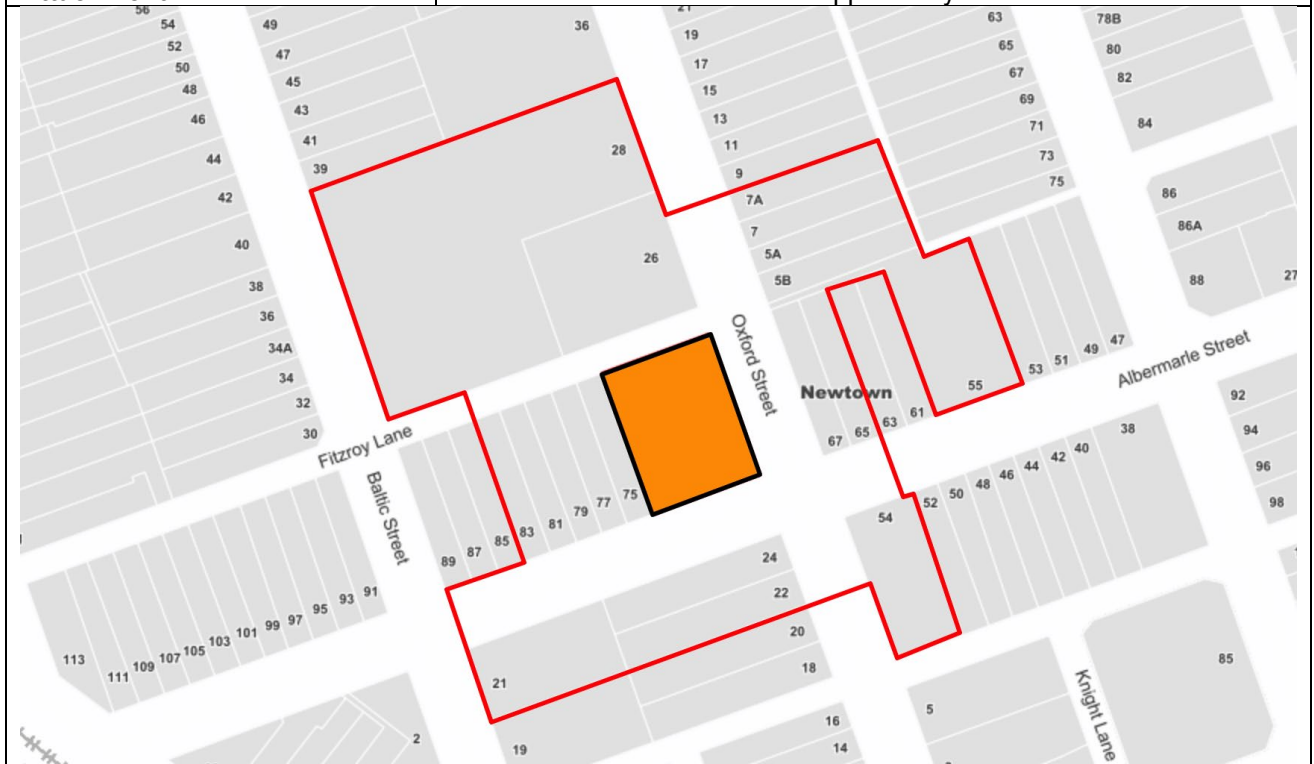







INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2021/0482
Address	69 Albermarle Street NEWTOWN NSW 2042
Proposal	To demolish part of the premises and construct a double garage.
Date of Lodgement	14 June 2021
Applicant	Mr Matthew O'Donnell
Owner	Mr Eugene J Menyhart & Mrs Susanne H Menyhart
Number of Submissions	Nil
Value of works	\$85,000.00
Reason for determination at Planning Panel	Heritage Item
Main Issues	Heritage Conservation, height, and design of garage
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Plans of proposed development
Attachment C	Statements of Heritage Significance
Attachment D	Draft conditions in the event of approval by Panel



LOCALITY MAP

Subject Site		Objectors		 N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council to demolish part of the premises and construct a double garage at 69 Albermarle Street Newtown.

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

The main issues that have arisen from the application include:

- The height, form and materials of the proposed garage result in adverse impacts to the heritage significance of the Item and Conservation Area.
- The height and form of the garage is inconsistent with the relevant design objectives and controls for garage structures within the Marrickville Development Control Plan 2011.

The identified impacts and non-compliances are considered unacceptable and therefore the application is recommended for refusal.

The application is referred to the Panel for determination as the site involves works to a heritage item and Council's Heritage Specialist does not agree the work will have a minor impact.

2. Proposal

The application seeks to demolish part of the premises and construct a double garage.

Specifically, the application includes:

- Demolition of the existing garage and part of the existing wall presenting to Fitzroy Lane.
- Construction of a new double garage with a skillion roof form and a maximum height of 5.4 metres.

3. Site Description

The subject site is located on the northern side of Albermarle Street, at the intersection with Oxford Street. The site consists of 1 allotment and is generally rectangular in shape with a total area of 479.7sqm and is legally described as 69 Albermarle Street, Newtown.

The site has a frontage to Albermarle Street of 19.105 metres and a secondary frontage of approximately 25.105 metres to Oxford Street. The site also presents to Fitzroy Lane with for a length of 19.305 metres.

The site supports a large two storey building which is used as 4 apartments. The surrounding properties support one and two storey dwelling houses and a school.

The subject site is listed as a heritage item, namely Victorian villa, including interiors (I132) and is located within the Kingston North Estate Heritage Conservation Area (C11). The site is zoned R2 – Low Density Residential under Marrickville Local Environmental Plan 2011.



4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site.

Application	Proposal	Decision & Date
DA89/98	To carry out alterations to the premises to convert the existing building into four dwellings	Approved – 25 May 1998

4(b) Application history

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

Date	Discussion / Letter / Additional Information
27 July 2021	<p>This application originally sought approval for a garage with first floor studio above and referred to the existing building on site as a single dwelling house.</p> <p>Council wrote to the application raising the following concerns:</p> <ul style="list-style-type: none"> • The Clause 4.6 submission to justify the proposed studio was not supported as the increase in FSR was not justifiable on environmental planning grounds in the view of Council. • A two storey structure presented amenity, heritage and streetscape concerns and was not consistent with the desired future character of the area. • The application information referred to the site being used as a dwelling house which is inconsistent with the most recent approval.

12 August 2021	<p>The applicant provided amended plans, an amended Statement of Environmental Effects and an amended Heritage Impact Statement which included the following amendments:</p> <ul style="list-style-type: none"> • Deleting the studio element and providing a double garage with a maximum height of 5.4 metres. • Clarifying the use of the existing building as 4 dwellings. • Withdrawing the Clause 4.6 variation request. <p>These amended plans are the subject of this assessment.</p>
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5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*

The following provides further discussion of the relevant issues:

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

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

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

5(a)(ii) *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 5.10 - Heritage Conservation
- Clause 6.1 - Earthworks
- 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	Non compliance	Complies
Height of Building Maximum permissible: 9.5 metres	5.4 metres (garage only)	N/A	Yes
Floor Space Ratio Maximum permissible: 0.6:1 or 287.8sqm	Unable to determine	Unable to determine	No

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

The site is zoned R2 Low Density Residential under the *MLEP 2011*. The most recent approval for the site is DA89/98 which approved the use of the existing building as 4 dwellings.

The documentation submitted with the application states the current use is permissible in the R2 zone as *residential accommodation*. However, this is a group term, and the application has not demonstrated what the existing use is best defined as. Uses that may better define the existing use such as *multi dwelling housing* or *residential flat buildings* are prohibited in the zone. Additionally, other than a *dwelling house* and *secondary dwelling*, no uses that allow multiple dwellings on a single lot are permissible under the current zoning provisions applicable to the site.

It is noted that the application originally described the use of the site as a dwelling house which was found to be inconsistent with the most recent approval. On submission of amended information, the applicant stated the site is currently used as 4 dwellings. No further information, such as plans of the existing building or written details of the use have been provided.

Based on the limited information provided, the application could be best classified as involving the expansion of an ancillary structure under a use that has not been established as permissible in the R2 zone. The application has not provided any information to demonstrate the site benefits from existing use rights in order to continue the existing use as part of this application or how the works proposed are considered permissible.

Furthermore, the intent of the use of the proposed structure is questioned given the plans include the provision of a window on the eastern elevation, which is 3.6 metres above floor level, bi-fold doors on the southern elevation and a height of up to 5.4 metres for the structure all of which are not considered typical of an ancillary garage.

As such, there is inadequate information to determine if the site benefits from existing use rights nor whether it is a permitted use within the zone, as a result the application is recommended for refusal.

(ii) Floor Space Ratio (Clause 4.4)

The maximum FSR applicable to the site under Clause 4.4 of MLEP 2011 is 0.6:1. While no floor plans of the existing building have been provided with the application, the written information provided states the existing FSR of the site is 0.68:1, representing a 13% breach to the development standard.

Council is unable to determine if the proposed garage increases the FSR at the site.

Only car parking to meet the requirements of the consent authority is excluded from FSR under the definition of gross floor area under MLEP 2011. The application includes an increase in on site car parking by 1 space, for a total of 2 spaces.

While Council has no in principal objection to the provision of additional onsite parking, the existing approval for the site only requires the provision of 1 car parking space. Furthermore, the application does not provide any plans of the building or written information regarding the current use that enables Council to determine the what the required car parking rate under the current provisions set out by Part 2.10 of MDCP 2011 are.

As such, Council cannot determine the FSR proposed by the application and there is insufficient information to enable a proper assessment of the application. The application is therefore recommended for refusal.

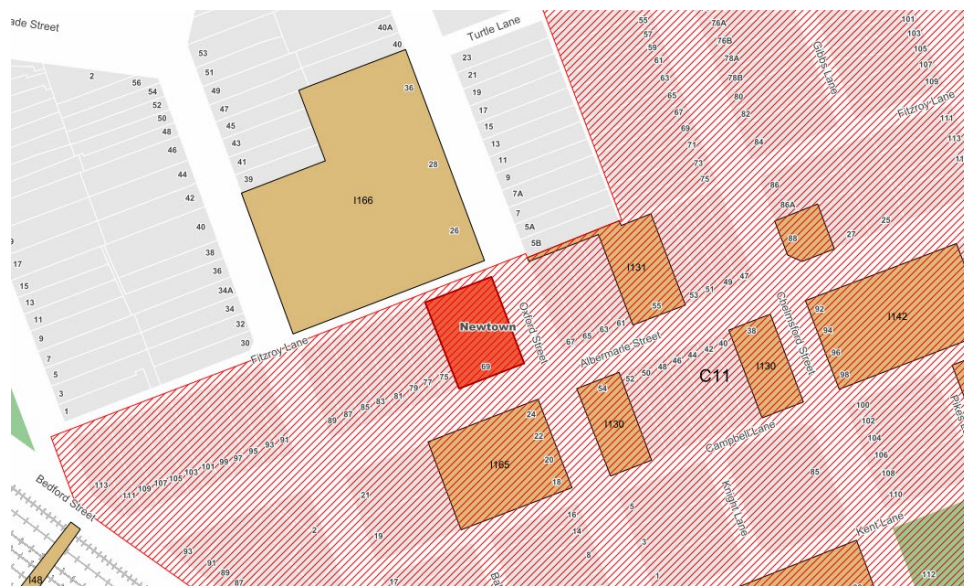
(iii) Heritage Conservation (Clause 5.10)

The subject site is a Heritage Item under MLEP 2011, namely Victorian Villa, including interiors (I132) and is located within the Kingston North Estate Heritage Conservation Area (C11).

The site is also in close proximity to the following Heritage Items:

- St Joseph's Girls' School and St Bede's Convent and Presbytery, including interiors, 26 and 36 Oxford Street Newtown (I166)
- Victorian terrace, including interiors, 18-24 Oxford Street Newtown (I165)
- Victorian Georgian house and stables, including interiors, 54 Albermarle Street Newtown (I130).

A map identifying the location of nearby heritage items and surrounding HCA is illustrated below;



The application was referred to Council's Heritage Specialist who does not support the proposal for the following reasons:

- The scale and excessive height of the garage does not respond to the context and is in opposition with the character of ancillary development in the laneway.
- The proposed skillion roof form is in opposition to the traditional roof form character of the area.
- The development is distinctly contemporary in nature with elements, such as triangular windows and metal screening, which would be an intrusive element within the conservation area.

Additionally, the development does not comply with a number of applicable objectives and controls within Part 8 of MDCP 2011 as follows:

- The scale, height and form of the proposed garage within the curtilage of the Item diminishes the contrast of the item with the surrounding lower scale development, thereby diminishing the significance of the Item, contrary to Control 1 in Part 8.1.7.
- The development includes a highly contemporary form which does not respect the form of the immediate area, contrary to Control 5 in Part 8.1.7.
- The height of the garage would overwhelm the existing built form in the context of the area and given the nature of the development as an ancillary structure, the height of up to 5.4 metres is considered excessive, contrary to Control 19 in Part 8.3.2.4.
- The development will be completely visible from Albermarle Street and Fitzroy Lane and the development is not consistent with the massing and scale of ancillary garages within the conservation area. The form of the building is distinctly contemporary, being inconsistent with the traditional building forms of the area, contrary to Control 21 in Part 8.3.2.5.

Overall, the scale, form and materials of proposed garage structure do not reference the historic surrounds and is considered to detract from the heritage item and conservation area. The heritage item and buildings within the conservation area exhibit highly intact traditional building forms which the development does not respond to. Furthermore, the excessive scale and height of the garage structure which is traditionally a low scale ancillary structure is inconsistent with the scale of development within the conservation area. As a result, the development is considered to detract from the heritage significance of the heritage item and conservation area.

It is noted that the application was submitted with a Heritage Impact Statement (HIS) which supports the proposed development. However, the findings of the HIS are not supported by Council's Heritage Specialist and the arguments for the development being acceptable primarily rely on the development being single storey and of a contemporary form. With a height of 5.4 metres, the garage is not considered to be single storey and while a contemporary design can be appropriate, the design should retain a relationship to the context of the site and its historic surroundings and present a reasonable scale in order to compliment the historic building forms and elements in the area, as envisaged by the objectives and controls within Part 8 of MDCP 2011.

As such, the application is inconsistent with the objectives of Clause 5.10(1) in that the proposal does not seek to:

- (a) *to conserve the environmental heritage of Marrickville,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

Given the above, the development does not protect the environmental heritage of the Inner West and does not comply with the relevant heritage conservation controls within Part 8 of MDCP 2011. The application is recommended for refusal.

5(b) 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 maintains the existing land zoning, floor space ratio and heritage conservation provisions currently applicable to the site. As such, the issues discussed above relating the MLEP 2011 would remain of concern under Draft IWLEP 2020.

The development is considered unacceptable having regard to the provisions of the Draft IWLEP 2020.

5(c) Development Control Plans

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

Part of MDCP 2011	Compliance
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 2.10 – Parking	Unclear – see discussion under Clause 4.4 above.
Part 2.18 – Landscaping and Open Space	Yes
Part 2.20 – Tree Management	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.25 – Stormwater Management	Yes
Part 4.1 – Low Density Residential Development	No – see discussion
Part 8 – Heritage	No – see discussion under Clause 5.10 above
Part 9 – Strategic Context	No – see discussion

The following provides discussion of the relevant issues:

(i) Car Parking (Part 4.1.7)

Part 4.1.7 of MDCP 2011 contains objectives and controls relating to car parking design. The development is inconsistent with the relevant objectives and controls for car parking as follows:

- The proposed garage does not respect the heritage nature of the street or enhance the character of the area, being of a scale and form that does not respond to its surroundings, contrary to Objective 18.
- The garage is a distinctly contemporary form in a traditional streetscape and would become a detracting and dominant element on the site, contrary to Objective 19 and Control 14(iii).
- The garage is not compatible in scale, form or materials to the existing Heritage Item, being excessively tall and distinctly contemporary, contrary to Control 14(iv).
- The garage is excessive in height and has a maximum height of 5.4 metres which greatly exceeds the maximum height of 3.6 metres for pitched roof garages prescribed by Control 16.

Overall, the height and form of the garage does not conform to the car parking requirements of Part 4.1.7 of MDCP 2011. The DCP envisages a maximum garage height of 3.6 metres for pitched roof structures and the proposed garage greatly exceeds this. Additionally, the garage is not consistent with the objectives of Part 4.1.7 in that the garage is not appropriate to the site or streetscape in design and as such there is no justification to vary the controls prescribed by Part 4.1.7.

The application is recommended for refusal.

(ii) Newtown North and Camperdown (Part 9.4)

The site is contained within the Newtown North and Camperdown Planning Precinct (Precinct 4) under Part 9 of MDCP 2011. The development is considered inconsistent with the desired future character of the area as follows:

- The proposal does not protect the Heritage Item within the precinct.
- The proposal does not protect the values of the North Kingston Estate conservation area.
- The proposal provides off street parking that will adversely impact the amenity of the precinct.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in the following way:

- The development would result in adverse impacts to a local heritage item and a heritage conservation area.
- The development would result in a garage structure that would be incompatible with the surrounding area and of a scale and form inconsistent with the streetscape and objectives of MDCP 2011.

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

It is considered that the proposal will have an adverse impact on the heritage significance of the site and area 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 the Community Engagement Framework for a period of 14 days to surrounding properties. 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 contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Specialist
- Development Engineer

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

8. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and Marrickville Development Control Plan 2011.

The development would result in significant impacts to the heritage significance of the site, area and 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. DA/2021/0482 to demolish part of the premises and construct a double garage at 69 Albermarle Street NEWTOWN for the reasons in Attachment A below:

Attachment A – Recommended reasons for refusal

REASONS FOR REFUSAL

- 1 The proposed development is inconsistent with Clause 5.10 - Heritage Conservation of the *Marrickville Local Environmental Plan 2011*, in that the design and scale of the garage would result in adverse impacts to the heritage significance of a heritage item and heritage conservation area.
- 2 The proposed development does not comply with the following parts of the Marrickville Development Control Plan 2011:
 - a. Part 4.1.7 - Car Parking, in that the proposed garage is excessive in height and does not compliment or enhance the locality or streetscape.
 - b. Part 8 - Heritage, in that the proposed garage will result in adverse impacts to the heritage item and heritage conservation area.
 - c. Part 9.4 - Newtown North and Camperdown Precinct (Precinct 4), in that the proposed garage results in heritage and streetscape impacts and is therefore inconsistent with the desired future character of the precinct.
- 3 The application as submitted has not provided adequate information order to undertake a full and proper assessment of the application in accordance Section 4.15 of the *Environmental Planning and Assessment Act 1979* in that the following has not been provided with the application:
 - a. Suitable details demonstrating that the continued use is permissible in the R2 Low Density Residential zone under *Marrickville Local Environment Plan 2011* or that the site benefits from existing use rights under the *Environmental Planning and Assessment Act 1979*.
 - b. The plans submitted contradict the use applied for being as an ancillary garage.
 - c. Floor plans of the existing buildings on site in order to assess the proposed floor space ratio under Clause 4.4 of *Marrickville Local Environment Plan 2011*.
 - d. Plans or details in order to determine the car parking rate applicable to the site under Marrickville Development Control Plan 2011 and whether any car parking in excess of the required rate would result in additional floor space.

Attachment B – Plans of proposed development

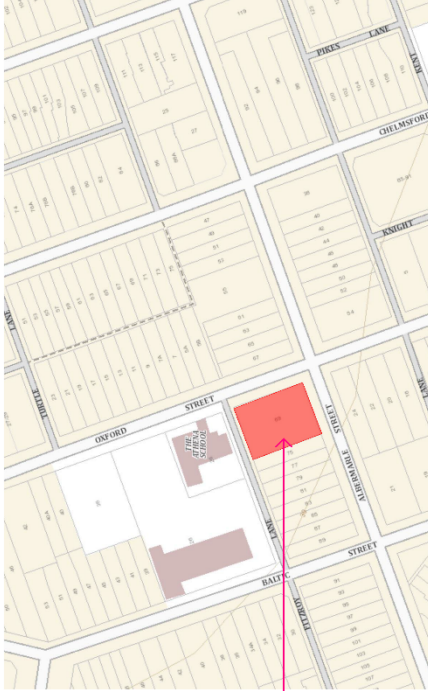
69 ALBERMARLE ST NEWTOWN
NSW 2042 AUSTRALIA

DRAWING LIST	
No.	DRAWING NAME
A00	COVER SHEET, DRAWING LIST & PROJECT SUMMARY
A01	SITE PLAN AND ROOF PLAN
A02	EXISTING / DEMOLITION PLAN
A03	PROPOSED GROUND FLOOR PLAN
A04	ELEVATIONS - NORTH
A05	ELEVATIONS - SOUTH, EAST & WEST
A06	SECTIONS
A07	SHADOW DIAGRAMS - 21 JUNE 9AM/12NN
A08	SHADOW DIAGRAMS - 21 JUNE 3PM

ADJUSTMENTS ON DRAWING NUMBERS
(LEVEL 01 PLAN REMOVED)

FSR CALCULATION		
SITE AREA		478.70m ²
LEVEL	EXISTING AREA	PROPOSED AREA
GROUND FLOOR	188.45m ²	188.45m ²
FIRST LEVEL	137.85m ²	137.85m ²
TOTAL GFA	326.40m ²	326.40m ²
FSR	0.680 - 1	0.680 - 1
SITE COVERAGE		62.02%
237.49m ²		

ADJUSTMENTS ON FSR CALCULATION
(LEVEL 01 PLAN REMOVED)

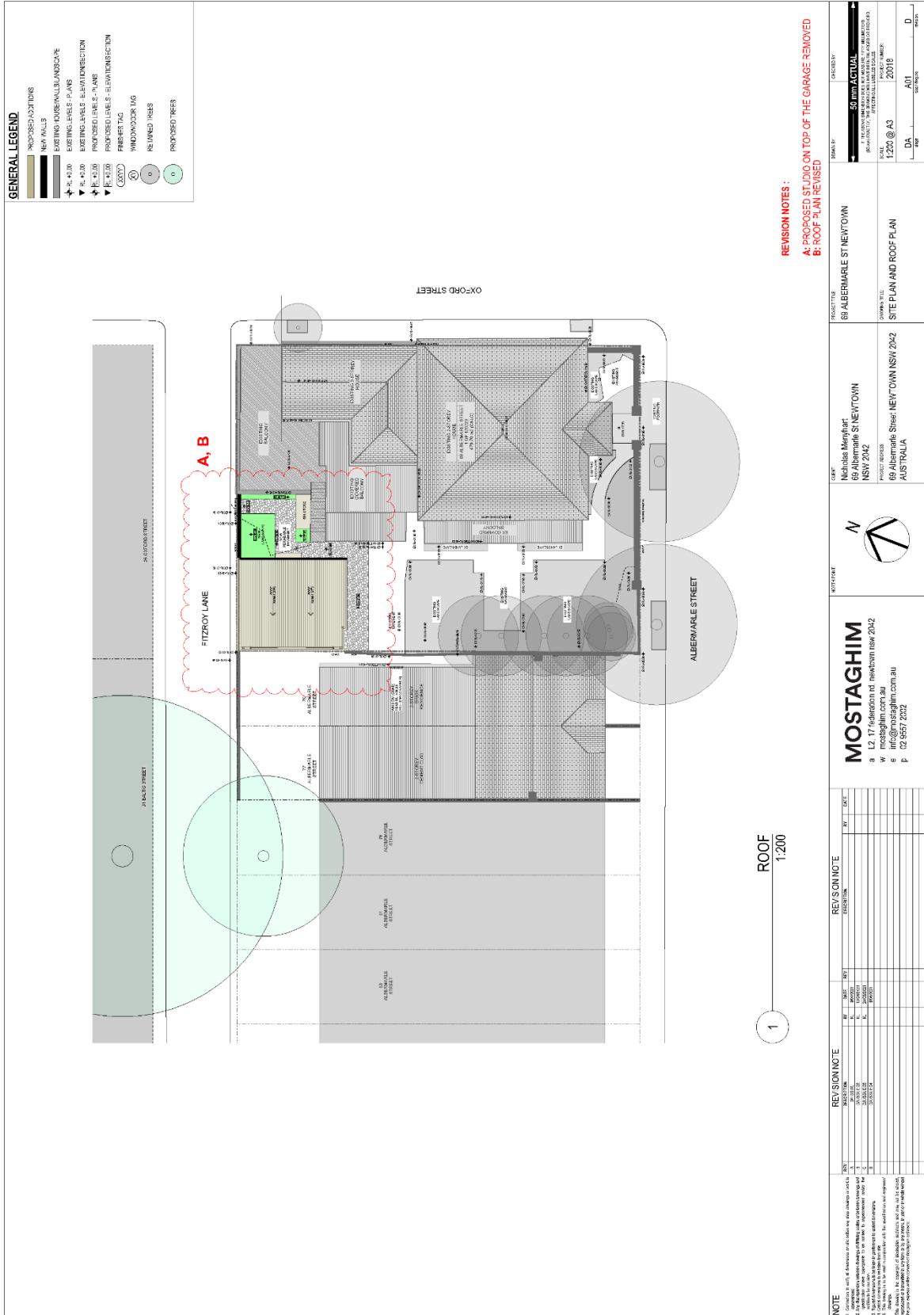


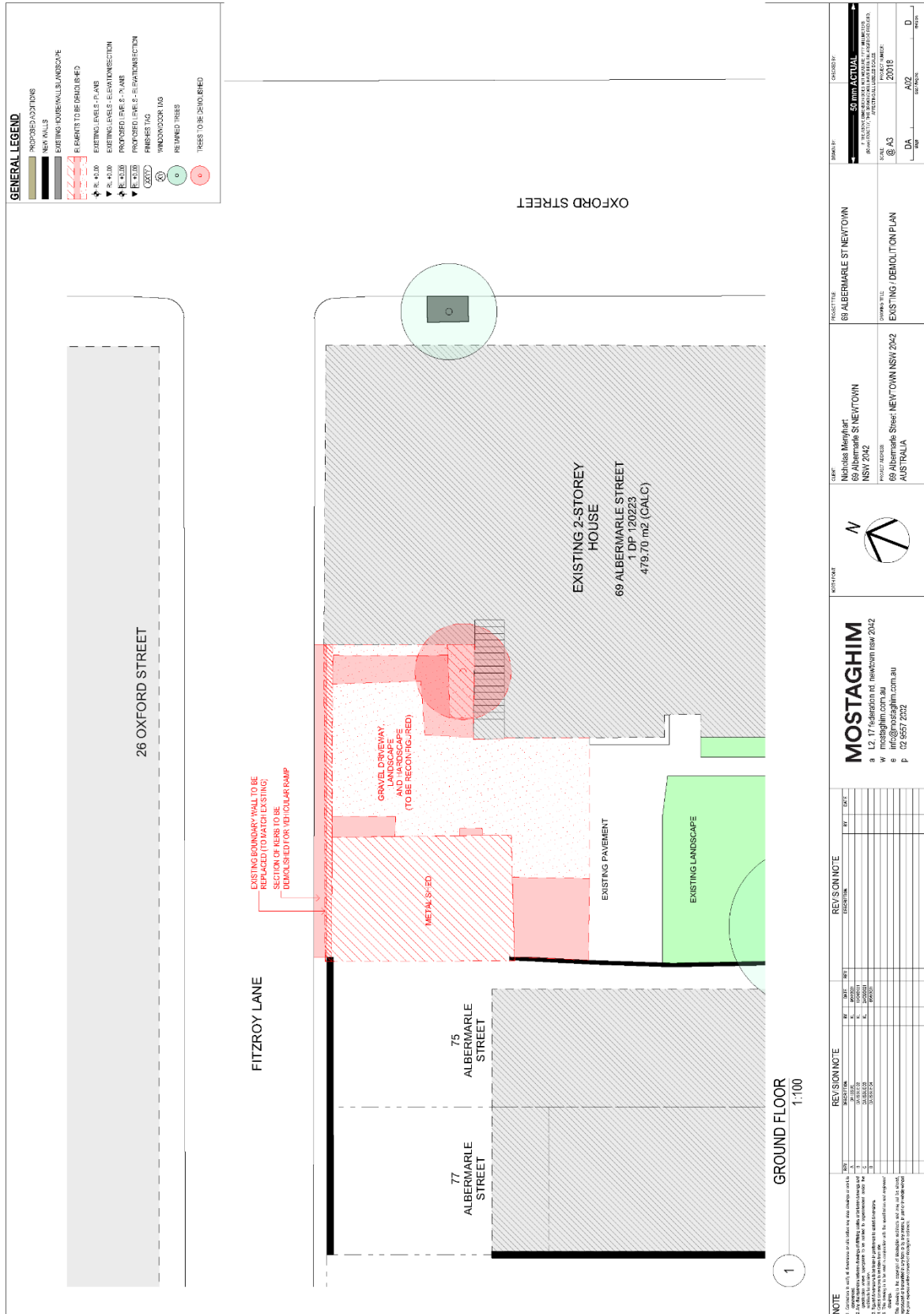
SUBJECT SITE

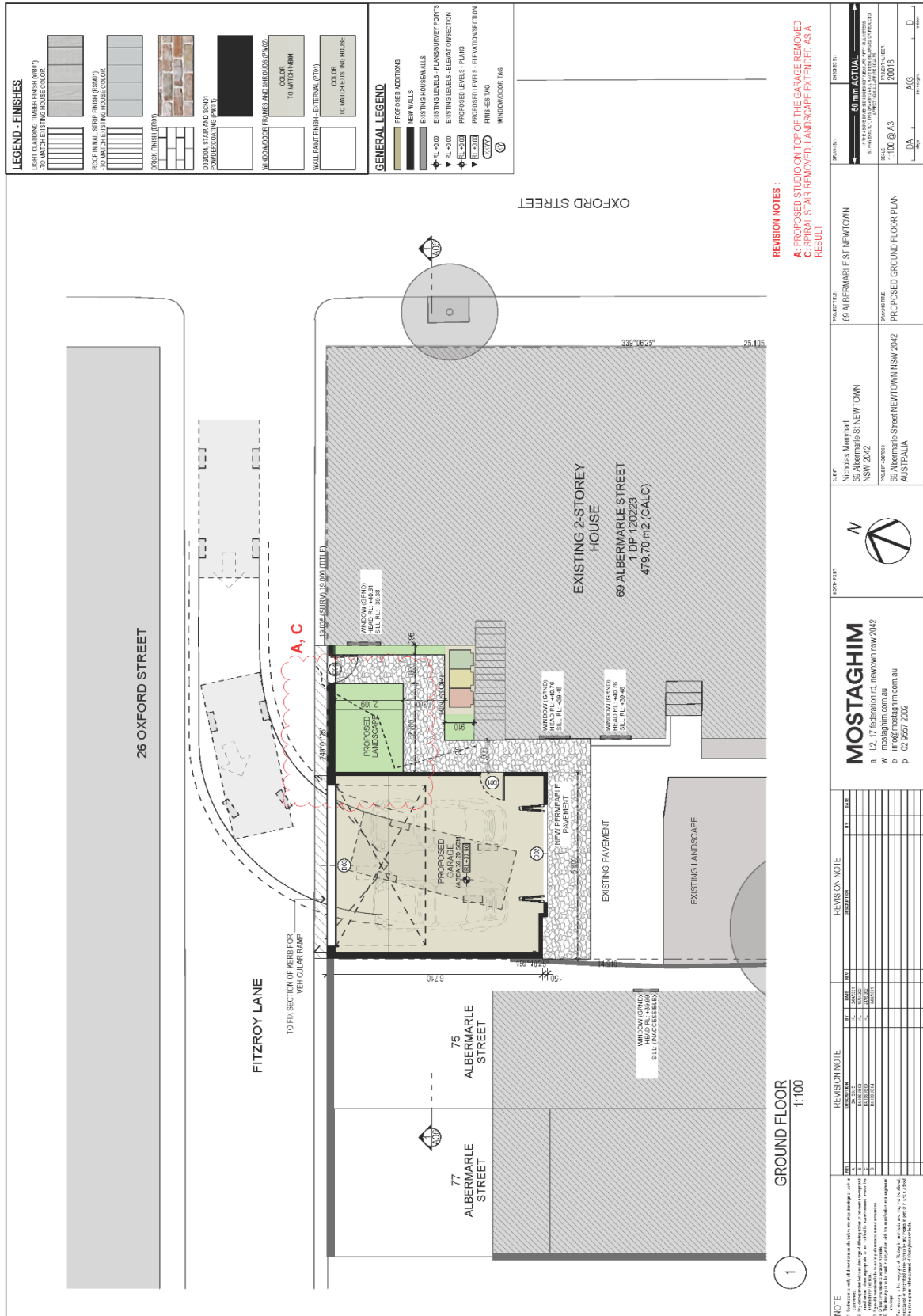


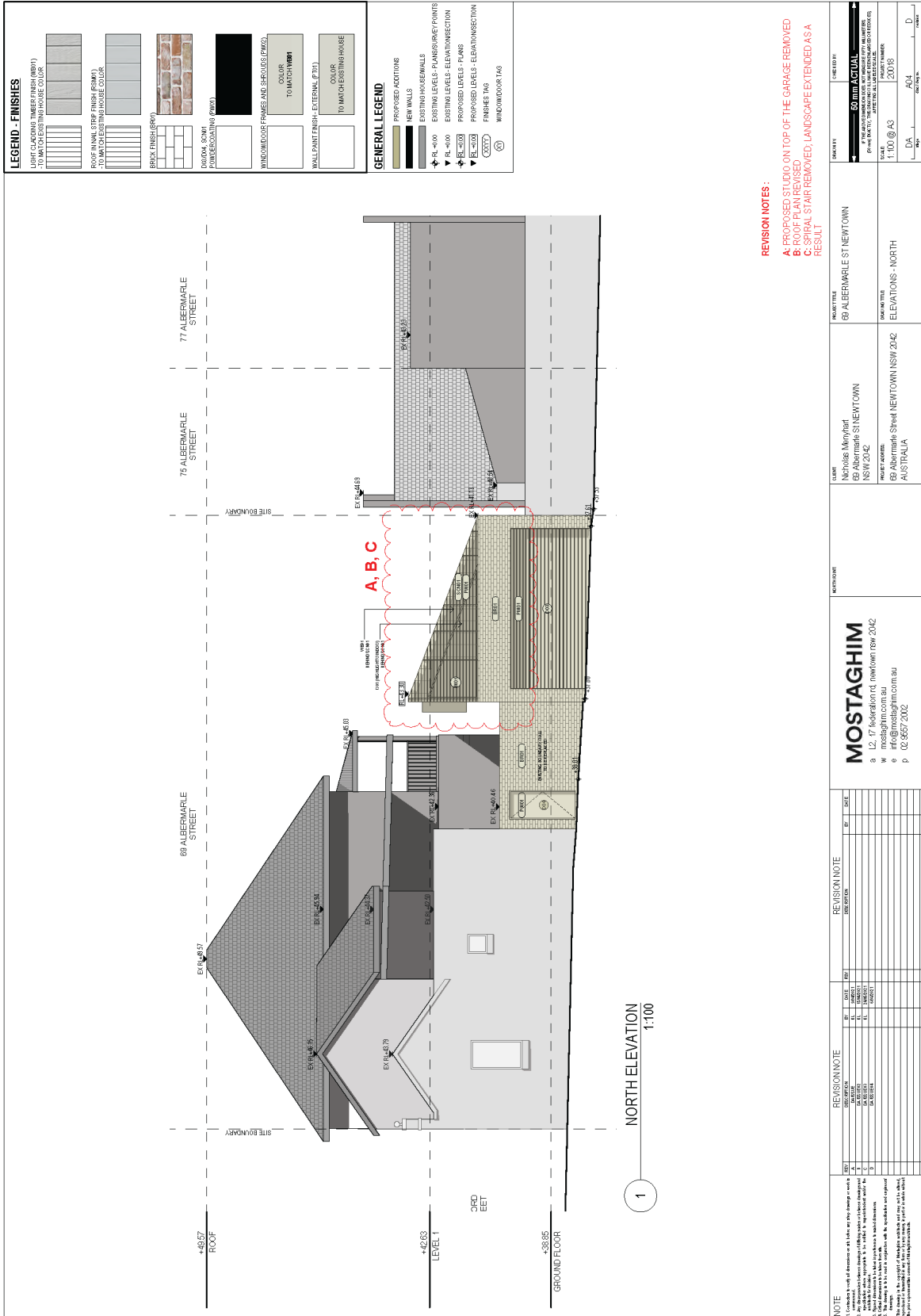
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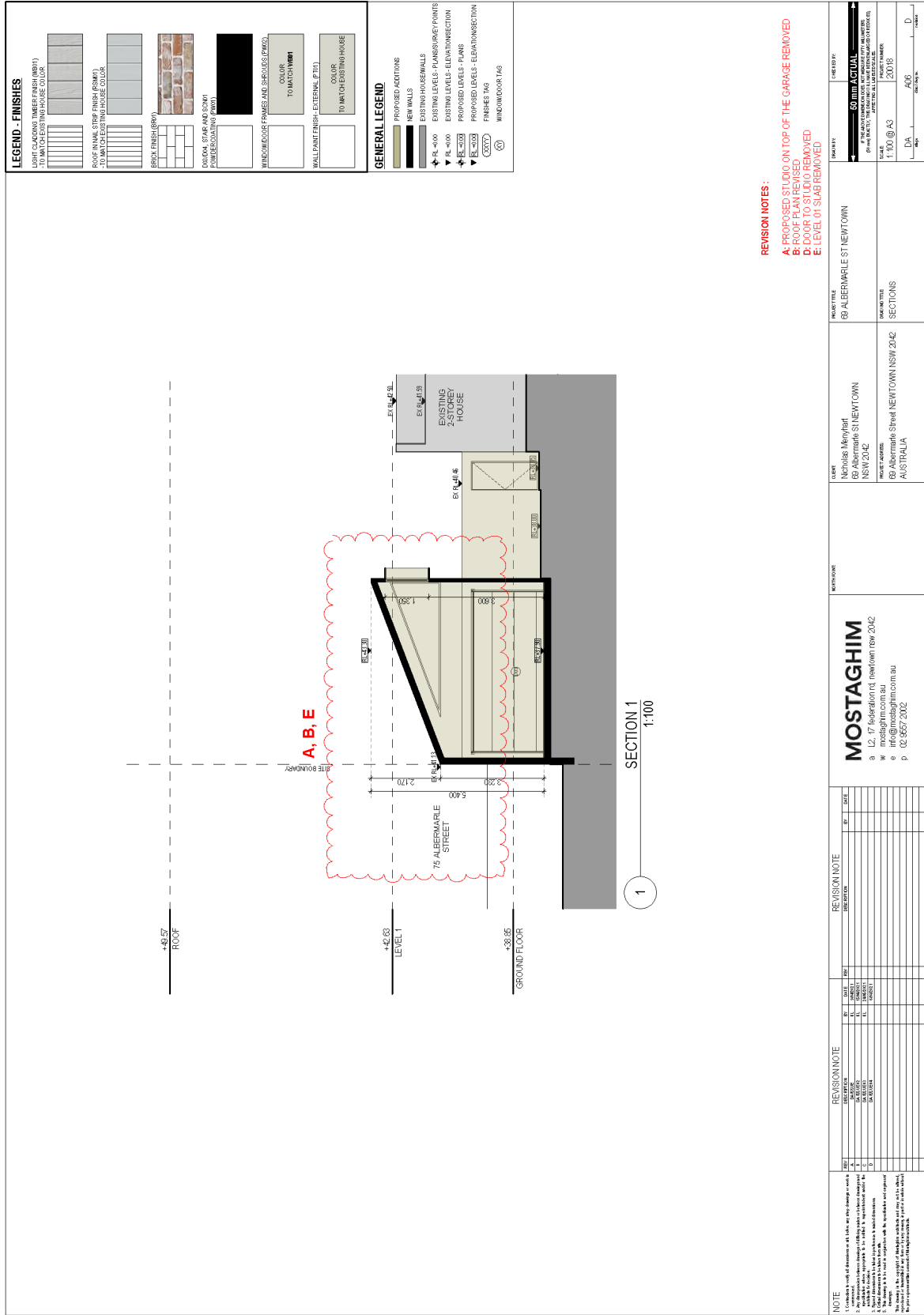
<p>NOTE</p> <p>1. THE DRAWING IS THE PROPERTY OF MOSTAGHIM CONSULTANTS AND SHOULD NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MOSTAGHIM CONSULTANTS.</p> <p>2. THIS DRAWING IS THE PROPERTY OF MOSTAGHIM CONSULTANTS AND SHOULD NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MOSTAGHIM CONSULTANTS.</p> <p>3. THIS DRAWING IS THE PROPERTY OF MOSTAGHIM CONSULTANTS AND SHOULD NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MOSTAGHIM CONSULTANTS.</p> <p>4. THIS DRAWING IS THE PROPERTY OF MOSTAGHIM CONSULTANTS AND SHOULD NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MOSTAGHIM CONSULTANTS.</p> <p>5. THIS DRAWING IS THE PROPERTY OF MOSTAGHIM CONSULTANTS AND SHOULD NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MOSTAGHIM CONSULTANTS.</p> <p>6. THIS DRAWING IS THE PROPERTY OF MOSTAGHIM CONSULTANTS AND SHOULD NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MOSTAGHIM CONSULTANTS.</p>	<p>PROJECT NO.</p> <p>PROJECT NAME</p> <p>PROJECT ADDRESS</p> <p>PROJECT CITY</p> <p>PROJECT STATE</p> <p>PROJECT POSTCODE</p> <p>PROJECT DATE</p> <p>PROJECT SCALE</p> <p>PROJECT SHEET</p> <p>PROJECT TOTAL SHEETS</p>
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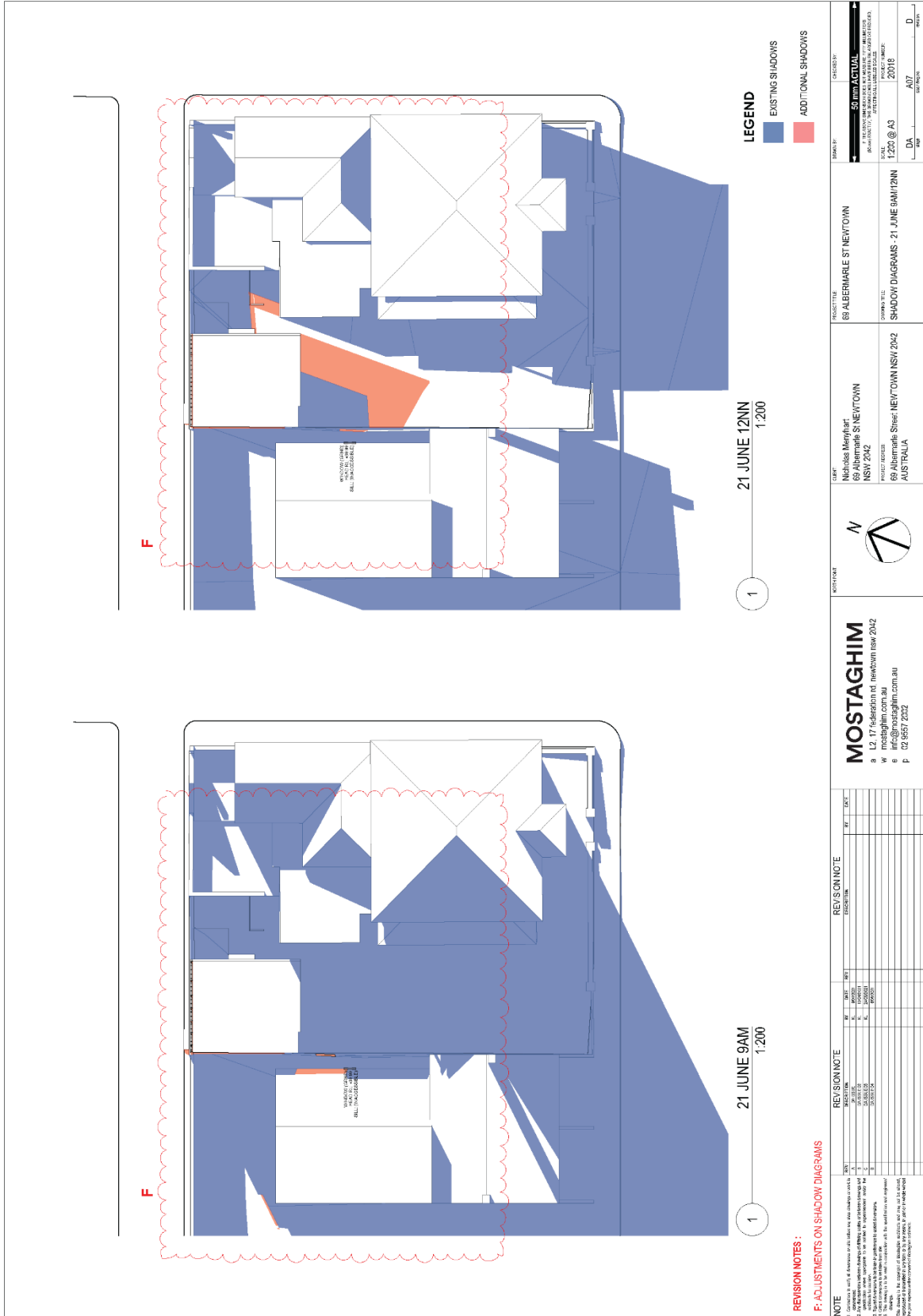


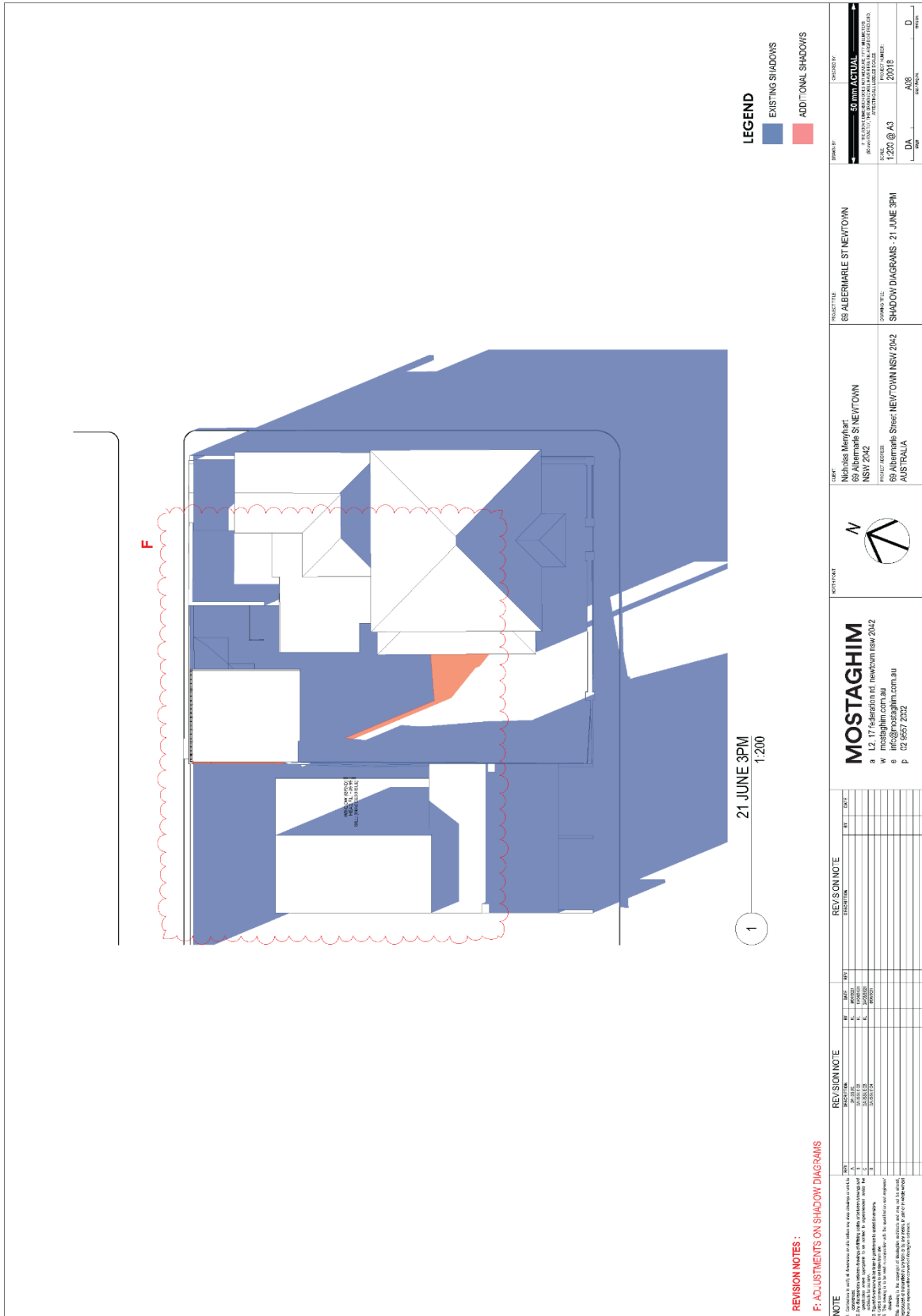












Attachment C- Statement of Heritage Significance

Item Details

Name

Victorian villa, including interiors

Other/Former Names

Address

69 Albermarle Street NEWTOWN NSW 2042

Local Govt Area

Inner West

Group Name

Item Classification

Item Type

Built

Statement Of Significance

This large Victorian villa is a good example of the upper middle class residential development which took place in parts of North Kingston in the 1870's - 80's. It contrasts strongly with the small terrace housing found in nearby streets and forms an important element within a group which represents the growth of this area over a period of 50 years.

Assessed Significance Type

Local

Endorsed Significance

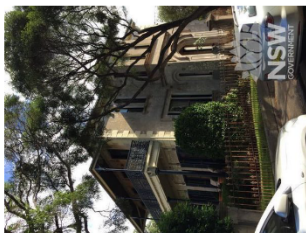
Local

Date Significance Updated

01/11/2012

Item Category

Villa



Listings

Listing Name	Listing Date	Instrument Name	Instrument No.	Plan No.	Gazette No.	Gazette Number
Local Environmental Plan	12/12/2011 12:00:00 AM	Marrickville Local Environmental Plan 2011	1132			2011/645
Heritage study						
Within a conservation area on an LEP		Marrickville Local Environmental Plan 2001				
Local Environmental Plan	5/18/2001 12:00:00 AM	Marrickville Local Environmental Plan 2001				86
Local Environmental Plan	12/12/2011 12:00:00 AM	Marrickville Local Environmental Plan 2011	1132			2011/645
Within a conservation area on an LEP		within draft cons. area Marrickville LEP 2001				
Heritage study						

Heritage Item ID

2030076

Source

Local Government

Location

Addresses

Street No	Street Name	Suburb/Town/Postcode	Local Govt. Area	LALC	Parish	County	Electorate	Address Type
69	Albermarle Street	NEWTOWN/NSW/2042	Inner West	Unknown			Unknown	Primary Address
69	Albermarle Street	NEWTOWN/NSW/2042	Inner West	Unknown			Unknown	Primary Address

Records Retrieved: 2

This report was produced using the State Heritage Inventory managed by Heritage NSW. Check with your relevant local council or NSW government agency for the most up-to-date information. 07/09/2021 11:15 AM

Description

Designer Builder/Maker

Construction Year Start & End Circa YES **Period** Unknown **Updated**

Physical Description Updated
 Two storey, freestanding, Victorian villa featuring a central two storey, square porch. The facade has been rendered and ruled to represent ashlar stonework and is detailed with moulded labels, strings, sills and brackets to the principal facade. The window opening to the ground floor and to the enclosed first floor windows and the entry to the porch have semi-circular arches. The site is enclosed by a palisade fence with square rendered posts. In 1998 the cast iron filigree balcony was reinstated.

Physical Condition Updated 11/26/1998
 The building is in reasonable condition but in need of maintenance.

Modifications And Dates

Further Comments There have been some additions to the rear and a some minor modifications .

History

Historical Notes or Provenance Updated
 Forms part of the growth of Kingston village (laid out in 1854) and of the suburban expansion of Sydney.

By the 1990s the house had been converted into 6 flats. New owners, Jim and Sheryn Hardman, bought the house and returned to a single dwelling. The cast iron filigree balcony has been reinstated and the exterior sandstone restored. The restoration work was shortlisted for the 1998 Marrickville Medal.

Historic Themes

Records Retrieved: 0

National Theme	State Theme	Local Theme
		No Results Found

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Assessment

Criteria a) Historical Significance Local	Include	Exclude
Criteria b) Historical Association Significance	Include	Exclude
Criteria c) Aesthetic/Technical Significance Local	Include	Exclude
Criteria d) Social/Cultural Significance	Include	Exclude
Criteria e) Research Potential	Include	Exclude
Criteria f) Rarity	Include	Exclude
Criteria g) Representative Local	Include	Exclude
Integrity/intactness The building is intact and has not lost its integrity.		Updated 11/08/2000

References

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References

Title	Author	Year	Link	Type
No Results Found				

Records Retrieved: 0

Heritage Studies

Title	Year	Item Number	Author	Inspected By	Guidelines Used
Marrickville Heritage Study Review	1997	2030076	Tropman & Tropman Architects	1997-1999	Yes
Marrickville Heritage Study Review	1997	2030076	Tropman & Tropman Architects	1997-1999	Yes
Marrickville Heritage Study Review	1987	2030076	Tropman & Tropman Architects	1997-1999	Yes
Marrickville Heritage Study Review	1987	2030076	Tropman & Tropman Architects	1997-1999	Yes

Records Retrieved: 4

Procedures / Workflows / Notes

Application ID / Procedure ID	Section of Act	Description	Title	Officer	Date Received	Status	Outcome
No Results Found							

Records Retrieved: 0

Management

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Management

Records Retrieved: 0

Management Category	Management Name	Date Updated
No Results Found		

Management Summary

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Item Details

Name	North Kingston Estate
Other/Former Names	
Address	NEWTOWN NSW 2042
Local Govt Area	Inner West
Group Name	North Kingston Estate Heritage Conservation Area
Item Classification	
Item Type	Conservation Area
Item Group	Urban Area
Item Category	Townscape
Statement Of Significance	<p>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.</p>
Assessed Significance Type	Local
Endorsed Significance	Local
Date Significance Updated	01/16/2012

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Listings

Listing Name	Listing Date	Instrument Name	Instrument No.	Plan No.	Gazette No.	Gazette Number
Local Environmental Plan	12/12/2011 12:00:00 AM	Marrickville Local Environmental Plan 2011	C11			2011/645
Heritage study						
Local Environmental Plan	12/12/2011 12:00:00 AM	Marrickville Local Environmental Plan 2011	C11			2011/645
Heritage study						

Heritage Item ID
2030503

Source
Local Government

Location

Addresses

Records Retrieved: 2

Street No	Street Name	Suburb/Town/Postcode	Local Govt. Area	LALC	Parish	County	Electorate	Address Type
		NEWTOWN/NSW/2042	Inner West	Unknown			Unknown	Primary Address
		NEWTOWN/NSW/2042	Inner West	Unknown			Unknown	Primary Address

Description

Designer

Builder/Maker

Construction Year Start & End

Circa

Period

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07/09/2021 11:18 AM

1855 - 1920 NO 1851 to 1900 Updated

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 Bishopsgate 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

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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 is 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 from 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 Albemarle 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

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- 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
- In-filled verandahs

Physical Condition

Good

Updated 07/14/2009

Modifications And Dates

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

Further Comments

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History

Historical Notes or Provenance

Updated

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 does 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

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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 Carillon 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

		Records Retrieved: 2
National Theme	State Theme	Local Theme
Building settlements, towns and cities	Agriculture	Unknown
Building settlements, towns and cities	Agriculture	Unknown

Assessment

Criteria a)

Historical Significance

Include

Exclude

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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.

Criteria b)

Historical Association Significance

Include

Exclude

Criteria c)

Aesthetic/Technical 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.

Criteria d)

Social/Cultural Significance

Include

Exclude

Criteria e)

Research Potential

Include

Exclude

Criteria f)

Rarity

Include

Exclude

Criteria g)

Representative

Include

Exclude

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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.
 Updated 07/23/2009

References

Records Retrieved: 0

Title	Author	Year	Link	Type
No Results Found				

Heritage Studies

Records Retrieved: 0

Title	Year	Item Number	Author	Inspected By	Guidelines Used
No Results Found					

Procedures / Workflows / Notes

Records Retrieved: 0

Application ID / Procedure ID	Section of Act	Description	Title	Officer	Date Received	Status	Outcome
No Results Found							

Management

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Management

Records Retrieved: 0

Management Category	Management Name	Date Updated
No Results Found		

Management Summary

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Attachment D – Draft conditions in the event of approval

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
A01 Rev D	Site and Roof Plan	06.08.2021	Mostaghim
A02 Rev D	Demolition Plan	06.08.2021	Mostaghim
A03 Rev D	Floor Plan	06.08.2021	Mostaghim
A04 Rev D	Elevations	06.08.2021	Mostaghim
A05 Rev D	Elevations	06.08.2021	Mostaghim
A06 Rev D	Section	06.08.2021	Mostaghim

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. The garage having a maximum height of 3.6 metres.
- b. The garage having a traditional pitched gable roof form.

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.

Security Deposit:	\$5,700.00
Inspection Fee:	\$241.50

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.

4. 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

5. 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.

6. 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.

7. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

8. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

9. 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.

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 property (75 Albermarle Street) 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. 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.

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. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road;
- b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- d. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- e. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- f. No nuisance or concentration of flows to other properties;
- g. The design plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- h. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- i. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- j. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm;
- k. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings; and
- l. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

15. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The construction of light duty vehicular crossings to the vehicular access location and removal of all redundant vehicular crossings to the site.

All works must be completed prior to the issue of an Occupation Certificate.

16. Alignment Levels – Rear Lane

The internal vehicle hardstand area shall be redesigned such that the level at the boundary shall match the invert level of the adjacent gutter plus 110mm at both sides of the vehicle entry. This will require the internal garage slab or hard stand area to be adjusted locally at the boundary to ensure that it matches the above Alignment Levels. Amended plans shall be submitted to and approved by Council before the issue of the Construction Certificate.

The garage slab or driveway must then rise within the property to be 170mm above the adjacent road gutter level. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.

Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.

17. Parking Facilities - Domestic

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- b. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;
- c. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004; and
- d. The external form and height of the approved structures must not be altered from the approved plans.

18. 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.

19. 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

DURING DEMOLITION AND CONSTRUCTION

20. 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.

21. 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

22. 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. Light duty concrete vehicle crossing at the vehicular access location;
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter. Where the kerb in the vicinity of the redundant crossing is predominately

stone (as determined by Council's Engineer) the replacement kerb must also be in stone; and

- c. 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".

23. 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.

24. Protect Sandstone Kerb

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

25. Parking Signoff – Minor Developments

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

26. Redundant Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that all redundant vehicular crossings to the site have been removed and replaced by kerb and gutter in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications". Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

ADVISORY NOTES

Permits

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

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

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

Insurances

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

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

- a. the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and

- ii. the date the work is due to commence and the expected completion date; and
- b. a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

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.

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.

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 Corporation	Payments 131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au



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