



# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA201800562
<b>Address</b>	119 Addison Road, Marrickville
<b>Proposal</b>	To subdivide the land into 2 Torrens title lots and construct a 2 storey dwelling house on each lot with garages at the rear
<b>Date of Lodgement</b>	20 December 2018
<b>Applicant</b>	Mr M Lam
<b>Owner</b>	U & I Family Pty Ltd
<b>Number of Submissions</b>	27
<b>Value of works</b>	\$635,000.00
<b>Reason for determination at Planning Panel</b>	Number of submissions received exceed officer delegations
<b>Main Issues</b>	Private open space, urban design, tree management and car parking
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Land and Environment Court Judgement DA201500616
<b>Attachment D</b>	Heritage Interpretation Strategy



### LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

Note: Due to scale of map, not all objectors could be shown.

## 1. Executive Summary

This report is an assessment of the application submitted to Council to subdivide the land into 2 Torrens title lots and construct a 2 storey dwelling house on each lot with a garage at the rear of the sites at 119 Addison Road, Marrickville. The application was notified to surrounding properties and 27 submissions were received, including 19 objections and 8 submissions in support of the application.

The main issues that have arisen during the assessment of the application include:

- The proposed areas of private open space do not meet the minimum requirements set out in Marrickville Development Control Plan 2011;
- The proposed finishes and materials were not consistent with a high quality urban design;
- Insufficient information was submitted with the application to determine the impact of the proposed development on a number of trees on the site and surrounding site; and
- The proposed garages exceed the maximum height permitted for a garage set out in Marrickville Development Control Plan 2011.

Amended plans were received during the assessment process which addressed the above concerns relating to private open space, urban design and tree management. A condition of consent has been imposed to reduce the height of the garages. Subject to this condition, the proposal generally complies with the aims and objectives of the Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011.

## 2. Proposal

Approval is sought to demolish the existing single storey dwelling house, subdivide the land into 2 Torrens title lots and construct a 2 storey semi-detached dwelling house with garages at the rear of the sites and associated landscaping works.

The application has been assessed as comprising two (2) separate site areas comprising a separate dwelling house on each site.

The subdivision would create two lots of the following dimensions:

Site	Area	Frontage
Lot A	297.1sqm	6.2 metres
Lot B	307.7sqm	6.1 metres

## 3. Site Description

The subject site is located on the northern side of Addison Road, between Agar Street and England Avenue, Marrickville. The site is legally described as Lot E in Deposited Plan 103210, having a frontage of 12.30 metres to Addison Road, a depth of approximately 50 metres and is 607.4sqm in area.

The site contains a single storey dwelling house. Vehicular access to the site is obtained from Agar Street by way of a Right of Way over Lot 11 in Deposited Plan 1185440. The properties on the northern side of Addison Road and the western side of Agar Road are characterised by single storey semi-detached and freestanding dwelling houses. The

southern side of Addison Road is characterised by two (2) storey mixed residential/commercial buildings.

The property is not listed as a heritage item under MLEP 2011, is not located within the vicinity of a heritage item and is not located with a heritage conservation area under MLEP 2011.

The existing dwelling is an example of an early development in the Marrickville area and has been recognised as having historical significance. Further details on the significance of the site is available in Attachment D.

A number of trees are located on the subject site and surrounding sites that are protected under MDCP 2011.



*Image 1: Site Image*

## 4. Background

### 4(a) Site history

Development Application No.201500616 to demolish the existing improvements, subdivide the land into two (2) allotments, and erect a two (2) storey dwelling house, detached garage and secondary dwelling on each allotment was refused by Council on 17 May 2016 for the following reasons:

- The development did not comply with the maximum floor space ratio development standard permitted on the site;
- The development did not comply with the minimum site area requirements for a secondary dwelling;
- The proposal would have had a negative impact on the streetscape and the amenity enjoyed by residents of adjoining dwellings and the 12 urban design principles that make good public environments have not been adequately addressed as part of the development application;
- Visual privacy impacts had not been satisfactorily addressed in the application;
- No open space was provided for the secondary dwellings;
- The development did demonstrate compliance with the provisions of Part 2.20 – Tree Management of Marrickville Development Control Plan 2011;
- The design of the development does not complement the existing streetscape and the existing developments found in the locality;
- The bulk and relative mass of the development results in unacceptable impacts for residents of adjoining dwelling houses in terms of visual bulk;
- The proposal is contrary to the objectives and controls contained in Part 4.1.9 – Additional Controls for Contemporary Dwellings of Marrickville Development Control Plan 2011; and
- The development does not promote the orderly development of land.

A request under Section 82A of the Environmental Planning and Assessment Act to review Determination No. 201500616 was submitted to Council on 2 August 2016. The statutory time period to determine the application lapsed and as such, a determination was not issued.

A Class 1 Appeal of Determination No.201500615 was dismissed by the Land and Environment Court NSW on 29 June 2017. The application was dismissed given the visual bulk impact of the proposed development on the adjoining properties on Agar Street as a result of the building height and minimal setback and the application therefore failed to satisfy the requirements of MDCP 2011 relating to infill development and low density residential development.

The findings of the Court recommended a more sensitive design be provided on Lot B to minimise the impact on the adjoining properties on Agar Street. The complete findings of the Court have been included as Attachment C to this report.

Pre-Development Application advice No.201800022 was issued on 4 May 2018 for the demolition of existing improvements, subdivision of the existing lot into two (2) lots and construction of a two-storey dwelling house on each lot and a detached two-storey structure at the rear of each lot containing a garage on the ground floor and studio above.

The advice raised particular concern to the visual bulk and overshadowing impact of the proposed development on the adjoining properties on Agar Street. In order to reduce the impact on the neighbouring properties, the advice recommended that any two-storey form be limited to the first 10 metres of the site with a single storey form provided at the rear including single storey garages.

Pre-Development Application advice No.201800112 advice was issued on 24 August 2018 for the demolition of existing improvements, subdivision of the existing lots into two (2) lots and construction of a two-storey dwelling house on each lot and a single storey garage at the rear of each lot.

In principle, the advice was in support of the proposed development subject to minor amendments regarding the materials and finishes and window alignment. In addition, the

advice requested the provision of a Heritage Interpretation Strategy, which includes recommendations for a historical display/signage to convey the historical significance of the site as being one of the early houses in the Marrickville area.

#### 4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter / Additional Information
20 December 2018	Application lodged with Council
24 January 2019	Site inspection undertaken
04 July 2019	Additional information request sent to applicant (detailed below)
23 July 2019	Additional information submitted to Council

A request for additional for additional information was sent to the applicant on 4 July 2019 which required the following:

- The rear ground floor setbacks be amended to align with the rear setback of 121 Addison Road to provide additional private open space;
- The proposed fibre cement cladding of the front elevation be amended to be clad in metal or weatherboard cladding;
- A pruning specification be submitted for the pruning works to the *Pyrus calleryana* (Bradford pear) tree;
- The proposed stormwater plan be amended to reduce the impact to the trees located at 121 Addison Road and an Arboricultural Impact Assessment be prepared which assess the amended plans; and
- Clarification be provided to ensure the proposed floor structures and garages can be constructed without impacting the Structural Root Zones and Tree Protection Zones of the trees on the adjacent sites.

Amended plans were submitted to Council on 23 July 2019 which adequately addressed the above matters.

## 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*.

#### 5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Marrickville Local Environmental Plan 2011 (MLEP 2011)*

The following provides further discussion of the relevant issues:

**5(a)(i) State Environmental Planning Policy No 55—Remediation of Land**

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. MDCP 2011 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with *SEPP 55*.

**5(a)(ii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

**5(a)(iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

**5(a)(iv) State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)**

*Vegetation SEPP* concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council’s DCP.

There are a number of trees on the subject site and adjoining properties protected under MDCP 2011 that will be impacted as result of the development. The application was referred to Council’s Tree Management Officer who raised no objection to the works, subject to the imposition of appropriate conditions. Further discussion on tree management is undertaken in Part 5(c) of this report.

**5(a)(v) Marrickville Local Environment Plan 2011 (MLEP 2011)**

The application was assessed against the following relevant clauses of the *Marrickville Local Environment Plan 2011*:

- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.6 - Subdivision
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 5.10 - Heritage Conservation
- Clause 6.2 - Earthworks
- Clause 6.4 - Terrestrial biodiversity
- Clause 6.5 - Development in areas subject to aircraft noise

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

Standard	Proposal	Complies
<b>Height of Building</b> Maximum permissible: 9.5 metres	Lot A: 9.5m Lot B: 9.5m	Yes
<b>Floor Space Ratio</b> Maximum permissible: Lot A: 0.8:1 Lot B: 0.7:1	Lot A: 0.54:1 Lot B: 0.52:1	Yes

(vii) Clause 2.3 - Land Use Table and Zone Objectives

The property is zoned R2 – Low Density Residential under the provisions of MLEP 2011. Dwelling houses are permissible with Council's consent under the zoning provisions applying to the land.

The proposed dwelling houses are a permitted use within the zone and the development is considered acceptable having regard to the objectives of the R2 – Low Density Residential zone.

(viii) Clause 2.6 - Subdivision

Clause 2.6 of MLEP 2011 states that land to which the Plan applies may be subdivided, but only with development consent. The application seeks approval for the subdivision of the land. The issue of subdivision is discussed later in this report under the heading “Marrickville Development Control Plan 2011 - Part 3 - Subdivision, Amalgamation and Movement Networks”.

(ix) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council’s standard conditions relating to demolition are included in the recommendation.

(x) Height (Clause 4.3)

The site is located in an area where the maximum height of buildings is 9.5 metres as indicated on the Height of Buildings Map that accompanies MLEP 2011. The dwelling houses have a maximum height of 9.5 metres, which complies with the height development standard.

(xi) Floor Space Ratio (Clause 4.4)

Clause 4.4 (2A) of MLEP 2011 specifies a maximum floor space ratio (FSR) for a dwelling house on land identified as “F” on the Floor Space Ratio Map based on site area as follows:

Site area	Maximum floor space ratio
>250sqm but ≤3000sqm	0.8
>300sqm but ≤350sqm	0.7:1

The following table provides a breakdown of the floor space ratio of the dwelling houses, in relation to the prescribed FSR control, on their respective lots:

Proposed Lot	Site Area (sqm)	Max FSR Permitted	FSR Proposed	Complies
Lot A	297.15sqm	0.8:1	0.54:1	Yes
Lot B	307.77sqm	0.7:1	0.52:1	Yes

(xii) Heritage Conservation (Clause 5.10)

The property is not listed as a heritage item under MLEP 2011, is not located within the vicinity of a heritage item and is not located within a heritage conservation area under MLEP 2011.

(xiii) Earthworks (Clause 6.2)

The earthworks proposed are for a smaller scale residential development and as such are reasonable having regard to Clause 6.2 of MLEP 2011.

(xiv) Terrestrial Biodiversity (Clause 6.4)

The property is not located in the Biodiversity Area as identified in the MLEP 2011 Natural Resource - Biodiversity Map.

(xv) Development in areas subject to Aircraft Noise (Clause 6.5)

The property is located within the 30 - 35 Australian Noise Exposure Forecast (2033) Contour.

The development is likely to be affected by aircraft noise.

The carrying out of development would result in an increase in the number of people affected by aircraft noise.

The development would need to be noise attenuated in accordance with AS2021:2015. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2015. The report contains recommendations to be incorporated into the development in order to mitigate acoustic impacts. Conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

## 5(b) Draft Environmental Planning Instruments

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

### *Draft Environment State Environmental Planning Policy (Environment SEPP)*

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed



and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

### 5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

MDCP 2011 Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.6 – Acoustic and Visual Privacy	Yes
Part 2.7 – Solar Access and Overshadowing	Yes
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes
Part 2.11 – Fencing	Yes
Part 2.18 – Landscaping and Open Space	Acceptable – see discussion
Part 2.20 – Tree Management	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 3 – Subdivision	Yes
Part 4.1 – Low Density Residential Development	Acceptable – see discussion
Part 9 – Strategic Context	Yes

The following provides discussion of the relevant issues:

#### **PART 2 – GENERIC PROVISIONS**

##### (i) Urban Design (Part 2.1)

The development is considered acceptable having regard to the relevant aspects of the 12 urban design principles. The matter of urban design and streetscape is discussed in detail below under the heading “Part 4.1 – Low Density Residential Development”.

##### (ii) Site and Context Analysis (Part 2.3)

The applicant submitted a site and context analysis as part of the application that satisfies the controls contained in Part 2.3 of MDCP 2011.

##### (iii) Acoustic and Visual Privacy (Part 2.6)

The layout and design of the development ensures that the visual and acoustic privacy currently enjoyed by residents of adjoining residential properties are protected. Concern was raised in a number of submissions regarding the overlooking impact of the proposed development, having particular regard to the east facing ground floor windows on Lot B.

Given the flood hazard on the site, the finished floor levels of the ground floor are required to be 1.95m above ground level which results in the ground floor windows being approximately

1 metre above the existing boundary fences. All ground and first floor side facing windows on both dwelling houses have been designed to have a minimum sill height of 1.6 metres above the floor level which will mitigate any overlooking impact.

The development maintains adequate levels of acoustic and visual privacy for the surrounding residential properties and ensures an adequate level of acoustic and visual privacy for future occupants of the development.

Given the above the development is reasonable having regard to the objectives and controls relating to visual and acoustic privacy as contained in MDCP 2011.

(iv) Solar Access and Overshadowing (Part 2.7)

**Overshadowing**

The applicant submitted shadow diagrams with the application.

The shadow diagrams illustrate that the proposed development will result in some additional overshadowing to the east facing windows of 121 Addison Road between 9.00am and 3.00pm on 21 June and to the rear private open space of the properties fronting Agar Street between 12.00pm and 3.00pm on 21 June. The shadow diagrams indicate that these windows and areas of private open space will continue to receive greater than two (2) hours of direct solar access between 9.00am and 3.00pm on 21 June.

**Solar Access**

The alterations and additions to the dwelling house have been designed in an energy efficient manner for the following reasons:

- At least one habitable room has a window having an area not less than 15% of the floor area of the room, positioned within 30 degrees east and 20 degrees west of true north and will allow for direct sunlight for at least two hours over a minimum of 50% of the glazed surface between 9:00am and 3:00pm on 21 June; and
- The private open space provided for the dwelling house receives a minimum two hours of direct sunlight over 50% of its finished surface between 9.00am and 3.00pm on 21 June.

Given the above the development is reasonable having regard to the objectives and controls relating to solar access and overshadowing as contained in MDCP 2011.

(v) Community Safety (Part 2.9)

The development is reasonable having regard to community safety for the following reasons:

- The principal entrance to the dwelling houses are visible from the street; and
- The dwelling houses have been designed to overlook the street.

Given the above the development is acceptable having regard to the objectives and controls relating to community safety as contained in MDCP 2011.

(vi) Parking (Part 2.10)

Part 2.10 of MDCP 2011 requires one (1) car parking space be provided for a dwelling house. One (1) car parking space is proposed per dwelling. The proposal therefore complies with this requirement.

The issue of parking and access is discussed further under “Part 4 – Residential Development (Section 4.1.7)”.

(vii) Fencing (Part 2.11)

The proposed front fences have a maximum height of 1.2 metres and are of a simple design that complement the proposed dwellings and do not detract from the front fences in the surrounding streetscape. No details of the side fence between the dwelling houses have been provided. A condition of consent has been imposed which permits a maximum side fence height of 1.8 metres.

Given the above, the proposed fences are considered consistent with the objectives and controls relating to fences contained in Part 2.11 of MDCP 2011.

(viii) Landscaping and Open Spaces (Part 2.18)

The proposed sites have areas of 297.15sqm and 307.77sqm and as such, Control C12 of Part 2.1.8 of MDCP 2011 specifies that a minimum of 20% of the site is areas are to be private open space, being 59.4sqm for Lot A and 61.5sqm for Lot B.

The plans submitted with the application identify that an area measuring 43.4sqm, being 14.6% of the site, is to be retained as private open space for Lot A and an area measuring 47.5sqm, being 15.4% of the site, is to be retained as private open space for Lot B. 100% of the areas of private open space is to be landscaping. The ability to provide open space is somewhat constrained by the flood affectation of the land and the necessity to access the car parking over a right-of-way at the rear of the site.

The areas of private open do not comply with the numerical requirements as per Control C12 above. Notwithstanding, the private open is considered to be consistent with the objectives contained in Part 2.18 as the private open space:

- Is located off the principal livings areas of the dwelling and acts as an extension of the living area of the dwelling;
- Is provided with adequate solar access; and
- Is consistent with the private open space provided on neighbouring sites and the locality generally.

Considering the above, the development is acceptable having regard to the provisions of Part 2.18 of MDCP 2011.

(ix)

Tree Management (Part 2.20)

Part 2.20 of MDCP 2011 concerns the protection of trees. There are a number of trees on the site and within the vicinity of the site that may be affected by the development, including the following:

**On the subject site:**

- *Eriobotrya japonica* (Loquat)
- *Prunus* sp. (Stone Fruit tree)
- *Magnifera indica* (Mango tree)

**Street tree:**

- *Pyrus calleryana* (Bradford pear)

**On neighbouring sites:**

- *Corymbia citriodora* (Lemon-Scented Gum) – 12 Agar Street
- *Syzygium luehmannii* (Lilly Pilly) – 121 Addison Road

The application seeks consent to remove the Loquat, Stone Fruit and Mango trees and to undertake pruning works on the Lemon-Scented Gum, Lilly Pilly and Bradford Pear trees.

In order to accurately assess the extent of pruning required and encroachments of the proposed works into the Structural Root Zones and Tree Protection Zones of the trees, additional information was requested by Council’s Tree Management Officer.

The requested additional information was submitted to Council and subject to the imposition of appropriate conditions regarding the replacement planting of three (3) trees, pruning works and tree protection measures, Council’s Tree Management Officer raised no objection to the proposed works.

(x) Site Facilities and Waste Management (Part 2.21)

A Recycling and Waste Management Plan (RWMP) in accordance with Council’s requirements was submitted with the application.

**PART 3 – SUBDIVISION, AMALGAMATION AND MOVEMENT NETWORKS**

Part 3.1.1.2 of MDCP 2011 does not contain minimum lot width or area requirements for subdivisions, but rely on performance based controls that aim to ensure that new lots facilitate development that is compatible with the immediate area.

The application proposed to subdivide the property into two (2) lots. The streetscape and immediate locality is generally characterised by a mix of single and two storey dwelling houses. The following table illustrates the proposed lot dimensions and the approximate dimensions of lots within the street.

Addison Road			Agar Street		
Number	Site Area	Frontage	Number	Site Area	Frontage
Lot A	297.1sqm	6.2 metres	2	199.1sqm	5.6 metres
Lot B	307.7sqm	6.1 metres	4	208.3sqm	5.5 metres
121	275.8sqm	7.5 metres	6	204.6sqm	5.7 metres
123	213.6sqm	5.9 metres	8	215.7sqm	6.0 metres
125	224.4sqm	6.1 metres	10	207.6sqm	5.8 metres
127	222.7sqm	6.2 metres	12	221.4sqm	6.0 metres
129	273.4sqm	7.5 metres	14	428.8sqm	11.4 metres
131	226.5sqm	6.1 metres	16	518.8sqm	10.6 metres
132	302.2sqm	7.7 metres	England Avenue		
134	293.0sqm	7.4 metres	1	232.2sqm	5.6 metres
136	293.2sqm	7.8 metres	3	241.0sqm	6.1 metres
138	295.5sqm	8.0 metres	5	233.6sqm	6.0 metres
140	307.7sqm	8.3 metres	7	250.3sqm	6.2 metres

As demonstrated by the tables above, the frontages of the adjoining properties range between 5.5 metres at the lower end and up to 11.4 metres at the higher end. The site areas of the adjoining properties range between 199.1sqm at the lower end and up to 518.8sqm at

the higher end. The subdivision would result in two (2) lots which are considered to be consistent with the adjoining and prevailing subdivision pattern within the streetscape.

The subdivision would allow for the continuation of the predominant building form within the area, being single and two-storey dwelling houses. Solar access, open space, parking and other amenity impacts of the proposal have been discussed elsewhere in the report and the proposed allotments are considered to allow for built forms which generally comply with Council's requirements with respect to those issues.

#### **PART 4 – RESIDENTIAL DEVELOPMENT**

##### **Part 4.1 – Low Density Residential**

###### **(i) Good Urban Design Practice (Part 4.1.4)**

The height, bulk and scale of the development complement existing developments in the street and the architectural style of the proposal is in keeping with the character of the area.

Concern was raised in a number of the submissions regarding the visual bulk impact of the two-storey portion of the proposed dwellings on the neighbouring properties. In particular, the submissions objected to the approximate 1 metre increase in height from the development that was dismissed by the LECNSW for reasons relating to the visual bulk impact.

The application as originally submitted under Development Application No.201500615 proposed a two-storey building form for the entire mass of two dwelling houses. The development proposed as part of this application has limited the two-storey form to the front 10.8 metres of the dwelling houses. The form is broken down somewhat by pitched roofs. It is considered that the proposed development has adequately minimised the bulk of the dwellings to reduce its impact on the neighbouring properties and to provide visual relief to the north and south of the two-storey form.

Given the above, the development is acceptable having regard to the objectives and controls relating to good urban design contained in MDCP 2011.

###### **(ii) Streetscape and Design (Part 4.1.5)**

The development satisfies the streetscape and design controls outlined in MDCP 2011 in that:

- The proposal is a contemporary design that complements and/or embellishes the character of the area;
- The dwelling houses addresses the principal street frontage and are orientated to complement the existing pattern of development found in the streets;
- The architectural treatment of the façade interprets and translates positive characteristics in the locality; and
- The front façade of the dwelling houses have been divided into bays of an appropriate size that complements the scale of the building and surrounding dwelling houses.

###### **Building Setbacks (Part 4.1.6.2)**

###### **Front setback**

The development satisfies the front setback controls outlined in MDCP 2011 in that:

- The front setback is consistent with the setback of adjoining development and/or the dominant setback found along the street; and
- The proposal adequately integrates new development with the established setback character of the street and maintains established gardens, trees and vegetation networks.

**Side setbacks**

The development satisfies the side setback control outlined in MDCP 2011 in that:

- The proposal ensures adequate separation between buildings for visual and acoustic privacy, solar access and air circulation;
- The proposal integrates new development with the established setback character of the street and maintains established gardens, trees and vegetation networks;
- The proposal does not create an unreasonable impact upon adjoining properties in relation to overshadowing and visual bulk; and
- The proposal is satisfactory in relation to the street context.

**Rear setback**

The rear boundary setback is acceptable for the following reasons:

- The proposal will not create adverse impacts on the amenity of adjoining properties in relation to overshadowing and visual bulk;
- The proposal maintains adequate open space;
- The proposal ensures adequate separation between buildings for visual and acoustic privacy, solar access and air circulation; and
- The proposal integrates new development with the established setback character of the street and maintains established gardens, trees and vegetation networks.

(iii) Site Coverage (Part 4.1.6.3)

The table below demonstrates that the proposal complies with the numerical site coverage requirements contained within MDCP 2011.

Site Area	Site Coverage Permitted (max.)	Site Coverage Proposed	Compliance
0-300sqm	On Merit	47.8% (Lot A)	Yes
>300-350sqm	60%	46.2% (Lot B)	Yes

The proposal:

- Results in a site coverage that is consistent with the existing character of neighbouring dwellings; and
- Allows adequate provision for uses such as outdoor recreation, footpaths, deep soil tree planting, other landscaping, off-street parking (where appropriate), waste management, clothes drying and stormwater management.

The development is reasonable having regard to the objectives and controls relating to site coverage contained in MDCP 2011.

(iv) Car Parking (Part 4.1.7)

Control C16 of Part 4.1.7 of MDCP 2011 permits a maximum height of 3.6 metres for garages with a pitched roof. The proposed garages at the rear of the sites have a maximum height of 4.25 metres. The height of the proposed garages is considered unnecessary and results in additional bulk to the parking structure. As such, a condition of consent is recommended which requires the garages be reduced to a maximum height of 3.6 metres.

(v) Additional Controls for Contemporary Dwellings (Part 4.1.9)

Part 4.1.9 of MDCP 2011 requires new infill development to maintain the perceived scale and character of the immediate streetscape. The development presents as full two-storey dwellings to Addison Road which do not maintain the scale and character of the single storey streetscape.

Notwithstanding, the proposed two-storey form of the dwellings are considered to satisfy the objectives of Part 4.1 of MDCP 2011 in that it:

- Maintains and encourages compatible architectural styles within the area;
- Provides development which is sensitive to the local environment, socially responsive, promotes a safe living environment and makes better use of the existing site;
- Ensures the impact of the housing on the amenity of surrounding properties is minimised by redistributing the bulk of the dwellings towards the front of the property, therefore providing visual relief for adjoining properties; and
- Provides high quality urban design that responds and translates positively to the characteristics of the locality.

Given the above, the development is acceptable having regard to the objectives relating to contemporary low density residential development contained in MDCP 2011.

### **PART 9 – STRATEGIC CONTEXT**

The property is located in the Newington Planning Precinct (Precinct 9) under Marrickville Development Control Plan 2011.

The proposed development is consistent with the desired future character of the area in that it:

- Protects significant streetscape and public domain elements within the precinct;
- Preserves the predominantly low density residential character of the precinct;
- Supports pedestrian and cyclist access, activity and amenity; and
- Ensures the provision of off-street car parking does not adversely impact the amenity of the precinct.

#### **5(d) 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(e) 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(f) Any submissions

The application was notified in accordance with Marrickville Development Control Plan 2011 for a period of 21 days to surrounding properties. A total of 27 submissions were received, including 19 objections and 8 submissions in support of the application

The submissions raised the following concerns which are discussed under the respective headings below:

Issue: Building Heights

Comment:

Concern was raised in a number of submissions regarding the proposed 9.5 metre height of the proposed dwellings. Specifically, concern was raised regarding the scale and massing of the dwellings and the resulting visual bulk impact on the neighbouring dwellings, including the loss of views. In addition, a number of submissions made reference to the NSWLEC dismissal which found that the proposed 8.5 metre building height of the original proposal on Lot B was excessive and required distinction from Lot A in order to minimise the impact on the neighbouring sites on Agar Street.

It is considered that the development has been appropriately amended, at the advice of Council, to limit the two-storey portion of the dwellings towards the front of the property. In doing so, the bulk of the developments has been effectively redistributed to minimise the visual bulk impact for the neighbouring properties, specifically those on Agar Street, and provide relief to the north and south of the two-storey elements. As a result, the increase in height of 1 metre is considered acceptable. It is considered that there are no significant views that will be lost as a result of the proposed dwellings.

Concern was also raised having regard to the loss of solar access for neighbouring sites as a result of the height and location of the proposed dwellings. As discussed in Part 5(c) of this report, solar access to windows serving principal living areas and areas of private open space is retained for a minimum of two (2) hours between 9.00am and 3.00pm on 21 June which is consistent with Council's controls.

In addition, concern was raised that the height and pitch of the proposed roofs and size of the internal first floor walk in robe may facilitate further future subdivision or dual occupancies. It is considered that the roof pitch is appropriate to the design of the dwellings and the internal spaces are not of irregular sizes. Any future applications to subdivide or alter the proposed dwelling houses will be considered on their merit.

Given the above, the proposed height of the dwellings is considered acceptable.

Issue: Streetscape

Comment:

Concern was raised in a number of submissions regarding the consistency of the proposed two-storey dwellings within the surrounding streetscape, specifically relating to the requirements for infill developments and the future character of the area. As discussed in



Part 5(c) of this report, it is considered that the design of the dwellings generally retains the amenity of the surrounding locality and provides dwellings that are of a design that is both sensitive to the nature of the surrounding streetscape and translates positively to the characteristics of the locality.

Issue: Privacy

Comment:

Concern was raised in a number of submissions regarding the loss of visual and acoustic privacy for neighbouring dwellings as a result of the proposed development. Specifically, the submissions raised objection to the height of the proposed windows and the semi-detached nature of the dwellings which resulted in all windows facing the east and west of the site and looking directly into neighbouring sites.

The height of the proposed windows above the side fences is a direct result of the flood risk on the site, however all ground and first floor side facing windows have a minimum sill height of 1.6 metres which will mitigate any direct overlooking impact to neighbouring sites.

In addition, concern was raised regarding the acoustic impact of the location of the rear private open space and potential location of air conditioning units. The location of the rear private open space is consistent with the surrounding properties and it is considered that it will not result in any unacceptable loss of acoustic privacy. A condition of consent has been recommended which requires any air conditioning units be located and appropriately noise attenuated so as to minimise the acoustic impact on the surrounding properties.

Issue: Setbacks

Comment:

Concern was raised in a number of submissions regarding the side setbacks of the proposed dwellings and the resulting visual bulk and scale impact of the setbacks. Specifically, many of the submissions objected to the side setbacks and requested they be increased so as to reduce the impact on the rear areas of private open space for the neighbouring sites on Agar Street.

The proposal generally maintains a minimum side setback of 900mm from the side property boundaries. It is considered that the setback is sufficient to minimise any visual bulk impact for neighbouring dwellings, particularly given the two-storey form of the dwellings has been limited to the front portion of the site. In addition, the setback allows sufficient solar access to neighbouring properties and is generally consistent with the setbacks of neighbouring properties.

The submissions also raised objection to the approximately 400mm side setbacks of the roof eaves of the rear single storey portion of the dwellings. It is considered that the side setback of the roof eaves will not have any unreasonable impact on the surrounding properties and is acceptable.

Issue: Private Open Space

Comment:

Concern was raised in a number of submissions regarding the amount of private open space provided on the site. As discussed in Part 5(c) of this report, the proposed areas of private open space are generally consistent with neighbouring sites, acts as an extension to the principal living areas and are provided with sufficient solar access. In addition, the amount of private open space allows for a consistent rear setback with the neighbouring dwellings on

Addison Road whilst providing sufficient space on the site for adequate off-street parking spaces.

Issue: Compliance

Comment:

Concern was raised in a number of submissions regarding general compliance of the proposed dwelling with the objectives of MLEP 2011 and MDCP 2011. In particular, objection was raised to the subdivision of the property given the potential impacts on the surrounding site. As discussed throughout this report, the proposed development achieves compliance with the relevant objectives and controls of MLEP 2011 and MDCP 2011 and the likely impacts of the development are acceptable.

In addition, concern was raised that the proposed development had not adequately addressed the finding of the NSWLEC. Although not determinative, the proposed development has been appropriately designed to address the concerns outlined in the earlier decision of the Court regarding development of the site, particularly having regard to bulk and scale.

Issue: Historical Value

Comment:

Concern was raised in a number of submissions regarding the loss of the historical significance of the site as an early development within the Marrickville area. The historical significance of the site has been acknowledged through a Heritage Interpretation Strategy which includes the provision of a sign that includes a brief description of the history of the site and an early image. The provision of the sign is included in the recommendation as a condition of consent.

The property is not listed as a heritage item under MLEP 2011, is not located within the vicinity of a heritage item and is not located within a heritage conservation area under MLEP 2011. In addition, the existing dwelling has been significantly altered and is in a state of disrepair. As such, demolition of the existing dwelling is supported.

Issue: Parking

Comment:

Concern was raised in a number of submissions regarding the height of the proposed garages at the rear of the site. A condition of consent has been imposed which requires the garages be amended to have a maximum height of 3.6 metres in accordance with MDCP 2011.

Concern was raised in a submission that insufficient off-street parking was proposed for the sites. One (1) car parking space is proposed per dwelling which is consistent with the requirements of MDCP 2011 and considered sufficient for the proposed use.

Issue: Materials and Finishes

Comment:

Concern was raised in a number of submissions regarding the quality of the proposed finishes and materials for the dwelling houses. Amended plans were received which amended the cement cladding to be weatherboard cladding. It is considered that the finishes and materials are of a quality that is consistent with good urban design.

In addition, a number of submissions raised concern regarding the cost of works proposed by the applicant. It is considered that the proposed cost of works is accurate and has been accompanied by an acceptable Cost Summary Report.

Issue: Flooding

Comment:

Concern was raised in a number of submissions that the proposed dwellings would increase the flood risk for neighbouring properties. An appropriate Flood Study was submitted with the application which demonstrated that proposed development would not increase the flood risk on the neighbouring properties. The application was referred to Council's Engineer who raised no objection to the proposed works.

Issue: Tree Management

Comment:

Concern was raised in a number of submissions regarding the impact of the proposed development on a number of trees within the locality. Appropriate documentation and measures to minimise impacts on significant trees within the locality were submitted with the application. The application was referred to Council's Tree Management Officer who raised no objection to the proposed works.

Issue: Boundary Fence

Comment:

Concern was raised in a submission that any proposed fencing would be incorrectly located as a result of lack of detail on the Survey Plan provided. Any disputes over the location of boundary fences are a civil matter outside of Council control.

Issue: Insufficient Information

Comment:

Concern was raised in a number of submissions regarding missing information and details relating to the proposed development. It is considered that sufficient information was submitted with the application (including the additional information submitted) to enable a complete and accurate assessment of the application.

### 5(g) 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

The application was referred to the following internal sections/officers:

*Engineering* – No objection raised, subject to imposition of appropriate conditions.

*Heritage* – No objection raised, subject to amendment of front cladding to be metal or washboard and an appropriate condition relating to the erection of appropriate signage which acknowledges the historical significance of the property.

*Tree Management* – Discussed in Part 5(c) above.

## **7. Section 7.11 Contributions/7.12 Levy**

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$20,000.00 would be required for the development under Marrickville Section 94 Contributions Plan 2014. This includes a credit for the existing dwelling. A condition requiring that contribution to be paid is included in the recommendation.

## **8. Conclusion**

The proposal generally complies with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and Marrickville Development Control Plan 2011.

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**

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. 201800562 to subdivide the land into 2 Torrens title lots and construct a 2 storey dwelling house on each lot with garages at the rear at 119 Addison Road subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### Conditions of Consent

#### Fees

#### 1. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$20,000.00 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 (“CP”) has been paid to the Council.

The above contribution is the contribution applicable as at 7 August 2019

**\*\*NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

#### (CONTRIBUTION PAYMENT REFERENCE NO. DC 002684)

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Public Amenities Type:	Contribution \$
Recreation Facilities	\$17,038.55
Community Facilities	\$2,191.17
Traffic Facilities	\$377.82
Plan Administration	\$392.16
<b>TOTAL</b>	<b>\$20,000.00</b>

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card\*.

\*NB A 0.75% credit card transaction fee applies to all credit card transactions.

#### 2. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

**3. Security Deposit – Standard**

Prior to the commencement of demolition works or issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$8,056.50
Inspection Fee:	\$230.65

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

**General Conditions**

**4. 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
DA-01 Issue A	Demolition Plan	21/10/2018	Alagaratnam Chandrahasan
DA-01A Issue A	Subdivision Plan	21/10/2018	Alagaratnam Chandrahasan
DA-03 Issue A	Proposed Site & Roof Plan	21/10/2018	Alagaratnam Chandrahasan
DA-04 Issue A	Ground Floor Plan – Main Dwelling	21/10/2018	Alagaratnam Chandrahasan
DA-05 Issue A	Ground Floor Plan – Detached Garage	21/10/2018	Alagaratnam Chandrahasan
DA-06 Issue A	First Floor Plan – Main Dwelling	21/10/2018	Alagaratnam Chandrahasan

DA-06A Issue A	Roof Plan – Garage	21/10/2018	Alagaratnam Chandrahasan
DA-07 Issue A	Elevations – Main Dwelling	21/10/2018	Alagaratnam Chandrahasan
DA-08 Issue A	Elevations – Main Dwelling	21/10/2018	Alagaratnam Chandrahasan
DA-09 Issue A	Elevations – Garage	21/10/2018	Alagaratnam Chandrahasan
DA-10 Issue A	Elevations – Garage	21/10/2018	Alagaratnam Chandrahasan
DA-11 Issue A	Sections	21/10/2018	Alagaratnam Chandrahasan
DA-17 Issue A	Schedule of Finishes	21/10/2018	Alagaratnam Chandrahasan
DA-19 Issue A	Concept Landscape Plan	21/10/2018	Alagaratnam Chandrahasan

As amended by the conditions of consent.

**5. Design Change**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a) The proposed garages are to be amended to have a maximum height of 3.6 metres

**6. 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.

**7. Erosion and Sediment Control**

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

**8. Verification of Levels and Location**

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

**9. Works Outside the Property Boundary**

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

**10. Boundary Fence**

The side boundary fence between the proposed lots is to have a maximum height of 1.8 meters.

**11. Air Conditioning Units**

Any air conditioning units on the site must be within an appropriately noise attenuated structure and located away from the adjoining dwellings so as to minimize the acoustic impact of the units.

**12. Tree Removal**

Approval is given for the following works to be undertaken to trees on the site:

Tree/location	Approved works
<i>Eriobotrya japonica</i> (Loquat) – Front. <i>Prunus</i> sp. (Stone Fruit) – Front. <i>Magnifera indica</i> (Mango) – Rear.	Removal.

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved.

**Prior to any Demolition**

**13. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties and existing condition of the footpath and roadway adjacent to the site to the Certifying Authority’s satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

**14. Advising Neighbors Prior to Excavation**

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

**15. Hoardings**

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.



Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.

#### **16. Construction Traffic Management Plan**

Prior to any demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction prepared by a person with RMS accreditation to prepare a work zone traffic management plan. Details must include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities. A work zone approval must be obtained.

#### **17. Project Arborist**

A Project Arborist shall be engaged before work commences for the duration of the site preparation, demolition, construction and landscaping.

Project Arborist - for the purpose of these conditions a Project Arborist is a suitably qualified professional who shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF) and who does not remove or prune trees in the Inner West local government area.

The contact details of the Project Arborist shall be advised to Council's Urban Forest Team before work commences and maintained up to date for the duration of the works. If a new Project Arborist is appointed details of the new Project Arborist shall be notified to Council's Urban Forest Team within 7 days.

#### **18. Tree Protection Plan**

A detailed site-specific Tree Protection Plan (TPP) is to be prepared by an AQF Level 5 Arboricultural Consultant and submitted for approval by the Inner West Council's Urban Forest Team prior to issue of the Construction Certificate. The TPP is to be prepared in accordance with the principles and specifications identified in *AS4970 - 2009 Protection of trees on development Sites* and is to include, but not be limited to the following:

- A site plan showing locations of proposed tree protection fencing, trunk and ground protection within the identified Tree Protection Zones (TPZ) of trees identified for retention;
- Unacceptable activities within fenced tree protection zones;
- Works methodologies within the TPZ;
- Crown pruning specifications (if required);
- Tree protection monitoring and compliance reporting schedule and key hold points;
- Tree root protection specifications for excavation or soil fill within the identified TPZs.

The Tree Protection Zones and measures contained in the TPP shall be shown clearly on the Construction Certificate drawings, including the Construction Management Plan.

The PCA must ensure the construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPP.

A Project Arborist who holds AQF Level 5 in Horticulture (Arboriculture) or above is to be appointed to monitor tree protection during the construction in accordance with the requirements identified in the TPP.

**19. Tree Protection Zone**

To preserve the following tree no work shall commence until the Protection Zone (in accordance with AS4970-*Protection of trees on development sites*) is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence shall be maintained intact until the completion of all demolition/building work on site.

Tree/location	Radius in metres
<p><i>Pyrus calleryana</i> (Bradford Pear) – Street tree on Addison Road</p>	<p>Rectangular fence to be erected bordering the top of the kerb and the footpath for a minimum distance of 1.5 m on either side of the trunk and shall be the width of the grass verge.</p>

A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical).The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.

Note – Ground protection (i.e. rumble boards over mulch) over non paved areas will be required within 5 metres of the tree if vehicular access is approved from Addison Road.

Requirements of this condition are to be met prior to works commencing. Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist to the satisfaction of the Principal Certifying Authority prior to any work commencing. Upon installation of the required tree protection measures, an inspection of the site by the Project Arborist is required to verify that tree protection measures comply with all relevant conditions.

**20. Tree Protection Signage**

Prior to works commencing or release of a Construction Certificate (whichever occurs first), tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metre intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form (lettering should comply with AS 1319-*Safety signs for the occupational environment*), the following information:

- a) Tree protection zone;
- b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted;
- c) Any encroachment not previously approved within the tree protection zone shall be the subject to advice from the Project Arborist in report form and must include the following:
  - Proof shall be provided that no other alternative is available;

- On completion, the Project Arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council;
- d) The name, address and telephone number of the builder and Project Arborist.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

### Prior to Construction Certificate

#### **21. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

*Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.*

#### **22. Concealment of Plumbing and Ductwork**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork including stormwater downpipes within the outer walls of the building so they are not visible.

#### **23. Flood Affected Site**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer that the works comply with the following specific requirements:

- a) All habitable floor levels must be set at RL 11.95 m AHD (1 in 100 year flood level plus 300mm freeboard). All structures below RL 11.95 m AHD must be constructed from flood compatible materials.
- b) The garage floor levels shall be set at RL 11.80m AHD
- c) All electrical equipment and wiring must be waterproofed or installed at or above RL 11.95 m AHD.
- d) A structural engineer's certificate must be submitted stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the 1 in 100-year flood level.
- e) The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path. Details of all obstructions or changes in level within the overland flow paths must be detailed on the plan.
- f) All fencing within the overland flow path must be of an open type so as to allow for the free flow of water throughout the site so as to maintain existing flows.

#### 24. Stormwater Drainage System

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a) The design must generally be in accordance with the Stormwater Drainage Concept plan on Drawing No. DG726 Issue A prepared by KD Stormwater Pty Ltd and dated 22/07/19.
- b) All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- c) The proposed rainwater tanks must not be installed within the side setbacks which are required to maintain the existing overland flow of stormwater.
- d) Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm.
- e) Charged or pump-out stormwater drainage systems are not permitted including for roof drainage.
- f) To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.
- g) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- h) Only a single point of discharge per lot is permitted to the kerb and gutter, per frontage of the site.
- i) No impact to street tree(s).

#### 25. Underground Services

Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the State Environmental Planning Policy shall be prepared. Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

**26. Footings**

The footings of the proposed garage, dwelling and fences will be isolated pier or pier and beam construction (or cantilever where within the SRZ - Structural Root Zone) within the specified radius of the trunks of the following trees and designed in conjunction with input from a consultant Arborist holding a minimum qualification of AQF5 Diploma Arboriculture.

Schedule	
Tree/location	Radius in metres
T1: <i>Pyrus calleryana</i> (Bradford Pear) – Street tree on Addison Road	6.8m
T2: <i>Syzygium smithii</i> (Lilly Pilly) – 121 Addison Road	7.8m (SRZ 2.9m)
T3: <i>Corymbia citriodora</i> (Lemon Scented Gum) – 12 Agar Street	6 m (SRZ 2.7m)

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The works within the nominated radial zones must be undertaken as specified by the Project Arborist to ensure that the ground between the pier excavation is not compacted.

Structural details of the pier or pier and beam construction and the methodology (endorsed in writing by the Project Arborist) proposed to ensure that the ground within the TPZ is not compacted shall be submitted to the Principal Certifying Authority satisfying the above requirements prior to the release of a Construction Certificate.

All construction plans must show the Tree Protection Zones and must be annotated with the requirements of this condition.

**27. Replacement Planting**

The following trees must be planted:

A minimum of 3 x 100 litre size trees (3 different species), which will each attain a minimum mature height of 6 metres, shall be planted in suitable locations within the property at a minimum of 1.5m from any boundary or structure. One tree shall be planted within the front setback of each lot and placed to avoid the canopy of the street tree as far as possible and one tree shall be planted in the rear of Lot B behind the garage and avoiding the canopy cover of the Lemon Scented Gum as far as possible. The trees must –

- a) Conform to AS2303—*Tree stock for landscape use*.
- b) Be planted by a qualified Arborist (minimum AQF 3)

Details of the species and planting locations of the replacement plants must be included on the landscape plan/site plan and be approved by Council prior to the issue of a Construction Certificate. Note: any replacement tree species must not be a palm tree species or tree species listed as an exempt species under Council's Tree Management Controls.

**28. Tree Pruning Works**

All approved tree pruning shall be undertaken after the issue of the Construction Certificate and prior to work commencing.

During Demolition and Construction

**29. 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.

**30. Survey Prior to Footings**

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

**31. Boundary Alignment Levels**

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

**32. Tree Roots**

If tree roots (less than 30mm in diameter) are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly using a sharp and *fit for purpose* tool. The pruning shall be undertaken by a minimum Level 3 (AQF 3) qualified Arborist.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist to the satisfaction of the Principal Certifying Authority.

**33. Tree Management Inspections**

The trees to be retained shall be inspected, monitored and treated by Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Principal Certifying Authority are required at the following times or phases of work:

Schedule	
Tree/location	Time of Inspection
T1: <i>Pyrus calleryana</i> (Bradford Pear) – Street tree on Addison Road T2: <i>Syzygium smithii</i> (Lilly Pilly) – 121 Addison Road T3: <i>Corymbia citriodora</i> (Lemon Scented Gum) – 12 Agar Street	<ul style="list-style-type: none"> <li>• During approved pruning</li> <li>• Directly following installation of protective fencing,</li> <li>• Directly following installation of protective groundcover,</li> <li>• During excavation within the <i>Tree Protection Zone</i>,</li> <li>• At any time fencing or ground protection is required to be altered,</li> <li>• At project completion to verify that protection measures have been undertaken.</li> </ul>

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

**34. Tree Pruning Works**

Canopy pruning of the following trees which is necessary to accommodate the approved building works shall be undertaken by, or directly supervised by, the project Arborist – for the purpose of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

Schedule	
Tree/location	Approved works
T1: <i>Pyrus calleryana</i> (Bradford Pear) – Street tree on Addison Road T2: <i>Syzygium smithii</i> (Lilly Pilly) – 121 Addison Road T3: <i>Corymbia citriodora</i> (Lemon Scented Gum) – 12 Agar Street	Pruning in accordance with Figure 6, Photos 3 and 4 and Sections 4.2, 4.3 and 4.5 of the Arboricultural Impact Assessment Report and Pruning Specification prepared by Joanne Willis, Revision B, and dated 23 July 2019.

All pruning shall be carried out to sections 5, 6 and 7.3.3 of the Australian Standard AS4373—*Pruning of amenity trees* and must be directly supervised by the Project Arborist.

Where a tree's canopy or root system has developed across property boundaries, consent to undertake works on the tree does not permit a person acting on the consent to trespass on adjacent lands. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent shall meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist to the satisfaction of the Principal Certifying Authority.

**35. Tree Protection Zones**

No tree roots of 30mm or greater in diameter located within the specified radius of the trunks of the following trees shall be severed or injured in the process of any works during the construction period.

Schedule	
Tree/location	Radius in metres
T1: <i>Pyrus calleryana</i> (Bradford Pear) – Street tree on Addison Road	6.8m
T2: <i>Syzygium smithii</i> (Lilly Pilly) – 121 Addison Road	7.8m (SRZ 2.9m)
T3: <i>Corymbia citriodora</i> (Lemon Scented Gum) – 12 Agar Street	6 m (SRZ 2.7m)

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

All excavation (including for all services) within the specified radius of the trunks of the following trees being hand dug to a depth of 1 metre under supervision of the project arborist and then by mechanical means (if required) as agreed by the Project Arborist:

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

Note - services should be attached to the underside or side of structures to avoid excavation within the TPZ where possible.

### **36. Storage of Materials**

No storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.

### **37. Trees on Public Property**

No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

## **Prior to Occupation Certificate**

### **38. Aircraft Noise –Alterations and Additions**

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with a report from a suitably qualified person demonstrating that each of the commitments listed in Aircraft Noise Assessment Report required by this consent has been satisfied.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

### **39. Section 73 Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

### **40. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the Roads Act 1993 including:



- a) The existing concrete footpath across the frontage of the site must be reconstructed.
- b) All other works subject to the Roads Act 1993 approval required as a result of the development.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

#### **41. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

#### **42. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that any damaged stone kerb has been replaced.

#### **43. Easements, Restrictions on the Use of Land and Positive Covenant**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the Conveyancing Act 1919, has been created on the title of the property detailing the following:

- a) Restrictions on the Use of Land related to Stormwater Surface Flow Paths;
- b) Positive Covenant related to Stormwater Surface Flow Paths.

The wording in the Instrument must be in accordance with Councils Standard wording.

#### **44. Heritage Interpretation Sign**

The Heritage Interpretation Sign as detailed in the Heritage Interpretation Strategy & Conservation Strategy dated November 2018 prepared by Andrew Starr and Associated Heritage Consultants must be erected on the site prior to the issue of an Occupation Certificate.

#### **45. Tree Management Works**

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including tree planting, have been undertaken in accordance with the approved plan(s) and conditions of consent.

A Compliance Certificate is to be issued by the Project Arborist certifying that all tree protection measures as detailed in the approved Tree Protection Plan have been complied with prior to issue of the Occupation Certificate and that all works within the TPZs have been undertaken in accordance with the conditions of this consent.

### Prior to Subdivision Certificate

#### **46. 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.

#### **47. Separate Stormwater**

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority must be provided with Certification by a Chartered/Registered Civil Engineer that:

- a) The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.
- b) Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate including floor levels. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped Construction Certificate plans.

### On-going

#### **48. Canopy Replenishment**

The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 5 metres whereby, they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 1 month.

### Advisory notes

#### **Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

#### **Notification of commencement of works**

At least 7 days before any demolition work commences:

- a) the Council must be notified of the following particulars:
  - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - ii. the date the work is due to commence and the expected completion date; and
- b) a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

**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.

**Toilet Facilities**

The following facilities must be provided on the site:

- a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

**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.
- 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.

#### **Dividing Fences Act**

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

#### **Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

#### **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.

**Fire Safety Certificate**

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

**Lead-based Paint**

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

**Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> 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 AS1 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 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

**Chartered/Registered Engineer**

An engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng).

**Public Domain and Vehicular Crossings**

The vehicular crossing and/or public domain works are required to be constructed by your contractor. You or your contractor must complete an application for 'Design of Vehicle Crossing and Public Domain Works – Step 1' form and/or 'Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. 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 at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

**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.

**Easement and Covenant Process**

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR) and stormwater quality improvement devices (SQIDS):

**a) Work-As-Executed Plans**

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels, contours at 0.2-metre intervals and volume of storage available. Also, the outlet pipe from the detention basin to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.

b) Engineer's Certificate

- i. A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:
- ii. the soundness of the storage structure;
- iii. the capacity of the detention storage;
- iv. the emergency overflow system being in place;
- v. the works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
- vi. the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
- vii. basement car park pumps are class one zone two;
- viii. OSR pumps and SQIDS have been installed and commissioned.

c) Restriction-As-To-User

A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the detention area and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect the function of the stormwater detention system and SQIDS, must not be carried out without the prior consent in writing of the Council. Such restrictions must not be released, varied or modified without the consent of the Council. A typical document is available from Council's Development Assessment Engineer

d) A Maintenance Schedule.

**Dial before you dig**

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

**Useful Contacts**

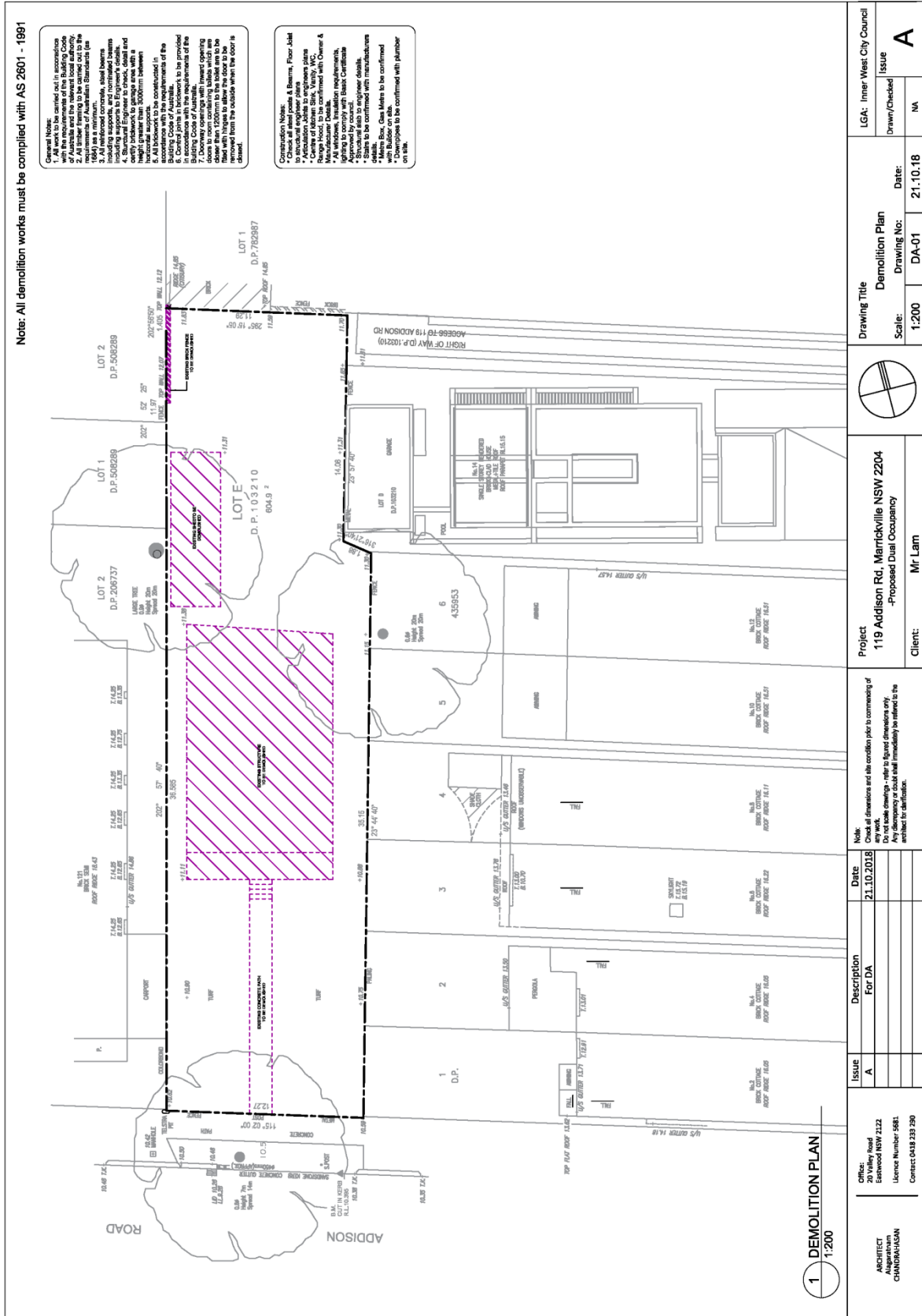
BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diySAFE.nsw.gov.au">www.diySAFE.nsw.gov.au</a>

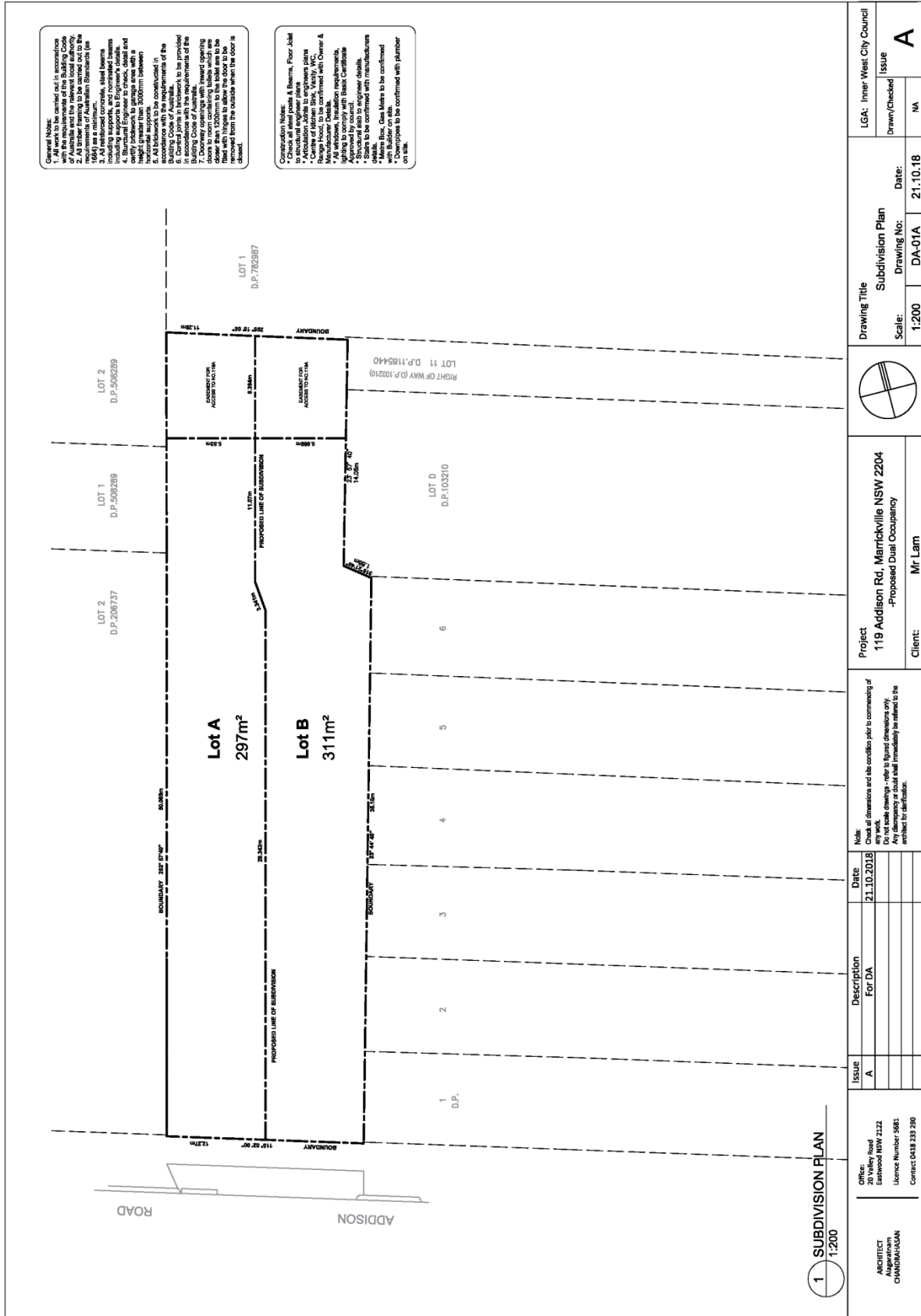
Information on asbestos and safe work practices.

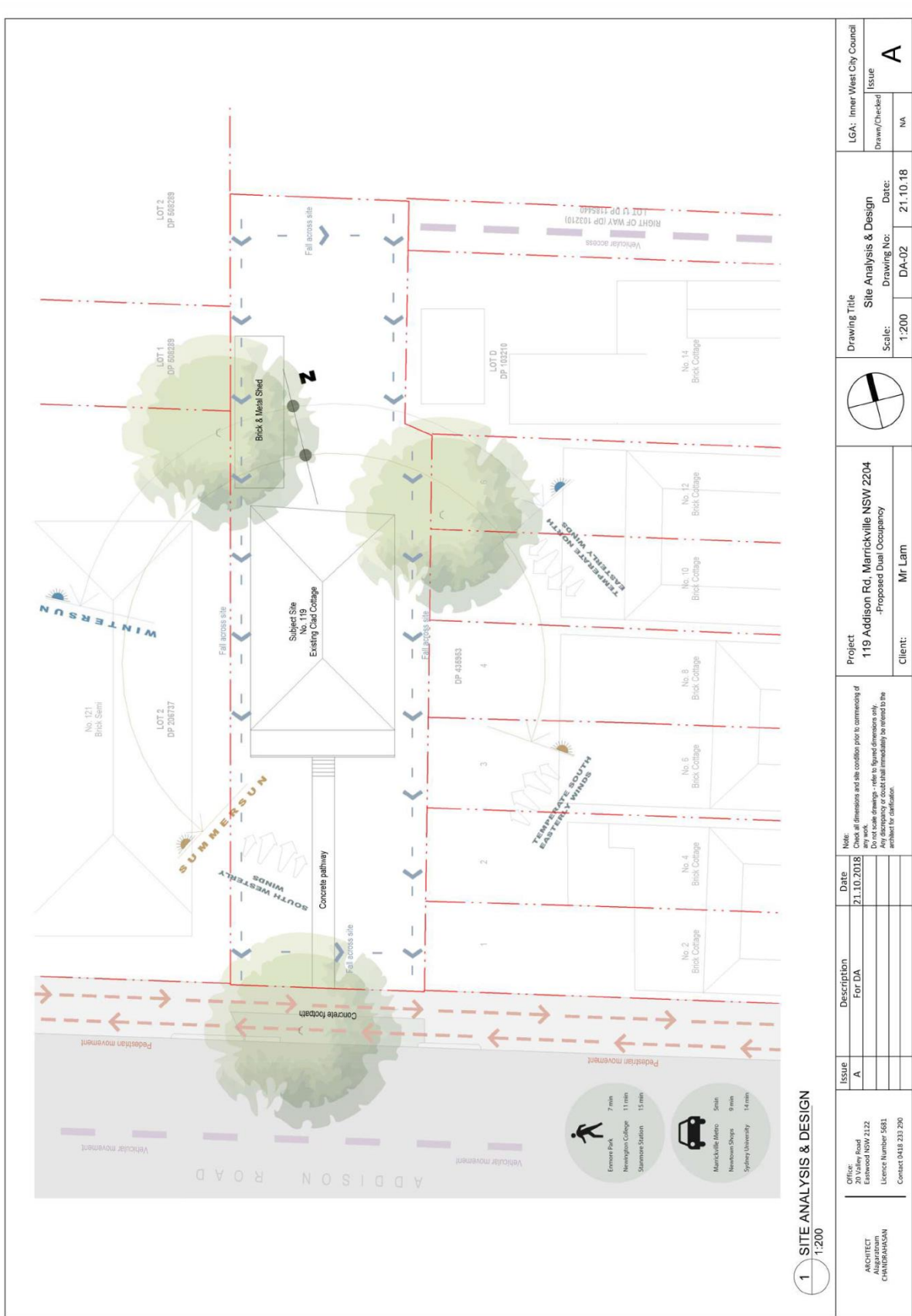
- NSW Office of Environment and Heritage 131 555  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)
- Sydney Water 13 20 92  
[www.sydneywater.com.au](http://www.sydneywater.com.au)
- Waste Service - SITA Environmental Solutions 1300 651 116  
[www.wasteservice.nsw.gov.au](http://www.wasteservice.nsw.gov.au)
- Water Efficiency Labelling and Standards (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)
- WorkCover Authority of NSW 13 10 50  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)  
Enquiries relating to work safety and asbestos removal and disposal.



Attachment B – Plans of proposed

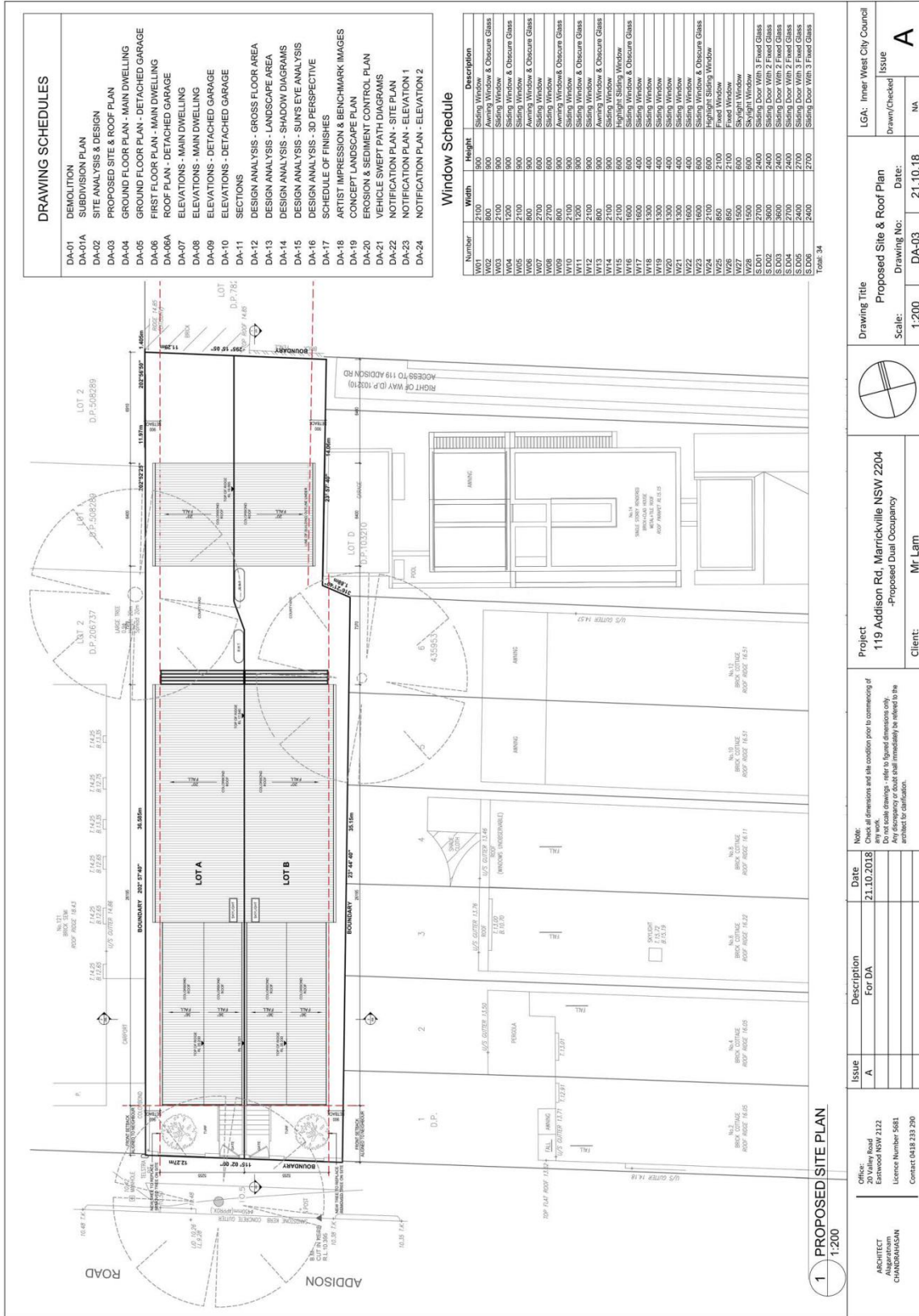


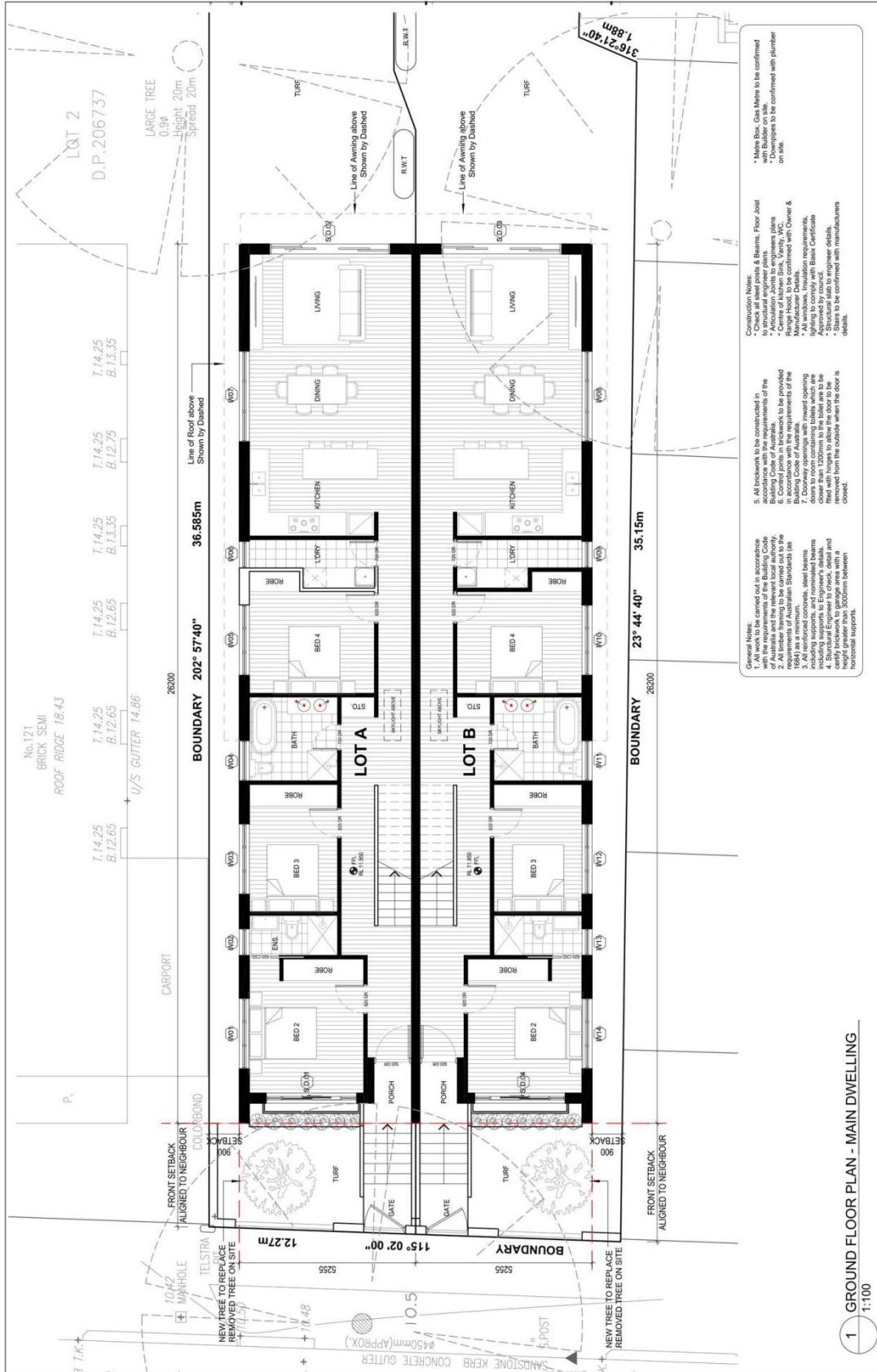




1 SITE ANALYSIS & DESIGN  
1:200

Office: 3 Valley Road Epping NSW 2122 Licence Number 5681 Contact 0418 233 290	Issue A	Description For DA	Date 21.10.2018	Note: All dimensions and site outlines refer to commencement of any work. Do not scale drawings - refer to figured dimensions only. Any discrepancy or issue shall immediately be referred to the architect for clarification.	Project 119 Addison Rd, Marrickville NSW 2204 -Proposed Dual Occupancy	Client: Mt Lam	Drawing No: DA-02	Date: 21.10.18	LGA: Inner West City Council	
									Drawn/Checked NA	Issue A

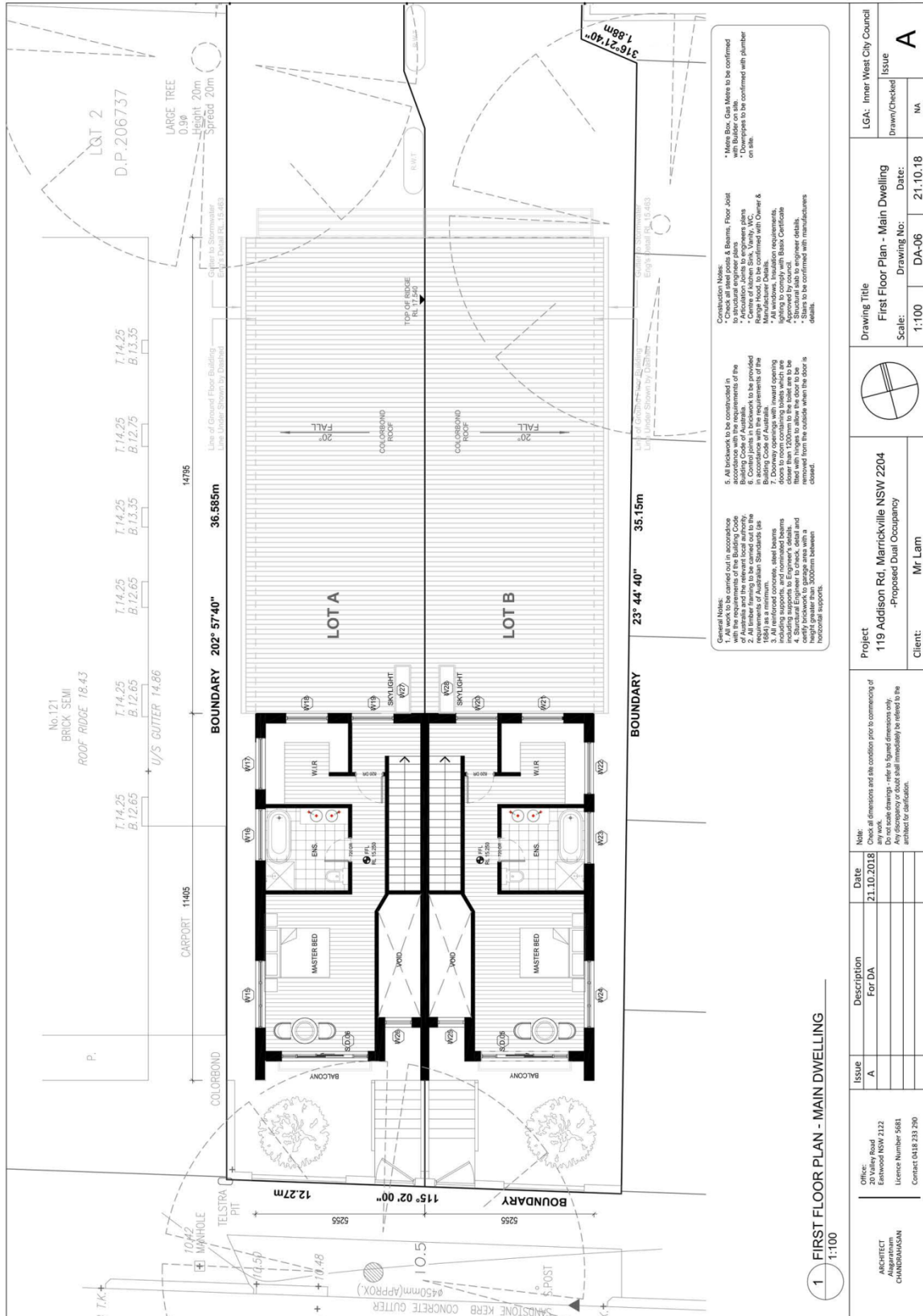


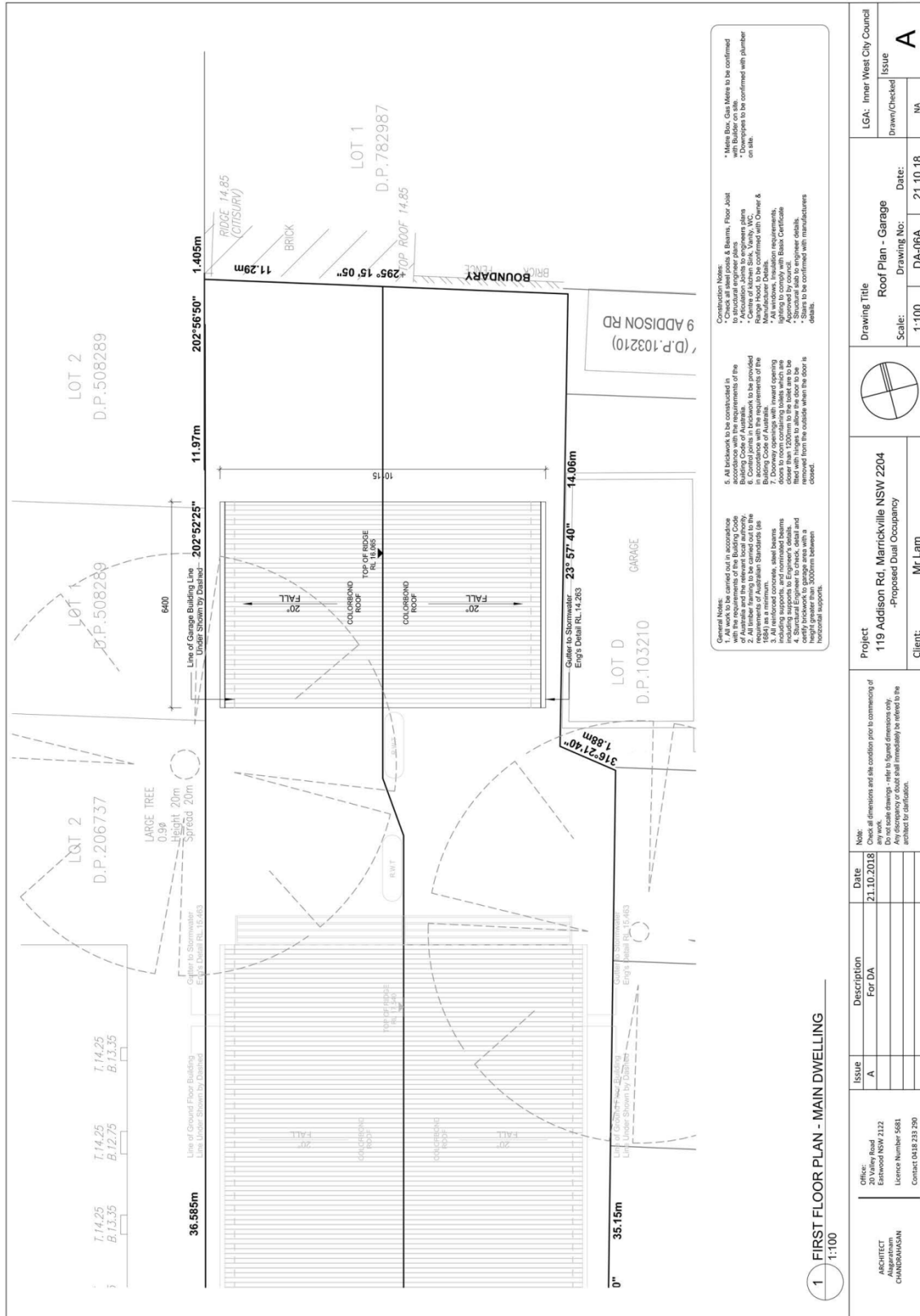


1 GROUND FLOOR PLAN - MAIN DWELLING  
1:100

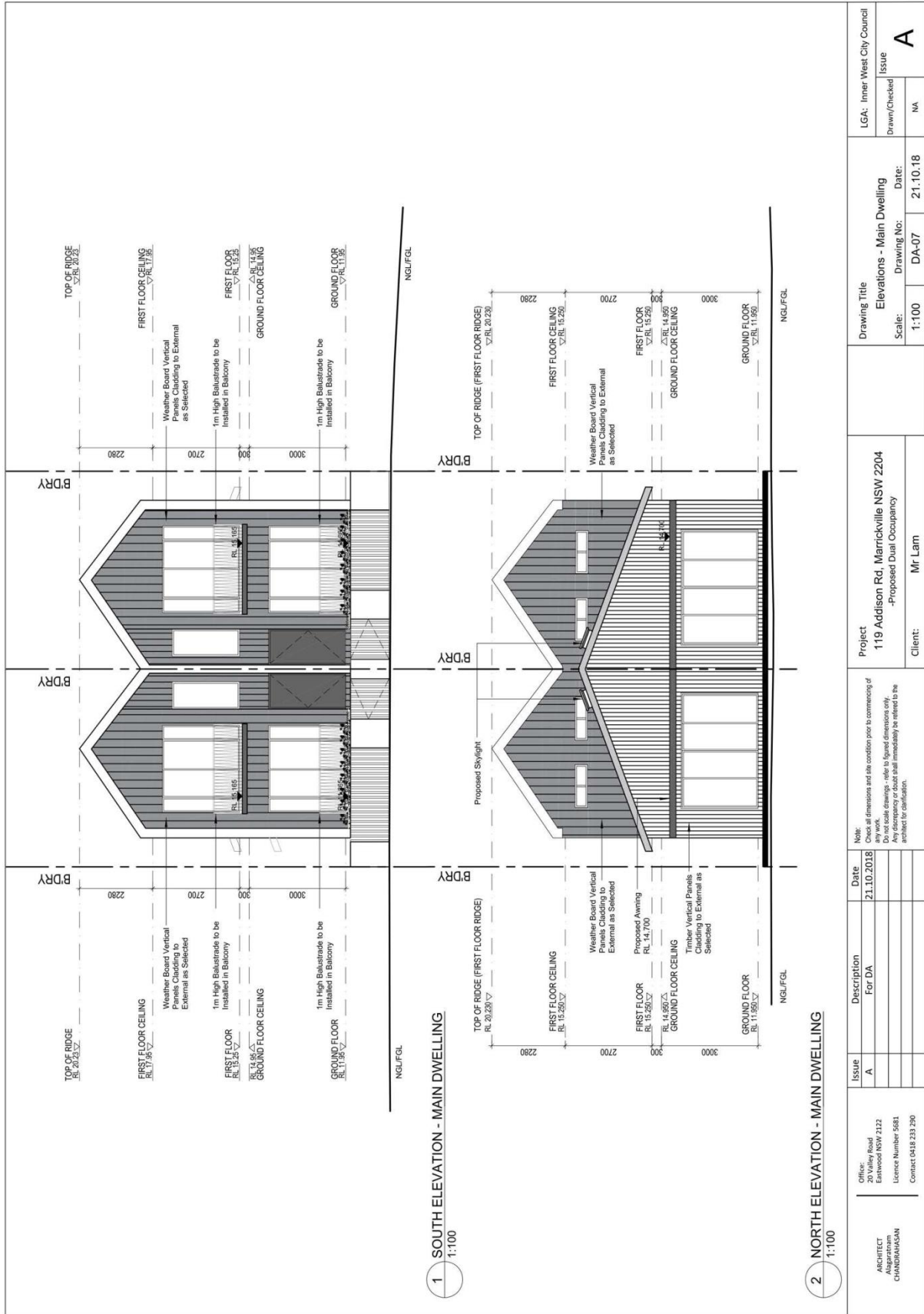
Office: ANNE PATEL ARCHITECT ALAN BARRAN CHANDRAHASAN Contact 0418 233 290	Issue	A	Description	For DA	Date	21.10.2018	Note:	Check all dimensions and site condition prior to commencing of work.
	Drawing Title Ground Floor Plan - Main Dwelling	Scale:	1:100	Drawing No:	DA-04	Date:	21.10.18	Any discrepancy or doubt shall immediately be referred to the architect for clarification.
Project 119 Addison Rd, Marrickville NSW 2204 -Proposed Dual Occupancy	Client:	M: Lam	Drawing Title Ground Floor Plan - Main Dwelling		Drawing No: DA-04	Date: 21.10.18	LGA: Inner West City Council Drawn/Checked Issue NA A	



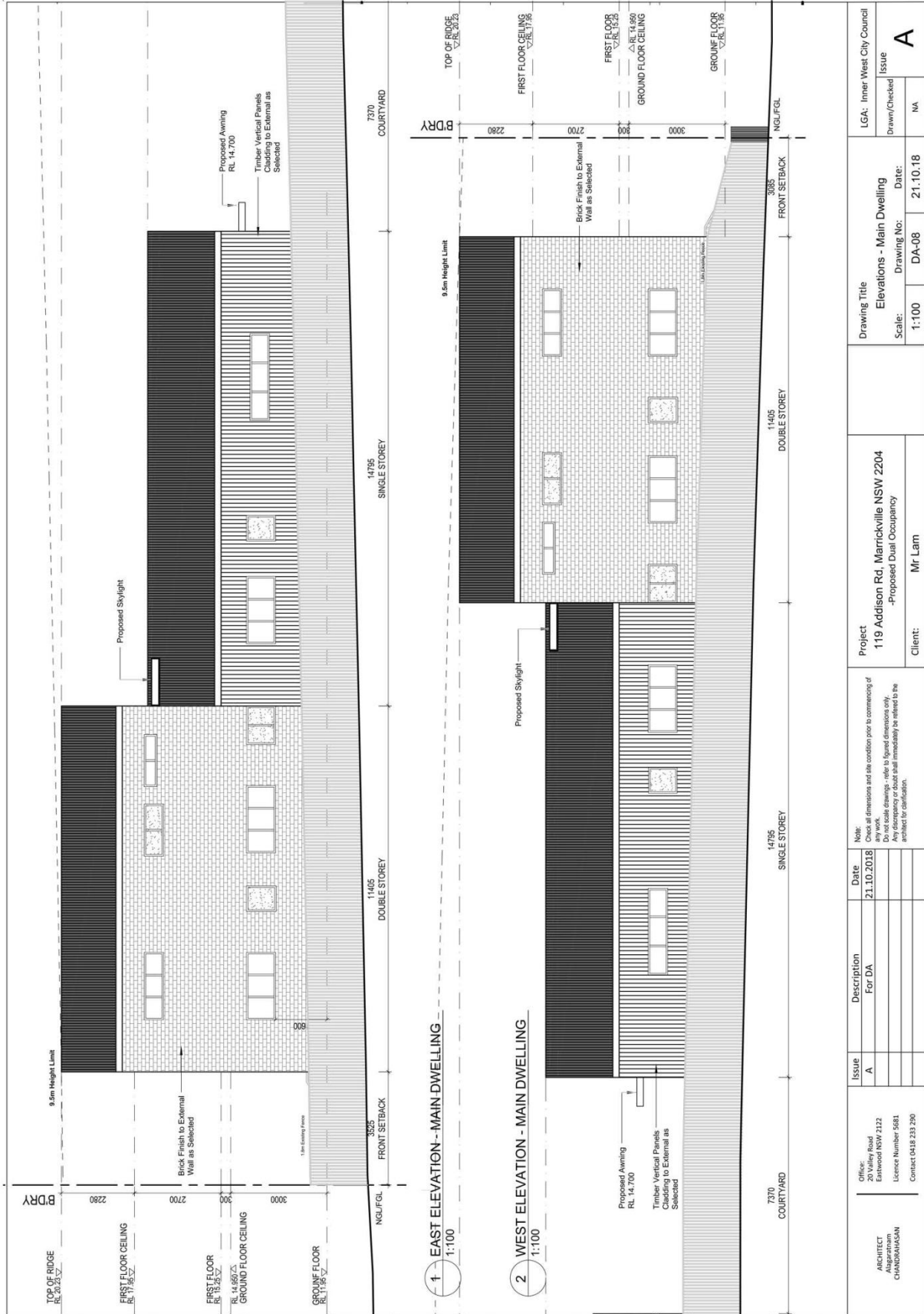


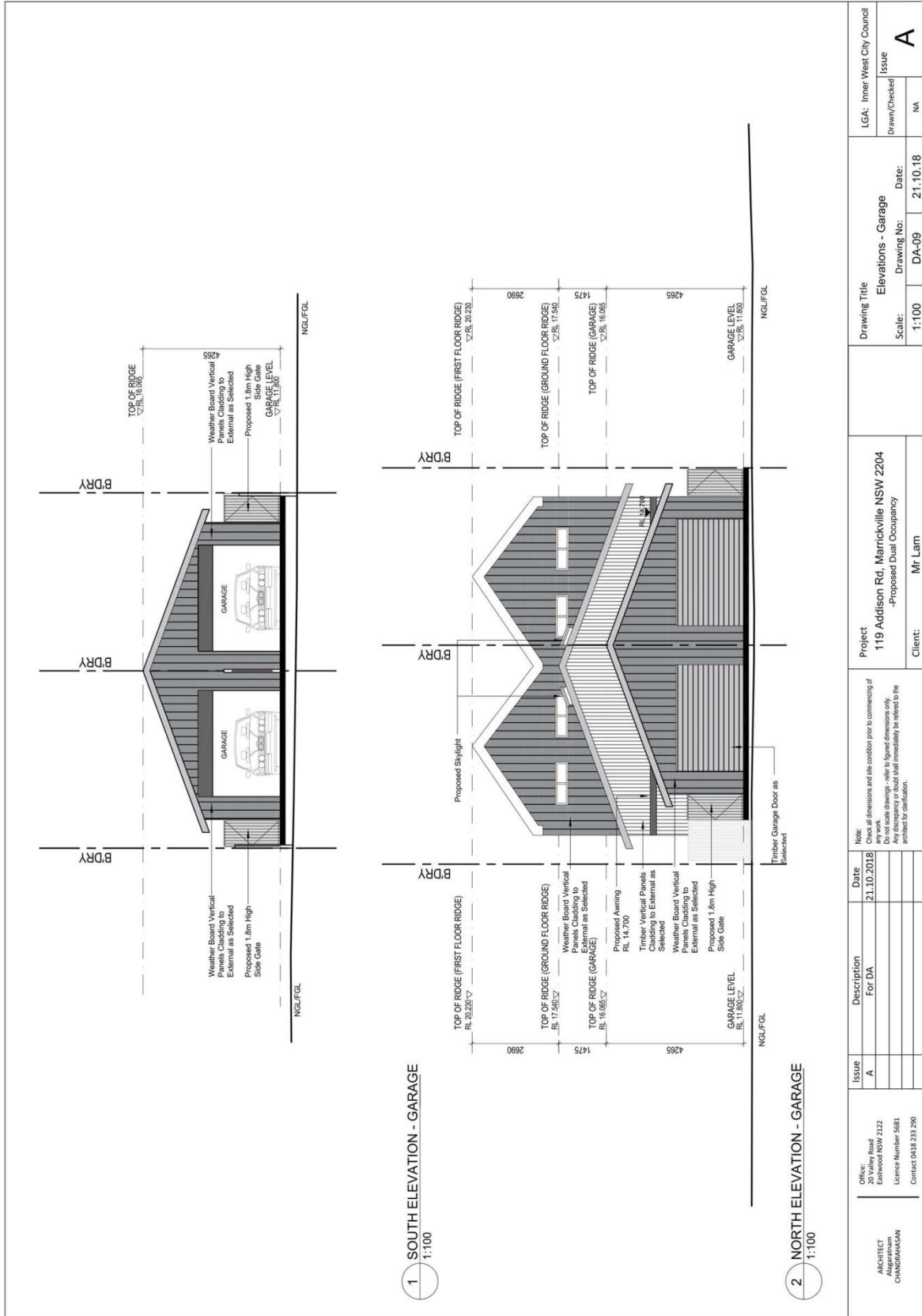




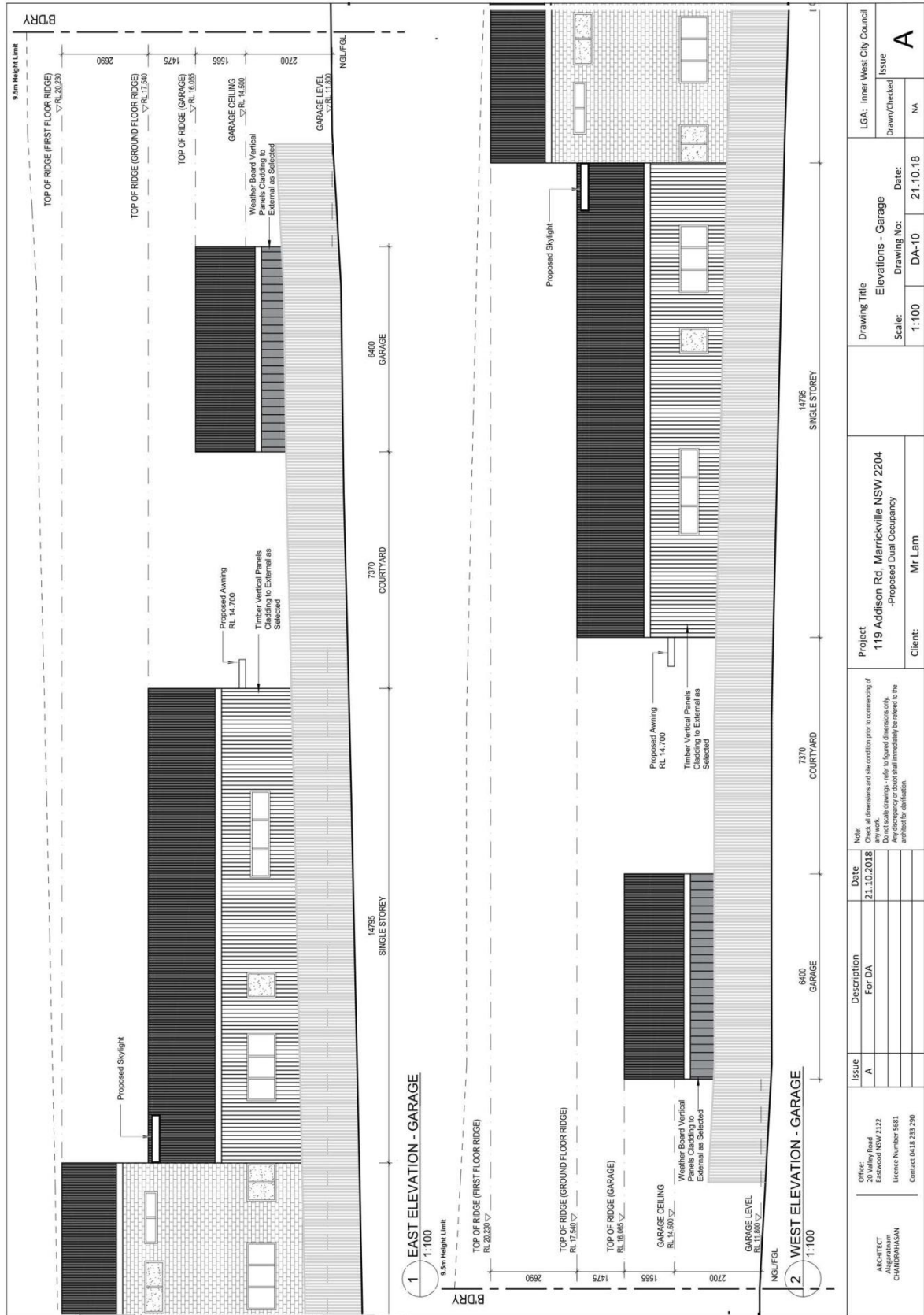


Office: 20 Valley Road Eastwood NSW 2122 Licence Number 5681 CHANDRANATHAN Contact 04152 333 290	Issue	A	Date	21.10.2018
	Description	For DA		
Note: Check all dimensions and site condition prior to commencing of work. Do not scale drawings - refer to figure dimensions only. Any discrepancy or doubt shall immediately be referred to the architect for clarification.				
Project 119 Addison Rd, Marrickville NSW 2204 -Proposed Dual Occupancy		Client: Mr Lam		
Drawing Title Elevations - Main Dwelling		Date: 21.10.18		
Scale: 1:100		Drawing No: DA-07		
LGA: Inner West City Council Drawn/Checked Issue		NA		

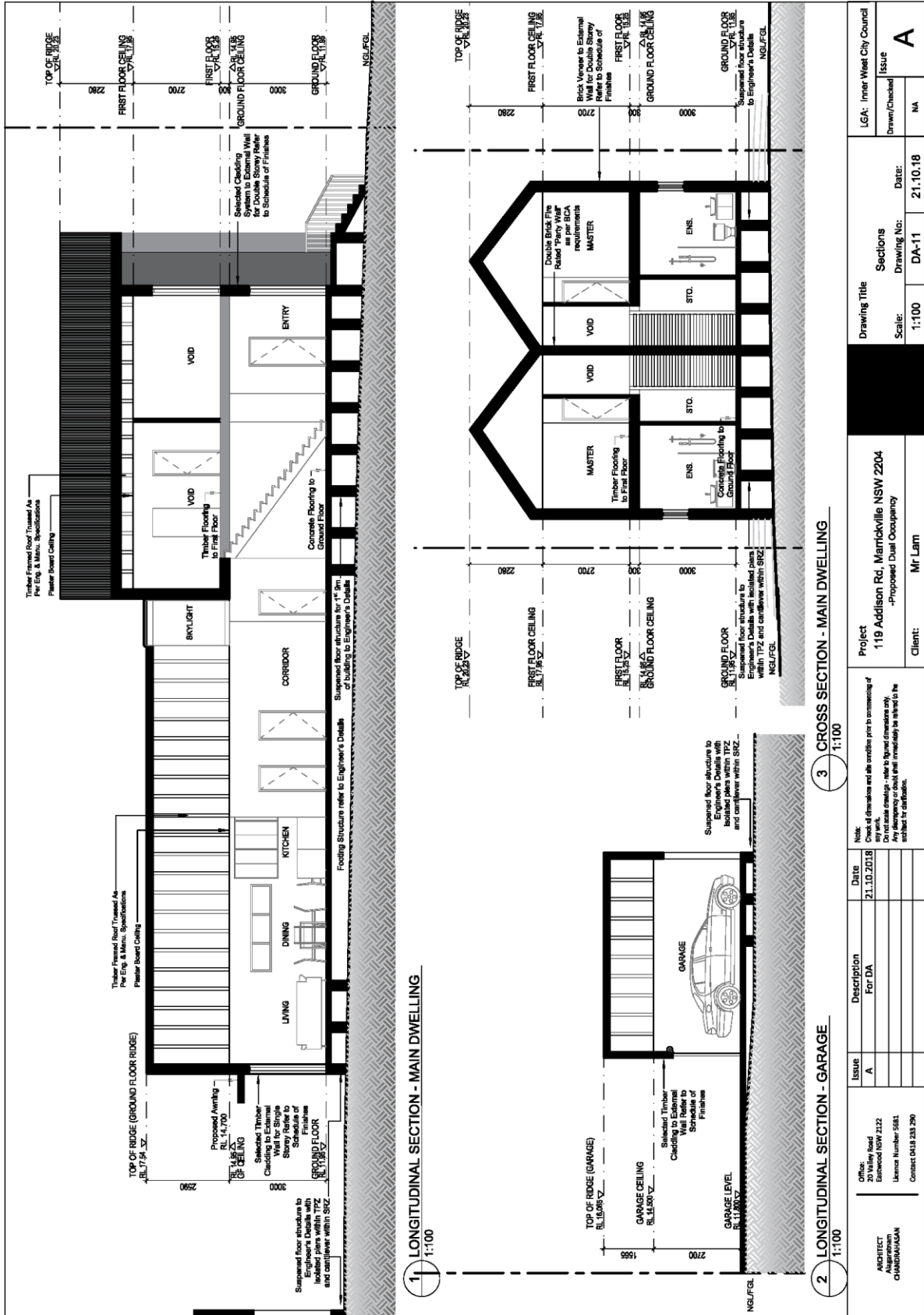


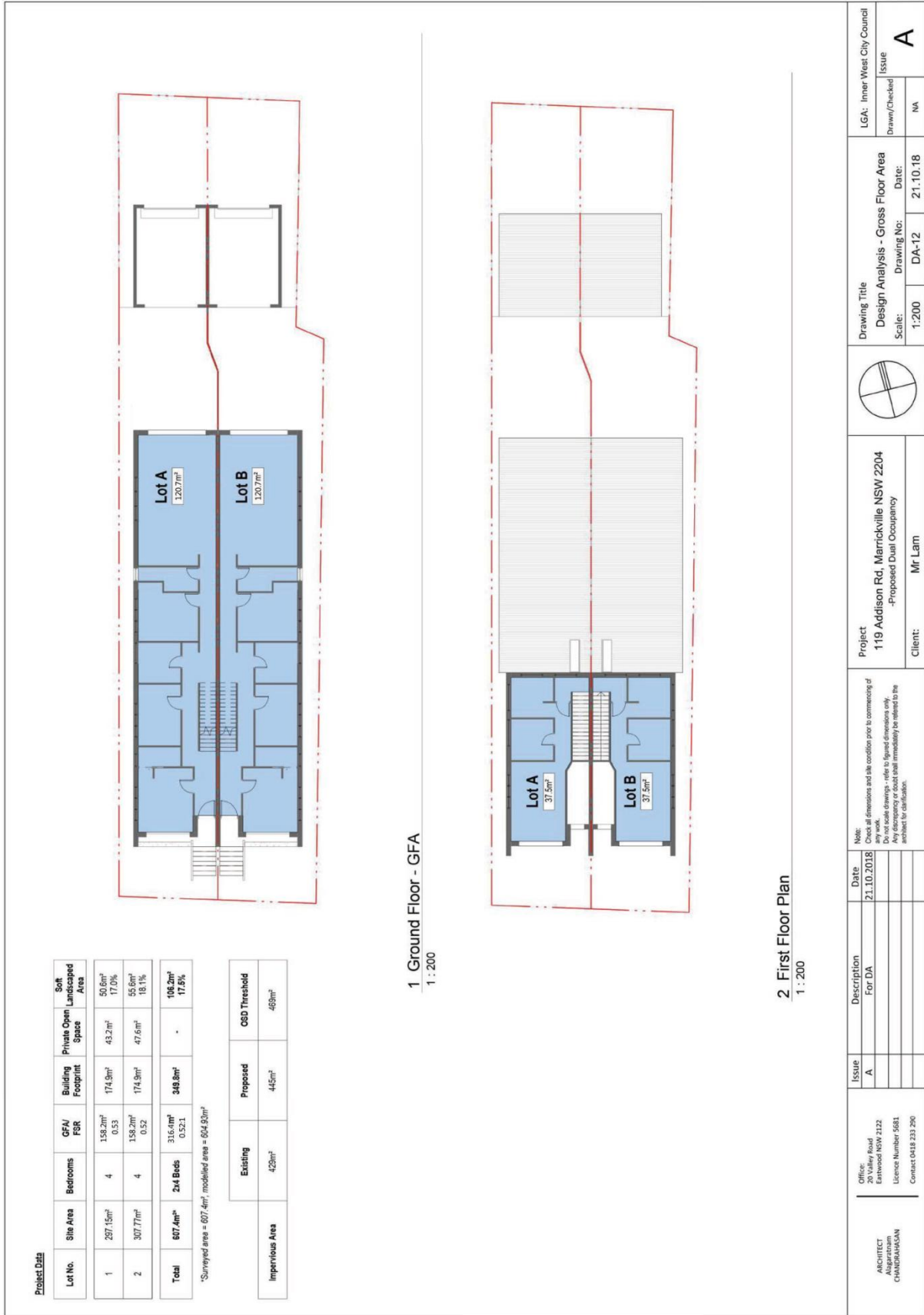


Office: 20 Valley Road Eastwood NSW 2122 Architect CHANDRANAN	Issue	A	Date	21.10.2018
	Description	For DA		
Note: Check all dimensions and site condition prior to commencing of work. Do not scale drawings - refer to figured dimensions only. Any discrepancy or doubt shall immediately be referred to the architect for clarification.				
Project 119 Addison Rd, Marrickville NSW 2204 -Proposed Dual Occupancy		Client: Mr Lam		
Drawing Title Elevations - Garage		Drawing No: DA-09	Date: 21.10.18	
Scale: 1:100		Drawn/Checked NA		
LGA: Inner West City Council		Issue A		



ARCHITECT CHAMBERSIAN	Office: 20 Valley Road Eastwood NSW 2122 Licence Number 5081 Contact 0418 333 330	Issue A	Description For DA	Date 21.10.2018	Note: Check all dimensions and site condition prior to commencing of any works. Drawings refer to ground elevations only. Any discrepancy or doubt shall immediately be referred to the architect for clarification.	Project 119 Addison Rd, Marrickville NSW 2204 -Proposed Dual Occupancy	Client: Mr Lam	Drawing Title Elevations - Garage	Drawing No: DA-10	Date: 21.10.18	LGA: Inner West City Council Drawn/Checked Issue NA A
	Scale: 1:100		Scale: 1:100		Scale: 1:100		Scale: 1:100		Scale: 1:100		NA





**Project Data**

Lot No.	Site Area	Bedrooms	GFA/FSR	Building Footprint	Private Open Space	Soft Landscaped Area
1	297.15m <sup>2</sup>	4	158.2m <sup>2</sup> 0.53	174.9m <sup>2</sup>	43.2m <sup>2</sup>	50.6m <sup>2</sup> 17.0%
2	307.7m <sup>2</sup>	4	158.2m <sup>2</sup> 0.52	174.9m <sup>2</sup>	47.6m <sup>2</sup>	55.6m <sup>2</sup> 18.1%
<b>Total</b>	<b>607.4m<sup>2</sup></b>	<b>2x4 Beds</b>	<b>316.4m<sup>2</sup></b> <b>0.52:1</b>	<b>349.8m<sup>2</sup></b>	-	<b>106.2m<sup>2</sup></b> <b>17.5%</b>

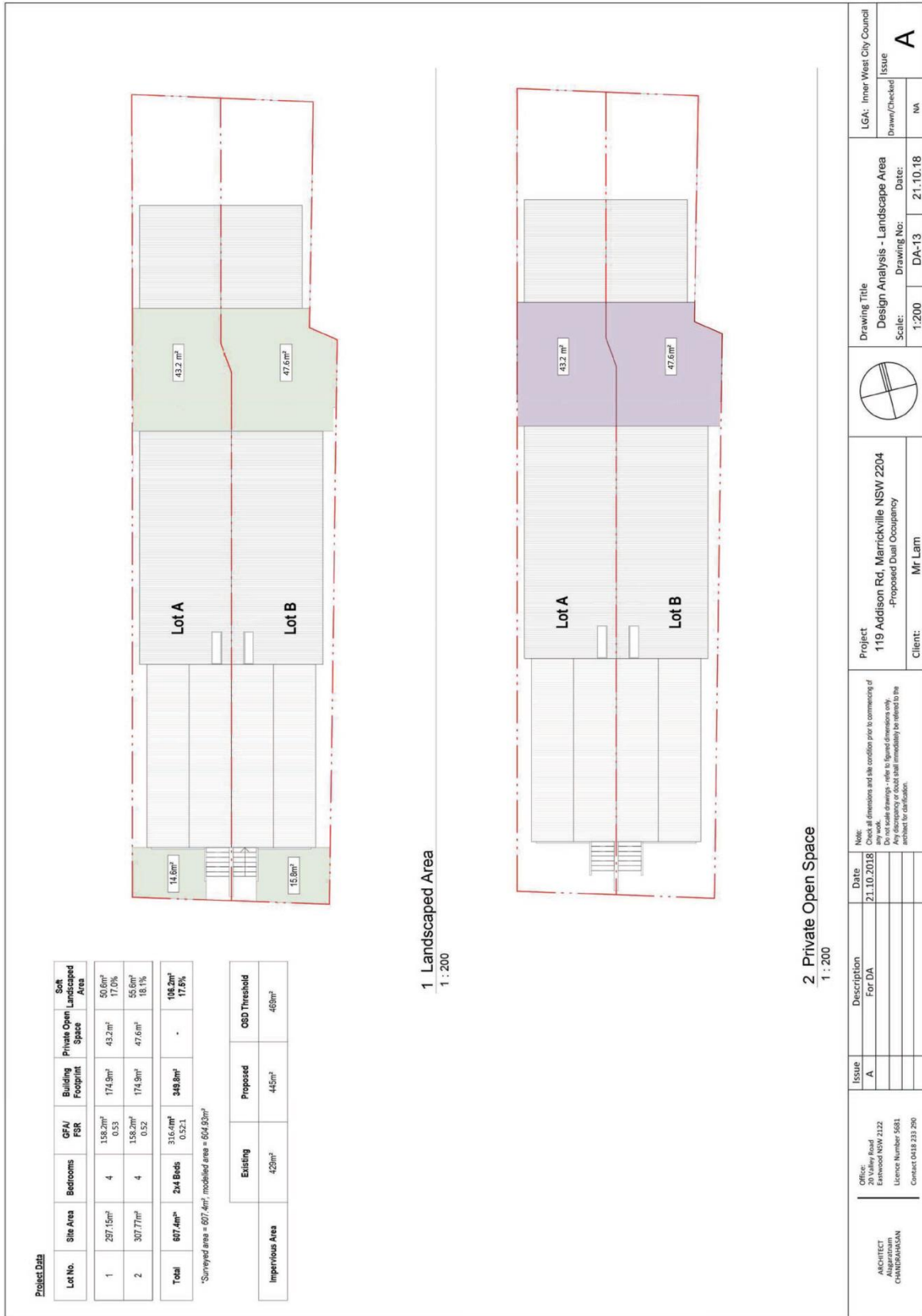
\*Surveyed area = 607.4m<sup>2</sup>, modelled area = 604.93m<sup>2</sup>

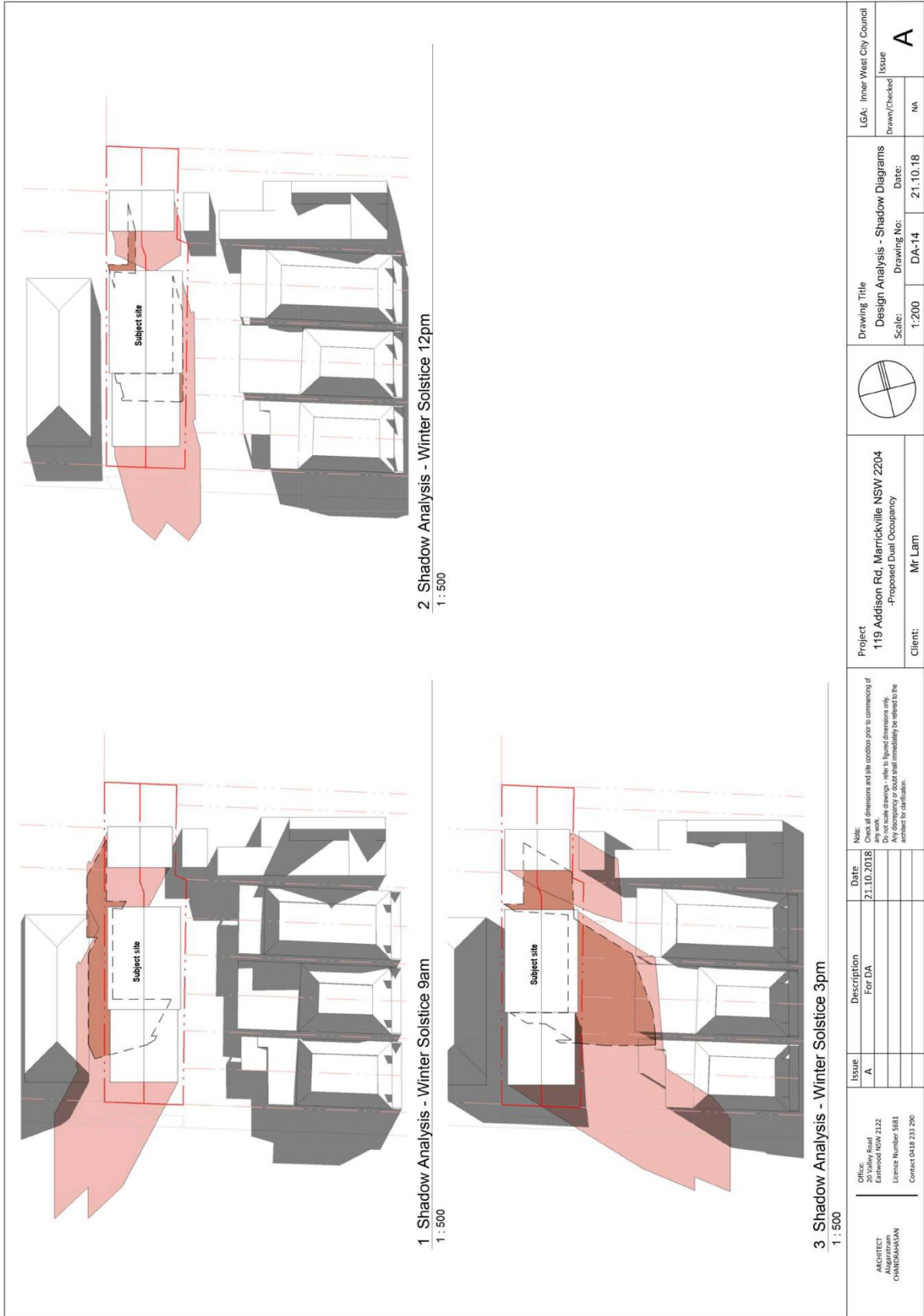
Impervious Area	Existing	Proposed	OSD Threshold
	425m <sup>2</sup>	445m <sup>2</sup>	469m <sup>2</sup>

**1 Ground Floor - GFA**  
1 : 200

**2 First Floor Plan**  
1 : 200

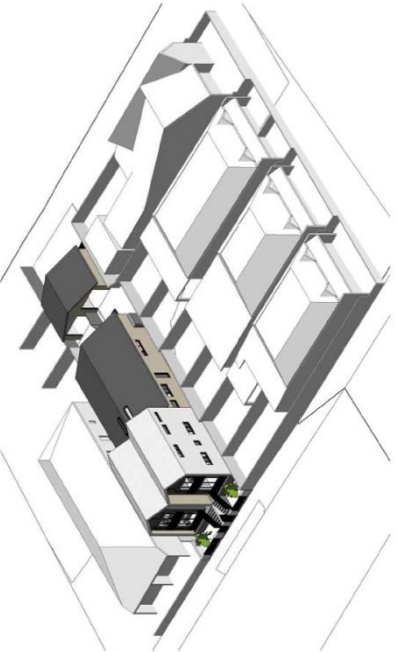
ARCHITECT CHAMPAGNAN	Office: 20 Valley Road Eastwood NSW 2122 Licence Number 5681 Contact 0412 231 290	Issue	A	Date	21.10.2018	Note: Check all dimensions and site condition prior to commencing of the works. Do not work drawings - refer to final dimensions only. Any discrepancy or doubt shall immediately be referred to the architect for clarification.	Project 119 Addison Rd, Marrickville NSW 2204 -Proposed Dual Occupancy Client: Mr Lam		Drawing Title Design Analysis - Gross Floor Area Scale: 1:200 Drawing No: DA-12 Date: 21.10.18	LGA: Inner West City Council Drawn/Checked Issue NA <b>A</b>
		Description	For DA							



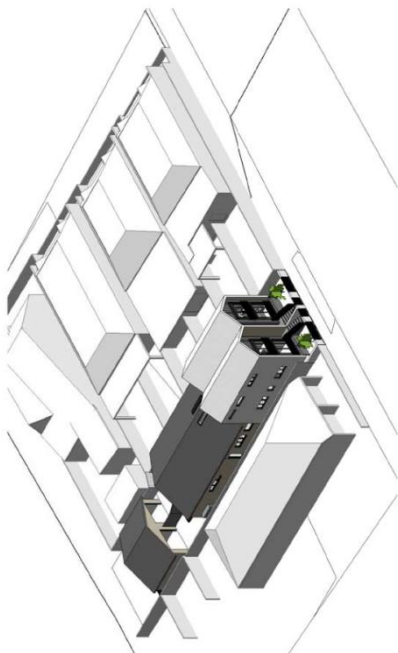




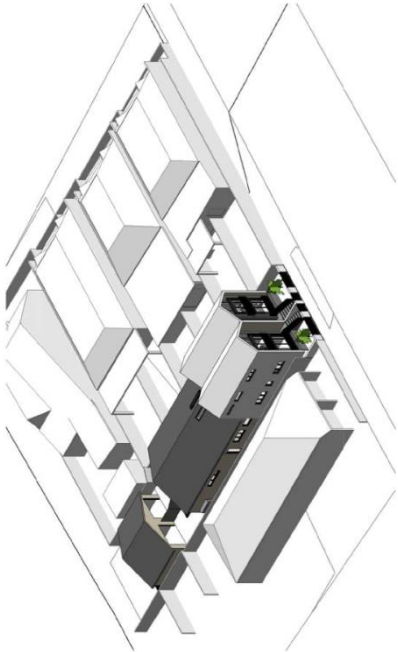
	<p>1 Sun's Eye - Winter Solstice 9am</p>		<p>2 Sun's Eye - Winter Solstice 12pm</p>		<p>3 Sun's Eye - Winter Solstice 3pm</p>	
<p>Note: Check all dimensions and site condition prior to commencing of construction. Do not scale drawings - refer to figured dimensions only. Any discrepancy or error shall immediately be referred to the architect for clarification.</p>						
<p>Office: 20 Valley Road Crowswood NSW 2122 Licence Number 5681 Contact 0418 233 290</p> <p>ARCHITECT Alagaratham CHANDIRAKASAN</p>	<p>Issue: A</p>	<p>Description: For DA</p>	<p>Date: 21.10.2018</p>	<p>Project: 119 Addison Rd, Marrickville NSW 2204 -Proposed Dual Occupancy Client: Mr Lam</p>	<p>Drawing Title: Design Analysis - Sun's Eye Analysis Scale: 1:200 Drawing No: DA-15 Date: 21.10.18</p>	<p>LGA: Inner West City Council Drawn/Checked: NA Issue: A</p>



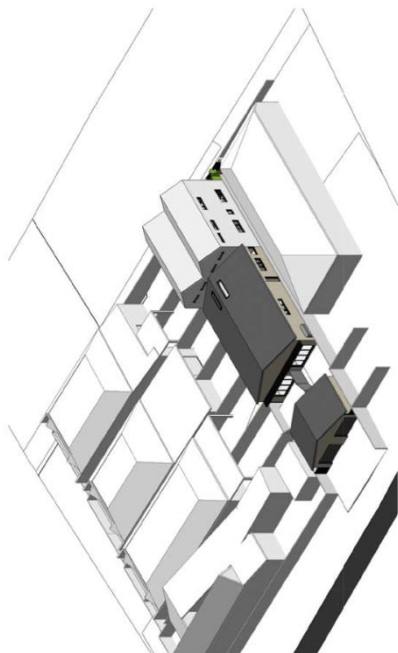
1 3D - Perspective A



2 3D - Perspective B

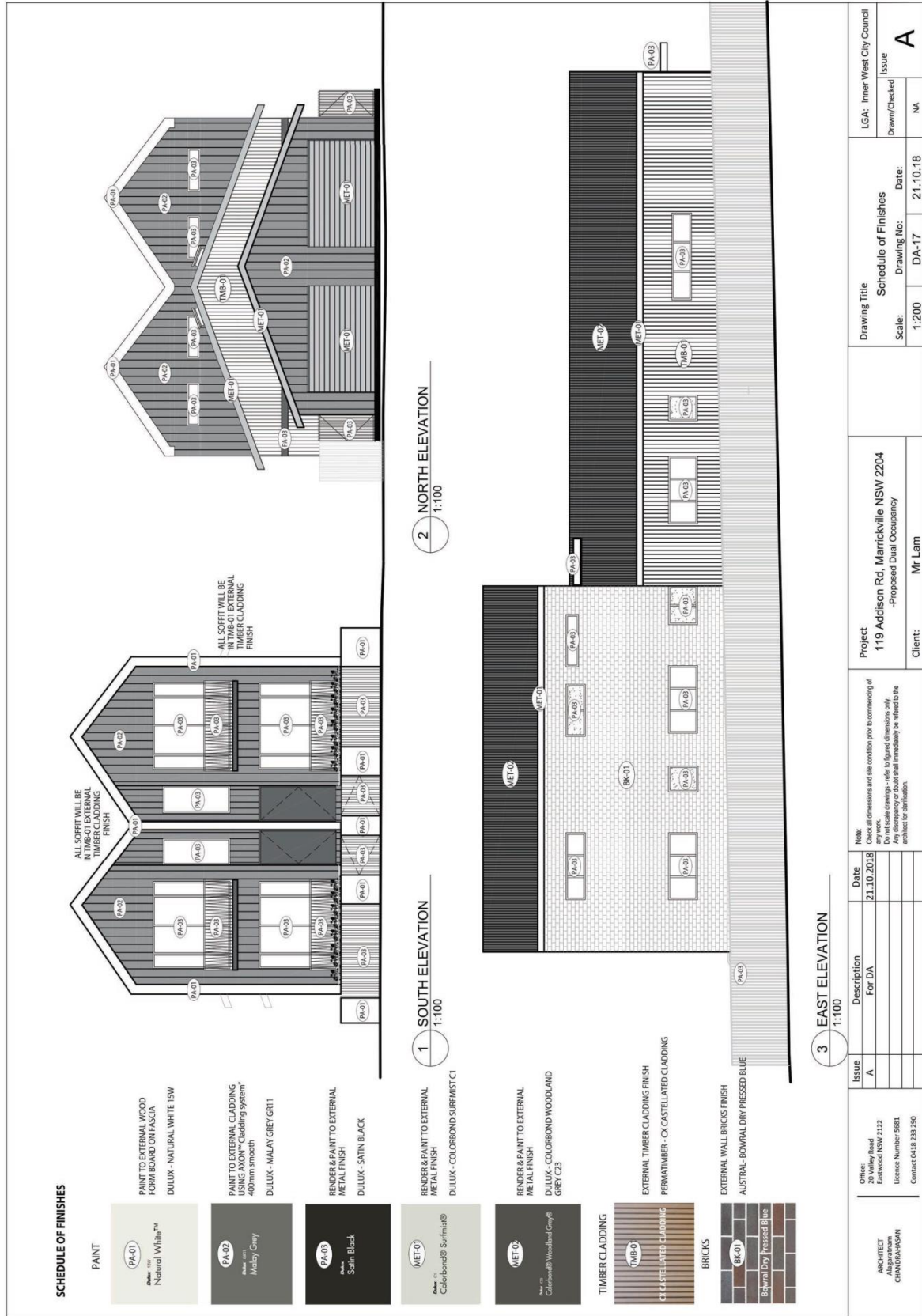


3 3D - Perspective C



4 3D - Perspective D

<p><b>ARCHITECT</b> Alignstratum Consulting Pty Ltd</p> <p>Office: 20 Valley Road Eastwood NSW 2122 Licence Number 5681 Contact 0412 232 290</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Issue</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">A</td> <td style="text-align: center;">For DA</td> <td style="text-align: center;">21.10.2018</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p><small>Note: Check all dimensions and site condition prior to commencing of any work. Designers, architects, engineers, etc. Any discrepancy or omissions shall immediately be referred to the architect for confirmation.</small></p>	Issue	Description	Date	A	For DA	21.10.2018							<p><b>Project</b> 119 Addison Rd, Marrickville NSW 2204 -Proposed Dual Occupancy</p> <p><b>Client:</b> Mr Lam</p>	<p><b>Drawing Title</b> Design Analysis - 3D Perspective</p> <p><b>Scale:</b> 1:200     <b>Drawing No:</b> DA-16     <b>Date:</b> 21.10.18</p> <p style="text-align: right;">LGA: Inner West City Council</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Drawn/Checked</td> <td style="width: 50%;">Issue</td> </tr> <tr> <td style="text-align: center;">NA</td> <td style="text-align: center;">A</td> </tr> </table>	Drawn/Checked	Issue	NA	A
Issue	Description	Date																	
A	For DA	21.10.2018																	
Drawn/Checked	Issue																		
NA	A																		



Office: 20 Valley Road Eastwood NSW 2122 Licence Number 5881 Contact 0418 233 290	Issue A	Description For DA	Date 21.10.2018	Project 119 Addison Rd, Marrickville NSW 2204 -Proposed Dual Occupancy	Drawing Title Schedule of Finishes	LGA: Inner West City Council
ARCHITECT CHANDHASAN	Scale: 1:200	Client: Mr Lam	Drawing No: DA-17	Scale: 1:200	Date: 21.10.18	Drawn/Checked NA
						Issue A

**ARCHITECT**  
ALBERTUS  
CHANDRANASAN

Office:  
20 Valley Road  
Eastwood NSW 2122  
Licence Number 5681  
Contact 0212 233 290

**Issue**

A

**Description**

For DA

**Date**

21.10.2018

**LGA:** Inner West City Council

**Drawn/Checked:** NA

**Issue:** A

**Project:** 119 Addison Rd, Marrickville NSW 2204  
- Proposed Dual Occupancy

**Client:** Mr Lam

**Drawing Title:** Artist Impression & Benchmark Images

**Scale:** NTS

**Drawing No.:** DA-18

**Date:** 21.10.18

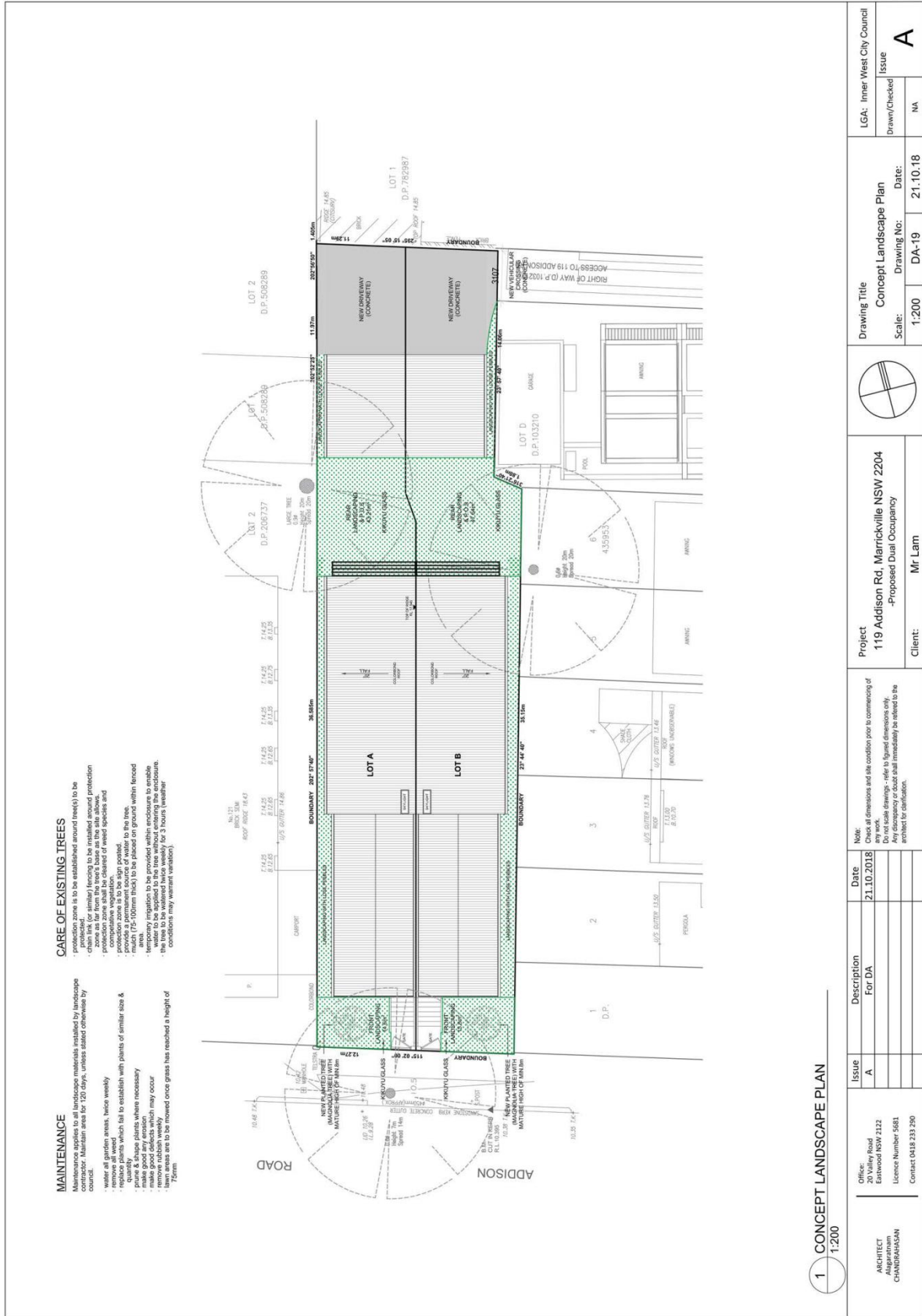
**Note:** Check all dimensions and site condition prior to commencing of work.  
Do not scale drawings - refer to figured dimensions only.  
Any discrepancy or doubt shall immediately be referred to the architect for clarification.

(PA-02) IMAGES SHOWN THE IDEA OF APPLY (PA-02)  
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Cladding system "40mm smooth"  
DULUX - MALAY GREY GR11

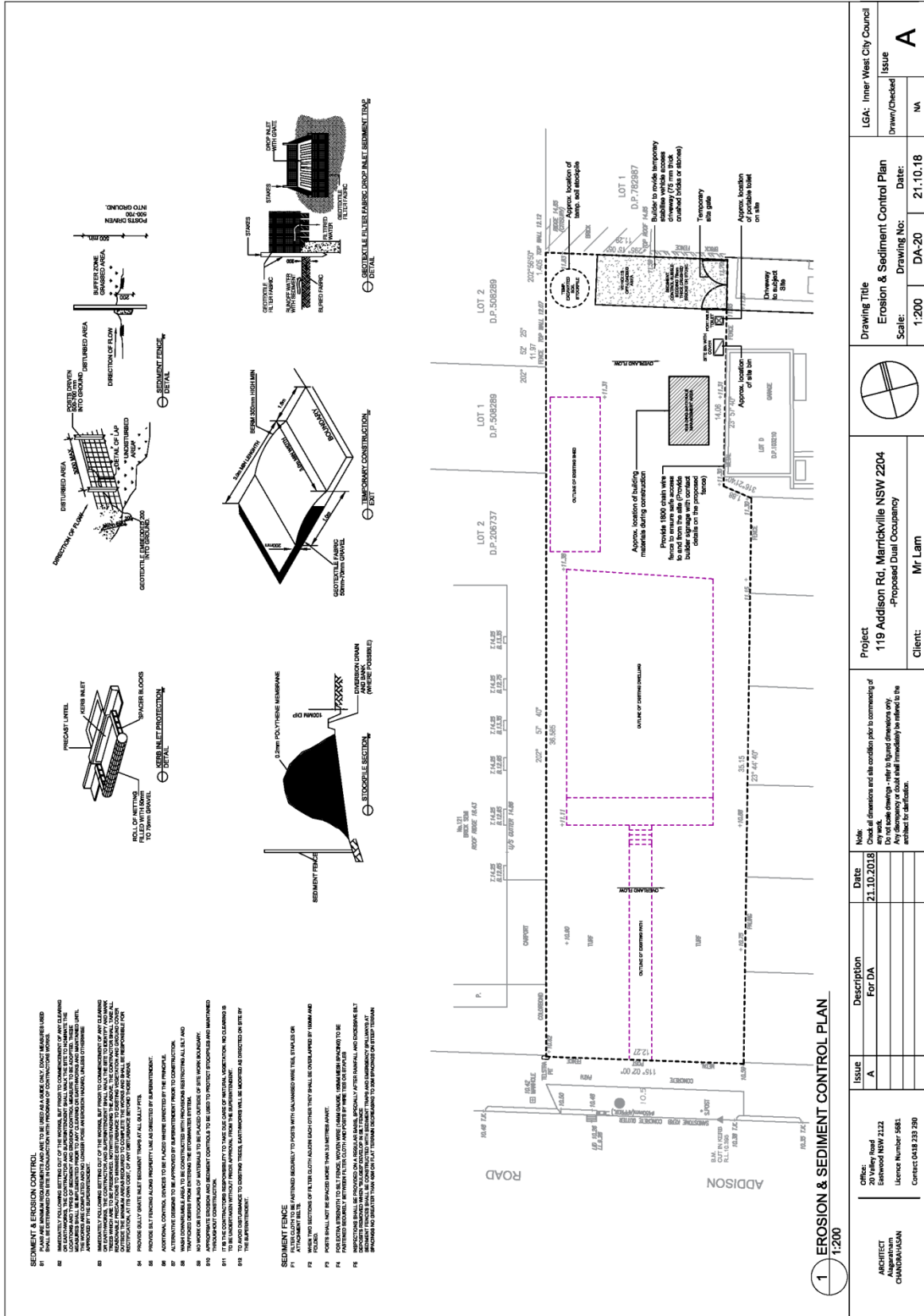
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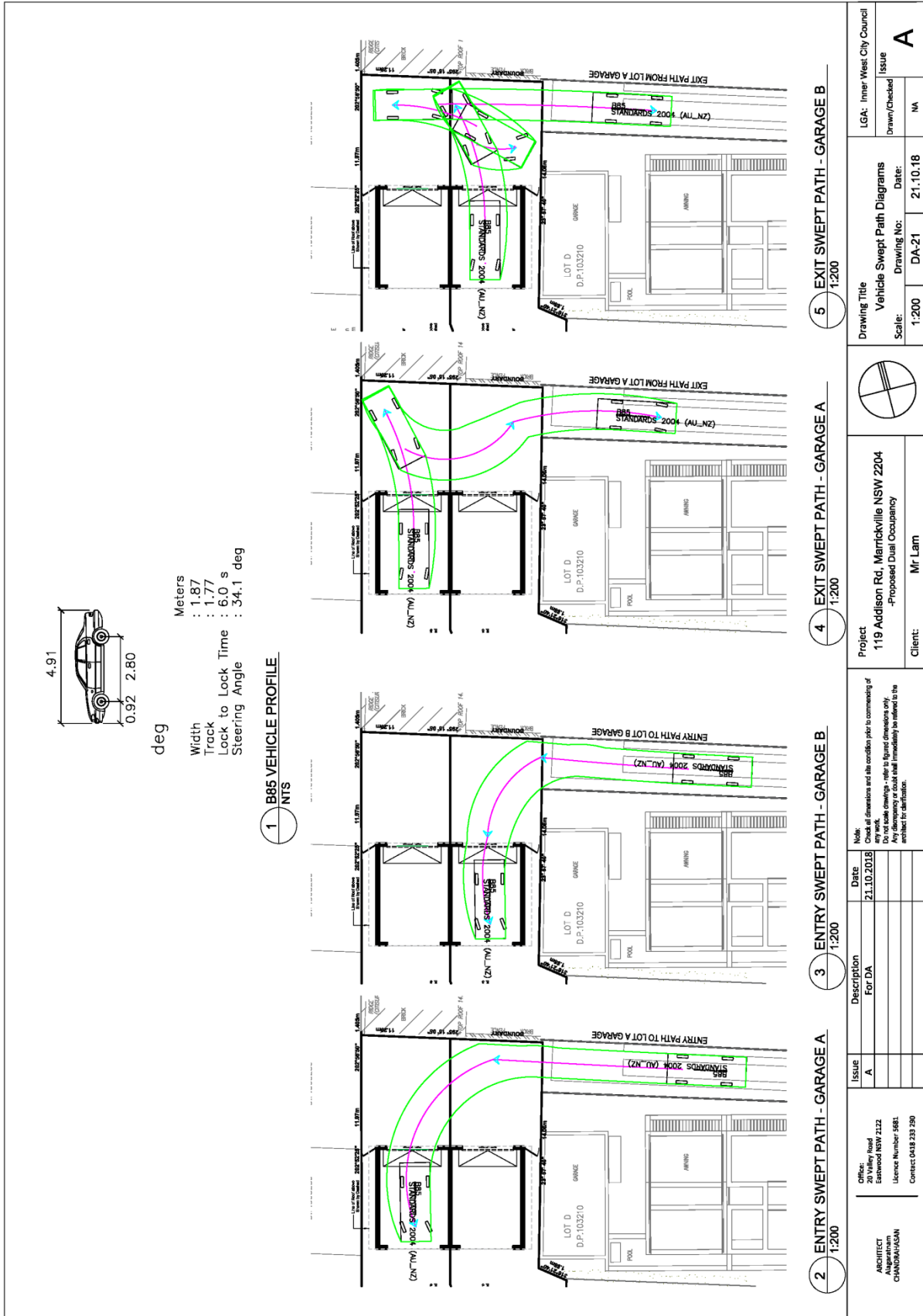
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BENCHMARK IMAGES

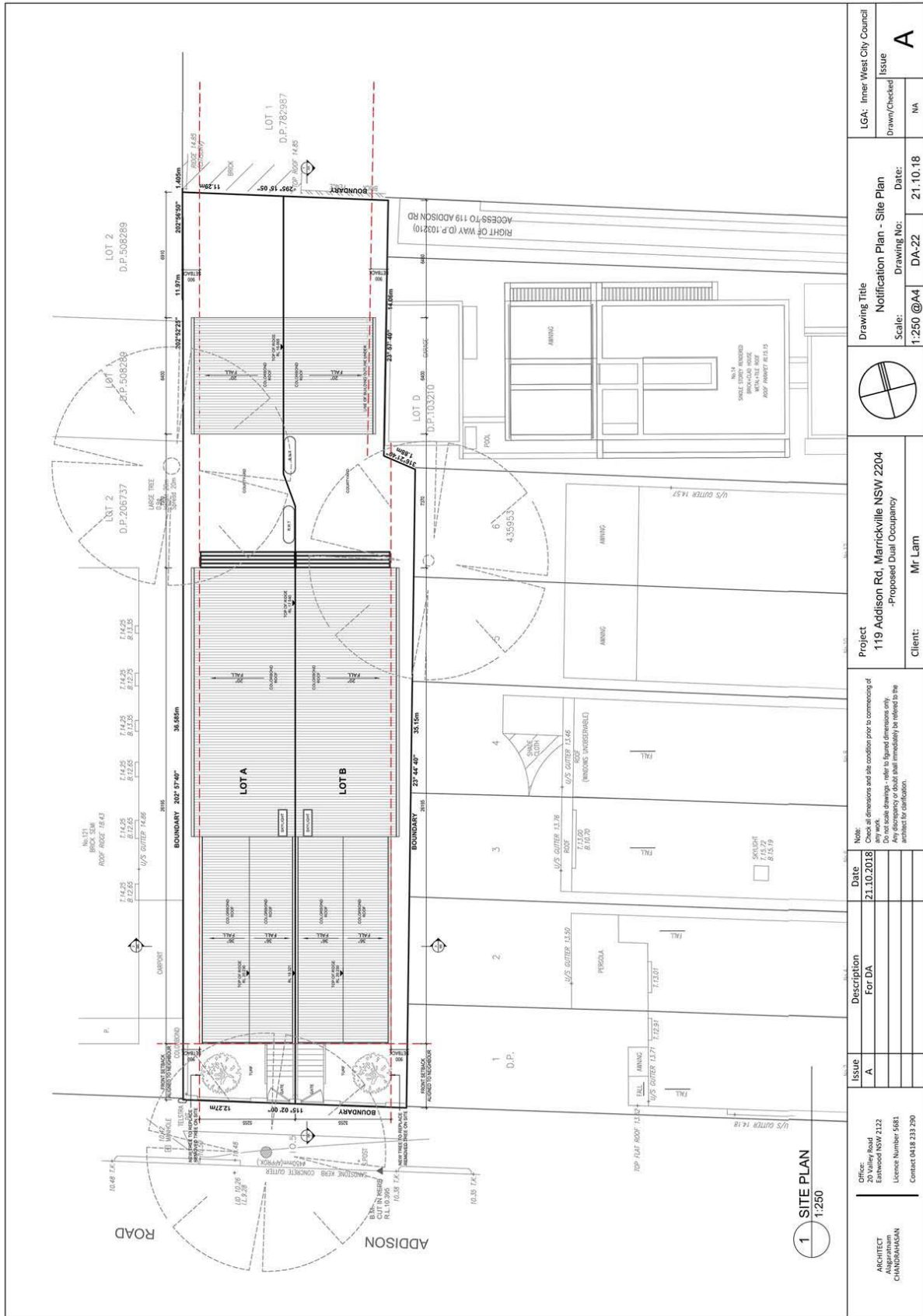


Office: ARCHITECT ANURAGAN CHANDIRAHARAN Contact 0418 233 290	Issue A	Description For DA	Date 21.10.2018	Note: Check all dimensions and site condition prior to commencing of work. Do not scale drawings - refer to figured dimensions only. Any discrepancy or error shall immediately be referred to the architect for clarification.	Project 119 Addison Rd, Marrickville NSW 2204 -Proposed Dual Occupancy	Client: Mr Lam	Project Logo	Drawing Title Concept Landscape Plan	LGA: Inner West City Council
								Scale: 1:200	Drawn/Checked DA-19
								Date: 21.10.18	Issue NA





<b>ARCHITECT</b> ANASTASIOS CHANDRIKIAN	Office: 26 Valley Road Cherrybrook NSW 2122 Licence Number: 5681 Contact: 0418 233 330	Issue A	Description For DA	Date 21.10.2018	Note: All dimensions are the contractor's to be commencing of any work. Do not scale drawings - refer to figured dimensions only. Any discrepancy or issue that immediately be referred to the architect for clarification.	Project 119 Addison Rd, Murrumbidgee NSW 2204 -Proposed Dual Occupancy	Client: Mr Lam	Drawing title Vehicle Sweep Path Diagrams	LGA: Inner West City Council Issue Drawn/Checked Date: 21.10.18
	Scale: 1:200	Drawing No: DA-21	Date: 21.10.18	Scale: 1:200	Issue NA	Drawing No: DA-21	Date: 21.10.18	Scale: 1:200	Issue A







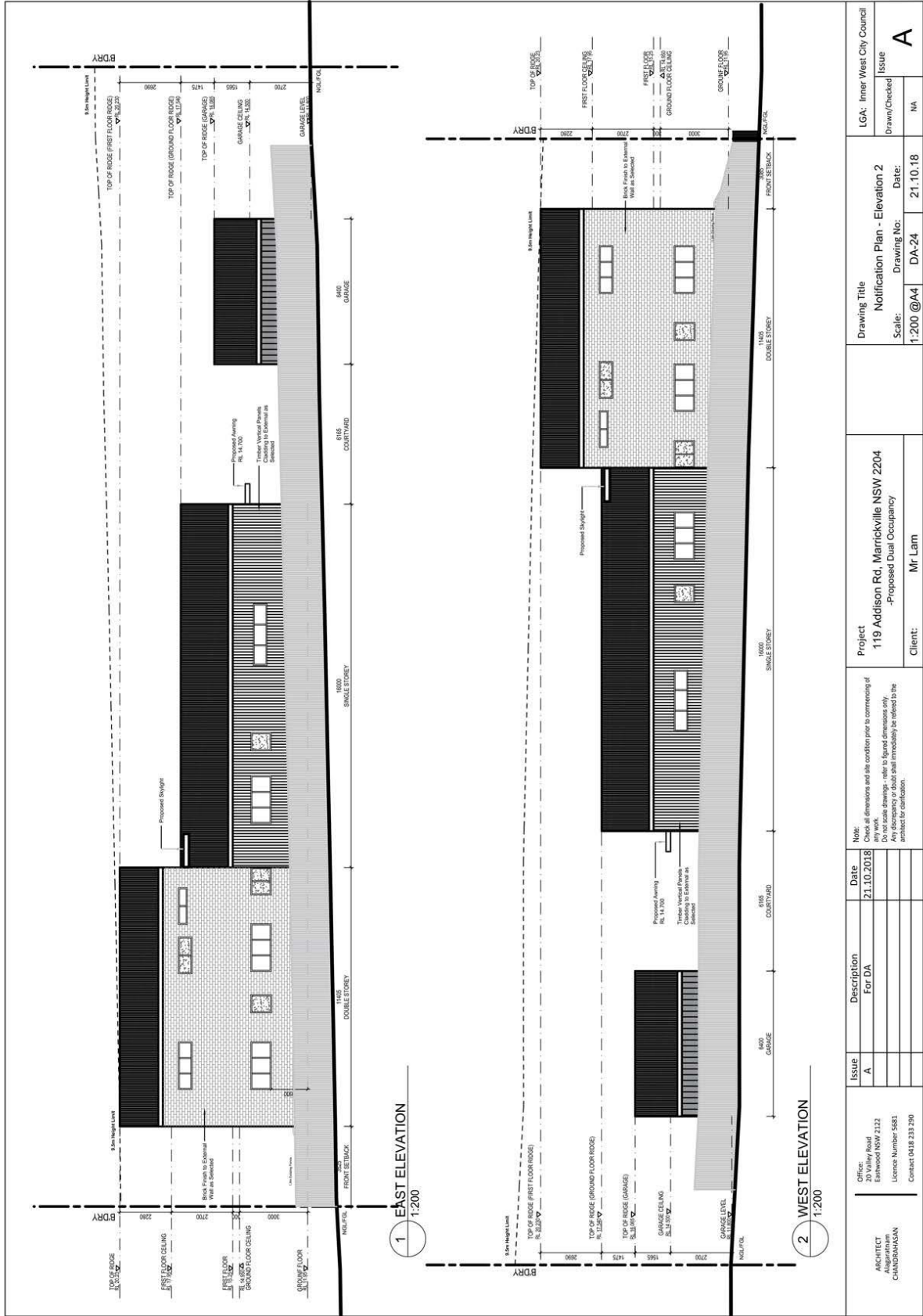
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1:200

1 SOUTH ELEVATION - MAIN DWELLING  
1:200

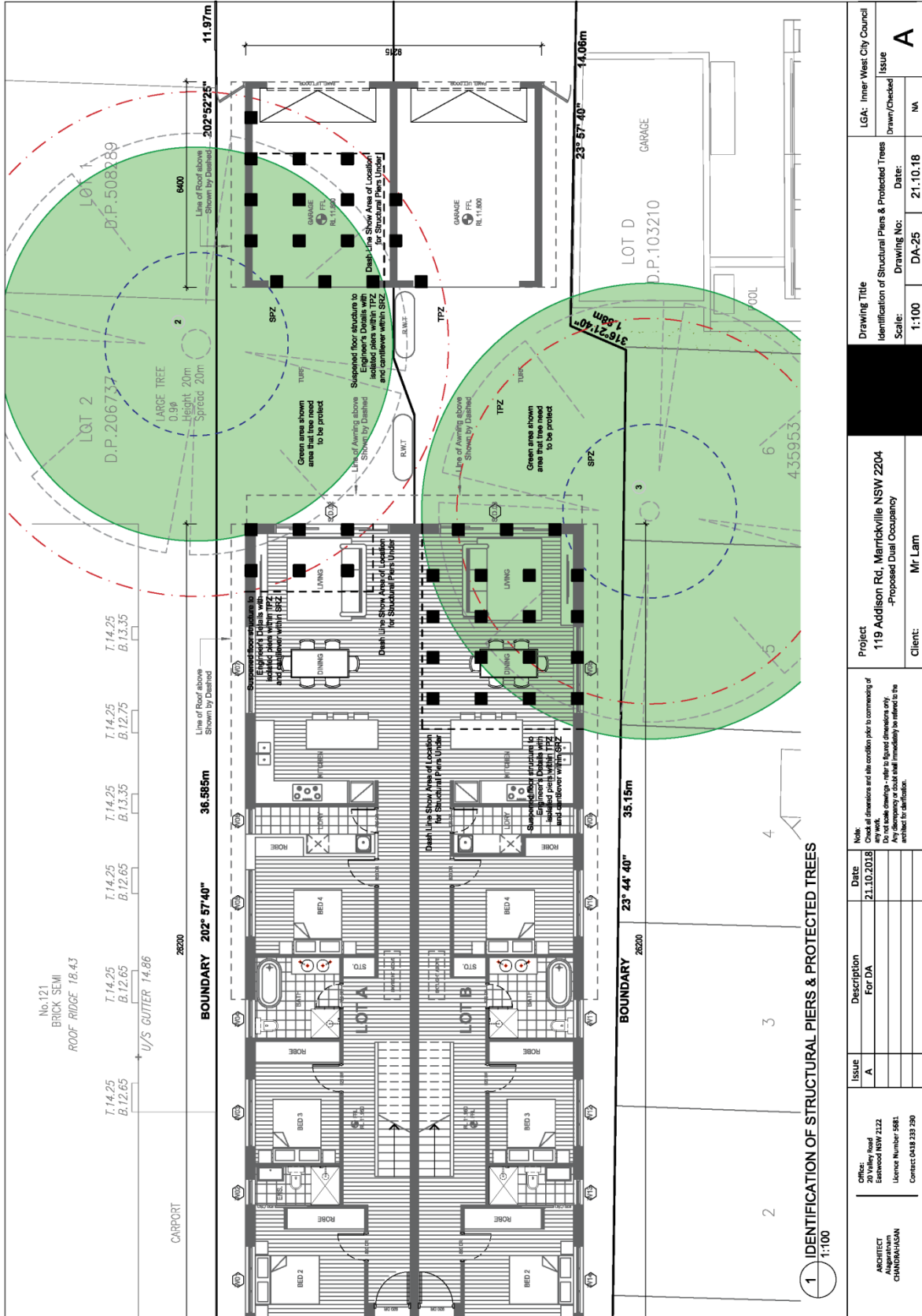
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3 NORTH ELEVATION - MAIN DWELLING  
1:200

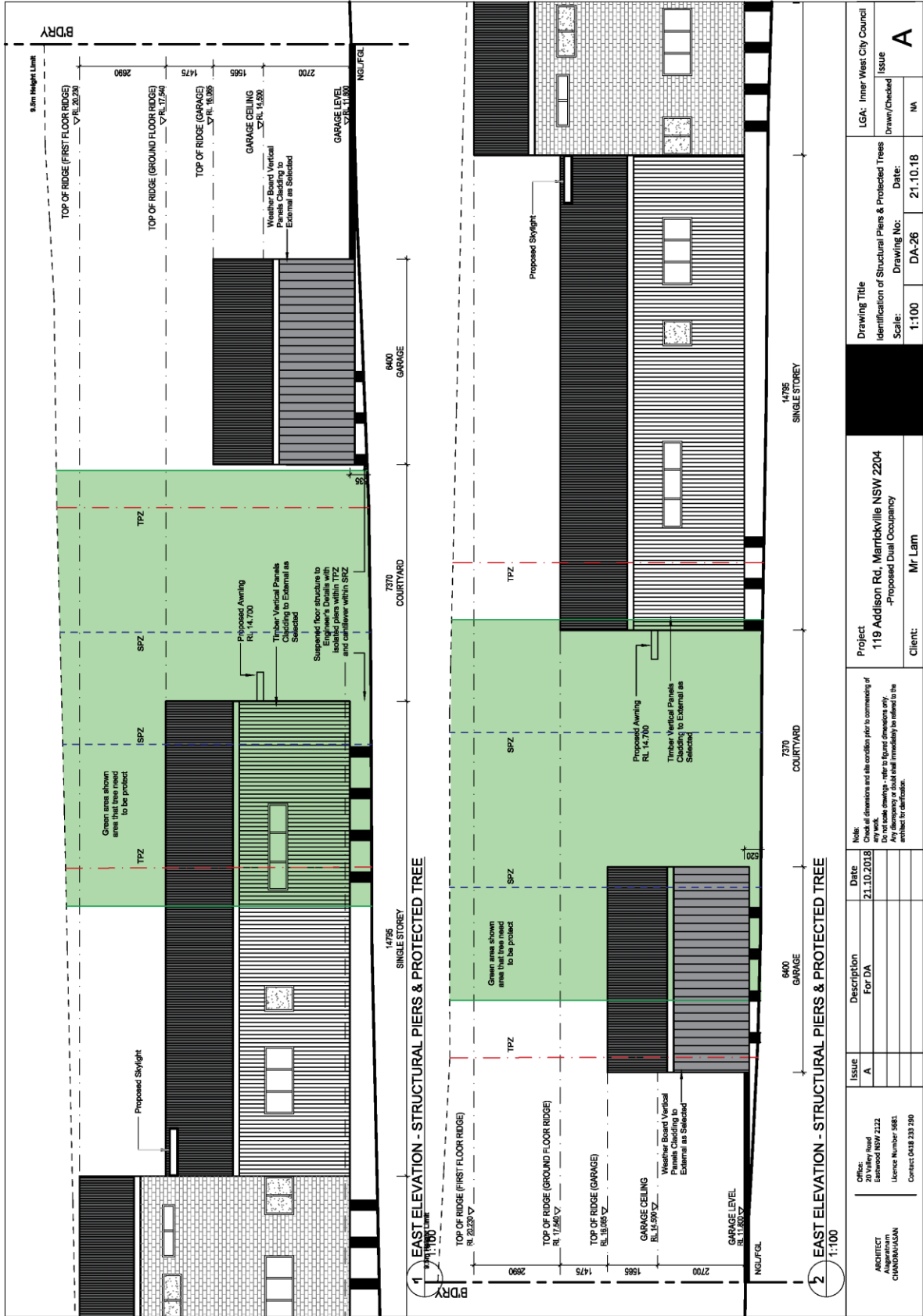
ARCHITECT MARRICKVILLE CHRISTOPHER BUNN	OFFICE: 20 Valley Road Eastwood NSW 2122 Licence Number 5681	Issue A	Description For DA	Date 21.10.2018	Note: Check all dimensions and site conditions prior to commencing of any work. Drawings are to be fixed dimensions only. Any discrepancies or omissions shall immediately be referred to the architect for clarification.	Project 119 Addison Rd, Marrickville NSW 2204 -Proposed Dual Occupancy	Drawing Title Notification Plan - Elevation 1	LGA: Inner West City Council
						Client: Mr Lam	Drawing No: DA-23	Date: 21.10.18



Office: 20 Valley Road Marrickville NSW 2122 License Number: 5881 Contact 0418 233 290	Issue A	Description For DA	Date 21.10.2018	Note: All dimensions and site conditions are to be confirmed prior to commencing of any work. Do not scale drawings - refer to figured dimensions only. Any discrepancy or doubt shall immediately be referred to the project architect.	Project 119 Addison Rd, Marrickville NSW 2204 -Proposed Dual Occupancy	Client: Mr Lam	Drawing Title Notification Plan - Elevation 2	Scale: 1:200 @A4	Drawing No: DA-24	Date: 21.10.18	LGA: Inner West City Council	
											Drawn/Checked NA	Issue A



ARCHITECT ALBERTUS VAN OOSTERHOUT	20 Valley Road Eastwood NSW 2122 Licence Number: 5681 Contact: 0418 232 290	Issue	A	Date	21.10.2018
		Description	For DA		
Note: Check all dimensions and all condition prior to commencing of any work. Do not use drawings as a basis for dimensions or for any other purpose without the necessary consent of the architect for verification.					
Project 119 Addison Rd, Murrumbidgee NSW 2204 -Proposed Dual Occupancy		Drawing Title Identification of Structural Piers & Protected Trees			
Client: Mr Lam		Drawing No: DA-25			
		Date: 21.10.18			
		Scale: 1:100			
		LGA: Inner West City Council Issue Drawn/Checked NA			



## Attachment C- Land and Environment Court Judgement DA201500616



### Land and Environment Court New South Wales



Case Name: Matthew Lam v Inner West Council

Medium Neutral Citation: [2017] NSWLEC 1332

Hearing Date(s): 14 June 2017

Date of Orders: 29 June 2017

Date of Decision: 29 June 2017

Jurisdiction: Class 1

Before: Smithson C

Decision:
 

1. The appeal is dismissed.
2. Development Application DA201500616 for a two lot subdivision and two semi-detached dwellings at 119 Addison Road, Marrickville is refused.
3. The exhibits, except Exhibits 1 and A, are returned.

Catchwords: DEVELOPMENT APPLICATION – bulk and scale; amenity impacts to neighbours; visual outlook for neighbours; overshadowing; infill design; architectural character; whether clause 4.6 required for FSR; neighbour opposition

Legislation Cited: Environmental Planning and Assessment Act 1979  
Land and Environment Court Act 1979  
Marrickville Local Environmental Plan 2011

Cases Cited:

Texts Cited:

Category: Principal judgment

Parties: Matthew Lam (Applicant)  
Inner West Council (Respondent)

Representation: Solicitors:  
  
Mr G McKee, McKees Legal Solutions (Applicant)  
Mr J Strati, Inner West Council (Respondent)

File Number(s): 2016/344086

Publication Restriction: No

## JUDGMENT

- 1 **COMMISSIONER:** This is an appeal under s 97 of the *Environmental Planning and Assessment Act 1979* (the Act) against the refusal of a development application by Inner West Council (the Council). The development comprises the subdivision of a site into two lots and the development of two semi-detached dwellings (the application) at 119 Addison Road, Marrickville (the site).
- 2 The key issue associated with the application is the impact the proposed development would have on neighbours and the character of the area. The Council also queried how the floor space ratio (FSR) should be calculated to determine FSR compliance.

### Summary of the appeal

- 3 The application was lodged as Development Application DA201500616 in November 2015. It proposed the demolition of an existing dwelling house situated on the site, subdivision of the site into two Torrens title lots, and the erection of a two storey semi-detached dwelling with a secondary dwelling above a garage at the rear on each lot.
- 4 The application was notified and nine objections were received. Amended plans were subsequently submitted and notified and nine objections and two letters of support were lodged in response.
- 5 In May 2016, the Council refused the application on the basis of: non-compliance with the FSR and with the minimum site area requirements for a secondary dwelling; landscaping and private open space concerns; non-compliance with Council's tree management policy; poor urban design; incompatibility with the existing streetscape; and the bulk and mass of the development resulting in unacceptable impacts on adjoining residents in terms of visual bulk and privacy. The Council also contended that the development was not in the public interest given the substantial issues raised in resident submissions.
- 6 A conference was held under s 34 of the *Land and Environment Court Act 1979* but was terminated as no agreement could be reached. Amended plans

were however proposed and residents invited to make submissions on those amendments. The amendments included the deletion of the secondary dwelling and its replacement with a 'retreat' above each garage. Other modifications were also undertaken to reduce the impact of the development. However, resident and Council concerns remained.

- 7 Leave was granted by the Court on two occasions to modifications to the plan. The application before the Court as amended proposes two Torrens title lots with areas of 302.9m<sup>2</sup> (Lot A) and 302m<sup>2</sup> (Lot B) respectively. A semi-detached dwelling is proposed on each new lot containing four bedrooms, a study and three bathrooms. In addition, a retreat comprising a bedroom and bathroom above the garage is proposed at the rear of each lot giving a total of 5 bedrooms, 2 studies and 4 bathrooms on each proposed lot.
- 8 The dwellings and outbuildings are to be finished in varied materials including brick, cladding and rendered masonry. The roof is to be of metal construction with matching dormer windows in the front elevation of the dwellings facing Addison Road.
- 9 The site is located on the northern side of Addison Road. It has an area of approximately 605m<sup>2</sup> with a frontage of 12.3m, is relatively flat and subject to flooding, and is affected by class 5 acid sulphate soils. There is a right of way off Agar Street which provides access to the rear of the site and the proposed garages. There is an existing street tree growing at the front of the site and two large trees growing on adjoining lots at 12 Agar Street and 121 Addison Road.
- 10 There is an existing single storey dwelling immediately adjoining the site to the west, being 121 Addison Road. Immediately to the east are the rear yards of seven dwellings which front Agar Street. Other than 14 Agar Street, these dwellings are all situated on relatively small lots of a comparable scale, exhibit some consistency in their streetscape presentation, and are single storey.
- 11 The locality is characterised by single dwellings of a similar scale although there is commercial and mixed use development up to three storeys opposite the site and to the east along Addison Road.



- 12 The site is zoned R2 Low Density Residential under the Marrickville *Local Environmental Plan 2011* (the LEP) and the proposed development is permissible with development consent in that zone. The site and surrounding properties are not located within a heritage conservation area.
- 13 As a result of the s34 conciliation conference, it was agreed that the Council's concerns had been addressed, or could be addressed by conditions, in terms of provision of private open space, privacy impacts, and the pruning of trees on adjacent properties. All other issues remained in contention.
- 14 At the commencement of the hearing, the Court visited the site and heard the concerns expressed from four immediately adjoining neighbours. These concerns reflected the issues raised in their submissions. The Court viewed the site from the rear yards of a number of the objectors' properties in Agar Street. A height pole was provided by the Council to give some indication of the visual and physical impact on these properties from the proposed height and extent of the eastern elevation of the proposed dwelling on Lot B.

#### **The issues**

##### *Floor space ratio (FSR)*

- 15 The current area of the site is 605m<sup>2</sup> with the proposed site area of each of the two proposed lots in the order of 302m<sup>2</sup>. Under the provisions of cl 4.4 of the LEP, the maximum FSR permissible is dependent on the site area. For site areas of 302m<sup>2</sup>, the FSR is 0.7:1 whereas for a site area over 400m<sup>2</sup>, the FSR is 0.5:1.
- 16 Under cl 4.5 (3) of the LEP, site area is defined as follows:
  - (3) Site area  
In determining the *site area* of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:
    - (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
    - (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.
- 17 In essence, the Council contended that the development was occurring on an existing site comprising one lot which had an area over 400m<sup>2</sup> and therefore the FSR of the proposed dwellings could not exceed 0.5:1. The combined FSR

of the dwellings as amended was 0.66:1. Therefore, the Council contended that a written request under cl 4.6 of the LEP was required to be submitted and assessed before consent could be granted.

- 18 The applicant contended that the application was for subdivision to create two new lots with a dwelling to then be erected on each new lot and that it was therefore appropriate to assess the FSR of each proposed dwelling on each of the proposed lots. In this case the applicable FSR was 0.7:1 which would be complied with. The applicant argued this was a reasonable application of the control given the proposed two dwellings would not be permissible and therefore could not be erected on the current site unless it was first subdivided.
- 19 However, should the Court agree with the Council's interpretation that the maximum FSR is 0.5:1, the applicant also submitted a cl 4.6 variation request to vary the FSR control.

*Streetscape Presentation*

- 20 The Council contended that the design of the proposed development gave inadequate consideration to the built form and architectural character of the locality and did not achieve an acceptable infill design outcome.
- 21 In particular, the Council referenced the relevant provisions of the Council's *Development Control Plan 2011* (the DCP). Part 2.1 of the DCP contains general urban design objectives and controls for development whilst part 2.1.3 contains specific infill design guidelines including that infill buildings should generally respond to the predominant scale of their setting.
- 22 Part 4.1 provides objectives and controls for low density residential development.
- 23 The following objectives of Part 4.1 of the DCP were cited:
- O2 To maintain and encourage compatible architectural styles within residential areas.
  - O4 To ensure the impact of urban housing on the amenity of surrounding properties and the streetscape is a prime and initial consideration in the preparation and assessment of development proposals.
  - O7 To encourage innovative design that positively responds to the character and context of the locality.
- 24 In terms of good streetscape design outcomes, at part 4.1.5 the following objectives were considered relevant:

- 08 To ensure development in streetscapes with a visual cohesiveness and an identifiable uniformity in bulk, scale and height complements that uniformity.
- 09 To encourage contemporary design for new dwellings and infill development that complements or embellishes the character of an area
- 10 To ensure development is of a scale and form that enhances the character and quality of streetscapes.
- 25 The following DCP controls to achieve these objectives were also referenced:
- C2 Facade design must enhance the existing built character by interpreting and translating any positive characteristics found in the surrounding locality into design solutions, with particular reference to:
- i. The massing, which includes overall bulk and arrangement, modulation and articulation of building parts;
  - ii. Roof shape, pitch and overhangs;
  - iii. Verandah, balconies and porches; and
  - iv. Window shape, textures, patterns, colours and decorative detailing.
- C3 The facade of new development must be divided into bays or units of dimensions appropriate to the scale of the building proposed and that of adjoining development.
- C33 Dormers must be positioned to minimise interruption of skyline views of chimneys and other original roof features when viewed from the street.
- C37 Victorian dormer windows at the front must be:
- i. Vertically proportioned (between a height to width ratio of 1.6:1 and 2:1);
  - ii. The same pitch and roof material as the main roof;
  - iii. Subordinate in size and position to the main roof, and be positioned at 300mm below the ridge, measured vertically;
  - iv. Not more than 1500mm from bottom of sill to top of window head;
  - v. Formed with painted timber pilasters, approximately 25% of the width of the window with a base and a lintel over;
  - vi. Detailed in a style consistent with the style of the roof;
  - vii. Formed of windows that are double hung, with painted timber frame;
  - viii. Formed of side walls (cheeks) that are weather boards; and
  - ix. Formed of a triangular or curved pediment but without side eaves or gutters.
- C51 New dormers on contemporary buildings must be consistent with the existing roof forms in the street.
- 26 The Council considered the locality to be predominantly characterised by modest semi-detached and attached single storey dwellings of the Federation period. Most detached cottages have asymmetrical front elevations whilst semi-detached cottages have symmetrical front elevations with hip rooves.
- 27 In contrast, the proposed development was considered by the Council to be a mock replication of a single storey Victorian terrace with a symmetrical front elevation, poorly considered gables, a low pitched hip roof to the rear and inappropriately proportioned Victorian dormers. Therefore the proposed built

form did not interpret and translate positive characteristics of the Federation style found in the locality and was considered to be incompatible with its context detracting from the quality of the streetscape and being contrary to a number of the objectives of the DCP.

- 28 There were also a number of other features of architectural character and detailing criticised by the Council as not being representative of those found in the locality. In summary, the proposed architectural resolution was considered to be not contemporary, lacking in flair and design and unsympathetic to the Federation style typical in the locality.
- 29 Design expert advice was given by Ms Renata Ferreira for the Council and Mr Peter Lonergan for the applicant.
- 30 Ms Ferreira was critical that the development did not enhance or embellish the streetscape or reflect the character of the area as was required by the DCP when one considered the built form in the locality including roof forms, materials, setbacks and articulation. While she did not find the design itself offensive, that was not the outcome the DCP required.
- 31 Ms Ferreira accepted that any second storey could be construed as out of character with development in the area, despite being permissible. However, her concern with the proposal was the façade and the visual impact of the second storey elements which would be visible from Addison and Agar Streets.
- 32 Mr Lonergan considered the design to be a relatively neat infill. It was single storey to the street with a steep pitched roof and Victorian style dormers. It complied with the FSR and height controls and it was a satisfactory design response given the context. He referenced the contrasting commercial development adjoining the intersection and the changing residential character to the east. He did not consider the development to be uncomplimentary and he queried how one embellished the character of an older area in a new development.
- 33 Mr Lonergan agreed that the development was not high quality but argued this was not a sensitive heritage location and it only had to be satisfactory. Further,

the design would provide a good level of amenity to occupants and neighbours. He also considered the DCP provisions to be overly prescriptive and confusing.

- 34 Both experts in their Joint Expert Report (Exhibit 4) agreed that superficial adjustments to the design would not address the substantive architectural and urban design issues of the proposal. However, if carefully redesigned, the site could achieve a high quality infill development that was sympathetic to its surroundings and enhanced the character and streetscape. In evidence, Mr Lonergan confirmed that this contention implicitly meant that he considered that what was proposed was neither high quality nor sympathetic to its surroundings nor did it enhance the character of the streetscape

*Bulk and scale of development*

- 35 The key issue in the appeal was the bulk and scale of the proposed development in particular having regard to the fact that seven single residential properties adjoin the eastern boundary of the site fronting Agar Street. Given the relatively small size of most of these properties, any development of the site would be in close proximity to the rear of the dwellings and their rear yards. Particular concern was expressed by the Council with the impact on the dwellings and rear yards of 4, 6, 8, 10 and 12 Agar Street. The Council did agree that, with the amendments undertaken to the plans, the impacts on 2 Agar Street and 121 Addison Road were acceptable.
- 36 The Council was critical that the applicant had not had any regard to the number and proximity of neighbours immediately adjoining to the east with effectively the same bulk and form proposed for each dwelling and with the eastern elevation of the dwelling on Lot B the same as was proposed for the western elevation of the dwelling on Lot A. However, the Lot A dwelling was adjoined by a single lot with a similar orientation, ie. where one side wall would run along another side wall not along seven rear boundaries.
- 37 The DCP prescribes side setbacks of 900mm for new single storey dwellings, 1.5m for two storeys and 2.5m for three storeys on lots wider than 8m. Side setbacks for lots less than 8m in width are to be determined on merit having regard to visual impact, solar access to adjoining dwellings and street context.
- 38 The following setback control is found at Part 4.1 of the DCP:

C12 Notwithstanding any compliance with front, side and rear setback controls, the applicant must demonstrate that proposed building setbacks:

- i. Maintain the established street character;
- ii. Allow neighbours adequate access to sunlight and a share of views;
- iii. Preserve established tree and vegetation corridors;
- iv. Provide adequate separation between buildings to protect adjoining buildings from overlooking and loss of amenity; and
- v. Reduce the visual bulk of new building work.

39 Control C8 of Part 4.1 states as follows in terms of bulk and scale:

C8 Notwithstanding compliance with the numerical standards, applicants must demonstrate that the bulk and relative mass of development is acceptable for the street and adjoining dwellings in terms of:

- i. Overshadowing and privacy;
- ii. Streetscape (bulk and scale);
- iii. Building setbacks;
- iv. Parking and landscape requirements;
- v. Visual impact and impact on existing views (Council encourages view sharing between surrounding residences);
- vi. Any significant trees on site; and
- vii. Lot size, shape and topography.

40 Expert advice on planning issues was provided by Mr Garry Chapman for the Council and Mr Ben Black for the applicant. Mr Chapman was of the opinion that the bulk and scale of the dwelling on Lot B was excessive to its eastern elevation with a maximum height of 8.9m to the ridge and up to 6.85m to the eave, and with a two storey wall length of 16m adjoining the backyards, and impacting the rear outlook, of the seven Agar Street properties. This wall was setback as little as 886mm from the common boundaries.

41 Mr Black argued that side setbacks for lots less than 8m would typically be less than the DCP prescribed side setback for larger lots as it would be illogical for side setbacks to increase as lot sizes decrease. Mr Black therefore considered the eastern side boundary setbacks of between 886mm and 1.15m to the proposed ground floor (increasing up to 1.7m for the indented rear portion of the wall) to be adequate. The upper floor setbacks ranged from 1.57m to 1.9m for the rear portion of the building and 886mm for the portion of the building closest to Addison Road. Mr Black considered these setbacks to be generous given the proposed lot width of only some 6m.

42 However, Mr Chapman was of the view that the height and length of the eastern wall and its limited setback and articulation resulted in unreasonable visual bulk and scale impacts, additional overshadowing and a built form

outcome that was incompatible with the scale of surrounding properties and which would adversely impact on the adjoining properties in Agar Street. Residents of these properties would have an outlook to a largely blank high long wall in close proximity to their rear yard and the rear of their dwellings.

- 43 Conversely, Mr Black's position was that the eastern side boundary ran on a slight angle meaning that the building setback increased as it moved along the eastern boundary in a northerly direction providing greater setback for a number of adjacent properties. Furthermore, there was some articulation in the side walls of both dwellings with an 'indent' at the rear portion agreed to be in the order of 700mm. This indent was in the vicinity of 6 Agar Street.
- 44 Mr Black also noted that the development easily complied with the 9.5m maximum height limit permissible in the LEP and also the FSR maximum (post subdivision). He argued that the development also incorporated design features to reduce the apparent bulk and scale when viewed from the properties to the east. This included articulation in the proportions of the building, a mix of finishes, and a low pitch roof to the rear. In addition an existing Lemon Scented Gum in the rear yard of 12 Agar Street would provide further visual relief to the built form and no privacy concerns had been raised.
- 45 Finally, Mr Black contended that, as the development complied with the core planning controls, it must be acceptable albeit he accepted the site was in a sensitive location given the size and number of properties on its eastern boundary. He also accepted resident concerns that the proposed wall length and height of the eastern elevation would create a sense of enclosure to those neighbouring properties fronting Agar Street. However, he considered that it was a function of an inner city location with small lots that such impacts occurred.
- 46 Conversely, Mr Chapman argued that, notwithstanding the compliance with the overall maximum height limit, the applicant had not had regard to the objectives of the FSR which required minimisation of adverse environmental impacts on adjoining properties from development, or the DCP controls which encourage upper levels to be contained within the roof form to decrease impacts for infill development in predominantly single storey streetscapes. With such a design

feature there would be less overshadowing and reduced bulk and scale. He also argued that a 700mm setback of the eastern wall to the rear portion of the dwelling on Lot B would make no material difference in terms of the impact on the visual outlook from adjoining properties in Agar Street.

- 47 Mr Black considered that the visual impact must be what should be expected of a building on the site. His evidence was that the subdivision pattern in the area was tight and orientation of the site, being at right angles to the properties fronting Agar Street, is such that the residents of the Agar Street properties should reasonably expect impacts given the planning controls. These controls permit a two storey or potentially even a three storey building (if a dwelling house) on the site. Furthermore, given the property values in the area and the large size of the site, it would be unreasonable for adjoining property owners to expect a single storey building to remain in perpetuity.
- 48 Mr Black accepted the interface with development to the east was sensitive but noted that the proposal had been designed to have a single storey with attic appearance when viewed from Addison Road and a two storey height internally. Such a design was not inappropriate in an area with a mix of building heights.
- 49 Mr Chapman argued that the immediate locality was predominantly single storey dwelling houses and the size of the proposed dwellings were therefore incompatible infill whereas the DCP encourages infill development to maintain the scale and character of housing in the locality and contain upper floors within roof forms. He noted the substantial four bedroom plus retreat nature of each of the proposed dwellings on lots of only 300m<sup>2</sup> and considered the dwellings and outbuildings to be excessive in size and scale.
- 50 In response, Mr Black noted that the site is not within a heritage conservation area and the single storey nature of buildings surrounding the site was not due to any impediment in the planning controls. He therefore argued that it is likely that over time the locality will see a greater amount of two storey development.
- 51 Finally, the experts agreed that the solar access to neighbours complied with the minimum requirements of the DCP which is to retain two hours of solar access between 9am and 3pm in midwinter. Mr Black argued the proposal



must therefore be acceptable in terms of overshadowing of neighbouring properties.

- 52 However, Mr Chapman argued that the scale of the upper level, the setbacks, and the two storey building resulted in additional shadow cast into the rear yard of adjoining Agar Street properties. An increased side setback and a reduction in floor area, including containing the upper level in a roof form and deleting the retreat over the garage, would mitigate additional overshadowing cast into six adjoining properties, being 2 to 12 Agar Street.

#### **Findings**

- 53 The key issue in this appeal relates to the bulk and scale of the proposed development relative to its eastern neighbours and, to a lesser extent, the streetscape impacts of the proposed design.
- 54 Dealing firstly with the bulk and scale, I note that the development complies with the maximum height permissible under the LEP and with the FSR which would apply once the two lots were created on which the semi-detached dwellings are proposed. However, I also note that these are maximum height and FSR controls and that the LEP contains objectives associated with applying the controls.
- 55 The site is currently underdeveloped being a large site relative to surrounding lot sizes with a small single storey cottage on it in an area where two storey development is permitted albeit not prevalent. Therefore any redevelopment of the site would reasonably be expected to have a greater impact on neighbours than the current use of the site. However, that impact needs to be minimised in accordance with the relevant planning objectives and controls.
- 56 Based on the evidence, I have formed the view that the development does not comply with a number of objectives and controls in the DCP in particular those associated with the required side setbacks and to minimise impacts on adjoining properties. I also agree with the Council that the Court cannot be insensitive to the genuine concerns of numerous affected neighbours.
- 57 The site is constrained by the fact that there are seven residential properties adjoining its eastern boundary fronting Agar Street. All but one of these

properties are relatively modest in size and contain single storey cottages with small rear yards which have a common boundary with the site. However, the application has not demonstrated a design response which has adequate regard to that constraint in terms of the bulk, scale and side setback of the proposed southern dwelling (on Lot B).

- 58 Both of the dwellings proposed are substantial. However, it is the size, proximity and treatment of the eastern elevation of the southern dwelling which will, in my view, have an unacceptable visual impact on all of the adjoining Agar Street properties but in particular on four of these properties being 4, 6, 8 and 10 Agar Street.
- 59 At its closest point to the common boundaries of these properties, the proposed eastern wall of the southern dwelling is less than 900mm from the boundary to a height of almost 9m. The wall extends for a length of some 16m albeit there is an increased setback of some 700mm for the rear portion of the dwelling. I agree with the Council that this increase over two levels will do little to minimise the adverse visual impact of the development when viewed from the small rear yards or rear portions of the dwellings on the affected Agar Street properties. Separated from the proposed dwelling by a garden of only 60m<sup>2</sup>, a further two storey structure is then proposed at the rear of the lot to house a garage and an upper level retreat.
- 60 The side setback for a lot proposed to be less than 8m wide is determined on merit having regard to factors such as visual impact and solar access. I cannot conclude, from the evidence and from the inspection of the site from the rear yard of the Agar Street neighbouring properties, that the proposed setback for a two storey building is adequate to minimise visual impact. It would not maintain a reasonable degree of amenity for these neighbouring residents from the rear of their dwellings or when using their small rear yards. The sense of enclosure for these residents in using their private open space, and the outlook from these yards and the rear of their dwellings, would be unreasonable.
- 61 In summary, I agree with the Council that it is not appropriate to simply mirror the proposed dwelling on Lot A in the design of the dwelling on Lot B. This takes no account of the impacts on a number of adjacent properties which

comprise small lots and single storey dwellings with relatively small rear yards from where residents receive their only private open space amenity.

- 62 In my view, the development on proposed Lot B requires a more sensitive design which has regard to the context and orientation of the site relative to adjoining sites and which demonstrates greater consideration of the impacts on adjoining properties. I accept the evidence of the Council in this regard that the application makes no distinction between the treatment, setback or height of the elevations to the two common side boundaries when such a distinction is required having regard to the context of the site.
- 63 The development does not meet various objectives under the DCP including at part 2.1.3.2 which states that infill buildings should generally respond to the predominant scale of their setting or at Part 4.1 whereby objective 04 is to ensure that the impact of housing on the amenity of surrounding properties and the streetscape is a prime and initial consideration in the preparation and assessment of development proposals. Nor does it meet controls in Part 4.1 of the DCP which require that proposed setbacks must, inter alia, provide adequate separation between buildings to protect adjoining buildings from loss of amenity and reduce the visual bulk of new building work (C12) and that, irrespective of compliance with numerical standards, the bulk and mass of development must be acceptable for adjoining dwellings in terms of building setbacks and visual impact (C8).
- 64 Accordingly, the application is refused.
- 65 The proposed bulk and scale would also have additional overshadowing impacts albeit I accept that the minimum two hour solar retention required by the DCP is complied with for all neighbouring properties. The overshadowing is therefore not determinative in this appeal. The fact remains however, that additional overshadowing to the Agar Street neighbours results from the close proximity of the proposed development causing further adverse impacts which could be improved if the setback were increased and the bulk and scale reduced.
- 66 Given I find that the development as proposed should be refused as it does not meet the objectives or controls of the DCP in terms of minimising impacts

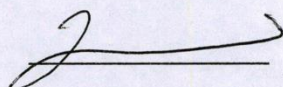
on neighbours, it is not necessary for me to determine which site area for FSR compliance should apply. It would appear logical however, that the FSR post subdivision should apply given the form of development that is proposed responds to and requires the proposed subdivision, and that the subdivision is an integral part of the application.

- 67 I note also that the definition of site area states that, if the proposed development is to be carried out on only one lot, the area of that lot applies. However, the proposed development is to be carried out on two lots not one so it would seem that the lot areas post subdivision are the appropriate site areas to apply.
- 68 Whether I am correct or not on the applicable site area to apply for FSR compliance purposes, the objectives of the FSR control still need to be met whatever the numeric FSR control is. In that regard, the objectives include requiring a floor space ratio which minimises adverse environmental impacts on adjoining properties. This development does not meet that objective.
- 69 It is also not necessary for me to deal in any detail with the streetscape presentation of the proposed development. This presentation may not of itself have resulted in a refusal of this application were amenity impacts adequately addressed for adjoining properties. However, a redesign to address the sensitive interface to the eastern neighbours and reduce the bulk and scale would address some of the streetscape concerns of the Council.
- 70 Furthermore, I note that the applicant's own urban design expert considered that a redesign was required to achieve a high quality infill development that was sympathetic to its surroundings and enhanced the character and streetscape. Whilst it may be the case that what is proposed does not need to be of a high quality, it does need to be sympathetic to its surroundings. The evidence did not persuade me that what is proposed achieves that outcome nor does it complement or embellish the character and quality of the streetscape as the DCP objectives specifically encourage.

**Orders**

- 71 The orders of the Court are:

- (1) The appeal is dismissed.
- (2) Development Application for a two lot subdivision and two semi-detached dwellings at 119 Addison Road, Marrickville is refused.
- (3) The exhibits, except Exhibits 1 and A, are returned.



**Jenny Smithson**

**Commissioner of the Court**

## Attachment D – Heritage Interpretation Strategy

### Heritage Interpretation Strategy & Conservation Strategy

Re Conditions Notice of Determination D/2010/359

for

Matthew Lam



Prepared by Andrew Starr and Associates Heritage Consultants

November 2018

Phone 9360 6540    [astarr@bigpond.net.au](mailto:astarr@bigpond.net.au)

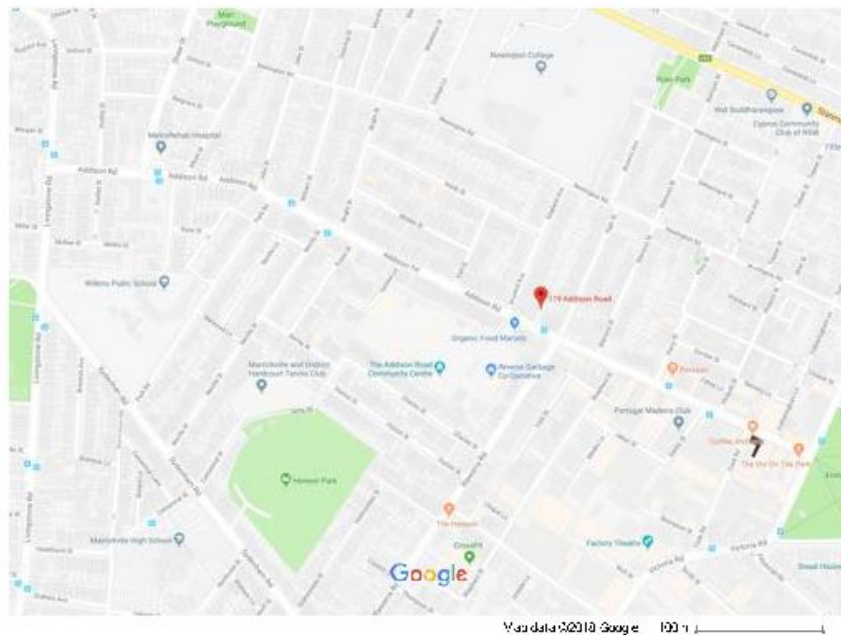
## **1.0 Introduction**

### **1.1 Background**

Andrew Starr and Associates Heritage Consultants have been engaged by Matthew Lam to prepare the following Heritage Interpretation Strategy. The strategy has been requested as a condition in the PRE-DEVELOPMENT APPLICATION ADVISE SITE: 119 Addison Road, Marrickville REFERENCE: PDA 201800112 . It regards a proposal to demolish the existing house at 119 Addison Road Marrickville and to construct a contemporary infill duplex. The proposed works are designed by Alagaratnam Chanddrahasan. No. 119 Addison Road is not listed as a heritage item or is it in a conservation area. Andrew Starr and Associates Heritage Consultants are contracted to investigate appropriate signage to commemorate the house on the site because it has some historic significance. No Heritage Impact Statement has been prepared for the site. It was not required by Marrickville Council because it is not a listed property nor is it being a conservation area. Tentative approval for demolition has been granted and the property has been assessed by an independent heritage consultant who gave their opinion that retention of the property was not needed due to the compromises made to the property by incremental change and fire damage.

### **1.2 Site Location**

The subject site is located on the northern side of Addison Road in the block bounded by England Street and Agar Street. The property backs onto a rear yards of houses in England Street and Agar Street. The building was constructed c.1860. It is a freestanding house on a double fronted site. Addison Road is a busy road which connects Enmore Road to Livingstone Road



Site location

**1.3 Methodology**

The methodology for the preparation of this Heritage Interpretation Strategy is derived from Heritage Interpretation Policy endorsed by the Heritage Council of NSW in August 2005, published in 2005 (ISBN 1 921121 10 6). Also used are relevant DCIPs of the City of Sydney concerning heritage and signage.

- The purpose of this report is to assess the need for a heritage interpretation strategy at No. 119 Addison Road Marrickville.
- Write a heritage interpretation strategy for the site.

**1.4 Heritage Planning Controls**

No.119 Addison Road Marrickville is not individually listed as a heritage item, it is not in a Conservation Area. There are no other instruments existing under the Heritage Act pertaining to this site.

**1.5 Author identification**

This report is prepared by Andrew Starr, Heritage Consultant, Graduate of the University of Sydney, Master of Arts with Merit and PhD Candidate School of Design, College of Fine Arts, University of New South Wales. Andrew Starr is registered with the New South Wales Heritage Branch as a Generalist Consultant.



## 2.0 ITEM DESCRIPTION AND HISTORICAL CONTEXT

### 2.1 Item Description

**Description Designer/Maker:** Unknown

**Builder/Maker:** Unknown

**Construction Years:** 1860?

**Physical Description:** The building is a freestanding weatherboard house. The house has been unsympathetically reclad with fibro boards.

**Physical Condition and/or Archaeological Potential:**

In an advanced state of dilapidation. Has some archaeological potential as an early house in the area.

**Modifications** The building had been reclad. One chimney has been demolished. Some internal walls have been replaced. Rear sheds have been constructed.

**Current Use:** residential (vacant)

**Former Use:** Residential

No. 119 Addison Road is a Victorian house c. 1871. The building

## 2.2 Key Surviving Elements of Heritage Fabric Retained By The Proposal



Fig. 1 This photograph from the Marrickville Historical Society archives shows No. 119 on a large block. The width of the site possibly is now defined by England Street and Agar Street. It shows a small market garden attached to the house. The existing property retains the bulk and scale of the original dwelling. Sheds have been built at the rear of the house. Corrugated iron has replaced the shingle roof.

The photograph also shows the emerging neighbourhood at the time. As an earlier house the increase development starts to encroach on what was a semi-rural property with a market garden.



Fig. 2 Kitchen



Fig. 3 Rear Shed



Fig.4 Rear façade



Fig.5 Rear façade



Fig.6 Rear shed



Fig.7 Eastern facade



Fig.8 Street facing façade

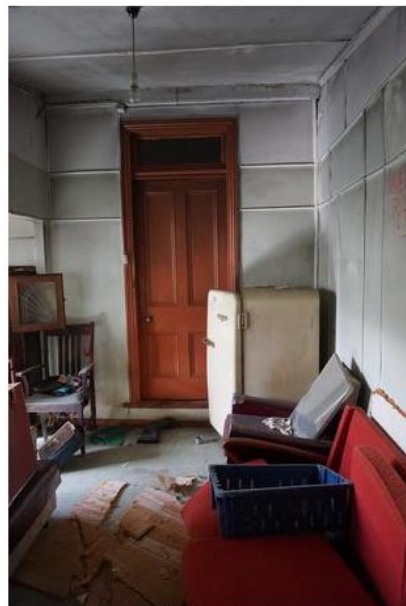


Fig.9 The interior has smoke damage



Fig.10 Bathroom



Fig.11 Kitchen/dining area



Fig.12 Lino



Fig.13 Hallway



Fig.14 Kitchen /Dining Area





Fig.15 Hallway



Fig.16 Vandalised wall



Fig.17 The front room has extensive fire damage



Fig.18 Front room



Fig.19 Kitchen

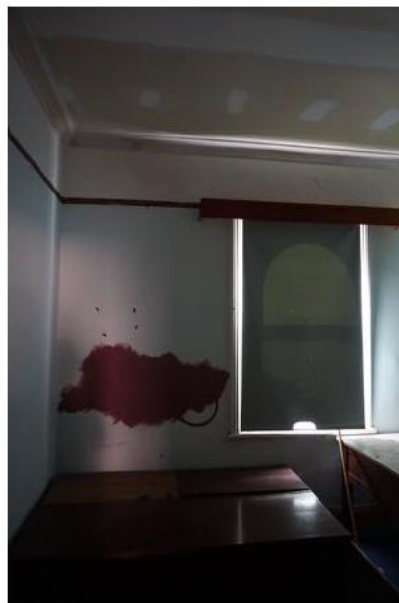


Fig.20 Dining area



Fig.21 Ante Room near side entrance



Fig.22 Shelving



Fig.23 Laundry



Fig. 24Fireplace



Fig.25 Western façade



Fig.26 Entry vestibule



Fig.27 Lounge room



Fig.28 Neighbouring building north of site from the rear garden

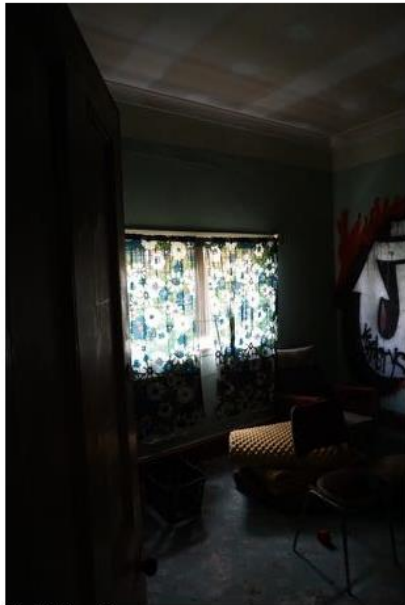


Fig.29 Interior



Fig.30 Street facing facade



Fig.31 Western façade



Fig.32 Drawing room



Fig.33 WC



Fig.34 Interior room



Fig.35 Sash window



Fig.36 Street facing facade



Fig.371 hallway

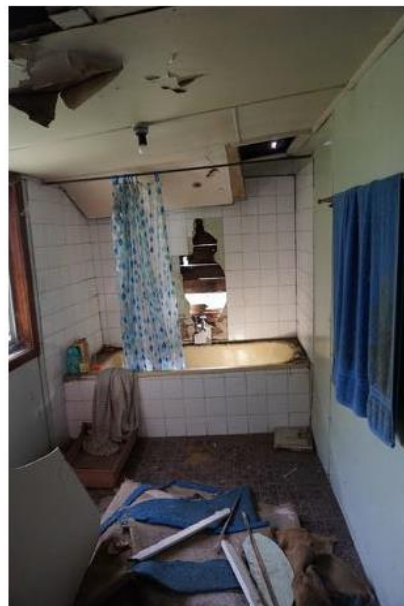


Fig.38 Bathroom



Fig.39 Rear shed





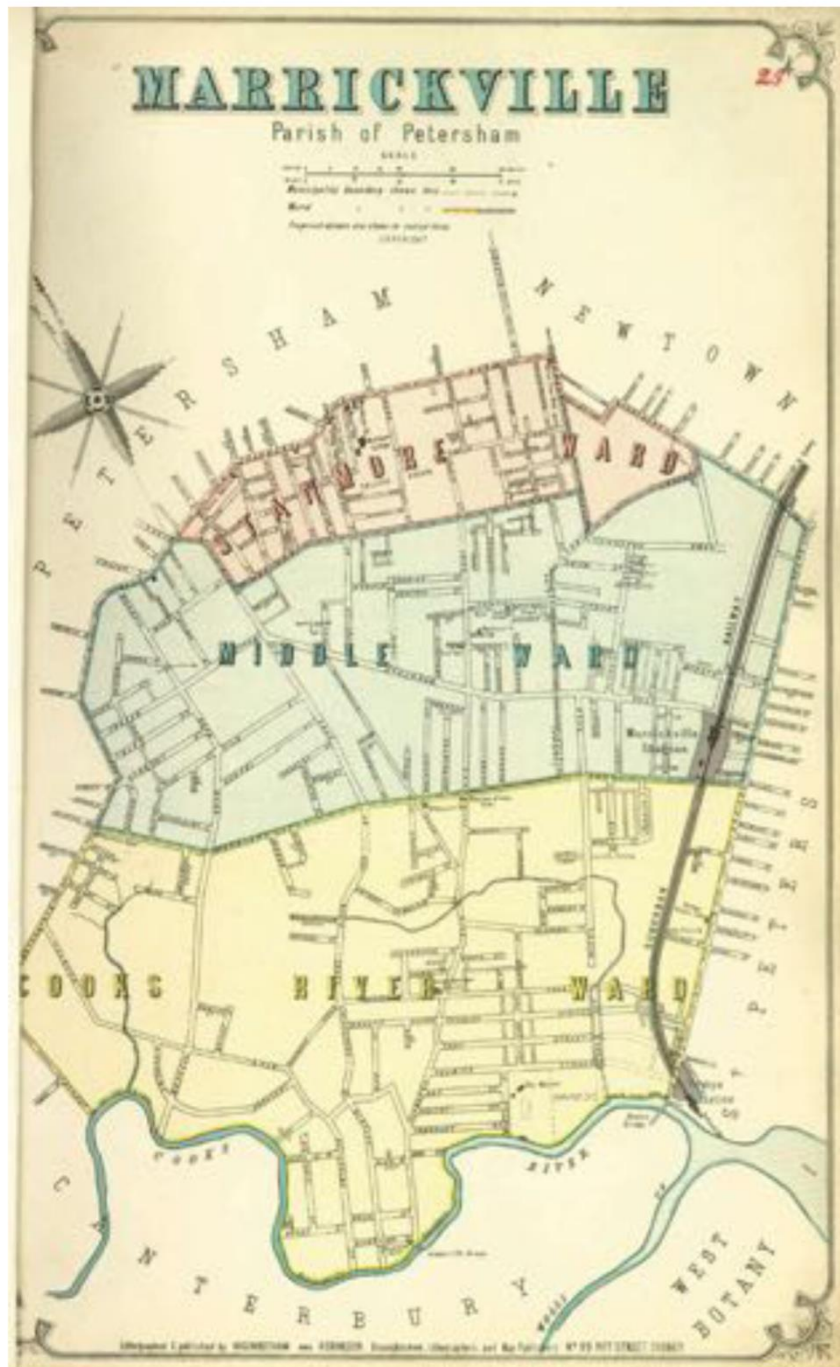
Fig.40 Interior Room

## 2.2 Historical Development of the Site

### 2.2.1 Historical Context

#### ***Marrickville***

Marrickville is the largest suburb in the Marrickville local government area, six kilometres southwest of Sydney. Most of the suburb of Marrickville consists of a valley – a natural low-lying saucer – that is part of the [Cooks River](#) basin. Marrickville railway station is a just 7.6 metres above sea level. The traditional owners of the land are Cadigal of the Eora Nation. The Aboriginal name for the area is *Bulanaming*.



### ***Gumbramorra swamp***

Following European settlement, Marrickville was a place where runaway convicts could easily hide out in the bush or disappear quietly into the [Gumbramorra swamp](#), which was a natural boundary between Marrickville and what now comprises the suburbs of [St Peters](#), [Sydenham](#) and [Tempe](#). The swamp was almost always impassable.

The role of the swamp wetlands played an important part in Aboriginal life as a source of plants and animals. It supported a dense growth of thatch reed, providing an excellent habitat for a variety of birds, particularly swamp hens, moorhens, ducks, gulls and the occasional pelican.

After European settlement its role in the ecological system was not fully understood or appreciated, and the swamp was drained in the 1890s to facilitate the industrialisation of the suburb.

### ***Timber!***

In the first decades after European settlement Marrickville was simply regarded as a good source of timber for boatbuilding. [Thomas Moore](#) harvested the timber, which was sufficiently valuable for him to issue several notices in the [Sydney Gazette](#) in 1803 warning that 'trespassers intent on cutting timber would be prosecuted to the utmost rigour of the law'.

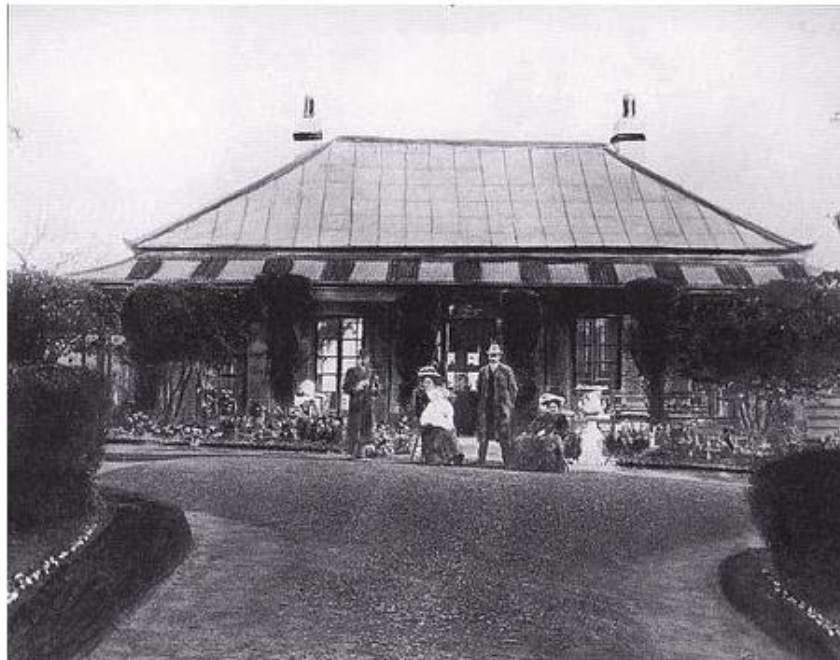
The status of the area changed with the arrival of the flamboyant Dr [Robert Wardell](#), a wealthy barrister, who purchased more than 2,000 acres (800 hectares), including the former estate of Thomas Moore.

When Wardell arrived there were still valuable stands of timber on the estate. Wardell employed his own timber-cutters, selling it mainly for firewood. Like Moore he had trouble with people sneaking onto his property and lopping down the trees and, similarly, he routinely thundered in the press about prosecuting those responsible. The [Sydney Gazette](#) of 29 May 1830 noted that Wardell's timber had been

valued at the extraordinary sum of 40,000 pounds. The property comprises two or three thousand acres, and is, in some places, very thickly wooded. Incredible as the estimate may appear, we are inclined, from the increasing scarcity and dearness of firewood to think it was not much above the mark.

### ***The life and death of Dr Wardell***

[Wardell](#) lived the high life, entertaining prominent citizens of Sydney at his home, [Sara Dell](#), located on Parramatta Road in [Petersham](#) – now the site of [Fort Street High School](#). Wardell conducted hunting parties through the bush to Cooks River and, in an effort to recreate conditions of 'home', fenced his entire property and stocked it with imported English deer under the watchful eye of a gamekeeper.



Wardell had arrived in Sydney in 1824 with [William Charles Wentworth](#). Together they established a weekly newspaper, [The Australian](#), which was the first independent newspaper in the colony. Wardell had a brilliant mind. He was also pugnacious in promoting popular causes, repeatedly clashing with Governor [Darling](#). He once fought a duel with Darling's brother-in-law.

Wardell was murdered by runaway convicts as he rode out on a Sunday morning, 7 September 1834. Two men, [John Jenkins](#) and [Thomas Tattersdale](#), were arrested, tried and convicted. On 7 November 1834 they were hanged for their crime. The third person involved, [Emmanuel Brace](#), a boy of 16, gave evidence against his former companions and escaped the death penalty.

Wardell was buried in the Sydney burial ground, now the site of [Central railway station](#), but his remains were later removed and returned to England for burial in the family vault. In 1839 a marble tablet, showing a portrait modelled from his death mask, was installed in [St James Church](#), Sydney.



Wardell's violent death came at a time when there was much concern about convict lawlessness. It caused a huge outcry and calls for increased penalties and police to protect the citizenry of Sydney. Since Wardell's brutal murder there have been several conspiracy theories about who really wanted him dead.

### ***Agriculture and industry – Marrickville is established***

The demise of Wardell opened the way for the first great era of subdivision in Marrickville. His estate, administered by Wentworth, was divided among his sisters, [Anne Fisher](#), [Margaret Fraser](#) and [Jane Isabella Priddle](#). The estate, which Wardell had protected so jealously from trespassers, was now unlocked.

Market gardeners found the area attractive because of its good water supply. From Scotland came the Meek, Graham, Purdy and Moncur families. They were joined by Chinese market gardeners such as [Sun Hop Yin](#) and [Mow Chow](#). Other new arrivals included [Italians](#), such as [Nicholas Compagnoni](#).

Stonemasons with an eye for good sandstone also headed for the rocky outcrops of Marrickville. [Adam Schwebel](#), a German migrant, arrived to quarry the sandstone cliffs along Cooks River and the ridge lines of the Marrickville valley. These early settlers formed the foundations on which multicultural Marrickville was built.

The year 1855 was a turning point in Marrickville's development. [Thomas Chalder](#) subdivided his [Marrick Estate](#) and laid down the village of Marrickville. Cottages, shops, churches and civic buildings rapidly appeared. Market gardens, dairy farms and stone quarries now dotted the landscape. Parts of Marrickville remained well timbered and were still referred to as Wardell's Bush.

Marrickville was a diverse area. Along with the market gardeners, stonemasons and dairy farmers, it was also home to architects, lawyers, members of parliament and senior public servants. The first mayor of the Marrickville Municipality, incorporated in 1861, was Irish-born [Gerald Halligan](#), the chief clerk in the [New South Wales Public Works Department](#).

In 1878 the first [Marrickville Town Hall](#) was built on Illawarra Road. It is the oldest civic building in Marrickville and the fourth oldest surviving town hall building in Sydney. It was sold to the State Government in 1920 to fund the building of the new town hall on Marrickville Road.

By the late 1860s Marrickville was described as a rural suburb with pretty scenery and handsome residences. There were many dairy farms catering for the growing local population as well as serving Sydney and adjacent suburbs. One of the earliest and largest dairies was [Norwood Park](#), owned by [John Neville](#). Although parts of it were progressively sold, the dairy operated into the early years of the twentieth century. The remaining portion was bought by the federal government in 1914 and developed as an army depot. It is now the site of [Addison Road Community Centre](#)



***The Warren***

Marrickville's population may have increased and diversified but the suburb was not done with its millionaire residents. In 1864 [Thomas Holt](#), wool merchant and politician, built [The Warren](#), a castellated Victorian Gothic mansion complete with its own art gallery, on his 130-acre (53-hectare) estate overlooking Cooks River. Holt also built bathing sheds and a Turkish bath on Cooks River for his personal use.



"THE WARREN," COOK'S RIVER, RESIDENCE OF THE HON. THOM. HOLT.

Holt was an enterprising individual. He was a member of the colonial parliament and a founding member of the [AMP Society](#), the [Sydney Railway Company](#), the [Australian Joint Stock Bank](#) and [\(Royal\) Prince Alfred Hospital](#). One of his favourite causes was an adequate supply of water for Sydney, which was essential for future development.

After Holt returned to England in 1883 his estate was subdivided. The Warren and 12 acres (five hectares) of land were purchased by a French order of Carmelite nuns. The Carmelites were evicted from The Warren in 1903 for outstanding debts. Eventually they were able to establish a new monastery in Wardell Road, [Dulwich Hill](#).



The Warren was used as an artillery training camp during [World War I](#). The property was resumed in 1919 by the New South Wales government and the house demolished. Sir [John Sulman](#) was engaged to build a housing estate for returned soldiers.





The Warren may be long gone, but it still exerts a powerful fascination. Residents, both old and new, often refer to their locality as The Warren. Its presence can be sensed in many ways. Two towers from The Warren stand on [Richardson's Lookout](#) in Holts Crescent. [Femcourt Public School](#) is built from the stone of The Warren's demolished stables. On the banks of Cooks River, hidden behind concrete, are the remains of The Warren's burial vaults, where, for a little while, the Mother Superior of the Carmelite order rested in peace. A large amount of sandstone from The Warren, acquired by [Marrickville Council](#), was recycled into retaining walls and kerbs and gutters throughout the suburb.

### ***Brickmaking takes over***

As Thomas Holt sailed back to England, Marrickville was still an area mostly taken up with market gardens and small-scale brickmaking. By the late 1880s many of the market gardens were converted into the more profitable brick pits, sometimes by the same family. The loamy clay soil once used to grow vegetables to feed the population was now converted to bricks to house it. At first the bricks were made by hand, but with the introduction of steam-made and then machine-made bricks, Marrickville took on a semi-industrial character. It became home to the largest brickmaking businesses in Sydney. In 1888 Johnston Brothers was producing up to 300,000 bricks per week.

Brickmaking had a lasting impact on the physical and social environment of Marrickville. Grand homes were demolished to make way for more and more brick pits, while the large estates were rapidly subdivided to provide cheap housing for the population needed to work in the brick pits or large potteries, such as [Fowler's](#). Marrickville was now the suburb of the working family.

As the clay diminished, so did the brickworks. In the end the empty, desolate pits were left to fill with water and became dangerous places where young people took a gamble on a hot summer's day for the reward of a cool swim. Drowning tragedies occurred in almost every waterhole. Marrickville Council resumed the old brick pits for public parks in the 1920s and 1930s. Most parks in Marrickville, most notably [Henson Park](#), are built over former brick pits.



### ***The rise and fall of industry***

From the 1890s large numbers of industrial companies were established in Marrickville including woollen mills, steel and metal operations and automotive and various service industries. With the rise of heavy industry the population surged ahead of neighbouring suburbs.

The first and largest woollen mill in Marrickville was [Vicars](#), a family-run business established in 1893. Vicars advertised their goods as 'Made in Australia by Australians for Australians from Australia's pure wool only'. By the 1960s Vicars was suffering serious competition from other fabrics, and in the early 1970s the federal government substantially reduced tariffs on imports. Vicars Woollen Mills could no longer compete and the company was wound up. The [Marrickville Metro](#) shopping centre opened in 1987 on the site. Part of the factory wall was retained and the Vicars name is still proudly seen on the facade. The [Mill House](#), built about 1860 and occupied by the Vicars family, was incorporated in the redevelopment. It is one of the oldest buildings in Marrickville.

The period between World War I and [World War II](#) saw tremendous industrial growth in Marrickville. Industry provided almost universal employment for local men and women. In the mills of Vicars, [Globe](#) and the [Australian Woollen Mills](#), women constituted over 70 per cent of the workforce, mostly involved in spinning, weaving, combing and mending. Men did the dirtier and heavier, but better paying, jobs of sorting raw wool, dyeing and moving bales.

Whole families spent their working lives in the confines of one factory within walking distance or a short bus or tram ride from their homes. Marrickville was proud of its industry, holding regular industrial exhibitions of its home grown products.

By 1935 there were more than 130 manufacturing businesses in Marrickville. The mayor, [Henry Morton](#), boasted in a poem that everything you wanted was manufactured in Marrickville. The goods he described ranged from chocolates to fishing lines and guitars through to saucepans and shoes, radios and rugs to heavy-duty machinery and mowers, margarine, bathtubs and boots. It was an interesting chronicle of ordinary household goods plus essential items for the building and manufacturing industries.

When the minister for labour and industry, [JJ Maloney](#), opened the [Marrickville Centenary Fair](#) in 1961 he described Marrickville as an important industrial municipality with some 900 different industries and undertakings.

Among the exhibitors at the fair was the [Omega Trading Company](#), which made one of Marrickville's more peculiar claims to fame – Australia's first insecticide and deodorant blocks. They were an instant success.

The process of deindustrialisation began in the 1970s. Many of the larger concerns, such as the woollen mills and Fowler's Potteries, either closed or decentralised, moving their operations to cheaper land and larger premises on the suburban fringe.

With the disappearance of the large factories the lure of plentiful factory work was gone. The Australian Woollen Mill was demolished to build a school. The Globe Woollen Mill was converted into home units. The site of the Vicars Woollen Mill became the Marrickville Metro. There are still industrial zones within Marrickville but they are mainly populated by light industries employing smaller number of workers.

### ***Entertainment***

Life in Marrickville was not all about slogging away on the factory floor. The building of the new Marrickville Town Hall in 1922 on Marrickville Road gave the suburb a first-class venue for dancing and other entertainments.

Dances were organised three times a week by the '[Strollers](#)', [Bert Gibb](#) and his son Hector. The dances were so popular that the local tramways inspector often had to put on additional trams to take patrons to the railway station at [Sydenham](#) or into Sydney.

Marrickville Town Hall also echoed to the strains of the [Marrickville Municipal Symphony Orchestra](#) under the musical directorship of [Fred Hanney](#), a music teacher and a member of the [Sydney Symphony Orchestra](#). The Marrickville Municipal Symphony Orchestra was established in 1930 and was the first council-supported suburban orchestra in Sydney.

In the sombre days of World War II, concerts by the Municipal Symphony Orchestra and the Strollers' dances provided much needed diversions. Many of the concerts raised funds to send medical aid to Russia under the auspices of the [Lord Mayor's](#)

[Patriotic Fund](#). The chairwoman of the fund's [Russian Medical Aid and Comforts Committee](#) was [Jessie Street](#), a well known socialist, socialite and founder of the [United Associations of Women](#).

### ***Multicultural Marrickville***

After World War II, Marrickville was transformed into one of the most diverse societies in Australia. The influx of mainly non-English speaking people, attracted by the availability of factory work and cheap housing, changed Marrickville over a very short period.

[Greek-born migrants](#) formed the largest postwar community in Marrickville. The Greek newspaper [To Neo](#) (March 1986) evoked the times, describing how

wherever you turned, you heard Greek, wherever you looked you saw Greek shop signs.

The main shopping strip of Marrickville Road was dominated by Greek shopkeepers. Taking up business was not always without problems for the new migrants. Giannis (Jack) Cordatos, one of Marrickville's most prominent Greek migrants, had to resort to subterfuge to purchase the Classic Milk Bar. The owners did not want to sell to southern Europeans but were impressed by French speakers. Cordatos changed his name to Revel and won the sale. Marrickville became known throughout Sydney as 'the Athens of the west'. There remains a strong Greek presence in Marrickville.

[Vietnamese](#) and [Chinese](#) migrants arrived in the 1980s and began to establish themselves as shopkeepers and restaurant owners along Illawarra Road.

Marrickville has a long tradition of receiving migrants and a new migrant is likely to be living beside an older migrant, who went through the same process a generation earlier. The establishment of Addison Road Community Centre in 1976 provided a venue for many multicultural groups to join with their communities and mix with others. The shared experiences of migrants in Marrickville generally built a tolerant and accommodating society.

There were spectacular 'rags to riches' stories. [Vojtech Zimmer](#), born in Vienna, fled Austria at the beginning of World War II. He joined the free Czech forces but was torpedoed off Gibraltar. He then joined French forces in the south of France. At the evacuation of Dunkirk he became a British soldier. Zimmer arrived in Sydney in 1948 and took various factory jobs before establishing a company to sell Hungarian spices and condiments. The factory moved to Marrickville in the 1960s. Zimmer was affectionately known as the Paprika King, receiving in 1973 an Order of the British Empire.

### ***The Indigenous population***

There is a significant Indigenous population in the Marrickville area. At the 2006 census 1,078 people identified as Aboriginal or Torres Strait Islander, 1.5 per cent of the total population of the Marrickville local government area, compared with 1.1 per cent in the Sydney Statistical District. Reports from workers in community

organisations indicate that these people were under-represented in the 2001 census and this was probably the case again in 2006. The number of Indigenous residents continues to grow.

The [Inner West Aboriginal Community Cooperative](#) was incorporated in 1999. It is located in the former [Marrickville Hospital](#), Lilydale Street, Marrickville. Since 1985, whenever it is the turn of the Aboriginal city sides to host the annual NSW Aboriginal rugby league knockout carnival, it has been held at [Henson Park](#). In 1996 Marrickville Council formally recognised a Statement of Commitment to Aboriginal people.

### ***Marrickville today***

Marrickville's close proximity to Sydney makes it an attractive option for inner city living. Its streets are a mixture of architectural styles, with older terrace housing standing quite comfortably next to Federation bungalows. New unit developments are springing up on former factory sites. Previous service station sites are also giving way to unit and townhouse development. Marrickville is living up to its long established reputation as an area that embraces change. The population is changing too, with new settlers coming from the Pacific Islands, Africa and South America.

Marrickville celebrates its cultural diversity with fervour. Every September the colourful [Marrickville Festival](#) arrives and the community generally parties throughout the day to the beat of a variety of multicultural dance groups and musicians.

### ***References***

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*Guardian and Newtown Daily*, 'Centenary Supplement', 1961

Marrickville Municipal Council, 'A History of the Municipality of Marrickville to commemorate the seventy-fifth anniversary, 1861–1936', Harbour Newspaper and Publishing Co, Sydney, 1936

'Jubilee Souvenir of Marrickville', compiled by Marrickville Municipal Council, Marrickville NSW, 1912

'List of Manufacturers, 1947', compiled by Marrickville Municipal Council, 1947

'List of Manufacturers, 1965', compiled by Marrickville Municipal Council, 1965

'Marrickville Manufacturers Exhibition, 1935, March 28th to April 6th', compiled by Marrickville Municipal Council, 1935

Richard Cashman and Chrys Meader, *Marrickville: Rural Outpost to Inner City*, Hale & Iremonger, Sydney, 1990

Chrys Meader, Richard Cashman and Anne Carolan, *Marrickville: People and Places*, Hale & Iremonger, Sydney, 1994

## 2.2 Specific History of Site

The property is recorded in the Sands Directory in 1880. The property was owned by the Farr family since 1886. Council records show Joshua Jeremiah Farr was the property owner from 1886-1902. Farr didn't live in the property. He was the Mayor of Marrickville in 1894-1895. The property was left to his son in 1902, Albert James Farr.

Council Rate books

1880 Occupant George Butterfield, surveyor

1886-1887 Owner Joshua Jeremiah Farr Occupant Samuel Ritchie, painter

1903-1950 Albert James Jeremiah Farr

More Heritage Watch

119 Addison Road Marrickville

Under threat of demolition is the weatherboard cottage Ferndale at 119 Addison Road, even though it may be one of the earliest houses in the LGA. Sands Directories suggest that it was built prior to 1880, whereas the demolition application to Council erroneously states that it was built in 1910.

Local residents and neighbours have collated evidence from many sources to confirm that the first sale of the property at 119 Addison Road is recorded in 1878, with Ferndale referenced as 'a tenement on this land'. The 1878 sale was from Edward Rofe to Joshua Jeremiah Farr. Farr became a long term alderman of Marrickville Council, and was Mayor of Marrickville (1894-95). He owned the property until his death in 1902. According to Sands Directories, from 1878 to 1881 the property was tenanted to George Butterfield. Butterfield was a surveyor and amateur astronomer, who rose to prominence in Australian scientific circles as the assembler of Australia's first known planispheres in 1870 and 1877. A description of this was published in the Sydney Mail newspaper, where 'Butterfield's Planisphere' was described as 'an indispensable tool for amateur astronomers' (see article on Butterfield in next column).

From 1885 to 1893, Sands Directory lists a string of residents at Ferndale including: Edmund Ebsworth, wool broker (1885); Charles Chapman, engineer at Chapman and Co (1886); Samuel Ritchie, painter (1887); John Palmer, bailiff (1888); and James Mayhew, bailiff (1889-93).

In addition, archaeologist Tony Lowe (of Casey & Lowe Heritage Consultants) has identified the property has several features that suggest that it predates all of the early twentieth century houses that surround it, including that it has a sandstock brick chimney (possibly dating from the 1850s or earlier) and that the house is typically set back from the street on a large allotment with two street frontages.

### **Sands Directory**

*The Sands Directory was a register of the residents and businesses of Sydney, which was published annually from the mid 1800's to 1933. It was a tool used to locate people and business in much the same way as the telephone book and yellow pages are used today. The increased ownership of telephones removed its importance. Used with land title information additional facts about the history of the site can be determined, such as whether the property was owner occupied or rented, and when buildings were built.*

1932 A. J Smith, fruiterer  
1931 F. Natoli fruiterer  
1930 John Broadham  
1925-29 William McParland  
1924 Peter Mitchel  
1919-23 Mrs. A McCrae  
1918 Thomas Malloy  
1917 Charles F Marshall  
1907-1916 James Wilson, carrier  
1905-1906 Mrs L.E.L. Young  
1904 William Ewart Ecclestone  
1900-03 Walter Wigg  
1899-87 W.t. Burkett  
1895-96 William Booth, builder  
1893-94 James Mayhew, baliff  
188-1890 John Palmer baliff  
1887 Samuel Ritchie, painter  
George Butterfield , surveyor

### **Conclusion**

There is no evidence of any famous occupants living at No. 119 Addison Street Marrickville apart from George Butterfield an astronomer. The property since it was first built appears to have been mainly rented,

*- Mitchell Library pictures Collection  
-Marickville Historical Society  
-Sydney Sands Directory 1870-1933  
-Sydney Book of Suburbs  
Pollon*

*-Land and Titles Office  
-Identifying Australian Architecture  
R. Apperly, R Irving, P. Reynolds  
NSW Heritage Database*



### 3.0 Statement of Heritage Significance

#### 3.1 Assessment Criteria

The following assessment of significance addresses the criteria endorsed by the NSW Heritage Council, and is in accordance with the *NSW Heritage Manual* 'Assessing Heritage Significance' guidelines. The assessment is based upon the limited historical information, and the inspection of the fabric of the item and the surrounding area.

**a) an item is important in the course, or pattern, of the local area's cultural or natural history.**

One of the earliest houses constructed in Marrickville. The house retains its original form. The deep setback of the house is evidence of an earlier subdivision pattern. Photographs of the house taken in the late Victorian period show the house originally also had a side garden. It shows Marrickville as an outer suburb less densely populated than Newtown.

**b) an item has strong or special associations with the life or works of a particular person, or group of people, of importance in the local area's cultural and natural history**

Two people of local historical lived on site. Including Joshua Jeremiah Farr who became a Mayor of Marrickville and George Butterfield who was an astronomer and made a significant to mapping stars in the southern hemisphere.

**c) an item is important in demonstrating aesthetic characteristics and/ or a high degree of creative achievement in the local area.**

The house makes a minor contribution to the streetscape. It is a modest weather board house in a dilapidated condition.

**d) an item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.**

Does not meet this criterion.

**e) an item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history**

Does not meet this criterion.

**f) an item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history**

Weatherboard houses in Sydney are rare.

- g) **an item is important in demonstrating the principal characteristics of a class of the local area's**
- **cultural or natural places; or**
  - **cultural or natural environments**

A unique style of house in a diverse streetscape the house does not meet this criterion.

### **3.2 Statement of Significance**

The building is a Victorian weatherboard freestanding house. The house may have been constructed in the 1880s. It is one of the oldest residences in Addison Road and retains its form, bulk and scale. However, the house is in a dilapidated condition and has recently suffered a fire damaging the front rooms. Termite damage impacts the house. The building has been re-clad and some internal wall have also been re-clad with particle board and Masonite. Timber houses in Sydney are rare. The conditions of sometimes sub-tropical heat make them prone to damage by termites and other vermin. The building has been compromised by incremental changes over its long history. It has not been identified by the council as a heritage item and it is not in a conservation area. However, the building has some historical significance. It was owned by a Mayor of Marrickville Joshua Jeremiah Farr and was also home to an astronomer "George Butterfield. These residents were locally significant characters.

## **4.0 Review of the Heritage Interpretation Policy document in the Context of the site.**

### **4.1 People and Culture**

The property has associations with the life or works of a particular people of local significance important in the local area's cultural and natural history. The property original builder and architect are unknown. Some names and occupations of past tenants have been identified by the Marrickville Historical Society and the librarians of the Marrickville Council. These include George Butterfield an astronomer and Joshua Farr a Mayor of Marrickville. An article was produced by the Marrickville Heritage Society when the proposal to develop the site was first sent to the council.

More Heritage Watch

119 Addison Road Marrickville

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#### **4.2 Significance**

The building has a degree of local historical significance. It has little aesthetic significance. It is not technologically significant and has no social significance. Weatherboard houses in Sydney are rare, but this significance is reduced by the recladding of the house.

#### **4.3 Records and Research**

The sources used to establish the buildings significance have been varied and have included, land title information, the Sands Directory, Marrickville Council's records and the Marrickville Historical Society.

#### **4.4 Audience**

The audience of the site will be local residents and general passers-by.

#### **4.5 Themes**

The main relevant themes of this building are its history as a house. The building had a garden beside it to the west. The diverse ethnicity of tenants suggests the possibility of a theme of migration.

#### **4.6 Engaging the Audience**

The site is a small-scale development. The existing house is demolished with loss of all original fabric. A sign will be produced to identify and explain the site. The sign is placed on the fence.

#### **4.7 Context**

The site is situated opposite the Marrickville Community centre formerly a military barracks. Addison Road is a busy street that is mainly residential with

small pockets of commercial retail buildings that intensify in density towards Enmore Road. The street scape features buildings of diverse style with predominant styles being Victorian Italianate and Federation house. There is a mixture of duplexes and freestanding houses. The site is double fronted and the replacement building is a contemporary duplex. The new building makes no reference to the style of the existing house. Residential use of the site is retained.

#### **4.8 Sustaining Significance**

The size of the site and remaining areas of heritage fabric could easily be compromised by an intrusive signage outlining a heritage interpretation of the site. Scale of the signage should be modest to be fitted within the width of the Newell posts of the fence. This is a sympathetic location for the sign.

#### **4.9 Conservation Planning**

A Conservation Management Plan, Archival Recording or heritage Impact Statement has not been completed for the building. This is due to the building not being listed as a heritage or it being in a conservation area. The building is to be demolished leaving no original fabric.

#### **4.10 Maintenance, Evaluation and Review**

The existing house has suffered from neglect and from unsympathetic incremental change. It has also suffered from fire damage which has impacted on the front rooms and structural integrity of the house. This is an weatherboard house that has been reclad unsympathetically. Internally although the house retains the original floorplan rear sections of the house suffer from termite damage and impacts of the weather. Sections of walls are missing. Some areas of the house have been vandalised and squatters have used the property breaking into the house. Rear sheds are in an advanced dilapidated state and are collapsing. Although the building has a degree of historical significance its advanced state of dilapidation has so compromised its structural integrity that retention is not warranted.

#### **4.11 Skills and Knowledge**

This heritage Interpretation Strategy is carried out by Andrew Starr and Associates generalist heritage consultants listed by the NSW Heritage Branch. Andrew Starr is a social historian having co-written Paddington Stories with Janet Morice. Andrew Starr has guided walks of Pyrmont with Janet Morice for the NSW Historic Houses Trust.

#### **4.12 Collaboration**

The small scale of this project makes a collaboration with the local community unfeasible in terms of both time and expense.

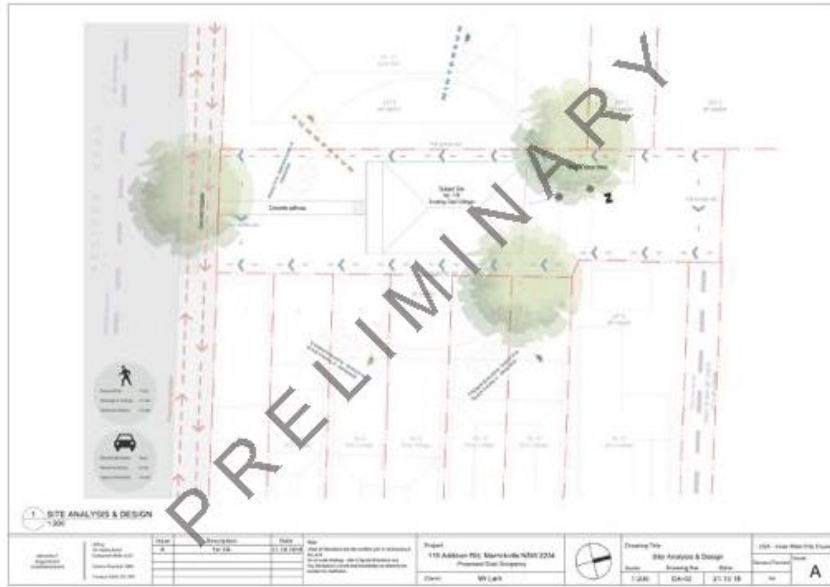
### **5.0 Recommendations**

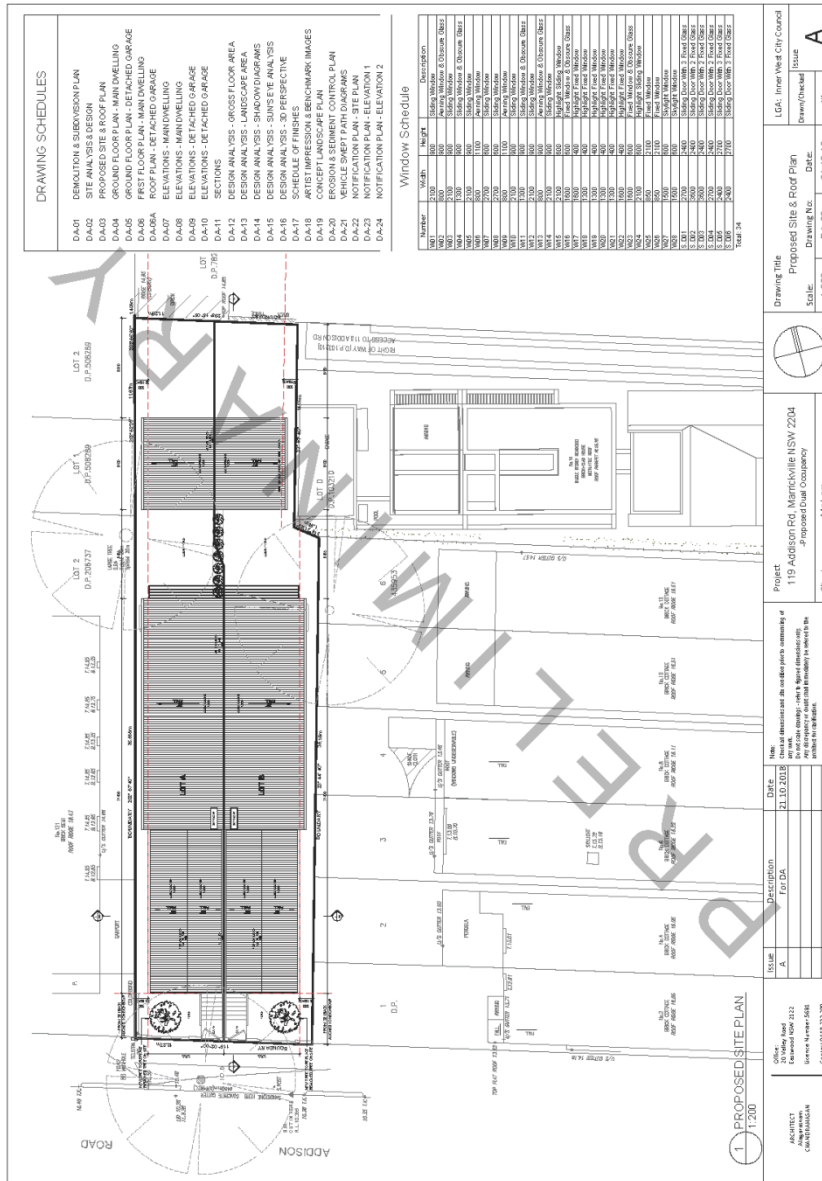
The significance of the site No. 119 Addison Road Marrickville is as a freestanding house in a dilapidated condition. It is not a heritage item and it is not in a conservation area. The Marrickville Council have sought the advice of

an independent heritage consultant who found after a site inspection and after undertaking research into the site's history that retention of the house unfeasible and that it should not be individually listed as a heritage item. Despite this recommendation have been made by the Marrickville Council that signage that expresses the history of the site should be produced before approval to demolish the house is granted. I support this advice and that a small sign be designed. The text and imagery for this design are listed below. Proposed is a sign with an image of the house supplied by the Marrickville Historical Society showing the building in its prime and a small section of text that outlines a brief history of the site. The design will be finalised after approval of the Marrickville Council's heritage advisor. It will be designed and made by Deuce Design who specialise in signs for heritage interpretation.

Plans of the proposed works







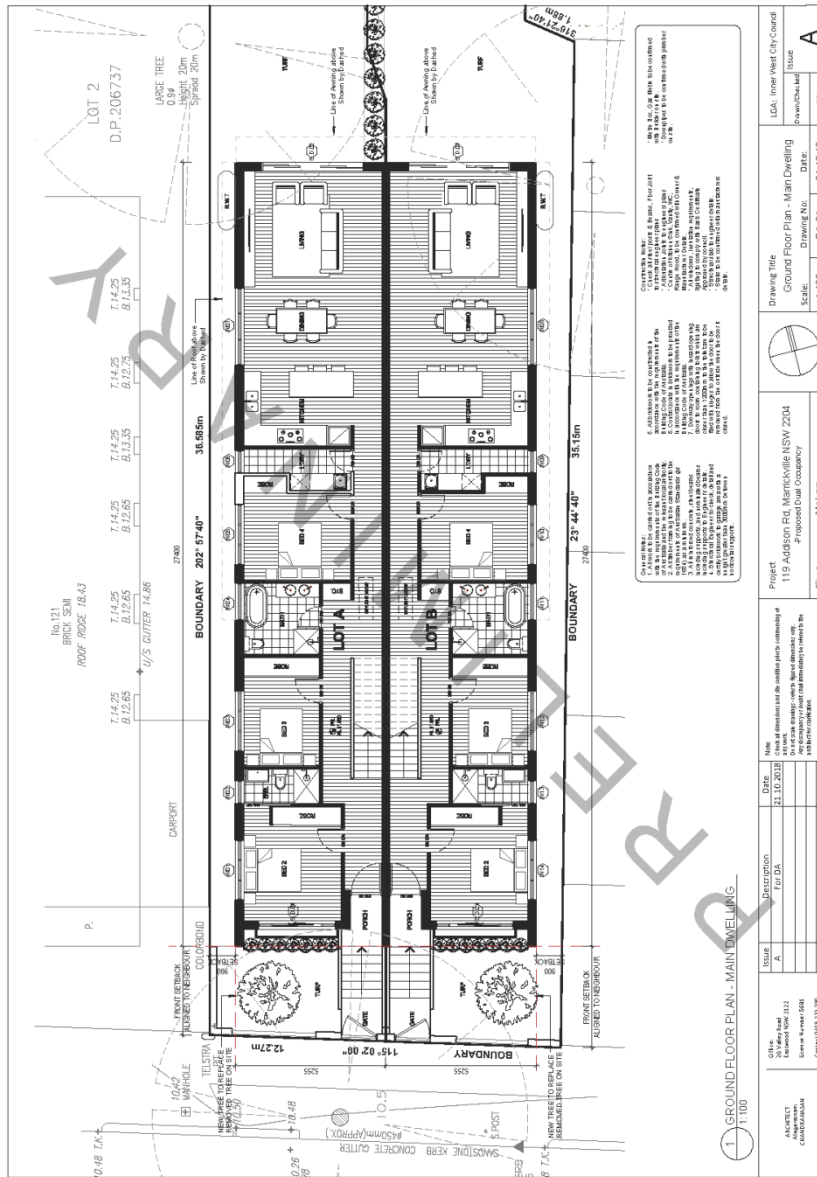
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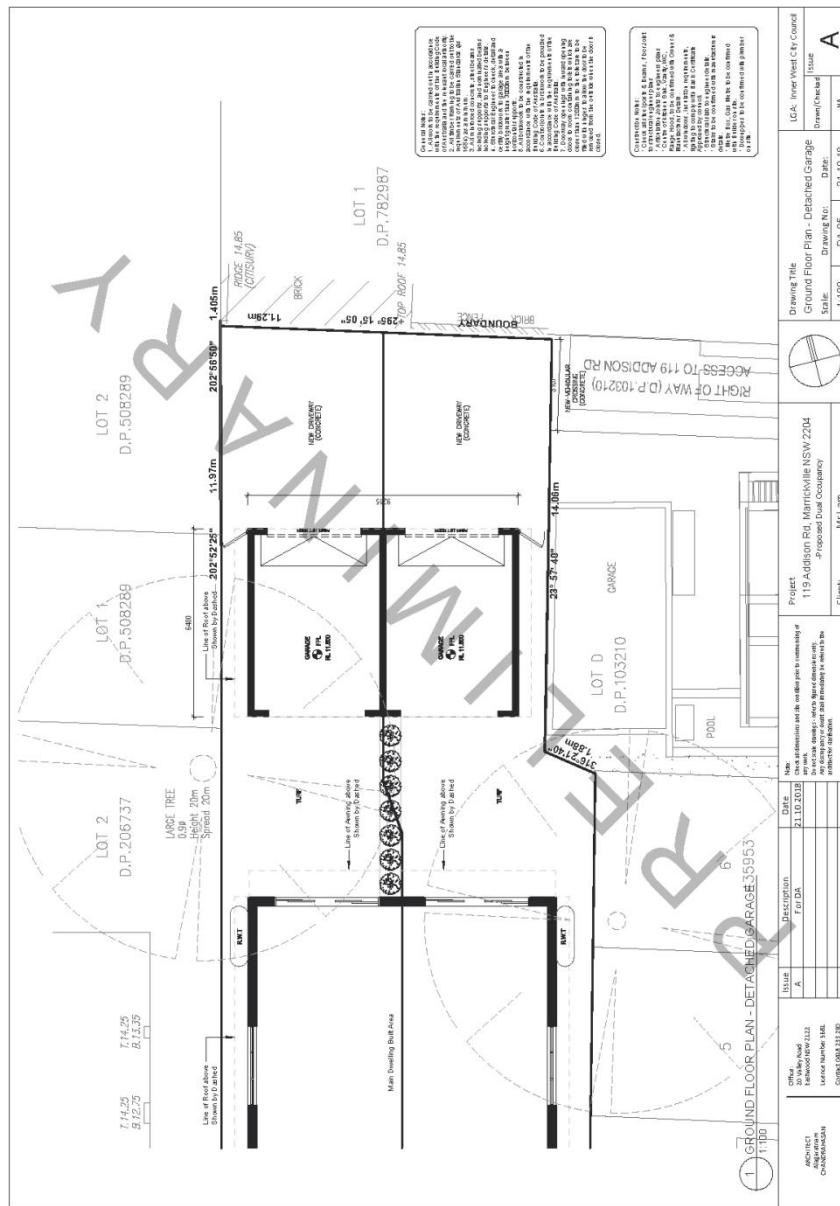
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DA02	SITE ANALYSIS & DESIGN
DA03	PROPOSED SITE & ROOF PLAN
DA04	PROPOSED SITE & ROOF PLAN - DETACHED GARAGE
DA05	GROUND FLOOR PLAN - DETACHED GARAGE
DA06	FIRST FLOOR PLAN - MAIN DWELLING
DA07	ELEVATIONS - MAIN DWELLING
DA08	ELEVATIONS - DETACHED GARAGE
DA09	ELEVATIONS - DETACHED GARAGE
DA10	ELEVATIONS - DETACHED GARAGE
DA11	SECTIONS
DA12	DESIGN ANALYSIS - CROSS FLOOR AREA
DA13	DESIGN ANALYSIS - SHADOW DIAGRAMS
DA14	DESIGN ANALYSIS - SHADOW DIAGRAMS
DA15	DESIGN ANALYSIS - SUN/EYE ANALYSIS
DA16	DESIGN ANALYSIS - 3D PERSPECTIVE
DA17	SCHEDULE OF FINISHES
DA18	CONCEPT LANDSCAPE PLAN
DA19	CONCEPT LANDSCAPE PLAN
DA20	EROSION & SEDIMENT CONTROL PLAN
DA21	VEHICLE SWEEP PATH DIAGRAMS
DA22	VEHICLE SWEEP PATH DIAGRAMS
DA23	NOTIFICATION PLAN - ELEVATION 1
DA24	NOTIFICATION PLAN - ELEVATION 2

**Window Schedule**

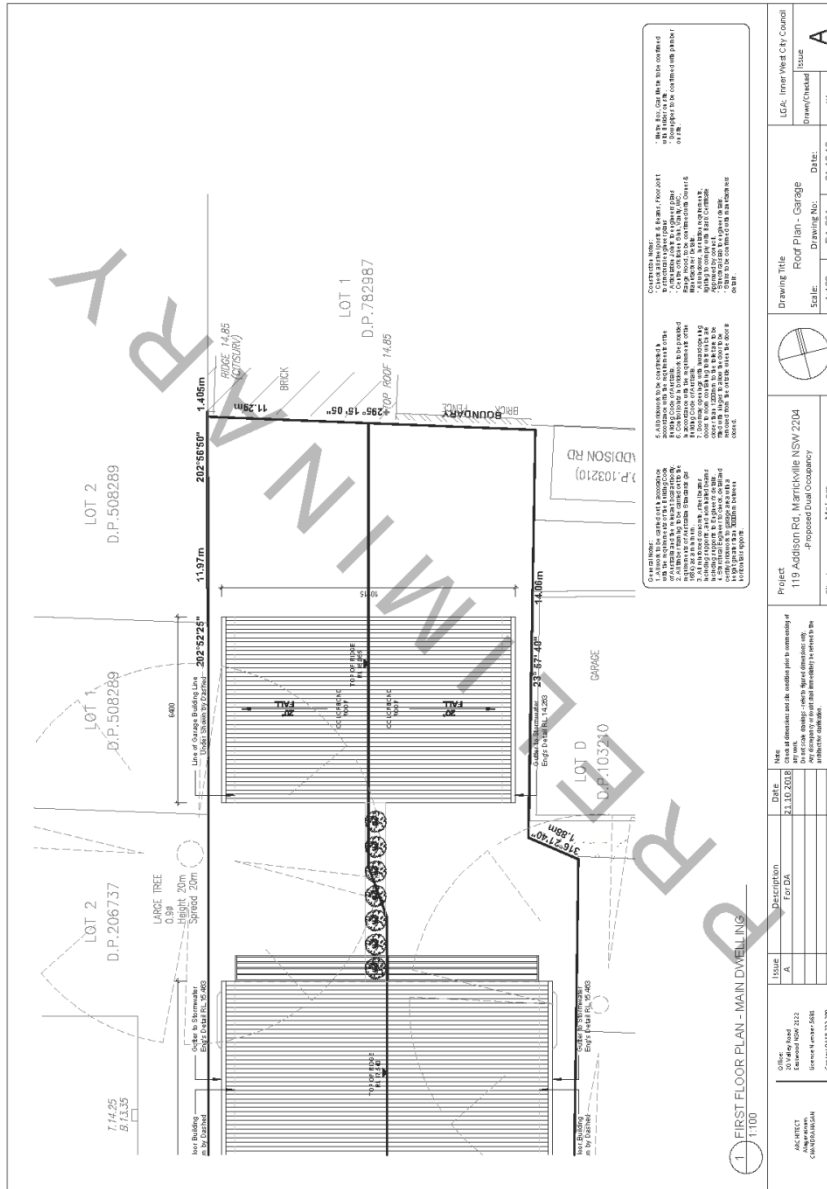
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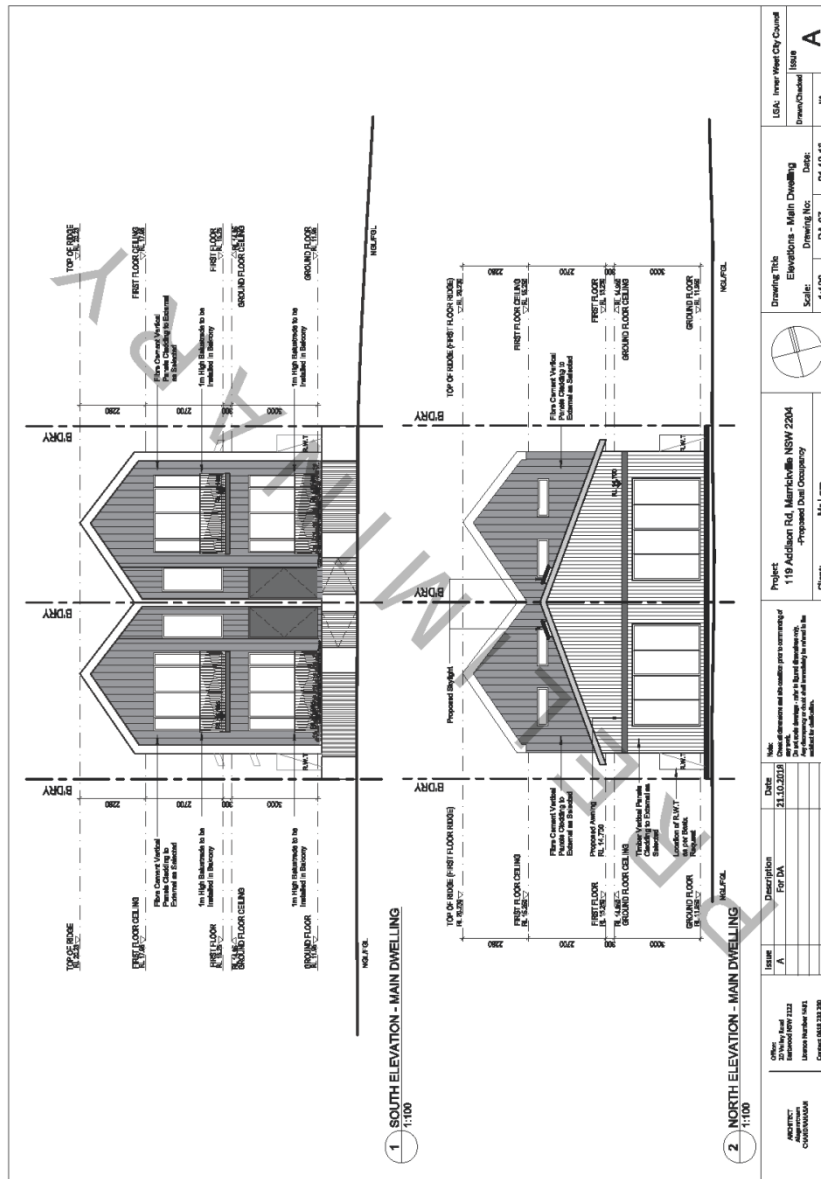




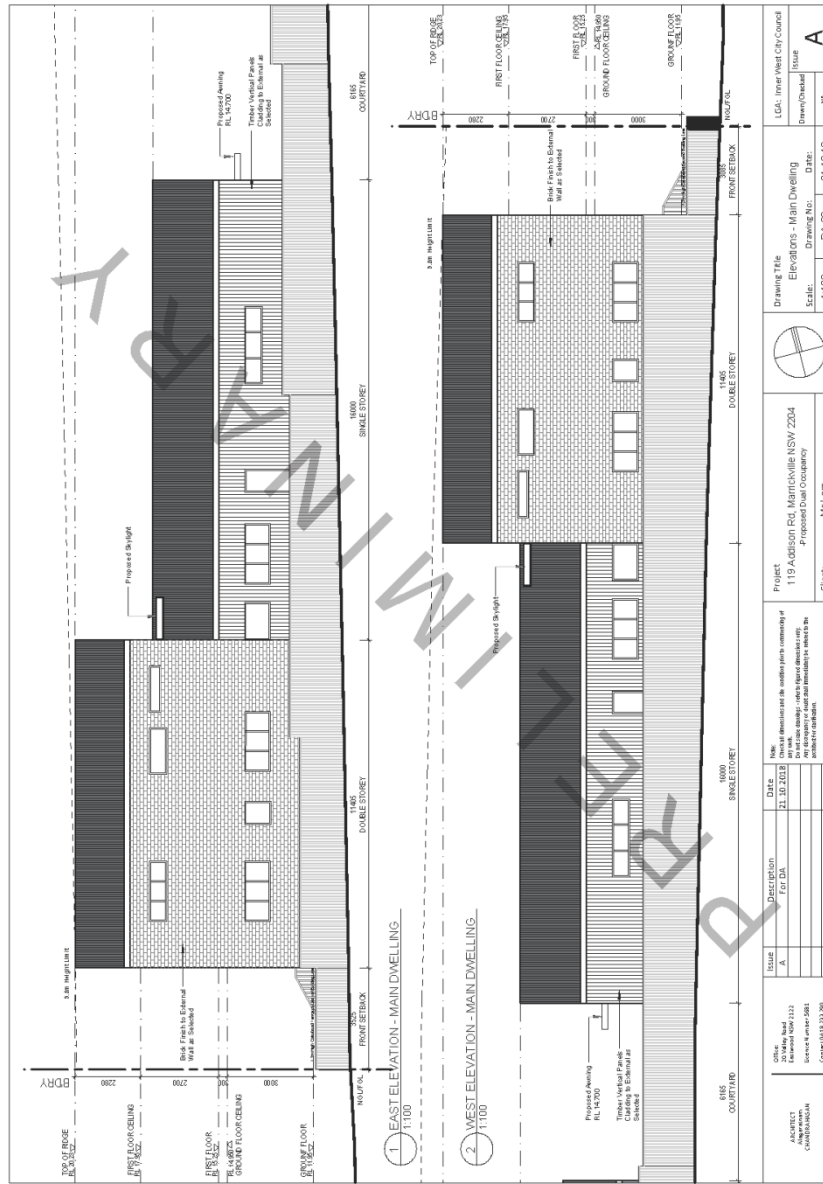


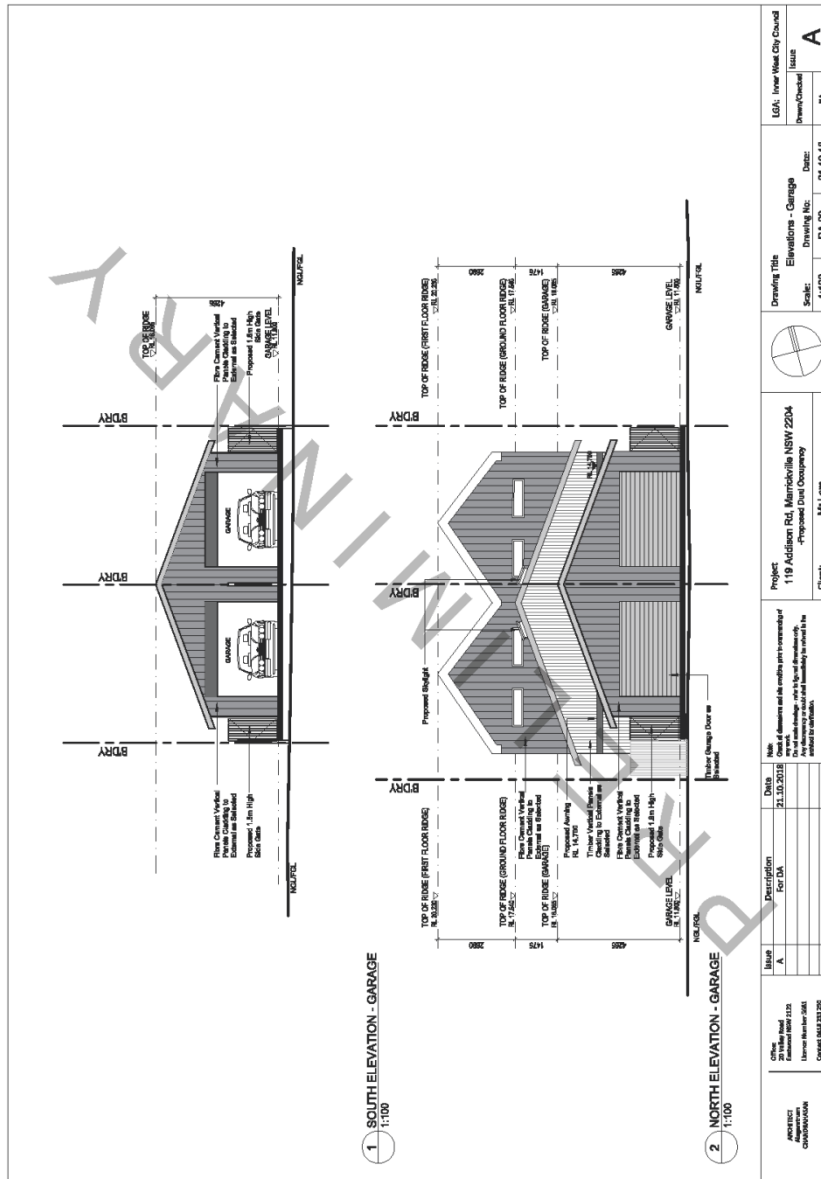




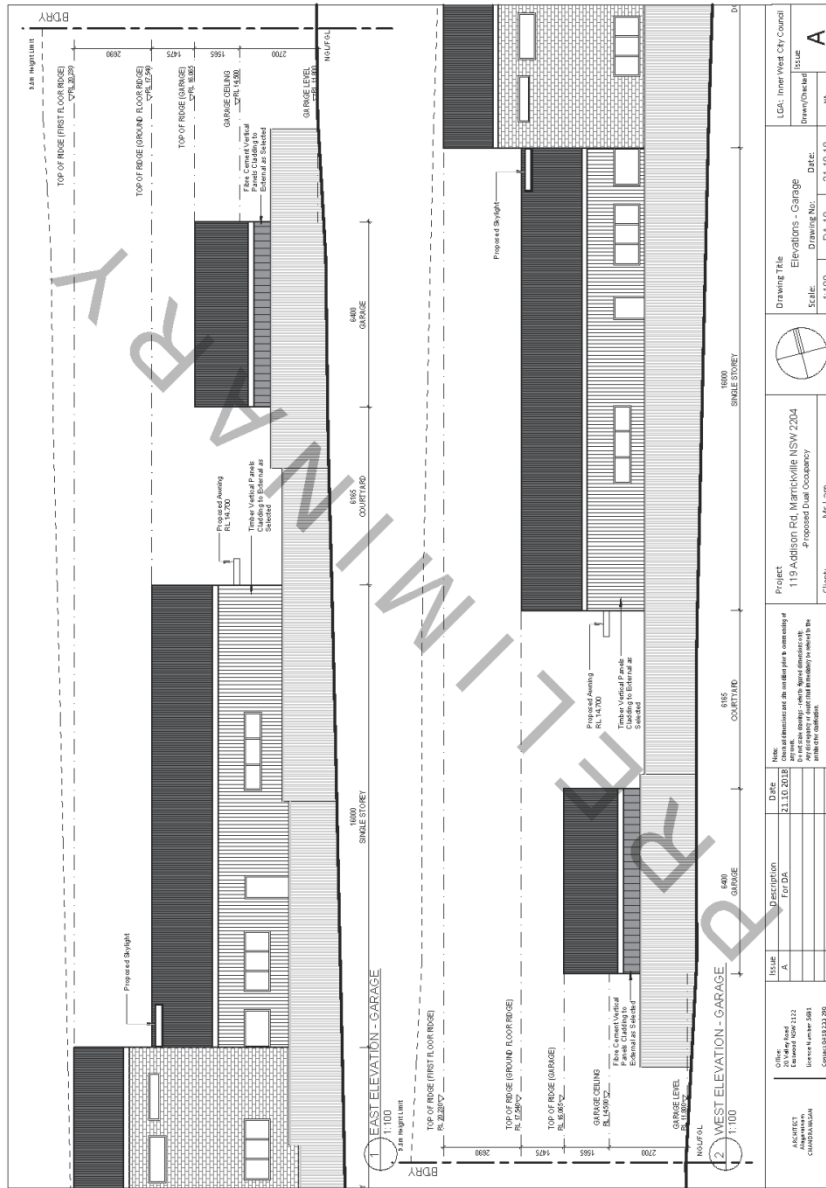


<p>Site: 20 Wavy Road, Lonsdale NSW 2232, Council: 95123 (95123)</p> <p>Project: 119 Addison Rd, Marichville NSW 2204 - Proposed Dual Occupancy</p> <p>Client: Mr Lam</p>	<p>Date: 21.10.2018</p> <p>For: DA</p>	<p>Note: Show all dimensions and the number from to corner of wall or window opening, refer to Rural (dwelling) code of practice for all openings to level the building.</p>	<p>Drawing Title: Elevations - Main Dwelling</p> <p>Scale: 1:100</p> <p>Drawing No: DA-07</p> <p>Date: 21.10.18</p>	<p>LGA: Inner West City Council</p> <p>Zone: Inner-City</p> <p>Use: A</p>
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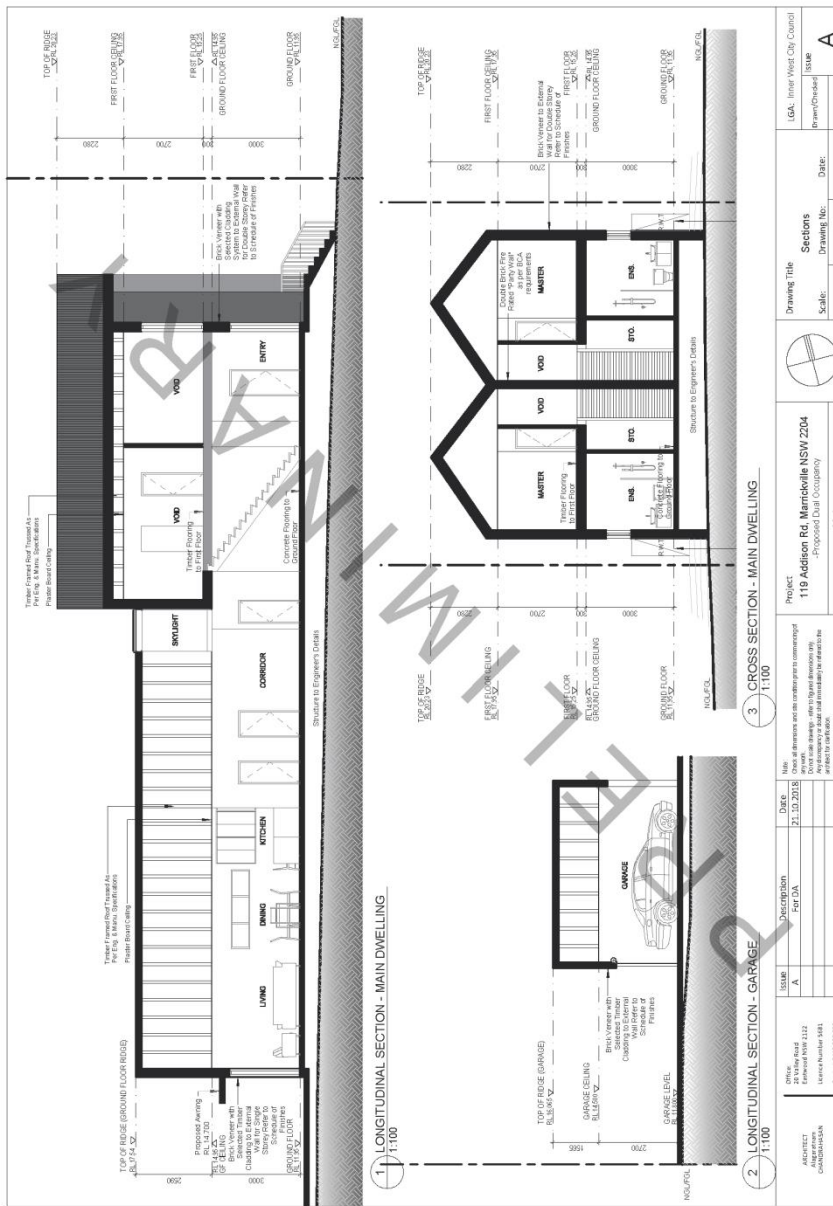


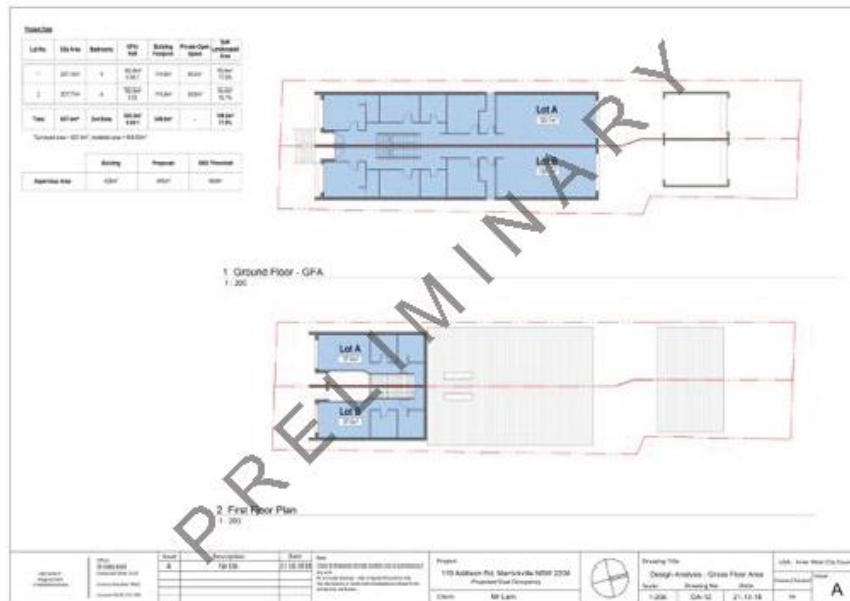
<p>Site: 20 Yildiz Road Elevation: 1508.2123 Lot: 1/1000 Created: 2014.03.20</p>	<p>Issue: A</p>	<p>Description: For DA</p>	<p>Date: 21.10.2018</p>	<p>Note: Check all dimensions and all weights prior to commencing of work. Do not make any change until the sign-off documents are received by the client.</p>	<p>Project: 119 Addison Rd, Maroubville NSW 2204 Proposed Dual Occupancy</p>	<p>Drawing Title: Elevations - Garage</p>	<p>Scale: 1:100</p>	<p>Drawing No: DA-09</p>	<p>Date: 21.10.18</p>	<p>Client: MF LHM</p>	<p>LGA: Inner West City Council</p>	<p>Drawn/Checked: [Signature]</p>	<p>Issue: A</p>
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Office: Architect: Columba Law	Office: Edward 5006 232 Lorena 4066 684 Contact 0488 228 296	Issue: A	Discipline: 100 GARAGE	Date: 21.10.2018	Notes: This drawing is to be used in accordance with the conditions of the contract. It is the responsibility of the client to ensure that the drawing is used for the intended purpose.	Project: 119 Addison Rd, Marrickville NSW 2204 Proposed Dual Occupancy	Drawing Title: Elevations - Garage	Scale: 1:100	Drawing No: DA-10	Date: 21.10.18	Issue: A
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RENDERING IMAGES

RENDERING 1: EXTERIOR VIEW OF THE HOUSE SHOWING THE GABLED TOWERS AND LANDSCAPING.

RENDERING 2: INTERIOR VIEW OF THE STAIRCASE.

RENDERING 3: INTERIOR VIEW OF A ROOM WITH A WINDOW.

RENDERING 4: INTERIOR VIEW OF A KITCHEN AREA.

Project Name	778 Addison Pk, Maribou NSW 2206	Project No.	MP LPH
Client	Princeton Real Estate	Project Title	Adair Proprietorship & Neighbourhood Program
Project Address	778 Addison Pk, Maribou NSW 2206	State	NSW
Project Description	Proposed Real Estate	Local Government Area	Inner West
Project Status	MP LPH	Project Date	21-10-18
Project Contact		Project Reference	A