensively on the condition of this wall in our initial report R01 and provided the measures that would be required in order to stabilise the wall in R02. It should be noted however, that the strengthening works as outlined in R02 can only be completed through the re-stabilisation of the ground, extensive strengthening and most importantly, the demolition of the surrounding unstable structure.

The north eastern brick wall, in fact sits on a stone plinth not, as the structural report states, brick footings. The wall appears well founded. The cracking in the wall does not appear to have been caused by movement of the footing as a result of reactive ground s but appears to result from the impact of a heavy object hitting the wall from inside the house.



Figure 98 One of the verandah columns

External Columns

It is claimed that the external columns have deteriorated at the base and are in an unstable condition.

The turned hardwood columns are in good order. There is some minor deterioration at the bases. This is not unusual in historic buildings and can be easily rectified. The columns have lasted 150 years. The timber is of better quality and longer lasting than what is available today.

Flooring

The report states at section 2.6 Floor framing *The footing framing consists of timber flooring, joist and bearers, which are in turn supported by brick piers bearing onto ground. The subfloor framing was not visible at the time of inspection. However, as the bearer and joist bear onto walls that are showing signs of significant movement, we believe the ends of these members at the points of contact will likely be in poor condition. Further, in order to strengthen the walls, and footings throughout, as required, significant sections of the footing and floor framing would need to be cut out.*

The sagging in some parts of the floor indicates the timber floor plate has rotted, this is not unexpected in the passage of 150 years. Replacing timber floor plates is not difficult. It is noted that the sub floor area was not inspected as part of the report.

Windows and Doors

Section 2.5 of the report, Windows and Doors, states *the north-eastern frontage has timber framed windows and doors. These were found to be in poor condition with extensive signs of wood rot throughout. We believe the windows and doors are beyond repair and require replacements.*



Figure 11 One of the three sash windows on the eastern elevation

The sash windows on the eastern elevation and their frames appear to be in reasonable condition as are the pair of panelled front doors and their frames and linings.

The three sash windows and pair of front doors are all original elements



Figure 12 The front door of number 22. Number 20 has a matching panelled door

Conclusion

The Structural Report's conclusion that the house is not habitable and is at possible risk of collapse is based on assertions and misinformation. It contains a number of errors of fact and on its own admission did not include an inspection of the roofing timbers and the sub-floor space.

The interior photographs of the house in 2021 and 2022 show a habitable house.

As set out in the analysis in Section 5 above the exceptional circumstances to justify the demolition of these contributory buildings have not been established. Accordingly the plans should be modified to retain the principal sections of the houses. The Society has no objection to the demolition of the skillions at the rear of the properties (see Fig 2 above).

Our analysis of the structural reports was prepared by our Planning Convenor, Ian Stephenson, who although not an engineer spent 20 years working with historic buildings including as CEO of the National Trust for South Australia, Director of Historic Places ACT and as Senior Curator of the National Trust (NSW) where he collaborated with the international engineering firm Arup in stabilising Australia's oldest public building the World Heritage listed Old Government House Parramatta and also worked on the analysis of issues with unstable footings and reactive clay soil at the State Heritage listed Miss Traill's House, Bathurst.

Our critique of Capital Engineering's Reports demonstrates why their conclusion that because of the footings and roof framing the houses are at risk of collapse is not credible. It is a critical issue and for that reason **we encourage Council to commission a Structural Peer Review by a heritage engineer of Capital Engineering's reports.**

Geotechnical Issues

The development involves the excavation of a basement 3.35 metres below ground level. The geotechnical report notes the potential for the neighbouring buildings to be adversely affected by the excavation.

Site Consolidation

It is proposed to consolidate 20 and 22 Forest Street and the Ross Street property. Numbers 20 and 22 Forest Street have been separate allotments for 150 years. They are part of the original subdivision pattern of Forest Street. Section 3.8 of the General Provisions of the DCP state that: *the consolidation of sites is discouraged where it obscures the original subdivision patterns.*

The site consolidation undermines the heritage controls by enabling a higher FSR than would be otherwise permissible. The site consolidation with the Ross Street property should not be approved.

Conclusion

In its present form the scheme should be rejected because:

- I. The exceptional circumstances to warrant the demolition of these Contributory items do not exist. The engineers reports contain errors of fact, were cursory (the roof and sub floor spaces were not inspected) and do not establish that the cracking which occurred between 2021 and 2023 was the result of inadequate footings.
- II. The proposal does not satisfy Division 6 of the design principles of State Environmental Planning Policy Housing (2021) in that by demolishing two Contributory dwellings (one of a precinct of three) it does not complement the heritage conservation area, instead it diminishes it.
- III. This pair of houses are important to the HCA and should be retained and adapted.
- IV. Additional accommodation could be added by removing the rear skillions and building behind the original houses.
- V. The site consolidation undermines heritage controls by facilitating a higher density on 20 and 22 Forest Street than would otherwise be permitted and should not be approved.

Yours sincerely

Duncan Leys
President