




 DEVELOPMENT ASSESSMENT REPORT				
<b>Application No.</b>	REV/2020/0016			
<b>Address</b>	29 William Street TEMPE NSW 2044			
<b>Proposal</b>	S8.2 Review of Development Application for alterations and additions to an existing dwelling			
<b>Date of Lodgement</b>	29 July 2020			
<b>Applicant</b>	Mr David G Pidcock Ms Deirdre A O'Rourke			
<b>Owner</b>	Ms Deirdre A O'Rourke Mr David G Pidcock			
<b>Number of Submissions</b>	2 (in support)			
<b>Value of works</b>	\$495,000.00			
<b>Reason for determination at Planning Panel</b>	S8.2 Review where recommendation is to uphold previous refusal			
<b>Main Issues</b>	Streetscape, design and impacts on period building			
<b>Recommendation</b>	Refusal			
<b>Attachment A</b>	Architectural Plans			
<b>Attachment B</b>	Draft Conditions (if review is upheld)			
<b>Attachment C</b>	Original Assessment Report DA201900461			
				
<b>LOCALITY MAP</b>				
Subject Site		Objectors		N↑
Notified Area		Supporters		

## 1. Executive Summary

A development application for alterations and additions to an existing dwelling at the above property was refused by Council staff under delegation under Determination No 201900461 on 21 May 2020 for the following reasons:

1. The proposal does not demonstrate that it satisfies the following Clauses of the MLEP 2011, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979: a. Clause 1.2 – Aims of Plan 2.
2. The proposal does not demonstrate that it satisfies the following Parts of MDCP 2011, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979:
  - a. Part 2.1 – Urban Design
  - b. Part 4.1.1 – General Objectives
  - c. Part 4.1.4 – Good Urban Design Practice
  - d. Part 4.1.5 – Streetscape and Design
  - e. Part 4.1.6 – Built form and character
  - f. Part 4.1.11 – Additional controls for residential period dwellings
3. The proposal has not demonstrated it is suitable on the site, pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
4. The proposal has not demonstrated to be in the public interest, pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979

A copy of the report on the application is included as Attachment C to this report.

The applicant has requested that Council review the determination under Section 8.2 of the *Environmental Planning and Assessment Act, 1979*.

The application was notified to surrounding properties and 2 submissions in support were received in response to the notification.

The main issues that have arisen from the application include:

- Siting of the first-floor addition and the resultant impact on the existing dwelling
- Streetscape & Design

The non-compliances are considered unacceptable, therefore the application is recommended for refusal.

## 2. Proposal

The application seeks review of Determination No.201900461 under Section 8.2 of the *Environmental Planning and Assessment Act 197*. The application is for alterations and additions to the existing dwelling including an amended first floor addition.

Specifically, the following works are proposed under the amended plans:

### Demolition:

- Demolition of existing first floor addition;
- Demolition of some landscaping elements at rear;

- Removal of portion of roof; and
- Minor internal alterations and removal of internal walls;

Ground floor:

- Reconfiguration and extension of ground floor; and
- The principal outdoor area relocated to be a courtyard in the centre of the site;

First floor:

- Construction of an amended first floor addition comprising of four bedrooms, two bathrooms and a deck.

### 3. Site Description

The subject site is located on the northern side of William Street, and consists of two allotments, legally described as Lots B and C in Deposited Plan 15002. Known as No.29 William Street, the lots have a combined area of approximately 575.8sqm. An existing dwelling house with a first-floor addition is located on the site. Surrounding land uses are predominantly one and two storey dwelling houses.



Figure 1: Zoning Map

## 4. Background

### 4(a) Site history

#### Subject Site

Application	Proposal	Decision & Date
DA201800470	To demolish part of the premises and carry out ground and first floor alterations and additions to the building so as to comprise a dwelling and secondary dwelling.	Refused - 8 February 2019
DA201800470.01	Review request under Section 8.2 of the Environmental Planning and Assessment Act to review Determination No. 201800470 dated 8 February 2019 - To demolish part of the premises and carry out ground and first floor alterations and additions to the building so as to comprise a dwelling and secondary dwelling.	Application withdrawn- 22 June 2019
PDA201900112	Alterations and additions at ground and first floor to the existing dwelling.	Advice issued recommending some design changes prior to lodgement of a DA - 22 July 2019
PDA201900150	Alterations and additions at ground and first floor to the existing dwelling.	Advice issued recommending some design changes prior to lodgement of a DA - 18 October 2019
DA201900461	Alterations and additions to the existing dwelling including first floor addition.	Refused – 21 May 2020

### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
25 September 2020	RFI Issued to Applicant requesting first floor front setback be increased in line with existing first floor addition and details about existing garage.
14 October 2020	Additional information was submitted regarding the existing garage. Architectural plans were not amended.

## 5. Assessment

The following is a summary of the assessment of the proposed development in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

### 5(a) Environmental Planning Instruments

The application is considered acceptable with regard to the following relevant State Environmental Planning Instruments:

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

Compliance Table – Marrickville LEP and DCP

Standard	Proposal	Non-compliance	Complies
<b>MLEP 2011</b>			
<b>Height of Building</b> Maximum permissible: 9.5m	6.35metres	N/A	Yes
<b>Floor Space Ratio</b> Maximum permissible: 1.5:1 or 287.9sqm	0.499:1 or 287.5sqm	N/A	Yes
<b>MDCP 2011</b>			
<b>Front Setback</b> Consistent with neighbouring properties/streetscape & amenity	Ground – 4metres First-floor - 9.9metres	Inconsistent with front setback required to retain period roof form of ground floor. Any other first-floor additions in the street would be subject to the same controls involving retention of period dwelling	No (discussed further in body of report)
<b>Side Setbacks</b> Ground – 0.9metres First-Floor – 1.5metres	Ground – 0.9metres (min) First Floor – 1.5metres (min)	N/A	Yes
<b>Rear Setback</b> Consistent with neighbouring properties/streetscape & amenity	Ground – 3.5metres First-floor – 8metres	N/A	Yes
<b>Site Coverage</b> 45% max.	41% (238.4sqm)	N/A	Yes
<b>Landscaping</b> 20% of Site – 50% min. pervious	127.2sqm – 22% 74.6sqm pervious – 59%	N/A	Yes
<b>Parking</b>	1 space - as existing	N/A	Yes

Address of Reasons for Refusal

Given that the plans submitted with the application for review have only one amendment from the refused application, which is a 1.6 metre increase in the front setback of the first floor addition, it is considered appropriate that assessment against the provisions of *Marrickville Local Environment Plan 2011* (MLEP 2011) and *Marrickville Development Control Plan 2011* (MDCP 2011) be in the form of an analysis against the reasons for refusal of the original determination. This is provided as follows:

1. *The proposal does not demonstrate that it satisfies the following Clauses of the MLEP 2011, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979:*

- a. *Clause 1.2 – Aims of Plan*

The aims of the plan of relevance to the proposal are as follows;

- (g) to identify and conserve the environmental and cultural heritage of Marrickville,
- (h) to promote a high standard of design in the private and public domain.

The amended plans submitted as part of the review application have increased the setback of the first-floor addition by 1.6 metres to retain more of the existing ground floor roof form of the period dwelling as shown in Figure 3.

Whilst it is agreed that the increase in setback is a slight improvement, this is not in accordance with Council’s recommended setback to the applicant under the previous assessment report, verbal discussions with the applicant and as outlined in the request for additional information letter issued as part of the s8.2 review.

Period buildings are considered an integral part of the environmental and cultural heritage of Marrickville. The former Marrickville LGA has a prevalence of older style buildings whose integrity and character are recognised as part of the former LGA’s established character. The original portion of the subject dwelling fronting the street provides a positive contribution to the streetscape. The location of the proposed addition sits within front portion of the northern side hip of the original roof form and results in a loss of more than half of the side hip, which is a prominent element of the existing roof form and visible from the streetscape. It is considered that the proposed junction (and lack of transition) between the old and new diminishes the integrity of the existing building. These important roof forms are consistently required to be retained in the former Marrickville area where they remain legible and intact.

The proposed front setback still results in an unsympathetic transition between the new addition and the existing dwelling resulting in the loss of the original roof form, which forms of part of the character of the dwelling when viewed from the site and the street. The proposal as amended still fails to protect the environmental heritage of Marrickville as it seeks to the demolish a significant portion of the front roof form of the period dwelling, and the awkward transition of the addition fails to provide a high standard of design in the public and private domain and therefore fails to meet to satisfy Clause 1.2 (g) and (h) of MLEP 2011.



*Figure 3: Proposed First Floor Setback – yellow highlighted shows increase in original roof form being retained as part of the amended plans submitted with the application for review.*

2. *The proposal does not demonstrate that it satisfies the following Parts of MDCP 2011, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979:*
  - a. *Part 2.1 – Urban Design*
  - b. *Part 4.1.1 – General Objectives*
  - c. *Part 4.1.4 – Good Urban Design Practice*
  - d. *Part 4.1.5 – Streetscape and Design*
  - e. *Part 4.1.6 – Built form and character*
  - f. *Part 4.1.11 – Additional controls for residential period dwellings*

The non-compliance with objectives and controls within Parts 2.1 and 4.1 of MDCP 2011 are all a direct result of the positioning of the first floor of the development. It is considered that the location of the first-floor deck and bedroom 2, result in the removal of a significant part of the existing dwelling. The location of the addition sits within front portion of the northern side hip of the original roof form and results in a loss of more than half of the hip, which is a prominent element of the existing roof form and visible from the streetscape.

It is considered that the proposed junction (and lack of transition) between the old and new elements diminishes the integrity of the existing building which is inconsistent with the objectives and controls for urban design, streetscape, built form and character. It is evident that given the extent of the ground floor dwelling and size of the site, it is considered that the desired rooms could be redistributed elsewhere in order to retain the northern side hip (albeit with some rationalisation of spaces). The development does not provide a sympathetic addition to the period building that would retain or enhance its architectural character. It is evident that the siting and setbacks of the first-floor addition continue to be in disparity with Controls C57, C58 and C60 under Part 4.1.6 of MDCP 2011 which are provided below;

- C57 Alterations and additions at the front should minimise impacts to the period dwelling.*  
*C58 Demolition of existing significant period features at the front will not be permitted.*  
*C60 Alterations and additions at the rear and the sides and above the roof line, other than reconstruction of elements removed from the period building and garden, must be subordinate to the main body of the period building when viewed from the street.*

It is noted that in the documentation submitted with the review, examples of other recently approved first floor additions (1 William Street and 22 Lymerston Street) were provided as justification for the proposed design. However, these additions have maintained the main roof form of those dwellings and have first floor additions setback to a point that allows for the retention of those original elements, thereby resulting in reasonable streetscape outcomes ensuring the addition is subordinate to the main roof form and the location of the addition is sympathetic the original portion of the dwelling being retained. There are many other examples in the locality and in greater Marrickville where the principal roof form has been required to be retained in period buildings where visible from the public domain.

Whilst it is acknowledged that the applicant has setback the first floor more than the original design, it is considered that this revised setback is not sufficient in ensuring a positive streetscape outcome and the juncture between the existing dwelling and proposed first floor addition is awkward and compromises the aesthetic of the original building.

The requests made by Council during previous applications and the subject application have remained consistent, with the advice provided in respect of these examples in the vicinity of the site and any first floor addition at the site is required to adequately respond to the

streetscape and period dwelling requirements, the amended design has failed to do so and as a result is recommended for refusal.

In addition to the above, the site is located in the Unwins Bridge Road Planning Precinct (Precinct 9.31) under Marrickville Development Control Plan 2011. It is considered the proposed addition would be contrary to a number of the provisions of the desired future character of the area, namely 1 and 3 which are as follows;

*The desired future character of the area is:*

- 1. To protect and preserve contributory and period buildings within the precinct and require their sympathetic alteration or restoration.*
- 3. To maintain distinctly single storey streetscapes that exist within the precinct.*
- 4. To protect groups or runs of buildings which retain their original form including roof forms, original detailing and finishes.*
- 5. To protect significant streetscapes and/or public domain elements within the precinct including landscaping, fencing, open space, sandstone kerbing and guttering, views and vistas and prevailing subdivision patterns.*
- 6. To preserve the predominantly low density residential character of the precinct.*
- 7. To support pedestrian and cyclist access, activity and amenity including maintaining and enhancing the public domain quality.*
- 8. To ensure that the provision and location of off-street car parking does not adversely impact the amenity of the precinct.*
- 9. To protect the identified values of the Collins Street Heritage Conservation Area.*

Having regard to the above, the addition is not considered sympathetic to the period building. Furthermore, the dwellings in William Street are predominately single storey in appearance, and whilst a first floor addition can be contemplated on the site, the location of the addition is paramount in ensuring that the streetscape outcomes identified in the desired future character are maintained, however the proposal fails to adequately satisfy this provision.

Having regard to the above, the proposal is not supported.

- 3. The proposal has not demonstrated it is suitable on the site, pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.*

Given that the development does not comply with the objectives and controls relating to the design of the alterations and additions in accordance with MLEP 2011 and MDCP 2011, Council considers that the development design remains unsuitable for the site.

- 4. The proposal has not demonstrated to be in the public interest, pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979*

The public interest is best served by consistent application of the requirements of the relevant Environmental Planning Instruments, in this case the MLEP 2011 and MDCP 2011, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. The development fails to meet the objectives and controls in order to preserve the integrity of the period dwelling when viewed from the public and private domain. The development would set an undesirable precedent for the immediate streetscape and wider area and is therefore not considered to be in the public interest.

### Privacy

Part 2.6 of MDCP 2011 outlines objectives and controls for visual and acoustic privacy. Whilst privacy was not listed as a reason for refusal of the original application, it was listed in the assessment report that if the development were to be approved, a condition would be



imposed requiring the first floor deck not to exceed 10sqm in area in order to minimise potential acoustic amenity impacts upon neighbouring properties.

The siting of the first-floor deck is orientated towards the side boundary shared with the dwelling at No.27 William Street, which is contrary to Control C2 (ii). Similarly, the size and depth of the deck is greater than 10sqm in area and 1.5 metres in depth for more than half the deck which is contrary to Control C3 (ii). The non-compliances of the depth, size and siting of the deck coupled with the location of the deck being within the area of the existing northern side hip of the original roof (which Council contends should be retained, as discussed above) provides obvious rationale for the redesign of the deck to provide for a compliant development in terms of design and privacy. Accordingly, the proposal is not supported.

#### 5(b) Draft Marrickville Local Environmental Plan 2011 (Amendment 4)

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The amended provisions contained in the Draft LEP Amendment allow for a lot of the size of the subject site to have a maximum Floor Space Ratio of 0.6:1 as opposed to the current control of 0.5:1. The proposal in its current form is capable of complying with the existing 0.5:1 standard for the site.

The development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

#### 5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The Draft IWLEP 2020 contains amended objectives for the R2 Low Density Residential zone, along with amended objectives for development standards relating to Floor Space Ratio and Building Height. As the subject site is located within the R2 Low Density Residential zone as per MLEP 2011, these provisions must be considered.

The relevant provisions have been taken into account and the development is considered generally acceptable having regard to the main provisions of the Draft IWLEP 2020.

#### 5(e) The Likely Impacts

The assessment of the s8.2 Review demonstrates that the proposal will have an adverse impact on the locality in terms of the presentation of the dwelling within the streetscape due to the loss of the northern side hip of the original roof form and inadequate transition of the addition. The alterations and additions would diminish the integrity of the existing dwelling. The size, depth and siting of the first-floor deck would have unacceptable privacy impacts. The proposed development is therefore, not supported.

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

It is considered that the proposal will have an adverse impact on the adjoining properties and streetscape and therefore it is considered that the site is unsuitable to accommodate the proposed development.

### 5(g) Any submissions

The application was notified in accordance with Marrickville Development Control Plan 2011 for a period of 14 days to surrounding properties. Two submissions were received in response to the notification. Both submissions expressed support for the proposed development.

### 5(h) The Public Interest

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

The proposal is contrary to the public interest.

## 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 with the exception of the objectives and controls relating to design, streetscape, built form and character and the size and location of the first-floor deck.

It is considered that the front setback of the proposed additions and removal of the northern side hip of the original roof form would result in an unacceptable design outcome for the site and the period building being retained. The development would result in significant impacts on the streetscape and is not considered to be in the public interest.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

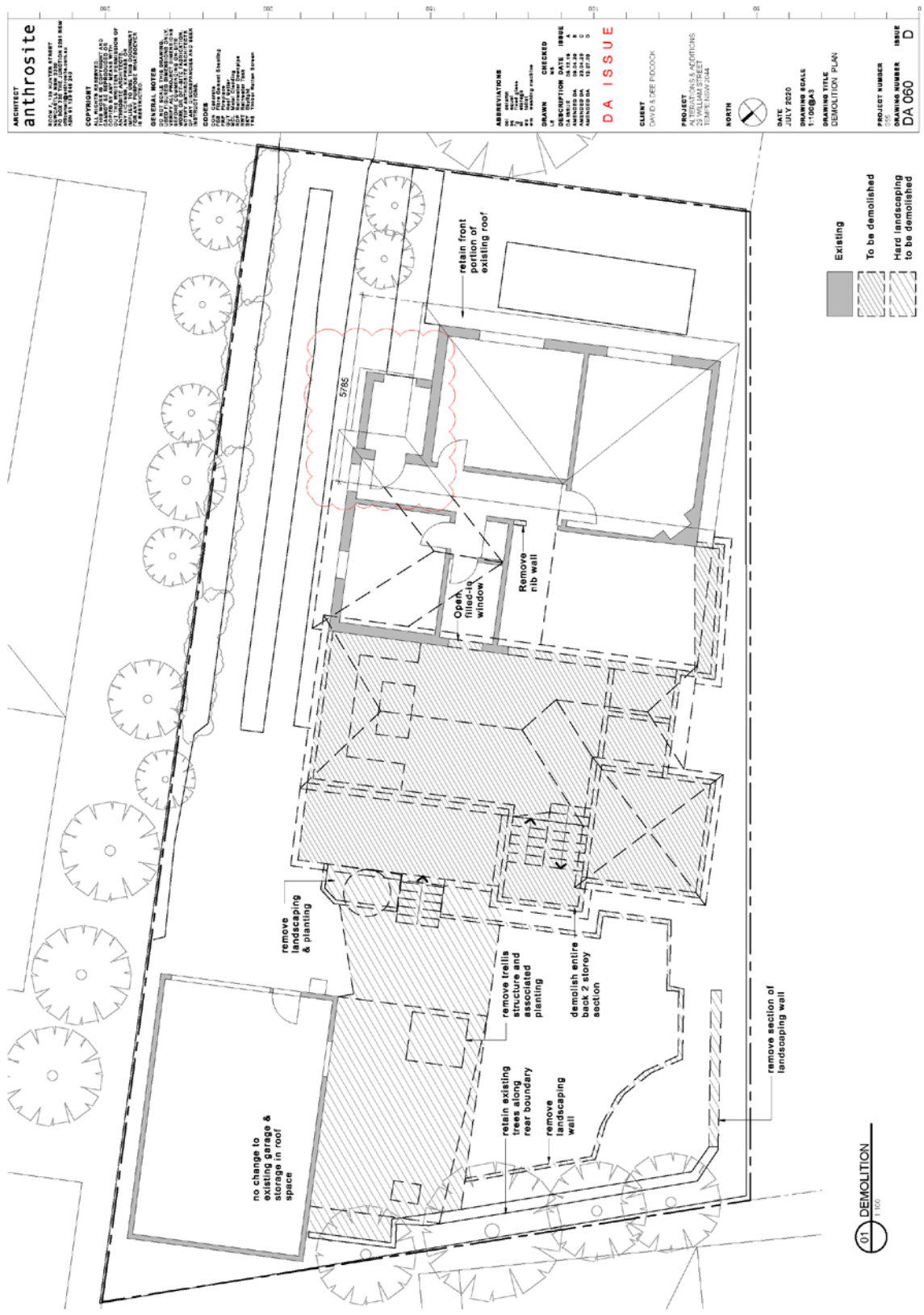
## 9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse development application No. REV/2020/0016 for S8.2 Review of Development Application for alterations and additions to an existing dwelling at 29 William Street TEMPE NSW 2044 for the following reasons.
1. The proposal does not demonstrate that it satisfy Clause 1.2 – *Aims of Plan* of the MLEP 2011, pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979*.
  2. The proposal does not demonstrate that it satisfies the following Parts of MDCP 2011, pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act, 1979*.
    - a. Part 2.1 – Urban Design
    - b. Part 2.6 – Visual and Acoustic Privacy
    - c. Part 4.1.1 – General Objectives
    - d. Part 4.1.4 – Good Urban Design Practice
    - e. Part 4.1.5 – Streetscape and Design

- f. Part 4.1.6 – Built form and character
  - g. Part 4.1.11 – Additional controls for residential period dwellings
  - h. Part 9.31 – Unwins Bridge Road
3. The proposal has not demonstrated it is suitable for the site, pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
4. The proposal has not demonstrated to be in the public interest, pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*

Attachment A – Architectural Plans















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**CODES**  
 T1 - Tree  
 T2 - Tree  
 T3 - Tree  
 T4 - Tree  
 T5 - Tree  
 T6 - Tree  
 T7 - Tree

**ABBREVIATIONS**  
 RWT - Retaining Wall  
 CON - Concrete  
 FF - Finished Floor  
 G - Garden  
 S - Step

**DATE**  
 MARCH 2020

**DRAWING SCALE**  
 1:100 @ A3

**DRAWING TITLE**  
 LANDSCAPE PLAN

**PROJECT NUMBER**  
 DA 150

**CLIENT**  
 DAVID & DEE RIDGICK

**PROJECT**  
 ALTERATIONS & ADDITIONS  
 TO EXISTING RESIDENTIAL  
 TEMPERANCE ROAD

**DA ISSUE**

**PLANTING SCHEDULE**

Species	Common Name	Height at planting	Nature	Location
Persea Pacifica	Pearl Palm	1.5m	8-10m	2
Callistemon Citrinus	Red Flame	4m	4m	1
Asplenium Australasicum	Rock Fern	500mm	1-2m	1
Acacia Cognata 'Mini dog'	Bowen Wattle	200mm	0.75-1m	2 & 3
Anthopodium Cirratum	Royal Rongai Lily	150mm	600mm	1, 2 & 3
Colocasia Esculenta	Violet Stemmed Taro	500mm	1-2m	1
Brachyosoma Multifida	Cut-leaf Daisy	100mm	300mm	2 & 3
Viola Hederacea	Native Violet	100mm	150mm	1, 2 & 3
Liriope Muscari	Lily Turf	200mm	400mm	3
Scleranthus Biflorus	Camberra Grass	20mm	20mm	1, 2 & 3

**SCHEDULE OF EXISTING TREE DETAILS**

Tree no	Species	Common Name	Approx. Height	Approx. Trunk Dia	Canopy Dia
T1	Syzygium Smithii	Lilly Pilly	8m	250mm	3.2m
T2	Syzygium Smithii	Lilly Pilly	10m	300mm	4.5m
T3	Syzygium Smithii	Lilly Pilly	9m	180mm	3.1m
T4	Syzygium Smithii	Lilly Pilly	7m	200mm	3.0m
T5	Corn Plant	REMOVED	REMOVED	REMOVED	REMOVED
T6	Hovea Forestiana	Kenia Palm	3m	130mm	1.4m
T7	Hovea Forestiana	Kenia Palm	4m	150mm	1.5m

**01 LANDSCAPE PLAN**  
 1:100

**PLANTING SCHEDULE**

Species	Common Name	Height at planting	Nature	Location
Persea Pacifica	Pearl Palm	1.5m	8-10m	2
Callistemon Citrinus	Red Flame	4m	4m	1
Asplenium Australasicum	Rock Fern	500mm	1-2m	1
Acacia Cognata 'Mini dog'	Bowen Wattle	200mm	0.75-1m	2 & 3
Anthopodium Cirratum	Royal Rongai Lily	150mm	600mm	1, 2 & 3
Colocasia Esculenta	Violet Stemmed Taro	500mm	1-2m	1
Brachyosoma Multifida	Cut-leaf Daisy	100mm	300mm	2 & 3
Viola Hederacea	Native Violet	100mm	150mm	1, 2 & 3
Liriope Muscari	Lily Turf	200mm	400mm	3
Scleranthus Biflorus	Camberra Grass	20mm	20mm	1, 2 & 3

**Total Private Open Space:** 127.2m<sup>2</sup>  
**22.1% of site area**  
**Pervious Ground Area:** 74.6m<sup>2</sup>  
**13.0% of site area**

**no change to existing front setback**

**retain Lilly Pilly planting along boundary**

**retain existing boundary fence**

**existing concrete driveway**

**stone path through garden**

**retain existing trees & landscape wall along rear boundary**

**covered courtyard CON FF 17.845**

**built in seat**

**roof above dotted**

**built in seat**

**concrete step/seal along edge**

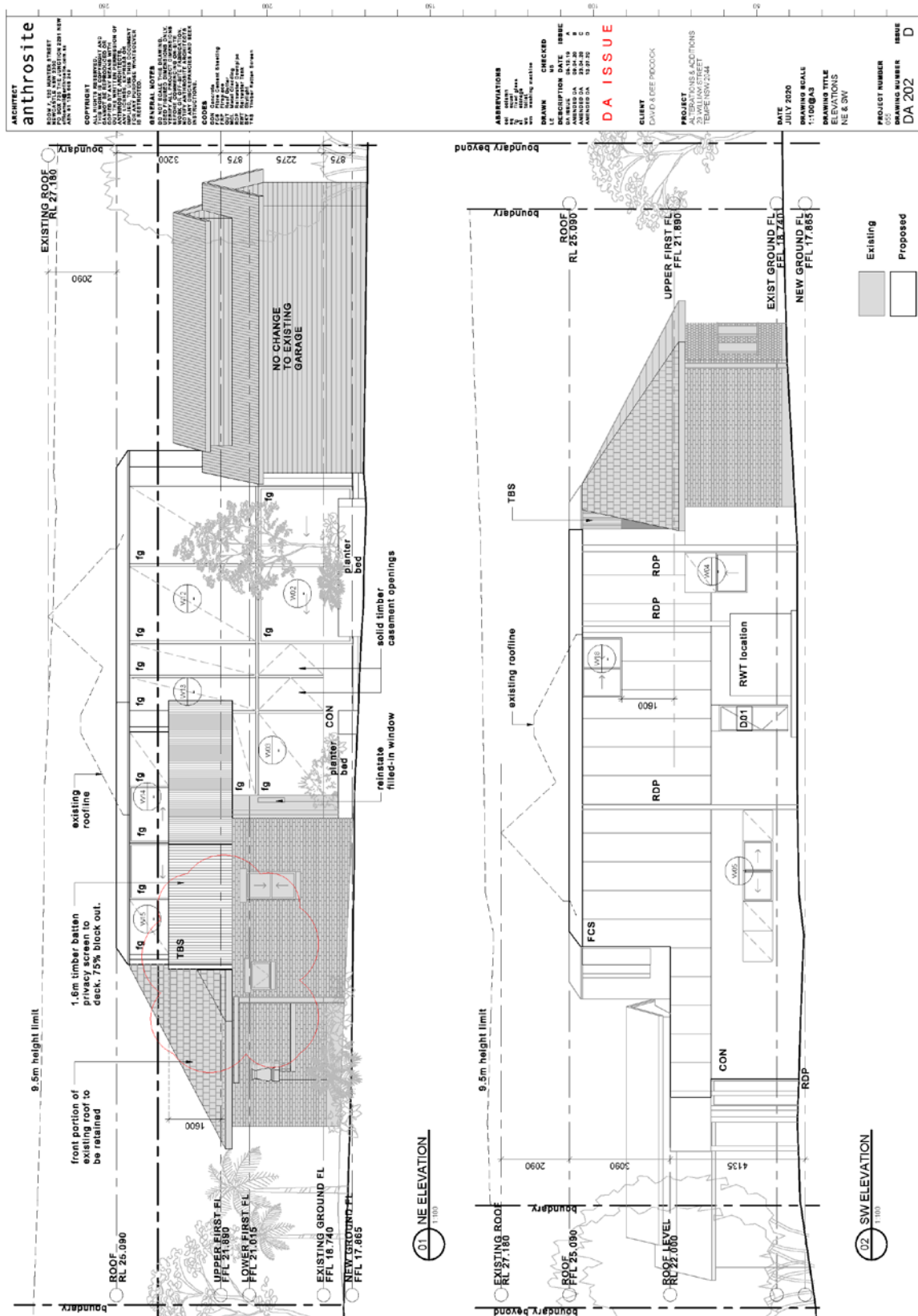
**existing concrete boat stand**

**existing garden bed**

**retain existing fence**

**retain existing path and trees**





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**GENERAL NOTES:**  
1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.  
2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL REGULATIONS 2017.  
3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL PLUMBING REGULATIONS 2017.  
4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL GAS REGULATIONS 2017.  
5. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL FIRE REGULATIONS 2017.  
6. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL TILING REGULATIONS 2017.  
7. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL PAINTING REGULATIONS 2017.  
8. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL JOINERY REGULATIONS 2017.  
9. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL CARPENTRY REGULATIONS 2017.  
10. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL CONCRETE REGULATIONS 2017.  
11. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL METALWORK REGULATIONS 2017.  
12. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL GLASS REGULATIONS 2017.  
13. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL WOODWORK REGULATIONS 2017.  
14. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL FLOORING REGULATIONS 2017.  
15. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL ROOFING REGULATIONS 2017.  
16. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL GARDENING REGULATIONS 2017.  
17. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL LANDSCAPING REGULATIONS 2017.  
18. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL LIGHTING REGULATIONS 2017.  
19. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL SECURITY REGULATIONS 2017.  
20. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL SAFETY REGULATIONS 2017.

**CODES:**  
AS/NZS 1170:2009 Structural Design - Actions  
AS/NZS 1170:2009 Structural Design - Earthquake Actions  
AS/NZS 1170:2009 Structural Design - Wind Actions  
AS/NZS 1170:2009 Structural Design - Snow Actions  
AS/NZS 1170:2009 Structural Design - Seismic Actions  
AS/NZS 1170:2009 Structural Design - Fire Actions  
AS/NZS 1170:2009 Structural Design - Blast Actions  
AS/NZS 1170:2009 Structural Design - Impact Actions  
AS/NZS 1170:2009 Structural Design - Vibration Actions  
AS/NZS 1170:2009 Structural Design - Acoustic Actions  
AS/NZS 1170:2009 Structural Design - Thermal Actions  
AS/NZS 1170:2009 Structural Design - Other Actions

**ABBREVIATIONS**  
RDP: Recessed Downlight  
FCS: Fixed Glass Casement  
TBS: Timber Batten Screen  
CON: Concrete  
RWT: Recessed Window Treatment  
D01: Downlight  
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W100: Window

**DESCRIPTION DATE:** 13/07/20  
**ISSUE:** A B C D  
**APPROVED BY:** ANNE STELLERY  
**DATE:** 13/07/20  
**PROJECT:** ANTHROSITE ARCHITECTS  
25 WILLIAM STREET  
TEMPLETON NSW 2044

**CLIENT:** DAVID & DEE PRODUCK

**DATE:** JULY 2020  
**DRAWING SCALE:** 1:100@A3  
**DRAWING TITLE:** REVISIONS  
NE & SW

**PROJECT NUMBER:** 005  
**DRAWING NUMBER:** DA 202  
**ISSUE:** D



## Attachment B – Draft Conditions of Consent

### DRAFT CONDITIONS OF CONSENT

#### DOCUMENTS RELATED TO THE CONSENT

##### 1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA 060, Issue D	Demolition Plan	13.07.20	anthrosite
DA 101, Issue C	Ground Floor Plan	23.04.20	anthrosite
DA 102, Issue D	First Floor Plan	13.07.20	anthrosite
DA 103, Issue D	Roof Plan	13.07.20	anthrosite
DA 150 , Issue C	Landscape Plan	23.04.20	anthrosite
DA 201, Issue D	NW Elevation	13.07.20	anthrosite
DA 202, Issue D	SW Elevation	13.07.20	anthrosite
DA 301, Issue C	Section	23.04.20	anthrosite
DA 012, Issue C	Schedule of Finishes	23.04.20	anthrosite
A324875_07	BASIX Certificate	23.07.20	anthrosite
2018-353 Rev.2	Acoustic Report - Aircraft Noise	3.12.19	Acoustic,Noise & Vibration Pty Ltd.
Sheet 1 of 1 Revision C	Stormwater Plan	21.07.20	N.Koloff & Associates

As amended by the conditions of consent.

#### DESIGN CHANGE

##### 2. Design Change

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

- a. reduction in the size of the first floor deck to a maximum area of 10sqm with a maximum depth of 1.5metres.

**FEES**

**3. Security Deposit – Custom**

Prior to the commencement of demolition works or prior to the 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.

<b>Security Deposit:</b>	\$8,056.50
<b>Inspection Fee:</b>	\$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.

**4. Section 7.12 (formerly section 94A) Development Contribution Payments**

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Marrickville Section 94/94A Contributions Plan 2014*

Note:

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount\*:

\$ 4950.00

\*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

**Payment methods:**

The required contribution must be paid either in cash; by unendorsed bank cheque (from an Australian Bank only); via EFTPOS (Debit only); or credit card (to a maximum of \$10,000 - Note: A 1% credit card transaction fee applies to all credit card transactions). It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these 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\*. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

**5. 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.

**GENERAL CONDITIONS**

**6. Tree Protection**

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.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Tree No.	Botanical/Common Name	Location
1-4	<i>Syzygium smithii</i> (Lilly Pilly)	Rear
-	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Street Tree

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;
- b. Red for trees to be removed;
- c. Blue for trees to be pruned; and
- d. Yellow for trees to be transplanted.

#### **7. 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.

#### **8. 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.

#### **9. Works Outside the Property Boundary**

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

### **PRIOR TO ANY DEMOLITION**

#### **10. 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.

#### **11. 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.

#### **12. Construction Fencing**

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

### **PRIOR TO CONSTRUCTION CERTIFICATE**

#### **13. Construction Methods to Minimise Impact on Trees**

Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no proposed underground services are located beneath the canopy of any prescribed tree/s



located on the subject site and adjoining sites (including trees located within the public domain).

**14. Stormwater Drainage System – Minor Developments (OSD is not required)**

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.1018A/2019 prepared by Nikolai Koloff and dated 17/12/19;
- 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. 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;
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- e. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensuring no concentration of flows or nuisance to other properties;
- 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. The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- h. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- i. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- j. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- k. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- k. No impact to street tree(s);

**15. Dilapidation Report – Pre-Development – Minor**

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

**16. Structural Certificate for retained elements of the building**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all

details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

#### 17. 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 13 20 92*

#### 18. Acoustic Report – Aircraft Noise

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

### **DURING DEMOLITION AND CONSTRUCTION**

#### 19. Tree Protection

To protect the following tree, trunk protection must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council's *Development Fact Sheet—Trees on Development Sites*:

Tree No.	Botanical/Common Name/Location
-	<i>Callistemon viminalis</i> (Weeping Bottlebrush) / street tree

#### 20. Tree Protection Zone

To protect the following trees no work can commence until their Protection Zone is fenced off at the specified radius from the trunks to prevent any activities, storage or the disposal of materials within the fenced area in accordance with Council's *Development Fact Sheet—Trees on Development Sites*. The fence (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site.

Tree No.	Botanical/Common Name	Radius in metres
1-4	<i>Syzygium smithii</i> (Lilly Pilly)	2.5 m

#### 21. 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.

#### 22. 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.

**PRIOR TO OCCUPATION CERTIFICATE****23. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier 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. Repair of any damaged public infrastructure resulting from the building works; and
- b. Other works subject to the *Roads Act 1993* approval.

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

**24. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier 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.

**25. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone or brick kerb has been repaired in stone or brick.

**26. 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.

**ADVISORY NOTES****Consent of Adjoining property owners**

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. 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 must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

**Arborists standards**

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the

management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

#### **Tree Protection Works**

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and *AS4970—Protection of trees on development sites*.

#### **Permits**

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

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

#### **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.

#### **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.

**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.

**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.

**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.

**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

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

**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.

**Permits from Council under Other Acts**

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

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

**Construction of Vehicular Crossing**

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for *Construction of a Vehicular Crossing & Civil Works* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

**Amenity Impacts General**

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

**Dial before you dig**

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

**Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <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 Payments Corporation	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 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - SITA Environmental Solutions	1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

**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.

Attachment C- Original Assessment Report DA201900461

**Development Assessment Report**

<b>Application No:</b>	DA201900461	<b>Applicant:</b>	Mr David G Pidcock Ms Deirdre A O'Rourke
<b>Date of lodgement:</b>	23 December 2019	<b>Owner:</b>	Mr David G Pidcock Ms Deirdre A O'Rourke
<b>Assessing Officer:</b>	Rupert Luxton	<b>Cost of works:</b>	\$494,500.00
<b>Peer Reviewer:</b>	Martin Amy	<b>Date of Determination:</b>	21 May 2020
<b>Subject Site:</b>	29 William Street TEMPE NSW 2044		

**Proposal:** Alterations and additions to the existing dwelling including first floor addition.

**1. Synopsis**

This report concerns an application for alterations and additions to the existing dwelling including first floor addition. The application was notified in accordance with Council's Notification Policy and no submissions were received.

The proposal is considered to result adverse impacts on the streetscape, is not consistent with the relevant period building, precinct objectives and controls.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

**PART A – THE SITE AND ITS ENVIRONMENT**

**1. Site History**

Previous relevant building and development applications submitted to Council for the subject site include:

Application	Date	Proposal	Decision
DA201800470	8 February 2019	To demolish part of the premises and carry out ground and first floor alterations and additions to the building so as to comprise a dwelling	Refusal



DA201800470.01	22 June 2019	and secondary dwelling. Review request under Section 8.2 of the Environmental Planning and Assessment Act to review Determination No. 201800470 dated 8 February 2019 - To demolish part of the premises and carry out ground and first floor alterations and additions to the building so as to comprise a dwelling and secondary dwelling.	Application withdrawn
PDA201900112	22 July 2019	Alterations and additions at ground and first floor to the existing dwelling.	Advice issued recommending some design changes prior to lodgement of a DA.
PDA201900150	18 October 2019	Alterations and additions at ground and first floor to the existing dwelling.	Advice issued recommending some design changes prior to lodgement of a DA.

This amended proposal has positively addressed many of the reasons of refusal of DA201800470 and the advices issued. However, as discussed in this report there remain outstanding matters which cannot be supported.

**2. Site and Surrounding Development**

The subject site is located on the northern side of William Street. The site area is approximately 575.8sqm with a primary frontage to William Street. An existing dwelling house with a first floor addition is located on the site.

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

**PART B – THE PROPOSAL**

**1. Application History**

Date	Details
23 December 2019	Application lodged.
8 January 2020 to 29 January 2020	Application notified.

28 February 2020	A meeting was requested to the applicant to discuss design changes that would be requested.
4 March 2020	A meeting was held between the Applicant/Owners and Assessment staff to discuss the application and design changes  The applicant was advised that they would be sent a 'Request for Additional Information' letter (RFI) and given 21 days to provide amended drawings or advise that they wish not to change the design and have the application assessed on the current design.
24 March 2020	The applicant requested an extension to the 21 day timeframe for their response to the RFI. An extension to the RFI was granted to 1 April 2020.
1 April 2020	The applicant requested a further extension to the RFI again, this was granted to 10 April 2020.
15 April 2020	The applicant submitted amended plans.  Council advised the applicant that the plans had not adequately addressed the RFI letter. The applicant was invited to withdraw the application or the application would be determined on the information currently within Council.  The applicant responded requesting that they be given a further extension. The applicant was granted a final extension until 20 April.
24 March 2020 – 20 April 2020	Discussions were held with the applicant's consultant town planner a number of times between these dates.
20 April 2020	The applicant submitted amended plans which are the basis of this assessment report.

**2. Description of Proposal**

The application seeks development consent for alterations and additions to the existing dwelling including an amended first floor addition.

Specifically, the following works/uses are proposed:

Demolition:

- Demolition of existing first floor addition;
- Demolition of some of the landscaping elements at rear;
- Removal of portion of roof; and
- Minor internal alterations and removal of internal walls;

Ground floor:

- Reconfiguration and extension of ground floor; and
- The principal outdoor area relocated to be a courtyard in the centre of the site;

First floor:

- Construction of a amended first floor addition comprising of four bedrooms, two bathrooms and a deck.

**PART C – ASSESSMENT**

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act 1979).

**1. State Environmental Planning Policies**

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

- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*;
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

(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.

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

A BASIX Certificate was submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements. Appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the development.

(iii) *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. The application does not seek the removal of vegetation from within the site and on Council land.

Overall, the proposal is considered acceptable with regard to the Vegetation SEPP and Part 2.20 of MDCP 2011 subject to the imposition of conditions if the application were to be approved.

**2. Marrickville Local Environmental Plan 2011**

The application was assessed against the following relevant clauses of the *Marrickville LEP 2011* (MLEP 2011).

Control	Proposed	Compliance
Clause 1.2 Aims of Plan	The proposal does not meet all relevant aims of this plan under this clause in that: <ul style="list-style-type: none"> <li>The proposal does not conserve the cultural heritage of Marrickville as the proposal is not consistent with the relevant period building objectives and controls outlined in MDCP 2011.</li> </ul>	No
Clause 2.3 Zone objectives and Land Use Table  <i>R2 Low Density Residential</i>	The proposal satisfies the clause as follows: <ul style="list-style-type: none"> <li>The application proposes alterations and additions to the existing dwelling including and amended first floor addition which is permissible with consent in the R2 Low Density Residential zone; and</li> <li>The proposal is consistent with the relevant objectives of the zone, as it will assist to provide for the housing needs of the community within a low density residential environment.</li> </ul>	Yes
Clause 2.7 Demolition requires development consent	The proposal satisfies the clause as follows: <ul style="list-style-type: none"> <li>Demolition works are proposed, which are permissible with consent; and</li> <li>Standard conditions are recommended to manage impacts which may arise during demolition.</li> </ul>	Yes, subject to conditions
Clause 4.3 Height of building (max. 9.5m)	The application proposes a compliant building height of 6.35m.	Yes
Clause 4.4 Floor space ratio (max. 0.5: 1 (287.9m <sup>2</sup> ))	The application proposes a compliant floor space ratio of 0.49:1 (284.4 m <sup>2</sup> ).	Yes
Clause 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the clause.	Yes

Clause 6.1 Acid sulfate soils	The subject site is identified as containing Class 5 acid sulfate soils, and is considered to adequately satisfy this clause as: <ul style="list-style-type: none"> <li>The application does not propose any works that would result in any significant adverse impacts to the watertable.</li> </ul>	Yes
Clause 6.2 Earthworks	The application is considered to adequately satisfy this clause in that the proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.	Yes
Clause 6.5 Development in areas subject to aircraft noise	The site is located within the ANEF 20-25 contour. The proposal would be capable of satisfying this clause if it were to be approved as follows: <ul style="list-style-type: none"> <li>A condition would be included in the development consent if the application were to be approved to ensure that the proposal will meet the relevant requirements of Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015, thereby ensuring the proposal's compliance with the relevant provisions Cl. 6.5 MLEP 2011 and Part 2.6 of the MDCP 2011, respectively.</li> </ul>	Yes

**3. Draft Environmental Planning Instruments**

*Draft Marrickville Local Environmental Plan 2011*

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The amended provisions contained in the Draft LEP Amendment allow for a lot of this size to have a Floor Space Ratio standard of 0.6:1 as opposed to the current 0.5:1. The proposal in its current form is capable of complying with the existing 0.5:1 standard for the site.

The development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

*Draft Inner West Local Environmental Plan 2020*

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The Draft IWLEP 2020 contains amended objectives for the R2 Low Density Residential zone, along with amended objectives for development standards relating to Floor Space Ratio and Building Height. As the subject site is located within the R2 Low Density Residential zone as per MLEP 2011, these provisions must be considered.

The relevant provisions have been taken into account and the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

**4. Marrickville Development Control Plan 2011**

The proposal has been assessed against the relevant provisions of the Marrickville Development Control Plan 2011 (MDCP 2011). The table below is an assessment of the key matters.

Control	Proposed	Compliance
<i>Part 2 – Generic Provisions</i>		
Part 2.1 – Urban Design	The proposal is not considered to have been designed having regard to the relevant 12 urban design principles outlined in Part 2.1 as follows: <ul style="list-style-type: none"> <li>• The proposal does not preserve the existing character of the streetscape; and</li> <li>• The siting of the first floor addition isn't appropriate for the context.</li> </ul>	No
Part 2.3 – Site and Context Analysis	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.	Yes
Part 2.6 – Acoustic and Visual Privacy	The proposal will have a satisfactory impact on visual and acoustic levels of the surrounds in accordance with Part 2.6 as follows: <ul style="list-style-type: none"> <li>• The alterations and additions result in a courtyard being created on ground floor which will create an additional buffer between the subject property and neighbour at 27 William Street, thus reducing chance of adverse privacy impacts;</li> <li>• The proposed first floor balconies have been setback a minimum 3.6m from the boundary adjoining the property at No. 27 William Street thus creating a buffer to</li> </ul>	Yes

	<p>mitigate visual and acoustic privacy impacts. If the development were to be approved, a condition would be imposed requiring the first floor deck not to exceed 10sqm in area in order to minimise potential noise generating activities occurring.</p> <ul style="list-style-type: none"> <li>• A 1.6m privacy screen with 75% block out has been included to the deck of bedrooms 1 and 2 and windows W14 and W15.</li> <li>• Windows W12 &amp; W13 on the first floor are to double height void spaces and will not impact on the privacy to No.27 William St.</li> </ul> <p>Given the above, in the event of an approval adequate measures are and could be implemented to ensure suitable visual and acoustic privacy to the occupants and neighbouring properties is achieved in accordance with this part of MDCP 2011.</p>	
<p>Part 2.7 – Solar Access and Overshadowing</p>	<p>The proposal will have a satisfactory impact in terms of solar access and overshadowing on the surrounds in accordance with Part 2.7 as follows:</p> <ul style="list-style-type: none"> <li>• The shadow diagrams submitted with the application demonstrate the development maintains a minimum of 2 hours direct solar access to windows of principal living areas and principal areas of open space of nearby residential properties between 9:00am and 3:00pm on 21 June; and</li> <li>• The development will not result in adverse amenity impacts as a result of overshadowing;</li> <li>• At least one habitable room of the dwelling 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</li> <li>• The private open space provided for the dwelling house receives a minimum two hours of direct sunlight over 50% of its</li> </ul>	<p>Yes</p>

	finished surface between 9.00am and 3.00pm on 21 June.	
Part 2.9 – Community Safety	<p>The development is reasonable having regard to community safety for the following reasons:</p> <ul style="list-style-type: none"> <li>• The principal entrance to the dwelling house is visible from the street;</li> <li>• The dwelling house has been designed to overlook the street;</li> <li>• The dwelling house has a Council approved house number that is clearly displayed; and</li> <li>• The entrance to the dwelling house is well lit.</li> </ul>	Yes
Part 2.10 – Parking	Part 2.10 of MDCP 2011 requires one car parking space be provided for a dwelling house. The existing car parking space is proposed to be retained. The proposal therefore complies with this requirement.	Yes
Part 2.18 – Landscaping and Open Spaces	<p>Part 2.18 of MDCP 2011 requires that a minimum of 45sqm or 20% of the site area (whichever is the greater) be provided as private open space (POS). Given the site has an area of 575.8sqm, the development is required to provide 115.2sqm of POS as this is 20% of the site area. Of which 57.6sqm (50% of POS area) is required to be pervious landscaping.</p> <p>The proposal is considered satisfactory having regard to the relevant provisions of Part 2.18 as follows:</p> <ul style="list-style-type: none"> <li>• The proposal provides 127.2sqm of POS of which 74.6sqm is pervious landscaping;</li> <li>• The entire front setback is to consist of pervious landscaping with the exception of the pathway and driveway; and</li> <li>• The principal POS area is located at the rear, off the primary living area at ground floor.</li> </ul>	Yes
Part 2.20 – Tree Management	Refer to Part C 1(i) of this report.	Yes



Part 2.21 – Site Facilities and Waste Management	<p>The proposal satisfies the relevant provisions of Part 2.21 as follows:</p> <ul style="list-style-type: none"> <li>• The application was accompanied by a waste management plan in accordance with the Part; and</li> <li>• Standard conditions are recommended to ensure the appropriate management of waste during the construction of the proposal.</li> </ul>	Yes
Part 2.23 – Acid Sulfate Soils	Refer to Part C (2) of this report.	Yes
Part 2.25 – Stormwater Management	<p>The development is capable of satisfying the relevant provisions of Part 2.25 as follows:</p> <ul style="list-style-type: none"> <li>• In the event of an approval, standard conditions would be recommended to ensure the appropriate management of stormwater.</li> </ul>	Yes (subject to conditions)
<i>Part 4.1 – Low Density Residential Development</i>		
Part 4.1.1 – General Objectives	<p>The proposal is not considered to achieve the general objectives of this part of MDCP 2011 in that:</p> <ul style="list-style-type: none"> <li>• The proposal does not provide sympathetic alterations and additions to the residential period building in a manner that retains and enhances its architectural character and streetscape presentation; and</li> <li>• The design is not considered to positively respond to the character and context of the locality.</li> </ul>	No
Part 4.1.4 – Good Urban Design Practice	<p>The proposal is not considered to achieve the general objectives of this part of MDCP 2011 in that:</p> <ul style="list-style-type: none"> <li>• The siting of the first floor addition is not considered to maintain and enhance the existing streetscape character of the locality.</li> </ul>	No

<p>Part 4.1.5 – Streetscape and Design</p>	<p>The development is not considered to satisfy the streetscape and design controls outlined in MDCP 2011 in that:</p> <ul style="list-style-type: none"> <li>• The development is not considered to complement the existing streetscape;</li> <li>• The proposed addition removes a significant part of the existing period dwelling; and</li> <li>• The proposed addition is not appropriately sited as to retain the important characteristics of the period dwelling.</li> </ul>	<p>No</p>
<p>Part 4.1.6 – Built form and character</p> <p><u>Front setback</u></p> <ul style="list-style-type: none"> <li>• Consistent with adjoining developments</li> </ul> <p><u>Side setbacks</u></p> <ul style="list-style-type: none"> <li>• One storey – 900mm</li> <li>• Two storeys – 1.5m</li> </ul>	<p>The proposal seeks the following setbacks:</p> <p><u>Front setback:</u></p> <p>The development does not alter the existing ground floor setback.</p> <p>The first floor is proposed to be setback a minimum 9.9m from the front boundary. This setback is not consistent with that of other first floor additions in the street and does not retain key elements and the appearance of the existing period dwelling. Accordingly, the proposed front setback is not considered to be appropriate in regards to the objectives and controls of this part of MDCP 2011.</p> <p>It is considered that a first floor that extends closer to the front than the current first floor can be achieved on the southern side of the dwelling in a manner similar to proposed. However, the proposed northern side of the first floor extends closer to the street and does not satisfy the objectives.</p> <p><u>Side setbacks:</u></p> <p>At both ground and first floor, the development proposes minimum side setbacks of 920mm to the southern boundary and 4.1m to the northern boundary. These setbacks are considered</p>	<p>No</p>

<p><u>Rear setback</u></p> <ul style="list-style-type: none"><li>On merit</li></ul>         <p><u>Site coverage</u></p> <ul style="list-style-type: none"><li>Maximum 45%</li></ul>	<p>acceptable with respect to the relevant provisions of Part 4.1.6 as follows:</p> <ul style="list-style-type: none"><li>The proposal has an acceptable impact on adjoining properties in terms of overshadowing, visual bulk and privacy. In addition, the proposed side setbacks are consistent with the established side setback pattern of the street;</li></ul> <p><u>Rear setback:</u></p> <p>The proposal seeks a rear setback of 4.055m on ground floor and 8.0m on first floor.</p> <p>The rear setback is considered acceptable in regards to this part of MDCP 2011 in that:</p> <ul style="list-style-type: none"><li>The development is setback further enough at the rear to allow for adequate POS and pervious landscaped area; and</li><li>The proposal is acceptable in terms of overshadowing, visual bulk and privacy to the neighbouring properties.</li></ul> <p><u>Site coverage:</u></p> <p>The proposal provides an overall site coverage of 41% (238.4sqm) which is consistent with the maximum as per this part of MDCP 2011. The site coverage is also consistent with the relevant objectives relating to site coverage in that it provides adequate POS area and the overall site coverage is consistent with that of surrounding properties.</p>	
<p>Part 4.1.7 – Car Parking</p>	<p>The proposal satisfies the car parking controls as outlined in Part 4.1.7 of MDCP 2011 in that:</p> <ul style="list-style-type: none"><li>The garage and car parking space comply with the design requirements and minimum dimension for car parking within Part 2.10 of MDCP 2011; and</li><li>The garage is located to the rear of the site and is safely and conveniently located for use.</li></ul>	<p>Yes</p>

<p>Part 4.1.11 – Additional controls for residential period dwellings</p>	<p>The proposal is not considered to satisfy the relevant period dwelling controls as outlined in Part 4.1.11 in that:</p> <ul style="list-style-type: none"> <li>• The proposed alterations and additions do not retain all significant components of the period building; and</li> <li>• The alterations and additions above the roof line are not considered to be subordinate to the main body of the period dwelling and will be visible from the street.</li> </ul> <p>As discussed above in the assessment against part 4.1.6 of MDCP 2011, it is considered that a new first floor addition on the site is capable of achieving the relevant objectives relating to setbacks and period dwellings.</p>	<p>No</p>
<p><i>Part 9 – Strategic Context</i></p>		
<p>Part 9.9 – Unwins Bridge Road (Precinct 31)</p>	<p>The proposal is not considered to satisfy the relevant provisions of Part 9.31 as follows:</p> <ul style="list-style-type: none"> <li>• The proposal does not protect significant elements of the existing period dwelling on the site; and</li> <li>• The proposed first floor addition is not appropriately sited as it is considered to overbear and dominate the appearance of the period dwelling.</li> </ul> <p>As discussed above in the assessment against part 4.1.6 of MDCP 2011, it is considered that a new first floor addition on the site is capable of achieving the relevant objectives relating to setbacks and period dwellings.</p>	<p>No</p>

**3. Referrals**

(i) Internal Referrals

The application was referred to the following internal referral bodies:

Referral body	Comments
Engineering	No objections raised, subject to suitable conditions of consent.
Tree officer	No objections raised, subject to suitable conditions of consent.

#### 4. Notification and Advertising

The application was advertised, an on-site notice was displayed on the property, and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. No submissions were received.

#### 5. Conclusion

The application has been assessed in accordance with the provisions of the *EP&A Act 1979* with all matters specified under Section 4.15(1), Clauses (a) to (e), as are of relevance to the application, having been taken into consideration.

It is considered that the proposal for alterations and additions to the existing dwelling including first floor addition does not generally satisfy the relevant controls and is not considered acceptable. The development is not considered to be in the public interest.

Therefore, the application is unsupportable and in view of the circumstances, refusal of the application is recommended.

#### **PART D – RECOMMENDATION**

**A. THAT** the development application for alterations and additions to the existing dwelling including first floor addition be **REFUSED** for the following reasons:

1. The proposal does not demonstrate that it satisfies the following Clauses of the MLEP 2011, pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979*:
  - a. Clause 1.2 – Aims of Plan
2. The proposal does not demonstrate that it satisfies the following Parts of MDCP 2011, pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act, 1979*:
  - a. Part 2.1 – Urban Design
  - b. Part 4.1.1 – General Objectives
  - c. Part 4.1.4 – Good Urban Design Practice
  - d. Part 4.1.5 – Streetscape and Design
  - e. Part 4.1.6 – Built form and character
  - f. Part 4.1.11 – Additional controls for residential period dwellings
  - g. Part 9.31 – Unwins Bridge Road

3. The proposal has not demonstrated it is suitable on the site, pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
4. The proposal has not demonstrated to be in the public interest, pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*