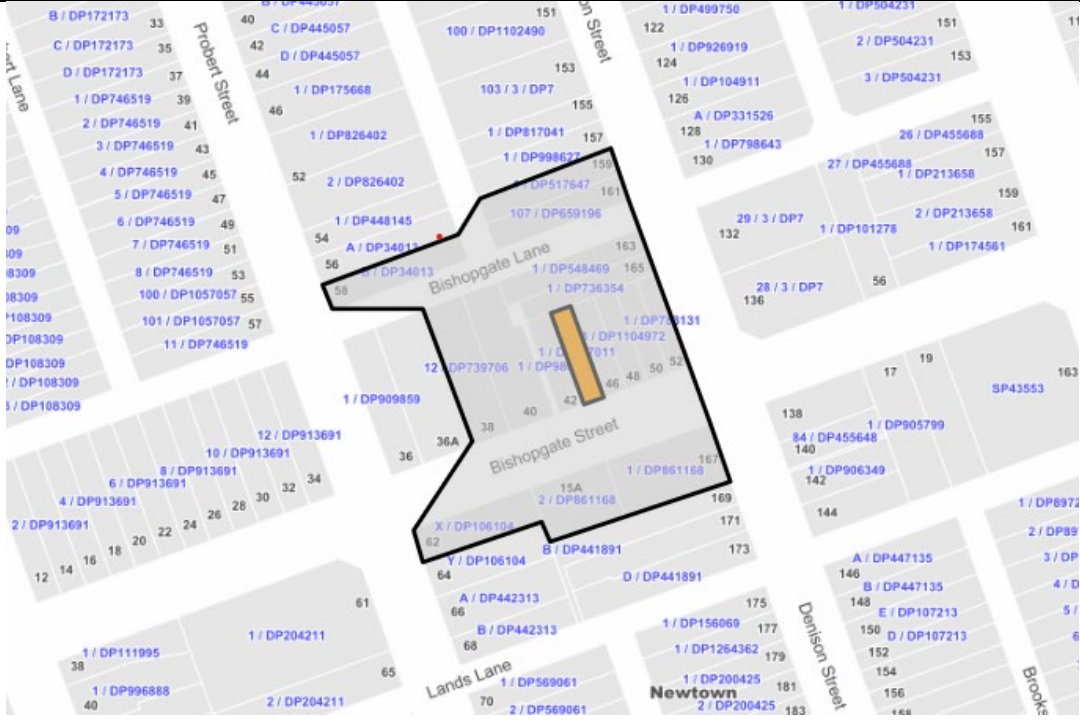


 DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2020/0854
Address	44 Bishopgate Street CAMPERDOWN NSW 2050
Proposal	Alterations and additions to a dwelling house
Date of Lodgement	16 October 2020
Applicant	MSB Designs Pty Ltd
Owner	Daniel A Penny Ms Josephine S Gillespie
Number of Submissions	Initial: 0
Value of works	\$118,800.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	Floor space ratio
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Statement of Heritage Significance
	
LOCALITY MAP	
Subject Site 	Objectors Nil
Notified Area 	Supporters Nil

1. Executive Summary

This report is an assessment of the application submitted to Council to carry out alterations and additions to a dwelling house at 44 Bishopgate Street, Camperdown. The application was notified to surrounding properties and no submissions were received in response to the initial notification.

The application is referred to the Inner West Local Planning Panel for determination as the development results in a variation to the floor space ratio development standard prescribed by Clause 4.4 of Marrickville Local Environmental Plan 2011 of 15.3sqm (20.1%).

The proposal generally complies with the applicable planning controls, with the exception that the proposal does not comply with the maximum floor space ratio for the site as per Clause 4.4 of MLEP 2011. A written request under Clause 4.6 of MLEP 2011 was submitted and is considered worthy of support.

The development is generally consistent with the provisions of Marrickville Development Control Plan 2011 (MDCP 2011). The proposal will not result in any significant impact on the streetscape or the amenity of the adjoining premises subject to conditions of consent.

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

2. Proposal

The application seeks development consent to carry out alterations and additions to a dwelling house.

Specifically, the following works are proposed:

- Construct new toilet on lower ground floor level;
- Reconfigure stairs and construct new bathroom on ground floor level; and
- Reconfigure first floor level to provide enlarged bedroom and bathroom.

Amended plans were submitted to Council on 15 December 2020 at the request of Council deleting the first floor level bathroom and reducing the first floor additions to provide a new dormer to the bedroom only. Further amendments were received on 11 January 2021 further reducing the size of the rear dormer.

3. Site Description

The subject site is located on the northern side of Bishopgate Street, between Denison Street and Probert Street, Camperdown. The site is legally described as Lot 1 in Deposited Plan 797011, having a 3.97m frontage to Bishopgate Street and a total area of 66.6sqm.

The site contains an existing 1 part 3 storey attached dwelling house. The area generally consists of low density residential development.

The property is located within the North Kingston Estate Heritage Conservation Area (HCA 11) under MLEP 2011.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 1.15 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 (Building Sustainability Index: BASIX) 2004*
- *Marrickville Local Environmental Plan 2011 (MLEP 2011)*

The following provides further discussion of the relevant issues:

5(a)(i) **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)(ii) **Marrickville Local Environment Plan 2011 (MLEP 2011)**

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- 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	Variation	Complies
Height of Building Maximum permissible: 9.5 m	9.15m	N/A	Yes
Floor Space Ratio Maximum permissible: 1.1:1 or 73.5sqm	1.33:1 or 88.8sqm	15.3sqm (20.1%)	No

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

The site is zoned R2 Low Density Residential under MLEP 2011. The development is permitted with consent within the land use table. The development is consistent with the objectives of the R2 zone.

(ii) 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 works are included in the recommendation.

(iii) 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 development has a maximum height of 9.15 metres which complies with the maximum height of buildings development standard.

(iv) Floor Space Ratio (Clause 4.4)

The Floor Space Ratio Map accompanying MLEP 2011 specifies a maximum floor space ratio (FSR) on the site as 1.1:1. The site has an area of 66.8sqm and therefore has an allowable FSR of 73.5sqm.

The development has a gross floor area (GFA) of 88.8sqm and an FSR of 1.33:1 which does not comply with the floor space ratio development standard. The development results in a 15.3sqm (20.1%) variation to the development standard prescribed by Clause 4.3 of MLEP 2011.

It is noted that the existing dwelling has a GFA of 84.1sqm and an FSR of 1.26:1 which is an existing variation to the development standard of 10.6sqm or 14.5%. The subject development seeks an additional 4.7sqm of GFA.

A written request in accordance with Clause 4.6 of MLEP 2011 was submitted with the application and discussed further below under the provisions of Clause 4.6

(v) Calculation of floor space ratio and site area (Clause 4.5)

The application was accompanied by a GFA calculations plan which indicates that the floor space ratio of 1.33:1 has been calculated in accordance with Clause 4.5 of MLEP 2011.

(vi) Clause 4.6 Exceptions to Development Standards

As discussed above, the proposal results in a breach of the maximum floor space ratio development standard prescribed by Clause 4.4 of MLEP 2011. The applicant seeks a variation to the development standard of 15.3sqm (20.1%).

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed

against the objectives and provisions of Clause 4.6 of the applicable local environmental plan below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the applicable local environmental plan justifying the proposed contravention of the development standard which is summarised as follows:

- *The resultant bulk and scale of the proposal has no potential for a significant impact upon views, loss of privacy or visual impact upon adjoining or nearby properties due to the subdivision pattern, the height & location of the existing & surrounding dwellings.*
- *the proposed floor space ratio results in a bulk and scale which is appropriate to the site context and is compatible with that associated with the surrounding dwellings;*
- *when viewed from the primary site frontage the resultant bulk & scale is obscured by the existing dwelling;*
- *The bulk and scale of the proposed building does not give rise to any adverse or unsatisfactory environmental consequences which would warrant an adherence to the floor space ratio control and there is no there is no public benefit in maintaining the development standard in this instance.*

The applicant's written rational adequately demonstrates compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the R2 Low Density Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

- The development is consistent with the objectives of the R2 zone which includes *"To provide for the housing needs of the community within a low density residential environment"*

It is considered the development is in the public interest because it is consistent with the objectives of the floor space ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan which includes the following:

- to establish the maximum floor space ratio,*
- to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,*
- to minimise adverse environmental impacts on adjoining properties and the public domain.*

The development is consistent with the objectives of the development standard as reproduced above. The development has no discernible environmental impact on the amenity of adjoining properties and the public domain. The 4.7sqm of additional GFA proposed as part of this development is a minimal increase in building density and generally relates to a new bathroom only which improves the amenity of the dwelling.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. Council may assume the concurrence of the

Director-General under the Planning Circular PS 18-003 issued in February 2018 in accordance with Clause 4.6(4)(b) of the applicable local environmental plan.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the applicable local environmental plan. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the development standard and it is recommended the Clause 4.6 exception be granted.

(vii) Heritage Conservation (Clause 5.10)

The site is located within the North Kingston Estate Heritage Conservation Area (HCA 11), identified in Schedule 5 of MDCP 2011. A Heritage Impact Statement was submitted with the application in accordance with Clause 5.10 of MDCP 2011.

The matter of heritage conservation is discussed in more detail in Section 5(c)(i) of this report under the provisions of Part 8 of MDCP 2011.

(viii) Development in areas subject to aircraft noise (Clause 6.5)

The site is located within the ANEF 20-25 contour and as such the development is likely to be affected by aircraft noise. The proposal is capable of satisfying this clause as follows:

A condition has been included in the development consent 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.

5(b) Draft Environmental Planning Instruments

5(b)(i) Draft Inner West Local Environment 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 amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) 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 2.18 – Landscaping and Open Space	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.24 – Contaminated Land	Yes
Part 2.25 – Stormwater Management	Yes
Part 4.1 – Low Density Residential Development	Yes – see discussion
Part 8 – Heritage	Yes – see discussion
Part 9 – Strategic Context	Yes

The following provides discussion of the relevant issues:

(i) Part 4.1 – Low Density Residential Development

The development seeks consent for lower ground, ground and first floor alterations and additions to the dwelling house. Whilst the proposal does not comply with the FSR development standard as discussed earlier in this report, the proposed additions are modest in scale and constitute only 4.7sqm of additional floor space. The additional GFA relates generally to a new bathroom only which improves the amenity of the dwelling. The variation to the FSR development standard has been discussed under the provisions of Clause 4.6 of MLEP 2011 and has been considered acceptable

The proposed works are not visible from any public place and are restricted to minor additions at the rear of the dwelling. The development is generally acceptable having regard to the streetscape and bulk and scale provisions contained within Part 4.1 of MDCP 2011 and no concern is raised over the development.

(ii) Part 8 - Heritage Conservation

The site is located within the North Kingston Estate Heritage Conservation Area (HCA 11), identified in Schedule 5 of MDCP 2011. The dwelling on the subject site is one of a row of similar terrace houses which is part of the development that characterises the HCA and is consistent with the core period of significance for the area. The dwellings in the row do not seem to have sustained alterations that detract from their significant original terrace form.

The application was referred to Council's Heritage Specialist who raised concern over the extent of the first floor level addition including the bathroom and size of the rear addition to that level. Amended plans were submitted to Council on 15 December 2020 deleting the first floor level bathroom and reducing the first floor additions to provide a new dormer to the bedroom only. The amended plans were referred to Council's Heritage Specialist who provided the following comments, in part:

"The proposed dormer should be reduced in its scale to a characteristic vertically proportioned barrel roofed dormer form continuing the characteristic of the front dormers

to this row. Its cladding can be timber weatherboards, horizontal or angled to match the roof pitch, or vertically fixed corrugated galvanised steel (Colorbond) or traditional Custom Orb profile. The bathroom addition should employ similar cladding to the dormer – noting that even if iron is used for the dormer, weatherboards can be used for the bathroom (such as Scyon Linea boards (FC which can be installed meet combustibility requirements). The bathroom window should be a central vertical sash window in the rear wall face.”

In response to the above advice, amended plans were submitted to Council on 11 January 2021 reducing the size of the rear dormer to the first floor level. Council’s Heritage Officer is generally satisfied with the amended plans subject to minor design amendments to better reflect traditional dormer proportions. as such, the following condition is included in the determination:

Amended plans must be submitted to the Certifying Authority before the issue of a Construction Certificate illustrating the below changes to the rear dormer:

- a) The dormer should be no wider than 1200mm.*
- b) The outer face of the dormer – the wall, fascia and gutter should be no more than 1600mm high, overall.*
- c) The window in the dormer should be a double hung sash window, with the sill set immediately above the sill apron flashing onto the roof (i.e. no wall panel beneath the sill). The window should be set into a flat surrounding frame at least 100mm wide at its sides and head, sitting upon the sill.*
- d) The dormer cheeks should be the same material as used on the walls of the proposed bathroom (corrugated steel set vertically, or FC weatherboards).*

Subject to the above design change, the development as amended will not have a negative impact on the heritage significant of the North Kingston Estate Heritage Conservation Area and the development is consistent with the objectives and controls for heritage conservation as contained in Part 8 of MDCP 2011.

5(e) The Likely Impacts

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

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

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

5(g) Any submissions

The application was notified in accordance with Council’s Notification Policy for a period of 14 days to surrounding properties and no submissions were received in response to the initial notification.

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

The application was referred to Council's Heritage Specialist and issues raised in that referrals have been discussed in section 5 above.

7. Section 7.12 Levy

Section 7.12 levies 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 \$594 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. 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 with the exception of the variation to the floor space ratio development standard which is considered reasonable given the circumstances.

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

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

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of *Marrickville Local Environmental Plan 2011*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.

- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0854 for Alterations and additions to a dwelling house at 44 Bishopgate Street CAMPERDOWN NSW 2050 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
A02 A	Demolition Plan	29 September 2020	MSB Design
A03 C	Floor Plans	7 January 2021	MSB Design
A04 C	Section	7 January 2021	MSB Design
A05 C	Elevations	7 January 2021	MSB Design
A06 C	Elevations	7 January 2021	MSB Design
A380245_02	BASIX Certificate	14 July 2020	MSB Design

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

Amended plans must be submitted to the Certifying Authority before the issue of a Construction Certificate illustrating the below changes to the rear dormer:

- a. The dormer should be no wider than 1200mm.
- b. The outer face of the dormer – the wall, fascia and gutter should be no more than 1600mm high, overall.
- c. The window in the dormer should be a double hung sash window, with the sill set immediately above the sill apron flashing onto the roof (i.e. no wall panel beneath the sill). The window should be set into a flat surrounding frame at least 100mm wide at its sides and head, sitting upon the sill.
- d. The dormer cheeks should be the same material as used on the walls of the proposed bathroom (corrugated steel set vertically, or FC weatherboards).

FEES

3. 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*:

\$594

*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 *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000))*. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **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.**

4. 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:	\$2,209.00
Inspection Fee:	\$236.70

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 initial 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.

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.

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. 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 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.

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. Party Walls**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.

14. 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.

15. 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

16. 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**17. 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.

18. Stormwater Drainage System

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

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

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

19. 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**20. 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.

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*.

Tree Pruning or Removal (including root pruning/mapping)

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

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.

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.

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*.

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.

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.

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.

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.

Dial before you dig

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

Useful Contacts

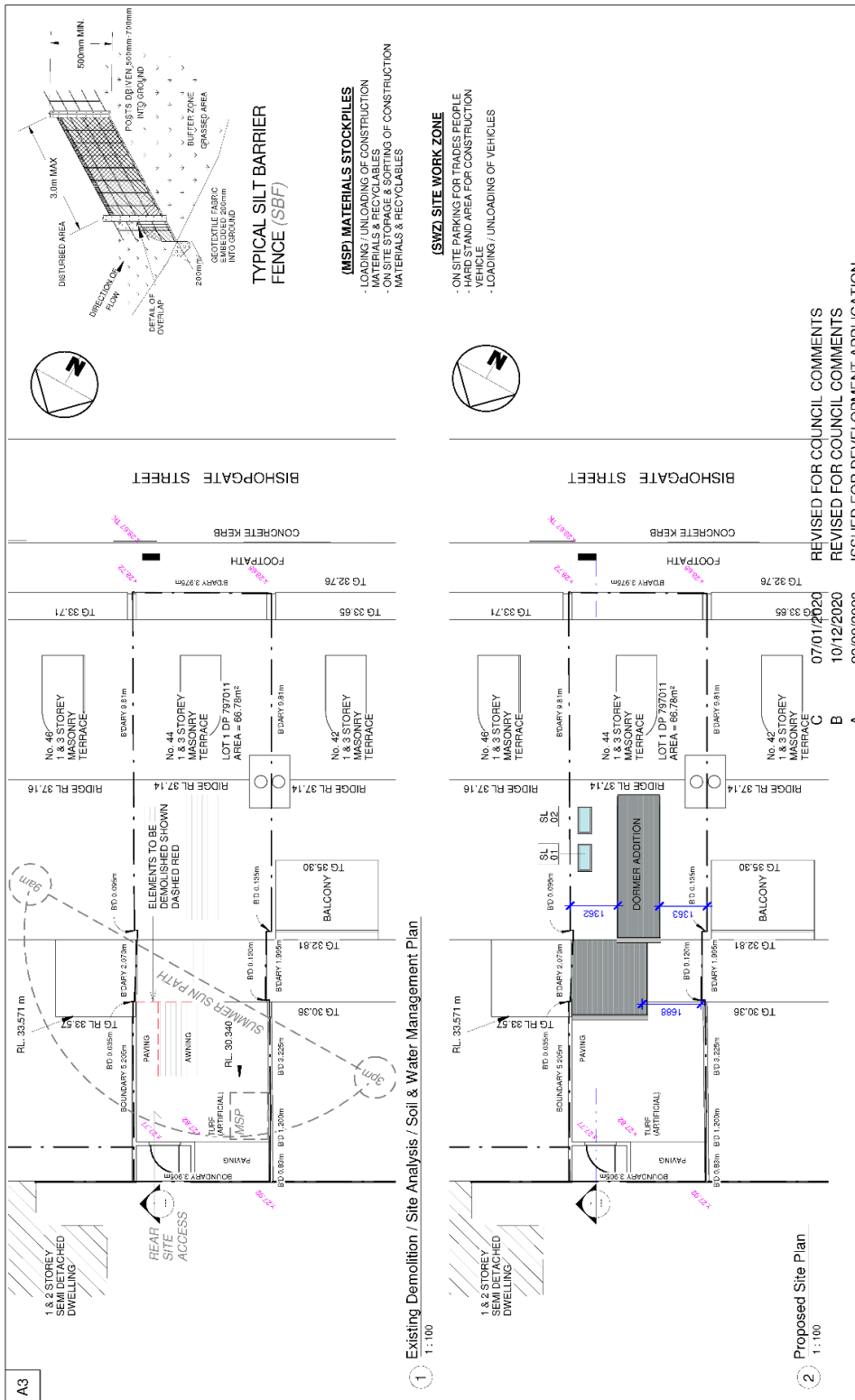
BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies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

Information on asbestos and safe work practices.

NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - SITA	1300 651 116	www.wasteservice.nsw.gov.au
Environmental Solutions		
Water Efficiency Labelling and Standards (WELS)		www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50	www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Attachment B – Plans of proposed development



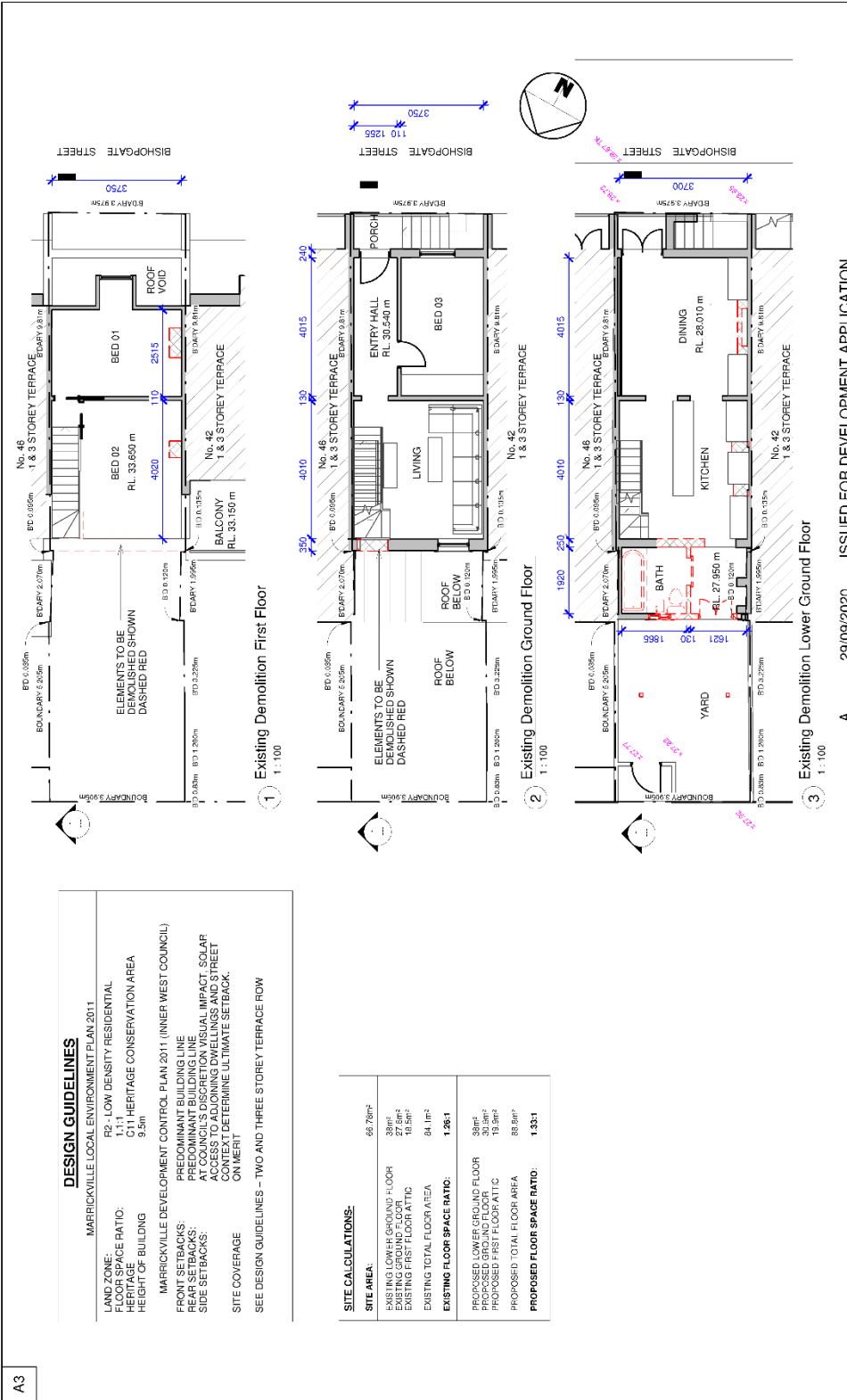
msb design pty ltd
 Suite 415
 65 Holt St
 Surry Hills 2010
 Tel: (612) 9211 8424
 Fax: (612) 9211 8435
 Email: msbdesign@bigpond.com

Alterations & Additions to Dwelling House
Existing Site & Proposed Site Plan
 Sheet Number **A01**
 Scale As indicated

Project number 1920/29
 Date 06/20
 Drawn by PL
 Checked by MB

Client D Penny & J Gillespie
 Address 44 Bishoppgate Street
 Camperdown

msb design
 msb design architectural



DESIGN GUIDELINES
 MARRICKVILLE LOCAL ENVIRONMENT PLAN 2011

LAND ZONE: R2 - LOW DENSITY RESIDENTIAL
 FLOOR SPACE RATIO: 1:11
 HERITAGE CONSERVATION AREA: 9.5m
 HEIGHT OF BUILDING: 9.5m

MARRICKVILLE DEVELOPMENT CONTROL PLAN 2011 (INNER WEST COUNCIL)

FRONT SETBACKS: PREDOMINANT BUILDING LINE
 REAR SETBACKS: ACCESS TO ADJOINING LOT, VISUAL IMPACT, SOLAR
 SIDE SETBACKS: ACCESS TO ADJOINING DWELLINGS AND STREET
 CONTEXT DETERMINE ULTIMATE SETBACK.
 ON MERIT

SITE COVERAGE
 SEE DESIGN GUIDELINES - TWO AND THREE STOREY TERRACE ROW

SITE CALCULATIONS:

SITE AREA:	58.78m ²
EXISTING LOWER GROUND FLOOR	38m ²
EXISTING FIRST FLOOR ATTIC	18.5m ²
EXISTING TOTAL FLOOR AREA	64.1m ²
EXISTING FLOOR SPACE RATIO:	1.26:1
PROPOSED LOWER GROUND FLOOR	38m ²
PROPOSED FIRST FLOOR ATTIC	18.5m ²
PROPOSED TOTAL FLOOR AREA	58.9m ²
PROPOSED FLOOR SPACE RATIO:	1.33:1

Project number 1920/29 Client D Penny & J Gillespie

Date 05/20 Address 44 Bishopgate Street

Drawn by PL MB

Checked by MB

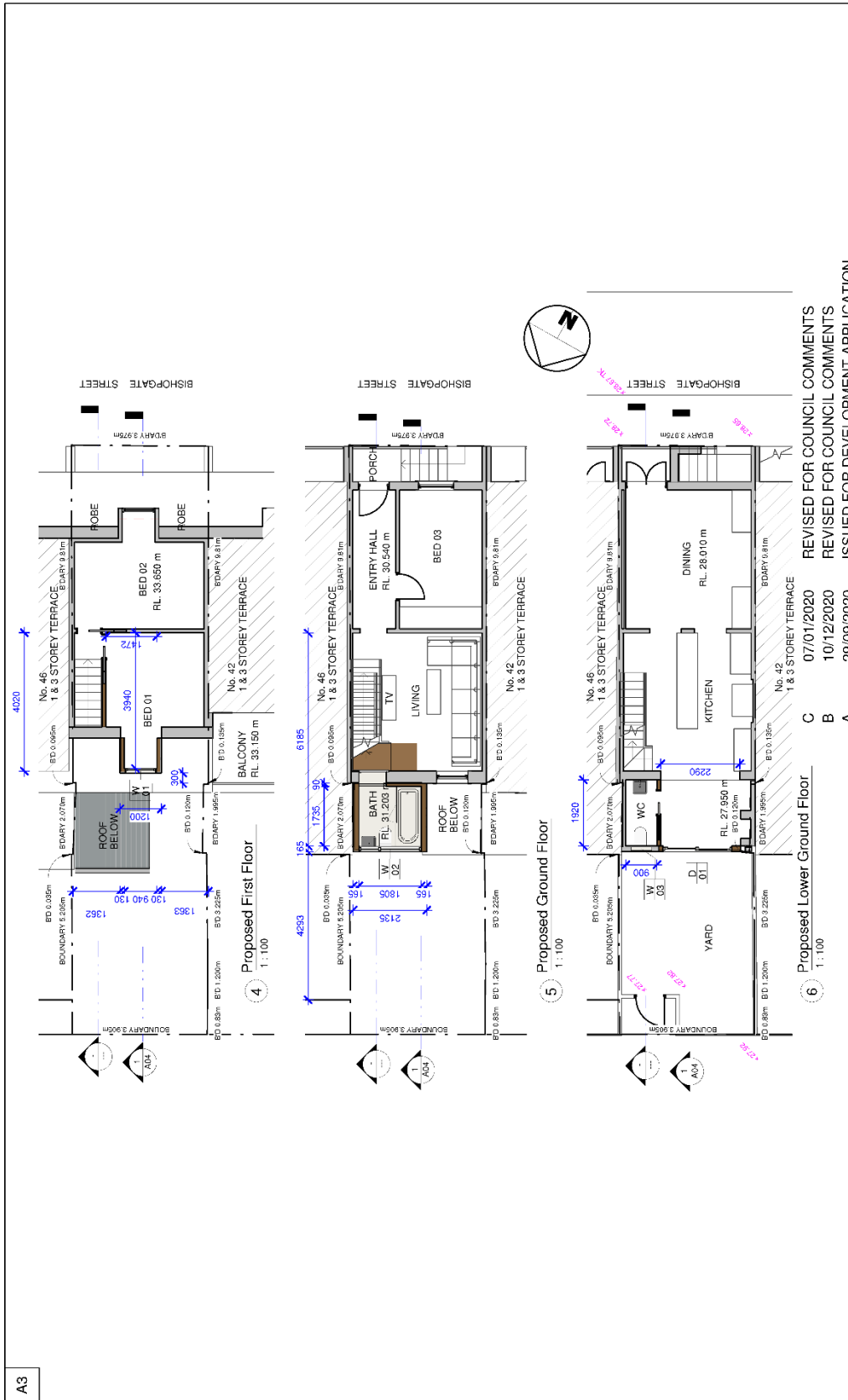
Alterations & Additions to Dwelling House

Existing / Demolition Floor Plans

Sheet Number **A02**

Scale 1 : 100

msb design
 msbdesign architectural
 msb design pty ltd
 55 Leitch St
 Surry Hills, 2010
 Tel: (612) 9211 3434
 Fax: (612) 9211 3435
 Email: msbdesign@bigpond.com



Project number 1920/29
 Date 06/20
 Drawn by PL
 Checked by MB

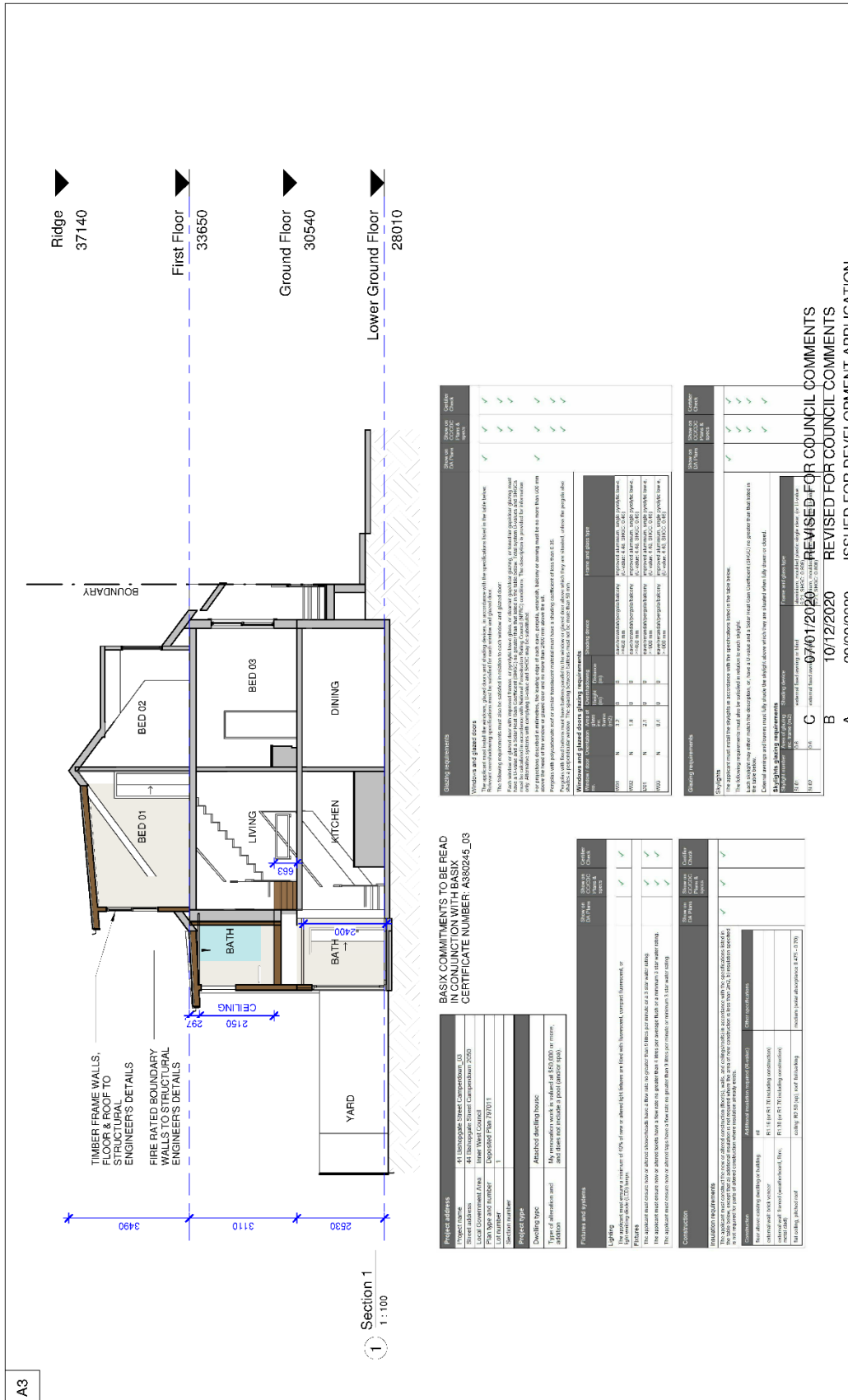
Client
 D Penny & J Gillespie
 Address
 44 Bishopgate Street
 Camperdown

Alterations & Additions to Dwelling House

msb design
 msb design architectural

msb design pty ltd
 Suite 413
 111 Surry Hills 2010
 Tel: (612) 9211 3434
 Fax: (612) 9211 3435
 Email: msbdesign@bigpond.com

Proposed Floor Plans
 Sheet Number A03
 Scale 1:100

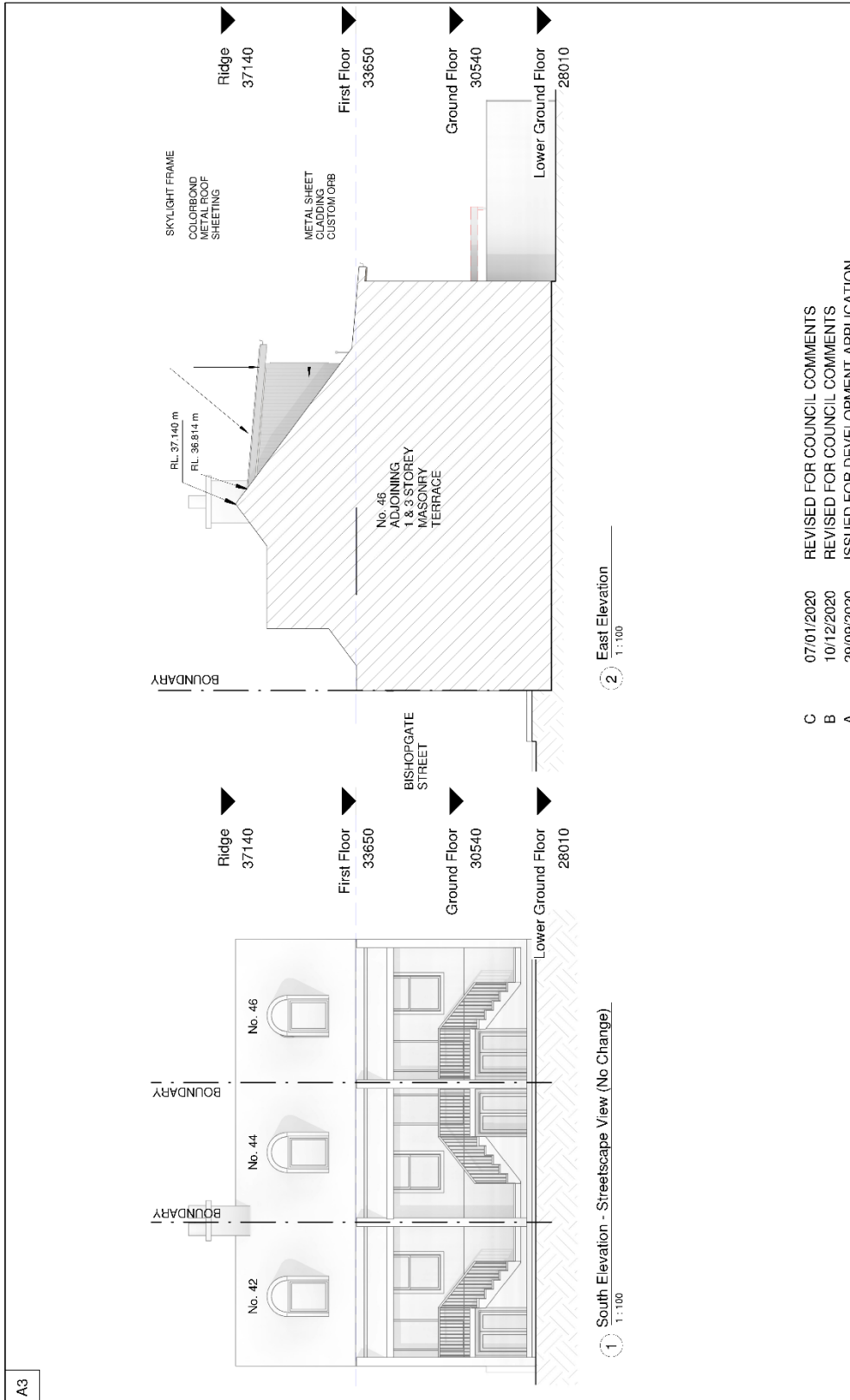


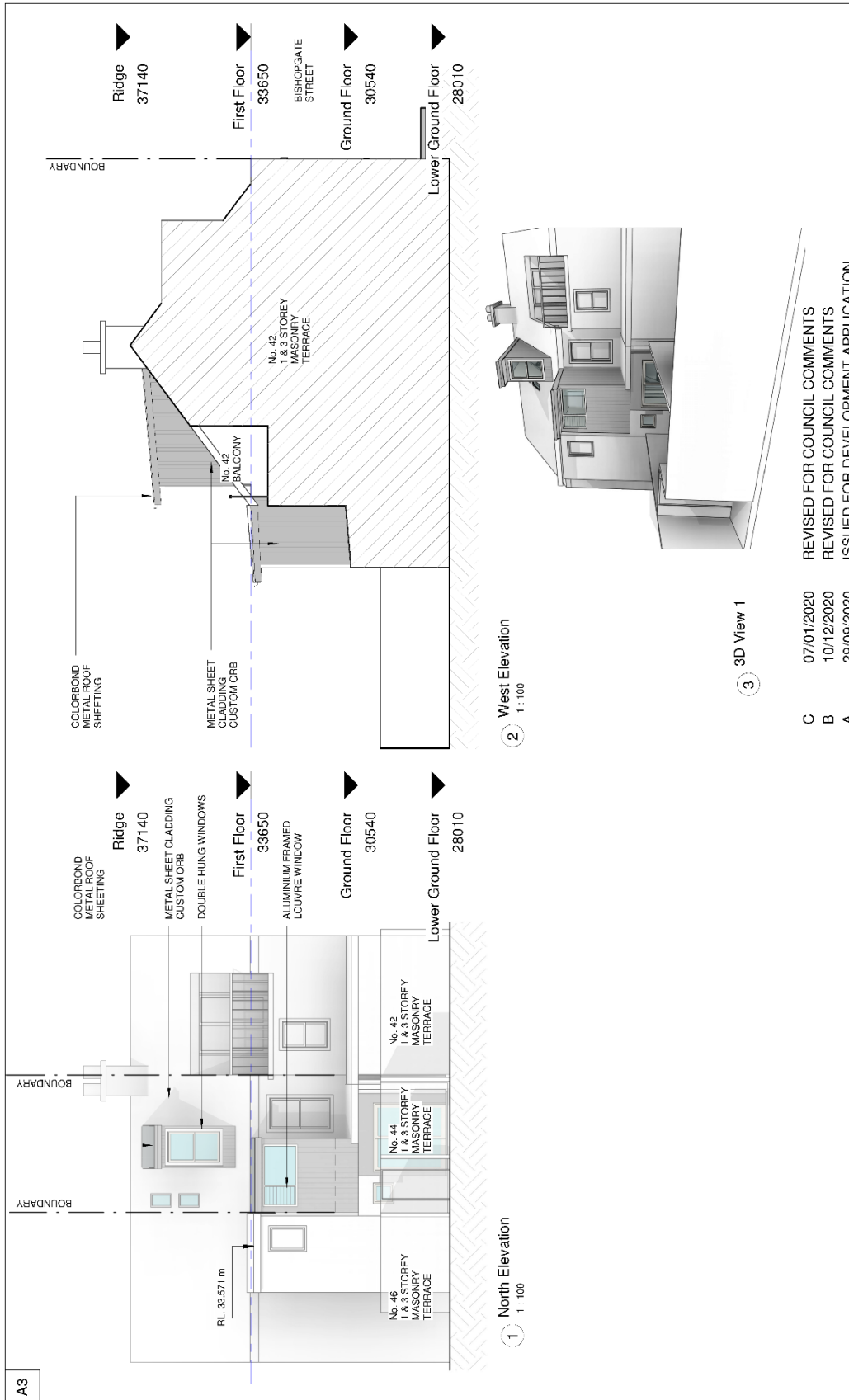
msb design pty ltd
 Suite 413
 56 Holt St
 Surry Hills 2010
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 msb design architectural

Alterations & Additions to Dwelling House
Proposed Sections and Basis Commitments
 Sheet Number **A04**
 Scale 1 : 100

Project number 1920/29 Client Client
 Date 06/20 D Penny & J Gillespie
 Drawn by PL Address
 Checked by MB 44 Bishopgate Street
 Camperdown





REVISOR FOR COUNCIL COMMENTS
 REVISOR FOR COUNCIL COMMENTS
 ISSUED FOR DEVELOPMENT APPLICATION

C	07/01/2020
B	10/12/2020
A	29/09/2020

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Alterations & Additions to Dwelling House

Elevations
Sheet Number A06
Scale 1 : 100

Client
D Penny & J Gillespie
 Address
44 Bishopgate Street
Camperdown

Project number	1920/29
Date	06/20
Drawn by	PL
Checked by	MB

Attachment C- Clause 4.6 Exception to Development Standards

msb design pty ltd**acn: 144 727 828 abn: 11 144 727 828**studio 413
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surry hills 2010
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Fax: 9211 3435

11/01/2020

INNER WEST COUNCIL
7 – 15 WETHERILL STREET
LEICHHARDT
NSW 2040RE: 44 BISHOPGATE STREET, CAMPERDOWN
ALTERATIONS & ADDITIONS TO DWELLING HOUSE*Clause 4.6 Variation*

This request has regard to the provisions of Clause 4.6 of the Marrickville LEP, 2011, the associated objectives of this planning control specified by Clause 4.4 of the LEP and the two principal related decisions of the Land and Environment Court in the matter of Winton Property Group Ltd v Nth Council, 2001 & Wehbe v Pittwater Council, 2007.

Introduction

This Development Standards Objection has been prepared to accompany a development application relating to alterations & additions to the existing 3 level terrace building.

This proposal results in a floor space ratio which exceeds the maximum specified in Council's Local Environmental Plan, hence the requirement for this request for exception to the standard.

Floor space ratio is a building bulk control which limits the gross floor area of buildings on a site which is expressed as a proportion of the site area.

As confirmed by this request, the proposal although exceeding the standard will achieve the primary objective of this planning control which is to minimise the perceived bulk and scale of the proposed additions and ensure that the dwelling as altered remains compatible with the surrounding development whilst having no significant potential for an adverse effect on these properties or the public domain.

The development standard

Clause 4.4 of the Marrickville LEP, 2011 identifies the objectives of this planning control whilst the associated Floor Space Ratio Map specifies the maximum floor space ratio in various areas in lot size categories across the Local Government Area.

Sub-clause 2 states that the maximum floor space ratio for a building is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. On an allotment of this size the Floor Space Ratio Map indicates that the maximum floor space ratio is 1.1 : 1.

Sub-clause 2A however states that when the proposal relates to attached dwellings, bed and breakfast accommodation, dwelling houses and semidetached dwellings on land labelled "F" on the Floor Space Ratio Map the floor space ratio can be increased. The table attached to this to this subclause indicates that where the lot size $\leq 150\text{m}^2$ the maximum permissible floor space ratio is 1.1 : 1.

Proposed

The site has an area of 66.78 m^2 which allows for 73.46m^2 of gross floor area. The existing dwelling has a gross floor area of 84.1m^2 , which equates to a floor space ratio of 1.26 :1. The existing exceeds the permissible floor space ratio by 10.6m^2 or in percentage terms there is a 14.5% variance in the standard.

The proposed addition increases the gross floor area by 4.7m^2 , which results in a floor space ratio of 1.33 : 1. The proposal therefore exceeds the permissible floor space ratio by 15.34m^2 or in percentage terms there is a 20.1% variance in the standard.

Objectives of the Standard

The relevant objectives of the standard specified in Clause 4.4 of the LEP are as follows :-

- a) to establish the maximum floor space ratio
- b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas
- c) to minimise adverse environmental impacts on adjoining properties and the public domain

Is the planning control a development standard?

Yes, it is a provision of the Marrickville Local Environmental Plan, 2011, relating to the maximum gross floor area of a building relative to its site area.

What is the underlying objective or purpose of the standard?

The objective or purpose is as set out in Clause 4.4 of the LEP, see above.

Is compliance with the development standard consistent with the aims of the policy and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act?

No, compliance would not necessarily satisfy the relevant aims of Section 5 of the Act, which in this case is the promotion and co-ordination of the orderly and economic use and development of land. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case? Yes, for the reasons set out below.

Is the request well founded?

Yes, for the reasons set out below.

In the matter of *Wehbe v Pittwater Council*, 2007, the Court identified that there are 5 ways in which a request to vary a development standard may be well founded and that approval may be consistent with the aims of the planning policy, those relevant are discussed over in relation to this request for an exception to the standard as facilitated by Clause 4.6 of the LEP.

Justification for variation of the standard

Pursuant to the provisions of Clause 4.6(3)(a) & (b) of the LEP the following justifications demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. Further that the objectives of the planning control are achieved, notwithstanding the numeric non-compliance with the maximum floor space ratio.

- the site is clearly capable of accommodating the proposed alterations & additions to the existing terrace building. The required boundary setbacks are a consistent with the existing development, there is an appropriate balance of built form to the landscaped open space component and as confirmed below the proposed floor space ratio is commensurate with and is consistent with many dwellings in the immediate locality. Accordingly, notwithstanding the numeric non-compliance with the floor space ratio control the proposal as submitted has no detrimental effect on the environmental capacity of the land or the wider locality
- as confirmed in section 6.4 of the Statement of Environmental Effects, the proposal complies with the relevant objective of the zone in that the proposed addition provides for the residential needs of the owner noting that single dwellings are classified as low-density residential development.
- no additional traffic will be generated by the proposed alterations & additions notwithstanding its numeric non-compliance with the floor space control
- the Statement of Environmental Effects has confirmed that the resultant bulk and scale of the proposal has no potential for a significant impact upon views, loss of privacy or visual impact upon adjoining or nearby properties due to the subdivision pattern, the height & location of the existing & surrounding dwellings.

- as indicated above the proposed floor space ratio results in a bulk and scale which is appropriate to the site context and is compatible with that associated with the surrounding dwellings
- when viewed from the primary site frontage the resultant bulk & scale is obscured by the existing dwelling.
- the proposed exterior materials and colours will further minimise the perceived bulk & scale of the additions
- the resultant bulk & scale has no potential to impact upon the contributory elements to the Heritage Conservation Area as the additions are behind & lower than the existing building
- due to the orientation of the subdivision pattern and the location of the surrounding buildings there are few opportunities to view the additions (and the resultant bulk & scale) from the adjacent properties
- in light of the above, the bulk and scale of the proposed building does not give rise to any adverse or unsatisfactory environmental consequences which would warrant an adherence to the floor space ratio control and there is no public benefit in maintaining the development standard in this instance.
- The overall site area is 66.6m² and the existing three storey terrace contains 3 bedrooms. The proposed gross floor area of 88.8m² is still considered reasonable for a 3 bedroom terrace within this context.
- The existing floor space ratio is currently 14.5% over the permissible floor space ratio of 1.1:1. This is due to the small site area of 66.6m² and this proposal will have a minor increase of 4.7m².

There is no suggestion or contention that the underlying objective or purpose of the standard is not relevant to the proposal therefore compliance is unnecessary or that the underlying objective of the development standard would be defeated or thwarted if compliance was required and therefore compliance with the standard is unreasonable.

It is contended though in light of the above dot point justifications that compliance with the standard is both unnecessary and unreasonable in the circumstances.

Finally, there is no contention that the zoning of the development site is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would therefore be unreasonable or unnecessary.

Summary

- For the above reasons strict compliance with the standard is considered to be unnecessary and unreasonable in the circumstances of the case.
- Notwithstanding the numeric non-compliance with the floor space ratio the proposal satisfies the relevant objective of the planning control as specified in the LEP.
- The floor space non-compliance with the development standard has no significant visual or amenity impact within the public or the private domain.
- The floor space non-compliance does not give rise to any adverse or unsatisfactory environmental consequences which would warrant an adherence to the floor space ratio control
- There will be no appreciable perception of this numeric noncompliance when viewed from the public and private domain.
- The qualities and character of the Heritage Conservation Area are maintained despite the floor space non-compliance.
- There is no Community benefit in requiring strict adherence to the development standard.
- It is appropriate therefore to support this request for an exception to the development standard and consent to the proposal as submitted.
- The current configuration allows for 1 bathroom which services 3 bedrooms over three storeys. This proposed will provide a more adequate layout by providing a small bathroom at ground floor level.

Attachment D- Statement of Heritage Significance

North Kingston Estate Heritage Conservation Area

Item details

Name of item:

North Kingston Estate Heritage Conservation Area

Other name/s:

North Kingston Estate Heritage Conservation Area - HCA 11

Type of item:

Conservation Area

Group/Collection:

Urban Area

Category:

Townscape

Primary address:

, Newtown, NSW 2042

Local govt. area:

Inner West

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
	Newtown	Inner West			Primary Address

Statement of significance:

The North Kingston Estate Heritage Conservation Area is of historical significance for demonstrating the pattern of development in the Council area from early land grants to densely settled urban landscape. This can be seen through the range of high style and modest dwellings of typologies and densities found in the area which demonstrate the different phases of development and options for housing available to the worker of the 19th Century. It occupies land within the Kingston Farm Estate; one of the most important of Marrickville's early Estates. The subdivision pattern and distribution of development throughout the precinct provides the earliest example found in Marrickville of the socio-topographic patterns of land use; with the ridgeline of Albemarle Street notable for its early and grander houses, with modest workers' cottages on the lower slopes. The street layout was formed in the original subdivision of 190 acres. The North Kingston Estate Heritage Conservation Area is of aesthetic significance for its 19th Century houses (detached and semi-detached) and their settings, 19th and early 20th Century terraces and houses (detached and semi-detached) including several highly cohesive groups, 19th Century corner shops, local shopping precinct and small industrial development found throughout the area. The modest scale of the original cottages and terraces in the area reinforces their original purpose as worker's housing. The Area is representative of the range of building types and forms available to the Victorian worker, including the detached cottage, semi-detached pair and terrace house.

Date significance updated: 16 Jan 12

Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by

local and State agencies as new information becomes available. Read the Department of Premier and Cabinet [copyright](#) and [disclaimer](#).

Description

Construction years:

1855-1920

Physical description:

LOCATION

The North Kingston Estate Heritage Conservation Area is located between Salisbury Road, Camperdown and the railway line at Newtown.

KEY PERIOD OF SIGNIFICANCE: 1855 - 1920

DESCRIPTION

The Kingston North Heritage Conservation Area is one of the earliest large developments in the Marrickville local government area. Its dense urban pattern was created in a single subdivision of 190 acres of the Kingston Farm in 1854, most of which were further divided into narrower lots. The Area contains a wide range of modest 19th-century workers housing from the Victorian period with some infill cottages and terraces from the Federation and Inter-War and contemporary periods. The typologies include timber and brick workers cottages, attached housing and small runs of terraces. Modesty of scale and simplicity of form are important elements in the character of the built environment of the Kingston North area.

The Area also includes a very good group of middle-class Victorian houses and corner shops. These are located on Albermarle Street, which enjoys an axial vista of the spire of St Stephen's Church, designed by Edmund Blacket and built between 1871 and 1874, replacing an earlier (1844) church on the site. Numbers 38, 54, 55-59 and 69-73 Albermarle Street, 18-24 Oxford Street and 88-90 Chelmsford Street are listed in the Marrickville LEP as individual heritage items. Their strong streetscape presence, relationship to each other, contribution to the streetscape of Albermarle Street and context within the Kingston North development makes them a particularly significant group within the area.

Other individual heritage items include St Stephen's Church and the surviving part of the cemetery, the former Newtown Baptist Church on the corner of Church and Lennox Streets, the three rows of terraces on Lennox Street (2-8 and 38-84 Lennox Street); the group of former shops in Bedford/Probert Streets; St Joseph's Roman Catholic Church and Boys' and Girls' schools in Bedford, Lennox and Oxford Streets; and the Court House/Police Station group at 222 Australia Street and hotel at number 202. Several more properties were investigated as part of the Heritage Items Review and are recommended for listing for their individual heritage values; including the Victorian Italianate terrace at 82-88 Chelmsford Street, Coronation Hall (95-103 Lennox Street) and the former Electricity substation at 134 Lennox Street. Each of these existing and potential individual heritage items contributes to the variety and quality of their immediate streetscapes and the heritage significance of Kingston North as a heritage conservation area.

Similar building typologies are found throughout the area regardless of the underlying period of construction. These respond to the narrow street frontage available to development and the preponderance of roof planes and ridgelines oriented parallel to the road alignment. The

streetscapes within the area are tightly defined with most dwellings built boundary-to-boundary with minimal setbacks and create a strong street wall. Building heights vary between one and two stories throughout the area, although a general trend of single storey and more modest cottages and terraces at the northern end and more substantial, two storey terraces south of Bishopgate Street can be seen. The area also contains some notable streetscapes of terrace housing, for example the groups of terraces in Australia, Probert and Lennox Streets, each of which is highly contributory to the streetscape through the consistency of its facade, form and detailing.

The mixture of uses is traditional for the inner areas of Sydney and include residential, small-scale retail, churches, schools, parks and industrial. Their juxtaposition provides ongoing evidence of the compact form and integration of land uses common in the 19th Century. Most contribute to the area through the retention of 19th and early 20th Century fabric, scale and form.

Even though the area demonstrates a wide range of built forms, eras and typologies very little development in the area reads as intrusive, even though there are poor examples of each type of development to be found in the area. A small number of 1960s red textured brick residential flat buildings can also be found scattered through the area providing evidence of early urban redevelopment.

The evidence of the surviving fabric suggests that many early fences were of iron palisade construction. Many have survived and continue to contribute highly to the integrity and quality of the streetscapes and the area. They are particularly prominent elements when viewed on an angle from the footpath; when their strong rhythms yet transparent quality is highlighted. Other early fences included low (less than 600mm) timber paling pickets (with flat tops). Many original fences have been replaced by a variety of styles, materials and heights, introducing a highly discordant element into the streetscape views. These fences are however all potentially removable and although impossible to replace the original fabric, the opportunity exists to construct a new fence that fits more gently within the streetscape.

Most private open space is minimal, with little space available for the planting of trees. Where space is available and accessible from the rear lane it is often used for car parking. The topography is undulating. Albemarle Street generally follows the main ridge line in the area with Australia Street describing the secondary ridge at right angles, with the other streets falling away to the low points at the outside edges of the conservation area.

Opportunities for extensive or district views are limited, although some can be gained from the southern edges of the precinct. Street views are generally strongly directional and guided by the street wall of the adjacent housing. A notable exception to this is available along the axial vista along Albemarle Street towards the spire of St Stephen's Anglican Church, which is a rare element within the Marrickville area.

CONTRIBUTORY ELEMENTS

- Street layout
- Narrow lots oriented at 90° to the street alignment
- Street tree plantings
- St Stephen's Church, steeple and axial vista from Albermarle Street
- Street names set into footpath

- Sandstone block kerbing
- High urban density, narrow streets and frequency of attached dwellings creates an intimate streetscape quality
- Residential character demonstrated through diversity of architectural style - within the single and two-storey 19th-century and Federation period terrace housing typologies
- High incidence of substantial private and public buildings that demonstrate individual heritage value and which contribute to the integrity of this area as a focal point for the development of the first phase of Sydney's expansion beyond the inner city core.
- Setbacks from the street alignment are minimal but consistent within building groups and visual catchments
- Building typologies reinforce the tight urban grain.
- Groups and runs of terraces demonstrate strong streetscape qualities including cohesiveness of form, scale, rhythm and materials.
- High quality detailing to front elevation of intact and substantially intact houses and terraces
- Increasing simplification of scale and detailing towards rear – including window size, bulk and visual prominence in view from street
- Roof forms appropriate to typology and period of construction
- Primary ridgelines of roofs are aligned parallel to the street
- Roof forms of groups or runs of buildings demonstrating consistent pitch and rhythm
- Lack of major alterations to roof form and volumes
- Original chimneys contribute to the quality and visual interest of roofscapes
- Original dormer windows - small and vertically proportioned
- Intact or substantially intact built elements
- Consistency of form and detailing to intact and substantially intact original dwellings and streetscapes
- Any additions visible from the public domain that are of a minor scale, respect original built form and are unobtrusive in the context of the streetscape
- Building heights appropriate to typology and period of construction
- Detailing and finishes appropriate to typology and period of construction
- Window openings appropriate for architectural type
- Timber framed windows
- Complex timber framed windows to main bay of front elevation
- Use of appropriate colour schemes for detailing
- Fences appropriate to typology and period of construction
- Original Iron Palisade fences
- Original low face-brick (not rendered or painted) walls
- Footprints of additions to the rear respect the traditional pattern of development (including service wing/pavilion/recessive scale)
- Vehicle access from rear lanes (where available)

NON CONTRIBUTORY ELEMENTS

- Overscaled and poorly proportioned additions
- Alterations to roof forms and volumes visible from the street, including poorly sited and proportioned dormer windows and lifted ridgelines.
- Inappropriate use of dormers (contrary to typology)
- Application of conjectural detailing to new work
- Concrete tiles or inappropriate use of metal panels to roof.
- Painting and rendering etc (including to original face brick)
- Removal of original detailing

- Alteration to fenestration patterns (including reconfiguration/re-orientation of vertical openings to horizontal)
- Removal/replacement of timber windows with aluminium-framed windows
- Roller shutters to windows
- Historically inappropriate fence design and details not relevant to building typology and/or incongruous/visually intrusive in streetscape views
- Visually intrusive security measures (eg security bars painted a light colour and enclosing grilles to verandahs)
- Replacement fences of type or form inappropriate to building typology and/or intrusive on aesthetic value of streetscape
- High/solid front fences and walls
- Infilled verandahs

Physical condition and/or

Archaeological potential:

Good

Date condition updated:14 Jul 09

Modifications and dates:

A small number of 1960s red textured brick residential flat buildings can be found scattered through the area.

History

Historical notes:

The original owners of the land within the Marrickville Council area were the Cadigal and Wangal clans of the coastal Eora people. They spoke Eora, which may have been a dialect of the Dharug (Darug) language, though sources differ on this point. With the establishment of the penal colony at Sydney Cove in 1788 the dispossession of the original inhabitants was begun. In 1789 a smallpox plague decimated the Aboriginal population, though descendants of the Cadigal and Wangal people still reside within the Sydney metropolitan area.

In 1793 Lieutenant Thomas Rowley, who had served as Adjutant to Francis Grose in the New South Wales Corps, was granted 100 acres at Petersham. This was enlarged by 70 acres in 1794 and by the time of Rowley's death in 1806 it was 240 acres. He named it Kingston Farm, after Kingston upon Thames, which is thought to have been his place of origin.

East of Kingston Farm was 200 acres that was granted to the trustees of the Female Orphan Institution in 1801. They exchanged it for 1,000 acres in Bathurst and it was re-granted to William Bligh in 1806. Bligh named it Camperdown, after the celebrated Battle of Camperdown, in which he took part. After Bligh's death in 1817 his property, including Camperdown, was left to his six surviving daughters. In 1827 a racecourse was opened on part of the grant where Royal Prince Alfred Hospital now stands. Disputes arose regarding the validity of some of Bligh's land grants, especially one in Parramatta. At length in February 1841 Sir Maurice O'Connell (Bligh's son-in-law) negotiated a settlement whereby the heiresses surrendered their claim to the Parramatta land but the titles to the other grants were confirmed. Camperdown, also known as "The Old Racecourse", was immediately subdivided into "FIFTY ALLOTMENTS, varying in extent from one acre and twenty-four perches, to six acres three roods and six perches, to the notice of the Australian public, the Auctioneer deems himself unable, through the medium of an advertisement, to do justice to it's numerous advantages" (The Sydney Gazette and New South Wales Advertiser, 1 April 1841) and the sale raised more than £25,000.

Lots 1-4 of the Camperdown Estate were bought in 1848 by a group of businessmen and became the site of Camperdown Cemetery. The area was fenced, trees planted and a lodge built. The first burial was of Sir Maurice O'Connell, who had died some months previously and been interred at Devonshire Street.

Kingston Farm passed to Rowley's children after his death in 1806, and by 1841 the house stood on 17 acres when Samuel Lyons advertised the "Remaining portion of the KINGSTON FARM, with the DWELLING-HOUSE erected thereon, together with the several detached buildings, namely, Cooking-house, Servants' Rooms, Gig-house, Stables, &c. The extent of the Homestead is six acres one rood and six perches, the greater portion of which is in cultivation as a Garden and Orchard, but the commits of the whole intended for Sale, are seventeen acres, one rood and thirty perches. It seldom happens that such an eligible property as the foregoing is brought to the barrier, and in this particular instance, Mr. LYONS earnestly invites the personal inspection of intending purchasers, being satisfied that few (if any) situations can be found, within so short a distance of the town, commanding, as Kingston does, so many advantages for A First-rate Home-stead, or an establishment for a family of the highest respectability, as this portion of the KINGSTON GRANT. It is surrounded by the splendid Estates of CAMPERDOWN ANNANDALE, and the well known and highly esteemed properties of James Holt, Esq., and that portion of Kingston, lately purchased by Messrs. Jones and Dacre; it is also in the immediate vicinity of the Glebe Land, Grose Farm, &c. The public have lately given such sufficient proof of their estimation of land in the neighbourhood, of Kingston, that the Auctioneer dopa not feel himself called upon to offer any remarks upon its value, being satisfied that it will realise all the expectations of its proprietor; and parties desirous of possessing so valuable an acquisition to their comfort as the Desirable Retreat of Kingston." (The Sydney Gazette and New South Wales Advertiser, Tuesday 20 July 1841, p. 3)

In December 1854 Mort & Co. auctioned 190 acres of Kingston Farm as the Kingston Estate (later known as North Kingston), in anticipation of the opening of the railway in 1855. Advertised as "on the Newtown Railway Station", it stretched from the railway to Parramatta Road and was bounded by the Camperdown Estate in the east and St Marys Lane in the west. It included the site of the first Newtown Railway Station, which stood in Station Street, off Enmore Road. This enormous estate, with its narrow streets and tiny blocks, set the pattern for the dense settlement of Newtown.

In 1867, after 16,000 and 18,000 burials, sales of plots ceased at Camperdown Cemetery, though burials continued intermittently until the 1940s. St Stephen's Anglican Church was built between 1871 and 1874 (spire completed 1876) on vacant land within the cemetery. Designed by Edmund Blacket, it thought by many to be amongst his finest church designs and one of the few completed in a single building campaign. The adjoining Rectory, in Church Street, was built in 1910.

The "First Subdivision, West Kingston Estate" was auctioned on 21 March 1885. It consisted of the area bounded by St Marys Lane, Trade Street, Kingston Road and Salisbury Street (now Salisbury Road). It immediately abutted the North Kingston Estate. Subdivisions of West Kingston continued into the 20th Century, with the last in Cardigan Street near Parramatta Road on 13 September 1902.

One of the last undeveloped areas in the Newtown area was north of Camperdown Cemetery, comprising Lots 5-7 of the Camperdown Estate. Subdivided in 1900 as the "Northwood Estate", it was auctioned on 15th December 1900. Federation Road celebrated the

forthcoming Australian Federation, while Hopetoun Street was named in honour of Lord Hopetoun, Australia's first Governor General.

Salisbury Road was extended from St Marys Lane through to what had been University Street (between Australia Street and Church Street) in about 1922 and some houses were demolished in the vicinity of Eton Street and Denison Street. There were many more demolitions with the building of King George V Hospital in the 1930s. The later expansion of the hospital and the extension of Carillion Avenue east to Church Street has obliterated almost all of the residential area to the east of the "Northwood Estate" area since the 1940s.

A public outcry after the sexual assault and murder of 11-year-old Joan Norma Ginnin in the cemetery in 1946 drew attention to its neglected and overgrown condition. The Camperdown Cemetery Act (1948) dedicated the cemetery as a public park called the Camperdown Memorial Rest Park and soon after much of the cemetery was cleared and grassed. A section adjoining the church was preserved and some headstones from the remainder of the area were relocated there, against a new boundary wall around the church and remaining section of the cemetery.

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
4. Settlement-Building settlements, towns and cities	Accommodation-Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	(none)

Assessment of significance

SHR Criteria a)

[Historical significance]

The North Kingston Estate Heritage Conservation Area is of historical significance for demonstrating the pattern of development in the Council area from early land grants to densely settled urban landscape. This can be seen through the range of high style and modest dwellings of typologies and densities found in the area which demonstrate the different phases of development and options for housing available to the worker of the 19th Century. It occupies land within the Kingston Farm Estate; one of the most important of Marrickville's early Estates. The subdivision pattern and distribution of development throughout the precinct provides the earliest example found in Marrickville of the socio-topographic patterns of land use; with the ridgeline of Albemarle Street notable for its early and grander houses, with modest workers' cottages on the lower slopes. The street layout was formed in the original subdivision of 190 acres.

SHR Criteria c)

[Aesthetic significance]

The North Kingston Estate Heritage Conservation Area is of aesthetic significance for its 19th Century houses (detached and semi-detached) and their settings, 19th and early 20th Century terraces and houses (detached and semi-detached) including several highly cohesive groups, 19th Century corner shops, local shopping precinct and small industrial development found throughout the area. The modest scale of the original cottages and terraces in the area reinforces their original purpose as worker's housing.

SHR Criteria g)


[Representativeness]

The Area is representative of the range of building types and forms available to the Victorian worker, including the detached cottage, semi-detached pair and terrace house.

Integrity/Intactness:

The area has a high degree of integrity and is largely intact, of note is Albemarle Street.

Assessment criteria:

Items are assessed against the  State Heritage Register (SHR) Criteria to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Marrickville Local Environmental Plan 2011	C11	12 Dec 11	2011/645	
Heritage study					

Study details

Title	Year	Number	Author	Inspected by	Guidelines used
Marrickville Review of Draft Heritage Conservation Areas	2009		Paul Davies Pty Ltd		N D

References, internet links & images

None

Note: internet links may be to web pages, documents or images.





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