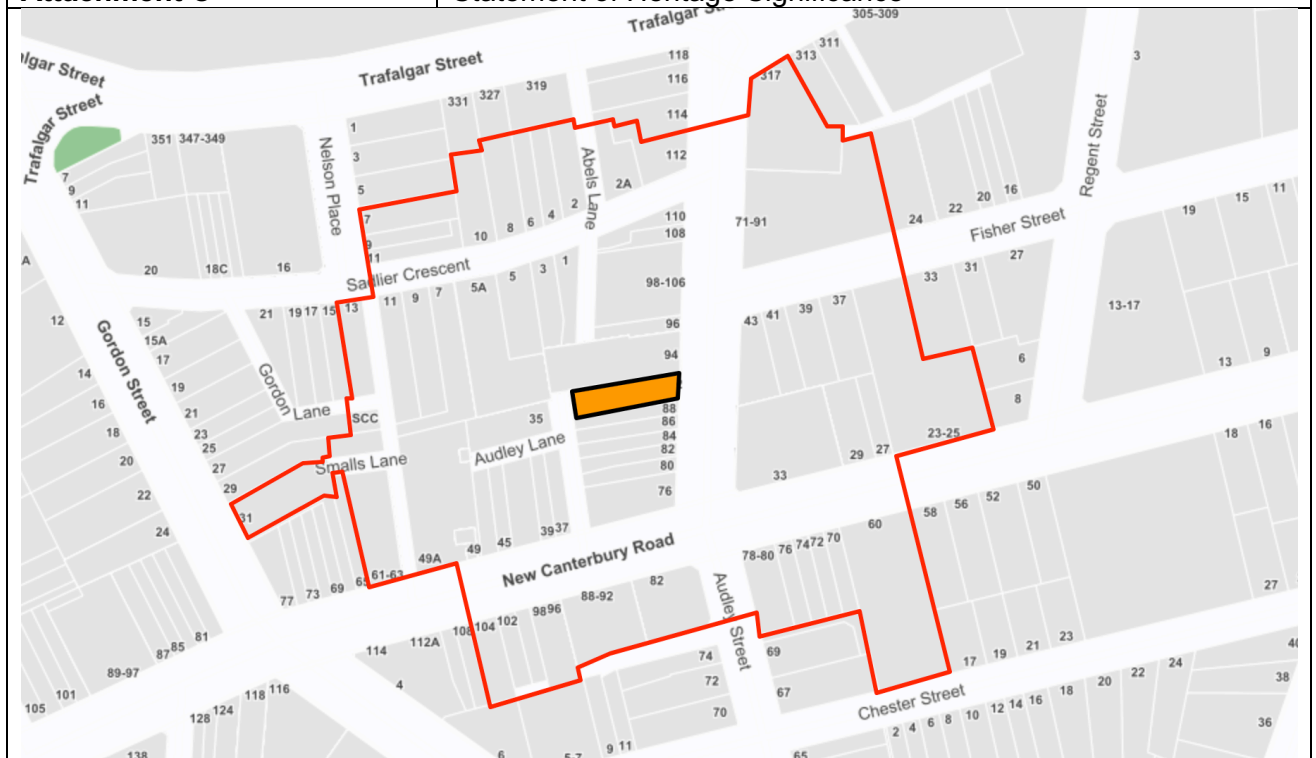







INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2021/0169
Address	90-92 Audley Street PETERSHAM NSW 2049
Proposal	To carry out alterations and additions to an existing shop top housing development to provide an additional level, increasing the size of the upper level apartments from 1 to 2 bedrooms, provide a new hydrant to the ground floor shopfront and associated amendments to the existing strata subdivision
Date of Lodgement	12 March 2021
Applicant	Linedraft Pty Ltd
Owner	Linedraft Pty Ltd
Number of Submissions	Initial: 0 After Renotification: 0
Value of works	\$466,480.00
Reason for determination at Planning Panel	SEPP 65 development
Main Issues	Building Envelope, Private Open Space, Access & Parking
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council to carry out alterations and additions to an existing shop top housing development to provide an additional level, increasing the size of the upper level apartments from 1 to 2 bedrooms, provide a new hydrant to the ground floor shopfront and associated amendments to the existing strata subdivision at 90-92 Audley Street Petersham.

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

The main issues that have arisen from the application include:

- A front setback of the upper floor of less than 6 metres, contrary to MDCP 2011.
- Less than the required area of private open space to 2 of the modified apartments.
- A shortfall of 1 car parking space as a result of the introduction of a pump station.
- The residential portion of the building is not accessible.

Despite the non-compliances, the proposal generally complies with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), *Marrickville Local Environmental Plan 2011* (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011).

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the amended development are considered to be acceptable given the context of the site and the desired future character of the precinct.

Therefore, the application is recommended for approval.

2. Proposal

The proposal seeks to carry out alterations and additions to an existing shop top housing development to provide an additional level. Details of the proposal are as follows:

- Construction of an additional floor to the roof of the existing building containing an expansion of the existing 4 uppermost apartments into the new floor to create 4 x two bedroom apartments over the upper 2 levels.
- Alterations to the existing shopfront.
- Provision of a new fire hydrant at the rear of the site.
- Amend the existing strata subdivision to include the new top level.

3. Site Description

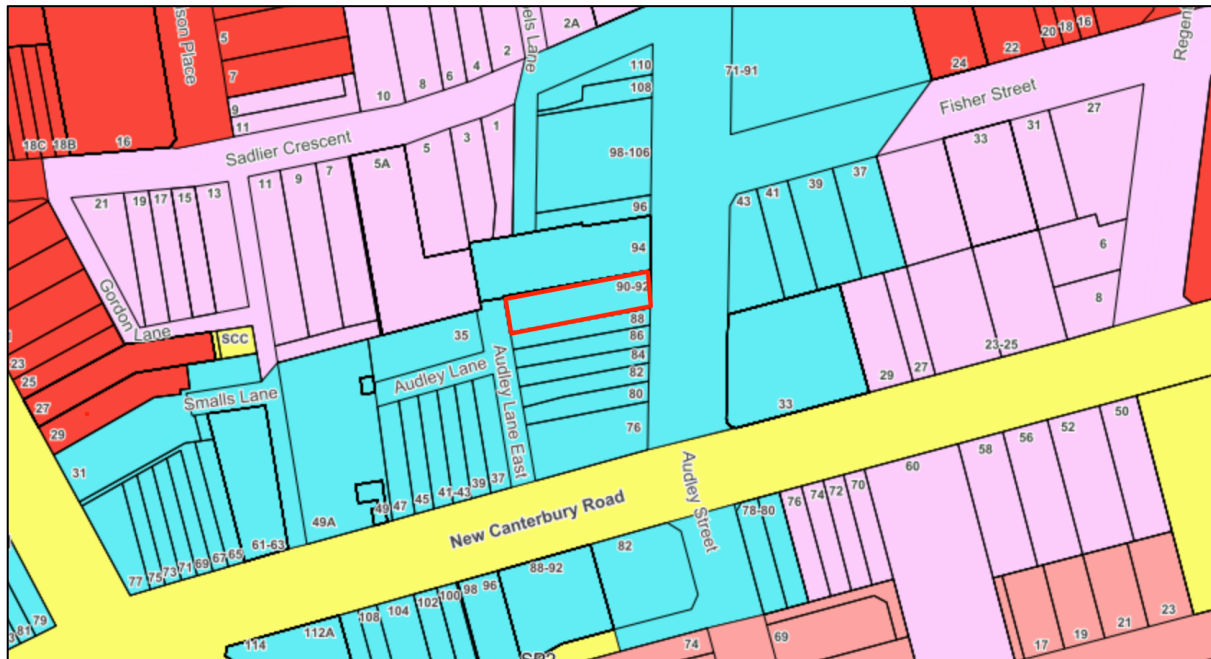
The subject site is located on the western side of Audley Street, between New Canterbury Road and Fisher Street. The site consists of 1 allotment and is generally rectangular in shape with a total area of 384sqm.

The site has a primary frontage to Audley Street of 10.07 metres and a secondary rear frontage of 9.335 metres to Audley Lane.

The site supports a three storey mixed use building containing a commercial premises at the ground floor and 4 one bedroom apartments on each floor providing a total of 8 apartments. The adjoining properties support similar mixed use developments ranging between two and

five storeys. The adjoining property at 94 Audley Street supports a four part five storey mixed use building.

The property is located within the Petersham Commercial Precinct Heritage Conservation Area and is zoned B2 – Local Centre under MLEP 2011.



4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
DA200000487	To demolish the existing improvements and erect a three storey building over basement car parking containing 2 ground floor shops to be used as restaurants and 8 x one bedroom dwellings and to strata subdivide the premises into 10 lots	Approved – 18 October 2000
DA201000206	To fitout the existing commercial tenancy and use the premises as a Commonwealth Bank branch with associated ATM's and signage	Approved – 19 July 2010

Surrounding properties

Application	Proposal	Decision & Date
DA201300153	To demolish existing improvements and construct a five (5) storey mixed use development, containing an undercroft parking area accommodating 20 parking spaces, three (3) ground floor commercial tenancies and 16 residential dwellings above	Deferred Commencement – 12 February 2014 Operative on 10 March 2014

4(b) Application history

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

Date	Discussion / Letter / Additional Information
21 May 2021	Council wrote to the applicant raising the following issues to address: <ul style="list-style-type: none"> • The lack of a 2.7 metres ceiling height within the modified apartments. • Dwelling 6 being undersized in accordance with the ADG. • A lack of private open space for the modified apartments. • A setback of 6 metres being required for the new upper floor in accordance with Part 5 of MDCP 2011. • The heritage implications of modification to the shopfront and the location of the fire hydrant. • The need for a BCA report completed by a suitably qualified person.
10 June 2021	The applicant submitted amended plans adequately addressing the above. These plans and details are the subject of this assessment report.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development*
- *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 No 55—Remediation of Land*

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. MDCP2011 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

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

5(a)(ii) State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

The development is subject to the requirements of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65). SEPP 65 prescribes nine design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

A statement from a qualified Architect was submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the Apartment Design Guide (ADG), how the objectives in Parts 3 and 4 of the guide have been achieved.

The development is acceptable having regard to the nine design quality principles.

Apartment Design Guide

The Apartment Design Guide (ADG) contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP certain requirements contained within MDCP 2011 do not apply. In this regard the objectives, design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The following provides further discussion of the relevant issues:

Communal and Open Space

The ADG prescribes the following requirements for communal and open space:

- Communal open space has a minimum area equal to 25% of the site.
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

Comment: The proposal does not include an area of communal open space. However, this is considered acceptable on merit as follows

- The existing building on the site approved in 2000 does not allow for the provision of a communal area of open space.
- The site is constrained by its relatively small size, highly developed nature and location within a mixed use local centre and as such there is no opportunity for communal open space at ground level.
- The provision of an area of communal open space on the roof top would result in non-compliance with the maximum building height applicable to the site.
- The development relates to the modification of four existing apartments only and those apartments have been provided with a suitable level of private open space that provides area for recreation.

Deep Soil Zones

The ADG prescribes the minimum requirements for deep soil zones. The ADG also prescribes that:

Achieving the design criteria may not be possible on some sites including where:

- *The location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres).*
- *There is 100% site coverage or non-residential uses at ground floor level.*

Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.

Comment: The existing development on the site approved in 2000 did not include deep soil area and as such the proposed does not provide any deep soil area. Notwithstanding, this is considered acceptable on merit based on the following:

- The existing building and development on the site made no provision for deep soil area resulting in 100% site coverage.
- This proposal relates only to a new upper most floor with minimal alterations at ground level and as such does not present opportunities to provide deep soil area.
- Subject to conditions, it is considered the proposal will be satisfactory in terms of stormwater management.

Visual Privacy/Building Separation

The ADG prescribes the following minimum required separation distances from buildings to the side and rear boundaries:

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12 metres (4 storeys)	6 metres	3 metres
Up to 25 metres (5-8 storeys)	9 metres	4.5 metres
Over 25 metres (9+ storeys)	12 metres	6 metres

In addition, sites which adjoining a different zone with a lower density are to add 3 metres to the minimum separation requirements.

Site and building design elements are to increase privacy without compromising access to light and air and to balance outlook and views from habitable rooms and private open space.

Comment: The development largely complies with the above requirements, except for the proposed bathroom windows at the southern elevation. Although the development does not strictly comply with the above requirements, it is satisfactory on merit as follows:

- The proposed setback of wall with openings at the southern elevation is 1.45 metres which is consistent with the existing side setback of the floor below.
- The windows serve bathrooms, being non-habitable spaces, and any future development at the neighbouring southern side would likely construct to the boundary ensuring appropriate visual privacy between developments is achieved in the future.
- Conditions are included in the recommendation to ensure the proposed southern elevation bathroom windows are fixed and frosted to a minimum of 1.6 metres above finished floor level.

Pedestrian access and entries

The ADG prescribes design guidance on the treatment and location of pedestrian entries:

- Building entries and pedestrian access connects to and addresses the public domain.
- Access, entries and pathways are accessible and easy to identify.

Comment: The development maintains the existing pedestrian access points which are acceptable having regard to the above.

Vehicle access

The ADG prescribes design guidance on the provision of vehicle access points:

- Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.

Comment: The development maintains the existing vehicle access point which is acceptable having regard to the above.

Bicycle and Car Parking

The ADG prescribes the following car parking rates dependent on the following:

- On sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area, the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant Council, whichever is less; and
- The car parking needs for a development must be provided off street.

Comment: The subject site is located 100 metres from Petersham train station. In this case, the parking rates under the MDCP 2011 are applicable to the development. This matter is addressed under Section 5(c) below.

Solar and Daylight Access

The ADG prescribes the following requirements for solar and daylight access:

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.
- A maximum of 15% of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

Comment: The existing building does not receive a high level of solar access, largely due to the neighbouring building at 94 Audley Street which is greater in height and has lesser rear setback. Currently, only 25% of apartments receive adequate solar access on June 21. Although the development does not strictly comply with the above requirements, it is satisfactory on merit as follows:

- Given the relatively small lot size, eastern to western orientation of the site and the scale of surrounding development, the site is highly constrained in relation to opportunities for solar access and a high level of solar access is difficult to achieve.
- The mixed use zoning of the site encourages a high site coverage and nil side setbacks limiting the opportunities for building setbacks and any northern aspect windows or POS.
- The existing first floor apartments (apartments 1-4) are not altered by the proposed development and there are limited opportunities to improve solar access to these dwellings.

- The modified apartments fronting Audley Street (apartments 5 & 6) would receive in excess of 2 hours solar access to living areas and private open space on June 21.
- The development has incorporated several design measures to maximise solar access as much as possible to the modified top floor apartments (apartments 5-8) including:
 - Providing skylights/roof windows above the western orientated apartments and incorporating voids into the design to allow sunlight penetration to the living areas.
 - Providing a high level of glazing to the eastern orientated apartments and incorporating voids into the design to allow sunlight penetration to the living areas.
 - Maximising glazing to living areas orientated to the east and west to capture sunlight during mid-winter.
 - Providing openings within the core of the building at both the northern and southern sides to maximise daylight to the apartments.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

- At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the building. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.
- Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.

Comment: The development complies with the above requirements as follows:

- 100% (8) of apartments are naturally cross-ventilated.
- The overall depths of cross-over or cross-through apartments do not exceed 18 metres, measured glass line to glass line.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7 metres
Non-Habitable	2.4 metres
For 2 storey apartments	2.7 metres for main living area floor 2.4 metres for second floor, where its area does not exceed 50% of the apartment area
Attic Spaces	1.8 metres edge of room with a 30 degree minimum ceiling slope
If located in mixed used area	3.3 for ground and first floor to promote future flexibility of use

Comment: The existing ceiling heights within the commercial ground floor premises and within the first floor apartments do not comply with the ADG. However, this is an existing aspect of the building and is not proposed to be altered by the development, which is considered reasonable. The modified apartments comply with the above relevant requirements as follows:

- All habitable rooms have minimum floor to ceiling heights of 2.7 metres.
- All non-habitable rooms have floor to ceiling heights of at least 2.4 metres or greater.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
Studio apartments	35m ²
1 Bedroom apartments	50m ²
2 Bedroom apartments	70m ²
3 Bedroom apartments	90m ²

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.

Comment: All of the new reconfigured dwellings comply with the above requirements.

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
 - 3.6 metres for studio and 1 bedroom apartments.
 - 4 metres for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Comment: The development complies with the above requirements.

Private Open Space and Balconies

The ADG prescribes the following sizes for primary balconies of apartments:

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	4m ²	-
1 Bedroom apartments	8m ²	2 metres
2 Bedroom apartments	10m ²	2 metres
3+ Bedroom apartments	12m ²	2.4 metres

Note: The minimum balcony depth to be counted as contributing to the balcony area is 1 metres.

Comment: Although the development does not strictly comply with the above requirements, it is satisfactory on merit as follows:

- The existing apartments on the first floor do not comply with current ADG standards and are not proposed to be altered by the development and will retain the level of private open space originally approved.
- Proposed apartments 5 and 6 are provided with private open spaces in excess of 10sqm and both have access to individual roof terraces.
- Proposed apartments 7 and 8 retain their existing balconies and an additional area of open space is provided on the third floor accessible from the bedroom which is considered an acceptable solution given the constraints of the site.

Common Circulation and Spaces

The ADG prescribes the following requirements for common circulation and spaces:

- The maximum number of apartments off a circulation core on a single level is 8.
- For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.

Comment: The development complies with the above requirements.

Storage

The ADG prescribes the following storage requirements in addition to storage in kitchen, bathrooms and bedrooms:

Apartment Type	Minimum Internal Area
Studio apartments	4m ³
1 Bedroom apartments	6m ³
2 Bedroom apartments	8m ³
3+ Bedroom apartments	10m ³

Note: At least 50% of the required storage is to be located within the apartment.

Comment: The existing first floor apartments do not comply with the ADG. However, this is an existing aspect of the building and is not proposed to be altered by the development, which is considered reasonable. The modified apartments comply with, and in some instances exceeds, the above minimum requirements.

5(a)(iii) 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)(iv) Marrickville Local Environment Plan 2011 (MLEP 2011)

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.6 - Subdivision
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 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
- Clause 6.20 - Design Excellence

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

Standard	Proposal	Noncompliance	Complies
Height of Building Maximum permissible: 17 metres	16.871 metres	N/A	Yes
Floor Space Ratio Maximum permissible: 2.2:1 or 844.8sqm	2.19:1 or 842.7sqm	N/A	Yes

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

The site is zoned B2 Local Centre under the MLEP 2011. The MLEP 2011 defines the development as shop top housing. The development is permitted with consent within the land use table. The development is consistent with the objectives of the B2 Local Centre zone.

(ii) Height of Buildings (Clause 4.3)

A maximum building height of 17 metres applies to the land as indicated on the Height of Buildings Map that accompanies MLEP 2011. The development has a height of 16.871 metres which complies the maximum height of buildings.

(iii) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 2.2:1 applies to the land as indicated on the Floor Space Ratio Map that accompanies MLEP 2011. The development has a gross floor area (GFA) of 842.7sqm which equates to a FSR of 2.19:1 on the 384sqm site which complies with the FSR development standard.

(iv) Heritage Conservation (Clause 5.10)

The site is located within the Petersham Commercial Precinct Heritage Conservation Area (HCA). The development is generally acceptable having regard to the relevant provisions of Clause 5.10 of MLEP 2011 and Part 8 of MDCP 2011 for the following reasons:

- The development is compatible with the historical commercial nature of the area.
- The existing building was constructed in 2001 and was not constructed within the period of significance for the conservation area and as such the proposed additions to the building are acceptable as they do not impact contributory building fabric within the conservation area and respond well to the setting of the place.
- The proposed finishes to the building are largely earthy tones which are compatible with the conservation area.
- The height, scale, building setbacks and overall built form are consistent with existing buildings in the area and will not result in any adverse impact to the conservation area.
- The development includes works to the ground floor of the building that has already been highly altered and the improvements to the shopfront will increase surveillance to the street.
- The proposed finishes to the shopfront are consistent with the character of the commercial area and will not adversely impact the heritage values of the HCA.

- Given the above, the development conserves the environmental heritage of the area.

(v) Development in Areas Subject to Aircraft Noise (Clause 6.5)

The development is within the 20-25 ANEF contour and as such is likely to be affected by aircraft noise. The development can comply with the relevant acoustic noise criteria, subject to suitable conditions of consent which are included in the recommendation.

(vi) Airspace Operations (Clause 6.6)

The Limitation or Operations Surface (OLS) at the site is 51 metres AHD and the development presents a maximum height of 52.9 metres AHD which penetrates the OLS by 1.9 metres.

The application has been reviewed by Sydney Airport who accept the breach subject to the imposition of conditions which are included in the recommendation.

(vii) Design Excellence (Clause 6.20)

Clause 6.20 of MLEP 2011 prescribes that on land involving external alterations to an existing building where the maximum height is 14 metres or greater, development consent must not be granted unless the consent authority is satisfied that the proposed development exhibits design excellence.

The quality of the proposed design has been assessed in detail under Section 5(a)(i) SEPP 65, Section 5(a)(iii) MLEP 2011 and Section 5(c) Development Control Plans. As such, the development is considered satisfactory in exhibiting design excellence for the following reasons:

- The architectural design of the additions, materials, finishes and detailing are appropriate to the building type and location.
- The development does not adversely impact the amenity of neighbouring properties by way of overshadowing and provides apartments with reasonable levels of solar access.
- The development complies with the objectives of MDCP 2011 and is of a form, bulk and scale appropriate to its surroundings and protects the amenity of surrounding development.

5(b) Draft Environmental Planning Instruments

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

- *Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)*

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

The Draft IWLEP 2020 contains the following matters affecting the subject site:

Clause 6.5 - Stormwater management

The following additional relevant provisions of Clause 6.5 Stormwater management:

(1) *The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.*

(2) *This clause applies to all land in residential, business and industrial zones.*

(3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and

(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to

mains water, groundwater or river water, and

(f) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

Comment: Subject to conditions, the proposal will appropriately manage stormwater.

Clause 6.16 - Residential accommodation in certain business zones

The following additional relevant provisions of Clause 6.16 Residential accommodation in certain business zones:

(1) The objective of this clause is to control the location of residential accommodation permitted in the zones to which this clause applies to support the vitality of centres.

(2) This clause applies to land on land in the following zones:

(a) Zone B1 Neighbourhood Centre,

(b) Zone B2 Local Centre,

(c) Zone B4 Mixed Use.

(3) Development consent must not be granted to development for the purpose of residential accommodation on land to which this clause applies unless the consent authority is satisfied that:

(a) the building comprises mixed use development, including residential accommodation, and

(b) the building will have an active street frontage, and

(c) the building is compatible with the desired future character of the area in relation to its bulk, form, uses and scale.

*(4) In this clause, a building has an **active street frontage** if all floor space on the ground floor of the building on the primary street frontage is used for a purpose other than residential accommodation (with the exception of areas for access or service purposes).*

Comment: The development complies with the above draft provisions as follows:

- The building is considered shop top housing, as it includes commercial floor space on the ground floor that can readily be used for purposes which will provide an active street frontage. In addition, residential accommodation in the form of apartments is provided directly above;
- The building has an active street frontage facilitated by the existing commercial floor space, which occupies the primary frontage and is to be serviced by glazing; and
- The building is compatible with the desired future character of the area and nearby shop top housing developments in terms of its bulk, form and scale, which has been addressed within this report.

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 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	No – see discussion
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion under SEPP 65
Part 2.7 – Solar Access and Overshadowing	No – see discussion under SEPP 65
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	No – see discussion
Part 2.21 – Site Facilities and Waste Management	Yes – see discussion
Part 2.25 – Stormwater Management	Yes
Part 3 – Subdivision	Yes – see discussion
Part 5 – Commercial and Mixed Use Development	No – see discussion
Part 8 – Heritage	Yes – see discussion under MLEP 2011
Part 9 – Strategic Context	Yes

The following provides discussion of the relevant issues:

(i) Equity and Access and Mobility (Part 2.5)

Part 2.5 of MDCP 2011 specifies the minimum access requirements including the following accessible facilities in accordance with the relevant Australian Standards:

MDCP 2011 Requirement	Proposed	Consistency
Residential Component		
For developments with five (5) or more dwellings, one adaptable dwelling per five or part thereof.	The 8 dwellings require the provision of 2 adaptable dwellings. The proposal provides no accessible dwellings.	No
Appropriate access for all persons through the principal entrance of a building and access to any common facilities	Appropriate access is provided for all persons through the principal entrance to the premises.	No
One (1) accessible parking space for every adaptable dwelling	The proposal includes no accessible car parking spaces.	No
Commercial Component		
Appropriate access is provided for all persons through the principal entrance to the premises.	Access provided through the principal entry of each respective premises.	Yes
A continuous path of travel through the main entrance.	A level entrance is provided throughout.	Yes

The residential components of the development do not comply with current access standards. However, this application relates to alterations and additions to an existing mixed-use development which was approved in 2000 prior to any requirements for accessibility and prior to the gazettal of the current DCP. As a result, the existing building has been designed and constructed in such a manner that provides extremely limited opportunities to provide accessible upgrades. Additionally, this proposal seeks only to make alterations and additions

to the existing building and it is considered that requiring an accessible upgrade of the entire building would be an onerous requirement in the circumstances.

As such, the lack of access to the residential components of the development is considered acceptable in the circumstances for the following reasons:

- The site currently supports 8 non-accessible units and this is not being altered by the proposal with the additions only supporting the expansion in size of 4 existing units and therefore the proposal does not result in new dwellings that are not accessible.
- The highly developed nature of the site and the constraints of the existing building are such that the inclusion of facilities to make the building accessible would be very difficult to achieve and require a much larger scope of work than that proposed by this application.

Despite the above, the requirements of MDCP 2011 are effectively superseded by the the Premises Standards. An assessment of whether or not these aspects of the proposal fully comply with the requirements of relevant Australian Standards and the Premises Standards has not been undertaken as part of this assessment. That assessment would form part of the assessment under the Premises Standards at the Construction Certificate stage.

It is noted that the application was supported with a Statutory Compliance Report that reviewed the proposal against the relevant BCA provisions and the Access to Premises Standards. This assessment acknowledges a performance solution may be required to address the access standards. This report was reviewed by Council’s Building Surveyor and generally supported, subject to a condition of consent requiring compliance with the report, which is included in the recommendation.

(ii) Parking (Part 2.10)

Part 2.10 contains objectives and controls relating to parking. The site is located within Parking Area 1 under MDCP 2011 and such the following car parking, bicycle and motorcycle spaces would be required:

MDCP 2011 Requirement	Proposed	Compliance
Residential Component		
5 car parking spaces for apartments. No visitors spaces are required in Parking Area 1.	4 car parking spaces for apartments	No
4 bicycle spaces for residents. No visitor spaces required as less than 10 apartments.	2 bicycle spaces for apartments	No
No motorcycle spaces as 5% of car parking rates is 0.25 spaces.	No motorcycle spaces	Yes
Commercial Component		
2 car parking spaces for commercial	2 car parking space for commercial	Yes
No bicycle space for staff	No bicycle spaces for commercial	Yes
No requirements for dedicated service and delivery vehicle area	1 loading space for commercial	No

As detailed above, the development would require 7 car parking spaces and 4 bicycle spaces as per the provisions of the DCP. The development provides 6 car parking spaces, 2 bicycle spaces and 1 loading bay resulting in a shortfall of 1 car space and 2 bicycle spaces and as such does not comply.

The development allocates 4 car parking spaces to apartments, 2 spaces to the commercial premises and 1 loading bay to the commercial use. It is considered that the loading bay is not

required for such a small commercial premises and loading and unloading could be undertaken from the rear of the premises without resulting in adverse impacts to the locality.

As such, it is considered reasonable that the proposed loading bay become a car parking space for the residential use which would result in the development complying with the provisions for car parking. A condition is included in the recommendation requiring this.

It is noted that Determination No. 200000487 required the provision of 8 car parking spaces which are currently provided on site and this development seeks to reduce the quantum of parking. However, 1 existing space has been lost due to the need to provide a fire hydrant pump at the rear of the premises which is considered acceptable given the limited site area. A reduction to 7 spaces would be consistent with the current car parking rates and as such is considered acceptable.

The development includes only 2 bicycle parking spaces where 4 are required. It is considered that the development has the opportunity to provide the required level of bicycle parking within the basement or at the rear of the site and as such a condition is included in the recommendation requiring the provision of 4 spaces in accordance with MDCP 2011.

Having regard to the shortfall in parking, it is noted that the site is less than 280 metres walking distance to Petersham Train Station and directly opposite the subject site on Audley Street is a bus stop. The site's proximity to public transport ensures that any shortfall in parking is managed adequately because of the site's central location.

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

Part 2.21 of MDCP 2011 specifies objectives and controls for site facilities and waste management.

The development complies with the relevant requirements within Part 2.21 except for bulky waste storage. Control 27 requires the provision of a temporary storage area for bulky items awaiting collection. A condition is included in the recommendation requiring such an area to be included in the development.

(iv) Strata and Stratum Title Subdivision (Part 3.3)

Part 3.3 of MDCP 2011 contains objectives and controls relating to strata and stratum title subdivision. The application proposes to amend the existing strata of the building to respond to the proposed additions. The proposed subdivision is considered appropriate given:

- The proposed subdivision relates appropriately to the existing and proposed building and units and with the associated spaces being part lots.
- The proposed subdivision maintains the approved and proposed private open space attributed to each dwelling.
- The subdivision does not contravene any development consents on site.
- Other areas of common property are appropriately accommodated.

(v) Massing and Setbacks (Part 5.1.4.3)

Part 5.1.4.3 of MDCP 2011 contains objectives and controls relating to building massing and setbacks. The proposal generally complies with the relevant controls, except for Control 11 requiring upper level massing to be setback 6 metres from the street front of the building. The proposed upper level has a varying setback between 5 metres and 6 metres and as such does not strictly comply with the above requirement.

Notwithstanding, the setback of the proposed upper level is considered acceptable as it is consistent with the relevant objectives for the following reasons:

- The proposed upper level setback is generally consistent with the approved upper level setback of the neighbouring site at 94 Audley Street which exhibits a varying setback between 5 metres and 6 (or more) metres.
- Only a small portion of the upper level is setback 5 metres with the remainder of the level being setback between 5.5 metres and 6 (or more) metres.
- The setbacks proposed ensure the upper level is subservient to the street building frontage and will have limited visibility from the street level.
- The setback responds to the topography of the commercial centre and is compatible with other development in the locality.
- The proposal preserves the existing and prevailing building frontage edge to the street.

(vi) Active Street Frontage Uses and Shopfront Design (Part 5.1.5.2)

Part 5.1.5.2 contains objectives and controls relating to active street fronts and shopfront design. The development generally complies with the requirements as follows:

- The proposed shopfront is clearly identifiable as new development and provides a contemporary design to the streetscape which is consistent with the majority of shopfronts along Audley Street.
- The shopfront is largely glazed and provides visual transparency and direct access between the shop and footpath.
- The development provides an active street frontage.
- The development maintains a clearly separate and defined residential and commercial entrance.

Notwithstanding, the shopfront is proposed to be finished in the colour “Monument” which is a black tone which is not consistent with the finishes of other shopfronts in the area or appropriate to the conservation area. A condition is included in the recommendation requiring the finish of the shopfront to be amended to a light grey or beige/earthy tone finish.

(vii) Dwelling Mix (Part 5.1.6.2)

Part 5.1.6.2 of MDCP 2011 contains objectives and controls relating to dwelling mix. The development does not comply with the dwelling mix controls in that only 1 and 2 bedroom apartments are provided. Notwithstanding, the proposal is increasing the dwelling types within the existing building by converting 4 existing 1 bedroom apartments into 2 bedroom apartments. As such, the development is considered to be a positive improvement to dwelling mix and is acceptable in this regard.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with Council's Community Engagement Framework for an initial period of 21 days and a renotification period of 21 days to surrounding properties. No submission were received.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

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.

- Engineering
- Building Certification
- Urban Design
- Waste Management

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$20,412.53 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.

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. 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/2021/0169 to carry out alterations and additions to an existing shop top housing development to provide an additional level, increasing the size of the upper level apartments from 1 to 2 bedrooms, provide a new hydrant to the ground floor shopfront and associated amendments to the existing strata subdivision at 90-92 Audley Street, Petersham subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Attachment A

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
DA02 Issue B	Site & Roof Plan	June 2021	Jamisa Architects P/L
DA03 Issue B	Floor Plans	June 2021	Jamisa Architects P/L
DA04 Issue B	Floor Plans	June 2021	Jamisa Architects P/L
DA05 Issue B	Elevations	June 2021	Jamisa Architects P/L
DA06 Issue B	Elevations	June 2021	Jamisa Architects P/L
DA07 Issue B	Sections	June 2021	Jamisa Architects P/L
DA09 Issue B	Indicative Strata Plan	June 2021	Jamisa Architects P/L
(4 sheets) Issue B	Schedule of Finishes	undated	Jamisa Architects P/L
A402423_02	BASIX Certificate	08.06.2021	Jamisa Architects P/L
A402696_02	BASIX Certificate	08.06.2021	Jamisa Architects P/L
A402701_02	BASIX Certificate	08.06.2021	Jamisa Architects P/L
A402698_02	BASIX Certificate	08.06.2021	Jamisa Architects P/L
J3762 FINAL	Statutory Compliance Report	10.06.2021	DPC Group

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 proposed loading bay being deleted and made into a residential car parking space.
- b. The proposed finish of "Monument" to the shopfront being deleted and the shopfront being finished in a light grey or beige/earthy tone colour.

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:	\$6,000.00
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. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$20,412.53 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 10 August 2021.

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

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

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

Public Amenities Type:	Contribution \$
Recreation Facilities	17736.06
Community Facilities	2281.00
Traffic Facilities	-4.78
Plan Administration	400.25
TOTAL	20412.53

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

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

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.

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

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. Separation of Commercial and Residential Waste and Recycling

The waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

7. Compliance with the Building Code of Australia

With consideration to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the building is to be brought into partial conformity with the Building Code of Australia in accordance with the report prepared by DPC, titled 'Statutory Compliance Report', Report No. J3762, Revision: Final, dated 10/06/21.

8. Privacy

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating the south facing bathroom windows on the top floor being amended in the following manner:

- a. Fixed and obscure glazing to a minimum level of 1.6 metres above the floor level.

9. Car Parking

The development must provide and maintain within the site:

- a. 7 car parking spaces must be paved and line marked.
- b. 4 Bicycle storage capacity within the site.

10. Residential Flat Buildings – Hot Water Systems

Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not visible from the street.

11. Residential Flat Buildings – Air Conditioning Systems

Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.

12. 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.

13. 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.

14. 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.

15. Verification of Levels and Location

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

16. Works Outside the Property Boundary

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

17. Protection of Airspace

The maximum height of the proposed development may not exceed 52.9 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes and alike.

18. Air Services Australia – Advising of Commencement

The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-525.

PRIOR TO ANY DEMOLITION**19. 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.

20. Resource Recovery and Waste Management Plan - Demolition and Construction

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

21. 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.

22. 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.

23. 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**24. 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.

25. 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 and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road;
- c. 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;
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- e. The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. No nuisance or concentration of flows to other properties;
- g. 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 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; and

- 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.

26. Bin Storage Area - Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour. The bin storage area is to meet the design requirements detailed in the Marrickville DCP 2011 and must include doorways/entrance points of 1200mm.

27. Bulky Waste Storage Area – Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area must meet the floor area requirements as per the Marrickville DCP 2011 and have minimum doorways of 1200mm wide to accommodate large items.

28. Commercial - Additional Storage Space

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that additional space has been allocated on site for the storage of reusable items such as crates and pallets and/or compaction equipment.

29. Waste Transfer Route

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12.

30. Alignment Levels – Rear Lane

The internal driveway and 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 driveway and 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 driveway and hardstand area 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.

31. 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 heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site.

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

32. Enclosure of Fire Hydrant

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS 2419.1 2005.

33. 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.

34. 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

35. 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.

36. Concealment of Plumbing and Ductwork

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

DURING DEMOLITION AND CONSTRUCTION

37. Documentation of Demolition and Construction Waste

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

38. Construction Hours – Class 2-9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and

- c. at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

39. 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

40. 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.

41. Whiteway Lighting - Existing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the Whiteway lighting scheme and any existing meter box being maintained and any defects (including the need to install a "special small service") in the system are repaired.

42. 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.

43. 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. Heavy duty concrete vehicle crossing at the vehicular access location; and
- b. Other works subject to the *Roads Act 1993* approval.

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

44. Aircraft Noise –Alterations and Additions

Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with a report prepared and submitted by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 with regard to the noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development.

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.

45. Smoke Alarms - Certification of upgrade to NCC requirements

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

46. Protection of Airspace

At the completion of the construction of the building and prior to the issue of any Occupation Certificate, a Certified Surveyor is to notify (in writing) the Airfield Design Manager of Sydney Airport of the finished height of the building.

PRIOR TO SUBDIVISION CERTIFICATE

47. Strata Subdivision Plan

Prior to the release of a Strata Subdivision Plan, the Certifying Authority must be provided with plans indicating that the strata subdivision of the development has been carried out in accordance with approved plans and demonstrating that:

- a. 5 residential strata lots comprising a dwelling and one car space.
- b. 3 residential strata lots comprising a dwelling.
- c. 1 commercial strata lot comprising the commercial premises and two car parking spaces.
- d. Car spaces must not be given separate strata lot numbers.

48. Strata Subdivision Plan to Show Easements and Right of Ways

Prior to the release of a Strata Subdivision Plan, the Certifying Authority must be provided with evidence that all instruments under Section 88B of the *Conveyancing Act 1919* used to create easements or right-of-ways are shown.

ON-GOING**49. Bin Storage**

All bins are to be stored within the site. Bins are always to be returned to the property within 12 hours of having been emptied.

50. Documentation of Businesses Waste Services

All businesses must have written evidence of all valid and current contracts and/ or tip docket for the disposal and/ or processing of all waste streams generated from the site.

51. Vehicles Leaving the Site

All vehicles must enter and exit the basement carparking area in a forward direction. A turntable mechanical device suitable for rotating vehicles up to the dimensions of a B99 design vehicle (as per AS2890.1:2004) must be installed and maintained in an operational state at all times.

52. Loading/unloading on site

All loading and unloading are to be conducted within the site at all times and in such a manner as to not adversely impact the locality.

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.

Notice to Council to deliver Residential Bins

Council should be notified of bin requirements three weeks prior to the occupation of the building to ensure timely delivery.

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service.

Recycling / Garbage / Organics Service Information and Education

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

Annual Fire Safety Statement

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

An annual fire safety statement is a statement issued by or on behalf of the owner of a building to the effect that:

- a. Each essential fire safety measure specified in the statement has been assessed by a competent fire safety practitioner and was found, when it was assessed, to be capable of performing:
 - i. in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
 - ii. in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- b. The building has been inspected by a competent fire safety practitioner and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7.

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.

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.

Fire Safety Certificate

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

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

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

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 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
Environmental Solutions www.wasteservice.nsw.gov.au

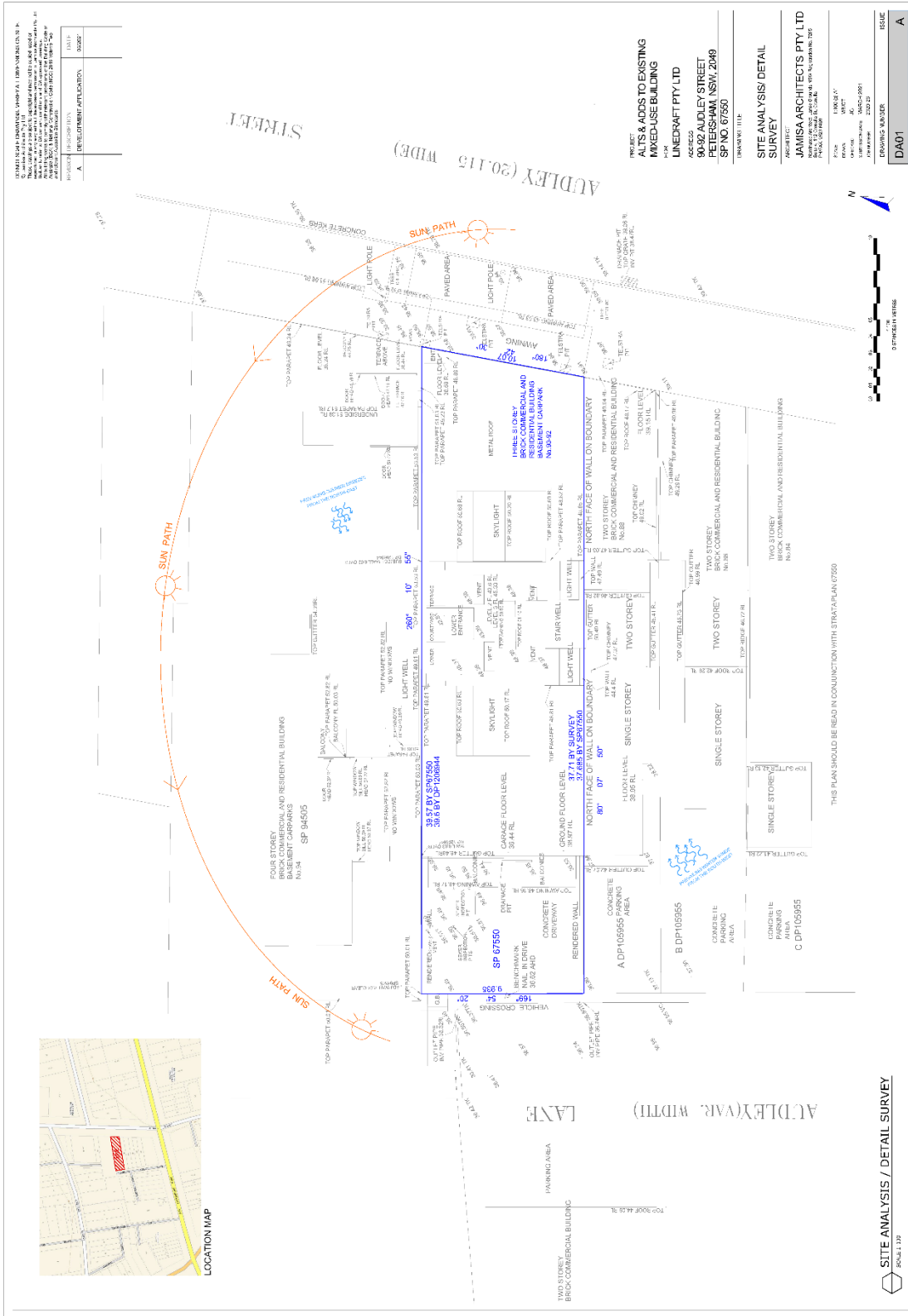
Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW 13 10 50
www.workcover.nsw.gov.au
Enquiries relating to work safety and asbestos removal and disposal.

Construction Cranes

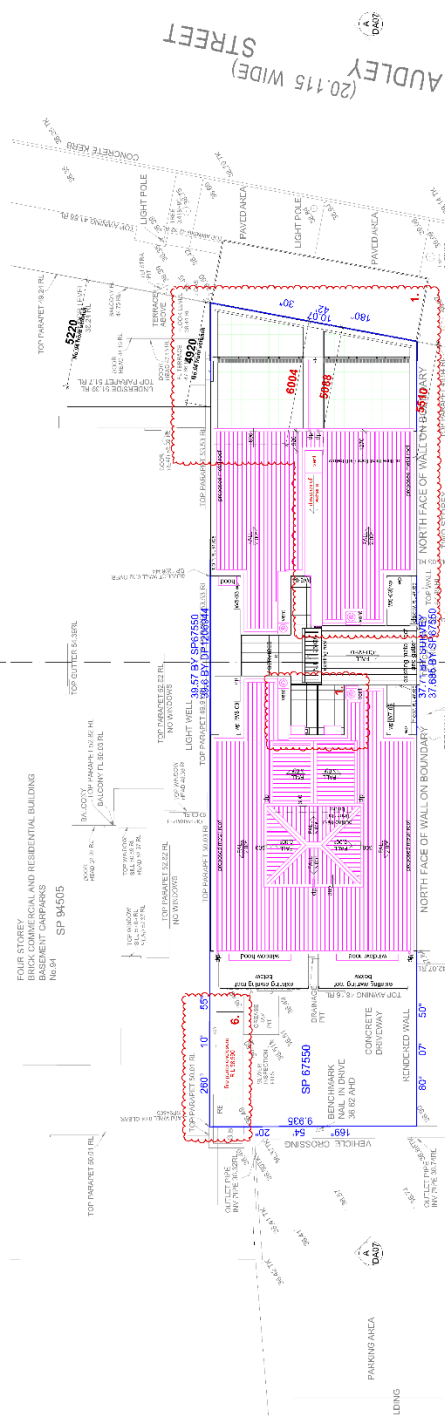
Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations, therefore Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Attachment B – Plans of proposed development



DO NOT SCALE DRAWINGS, VERIFY ALL DIMENSIONS ON SITE
 These drawings are prepared in accordance with the provisions of the Building Act 2016 and the Building Regulation 2017. The drawings are prepared for the purpose of obtaining a building consent under the Building Act 2016 and the Building Regulation 2017. The drawings are not to be used for any other purpose without the written consent of the architect.

REV	DATE	DESCRIPTION
A	03/03/2024	FOR DEVELOPMENT APPLICATION
B	03/03/2024	FOR BUILDING CONSENT



PROJECT
 ALTS & ADDS TO EXISTING MIXED-USE BUILDING FOR LINE DRAFT PTY LTD
ADDRESS
 90-92 AUDLEY STREET PETERSHAM NSW 2049
 SP NO. 67560
DRAWING TITLE
 SITE ROOF PLAN
ARCHITECT
 JAMISA ARCHITECTS PTY LTD
 10/100 WILSON STREET, SYDNEY NSW 2000
SCALE
 1:100
DRAWN BY
 JAMISA ARCHITECTS PTY LTD
CHECKED BY
 JAMISA ARCHITECTS PTY LTD
DATE
 03/03/2024

AREA CALCULATIONS
 ZONE B2 - LOCAL CENTRE

ITEM AREA	PERMITTED THRESHOLD	COMMENTS
Roof Area	10000	10000
Storage	1000	1000
Garage	1000	1000
Other	1000	1000
TOTAL PERMITTED	13000	13000

ITEM	DESCRIPTION	AREA	PERMITTED THRESHOLD
1	Roof Area	10000	10000
2	Storage	1000	1000
3	Garage	1000	1000
4	Other	1000	1000
TOTAL		13000	13000

ITEM	DESCRIPTION	AREA	PERMITTED THRESHOLD
1	Roof Area	10000	10000
2	Storage	1000	1000
3	Garage	1000	1000
4	Other	1000	1000
TOTAL		13000	13000

ITEM	DESCRIPTION	AREA	PERMITTED THRESHOLD
1	Roof Area	10000	10000
2	Storage	1000	1000
3	Garage	1000	1000
4	Other	1000	1000
TOTAL		13000	13000

ITEM	DESCRIPTION	AREA	PERMITTED THRESHOLD
1	Roof Area	10000	10000
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4	Other	1000	1000
TOTAL		13000	13000

ITEM	DESCRIPTION	AREA	PERMITTED THRESHOLD
1	Roof Area	10000	10000
2	Storage	1000	1000
3	Garage	1000	1000
4	Other	1000	1000
TOTAL		13000	13000



DO NOT SCALE DRAWING. VERIFY ALL DIMENSIONS ETC.
 This drawing is valid only if it is used in accordance with the conditions of the Development Application. It is not to be used for any other purpose without the written consent of the Architect. The Architect is not responsible for any errors or omissions in this drawing or for any consequences arising therefrom. The Architect is not responsible for any errors or omissions in this drawing or for any consequences arising therefrom. The Architect is not responsible for any errors or omissions in this drawing or for any consequences arising therefrom.

REVISION DESCRIPTION

A DEVELOPMENT APPLICATION
 1. Update drawing to reflect the approved Development Application.
 2. Update drawing to reflect the approved Development Application.
 3. Update drawing to reflect the approved Development Application.
 4. Update drawing to reflect the approved Development Application.
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 7. Update drawing to reflect the approved Development Application.
 8. Update drawing to reflect the approved Development Application.
 9. Update drawing to reflect the approved Development Application.
 10. Update drawing to reflect the approved Development Application.

DATE
 08/04/2019

- LEGEND**
- 1. WALL
 - 2. DOOR
 - 3. WINDOW
 - 4. GLASS BALCONY
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 - 99. GLASS BALCONY
 - 100. GLASS BALCONY

PROJECT
 ALTS & ADDS TO EXISTING
 MIXED USE BUILDING
 FOR
 LINEDRAFT PTY LTD

ADDRESS
 9A-9Z ADLEY STREET
 PETERSHAM, NSW, 2049
 SP NO 67550

DRAWING TITLE
 SECOND & THIRD FLOOR
 PLAN

ARCHITECT
 JAMISA ARCHITECTS PTY LTD
 3/100 WILSON STREET
 SYDNEY NSW 2049
 PH: (02) 9550 8888
 WWW.JAMISAARCHITECTS.COM

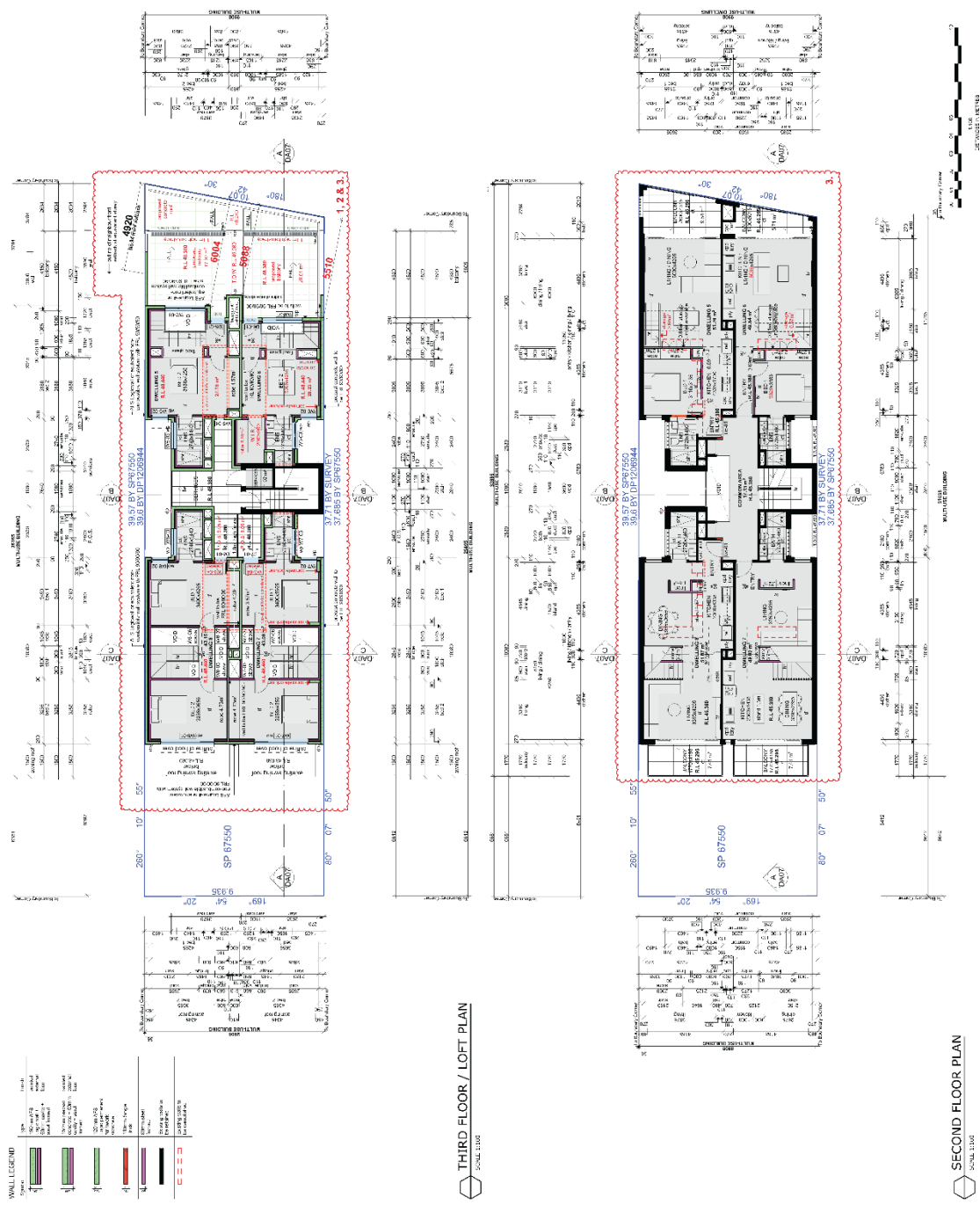
CLIENT
 LINEDRAFT PTY LTD
 9A-9Z ADLEY STREET
 PETERSHAM NSW 2049

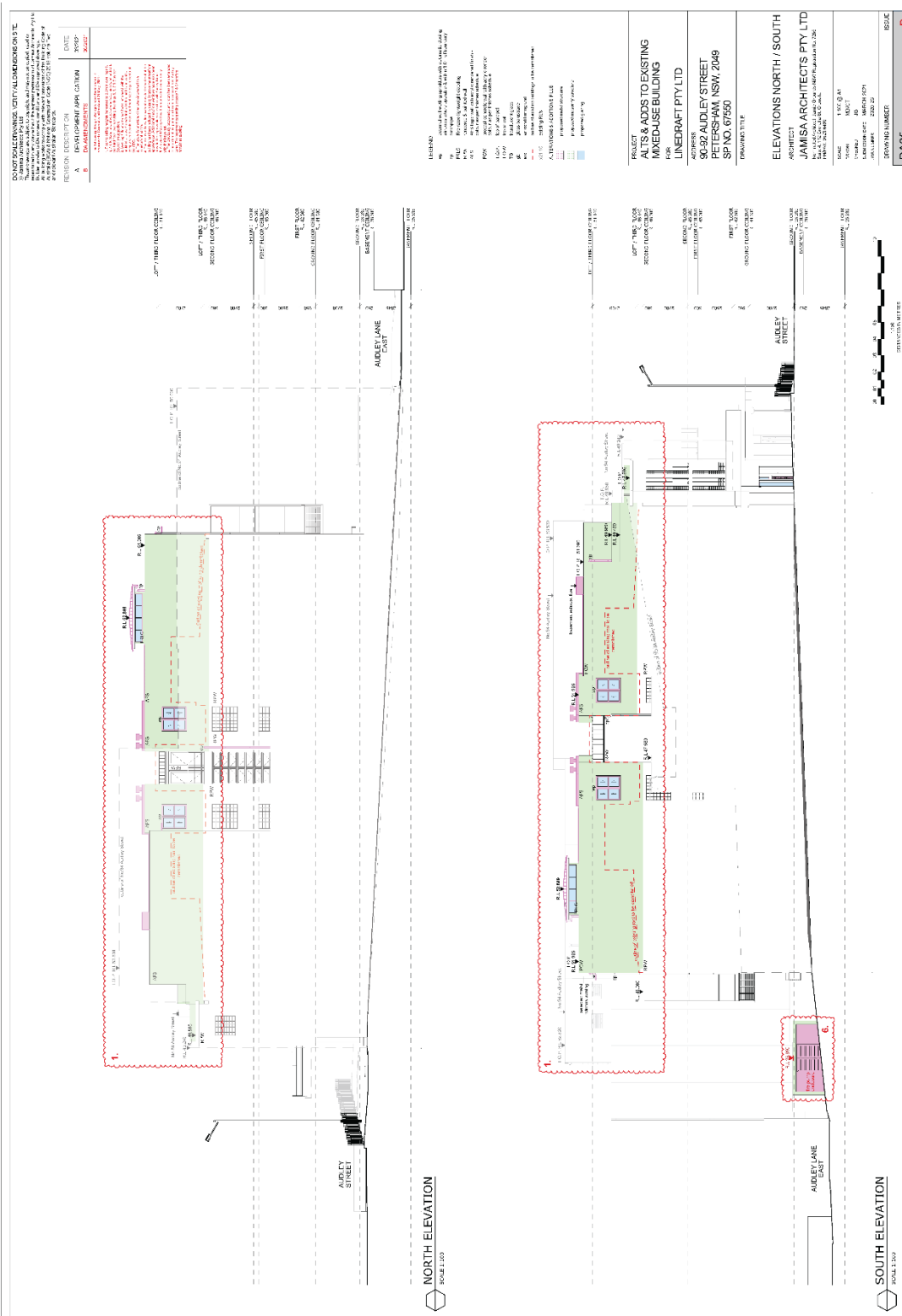
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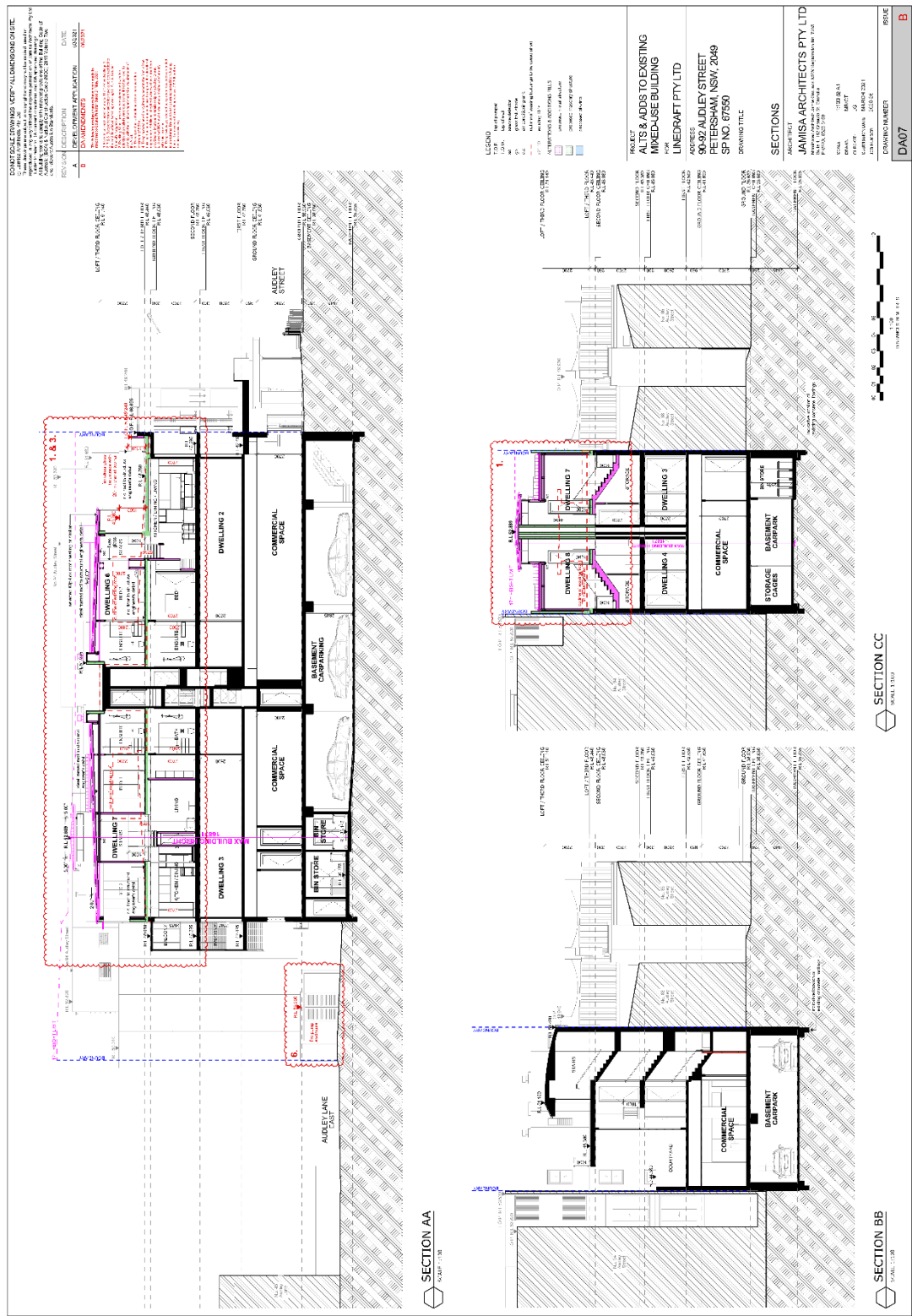
DATE
 08/04/2019

SCALE
 1:100

REVISION
 B

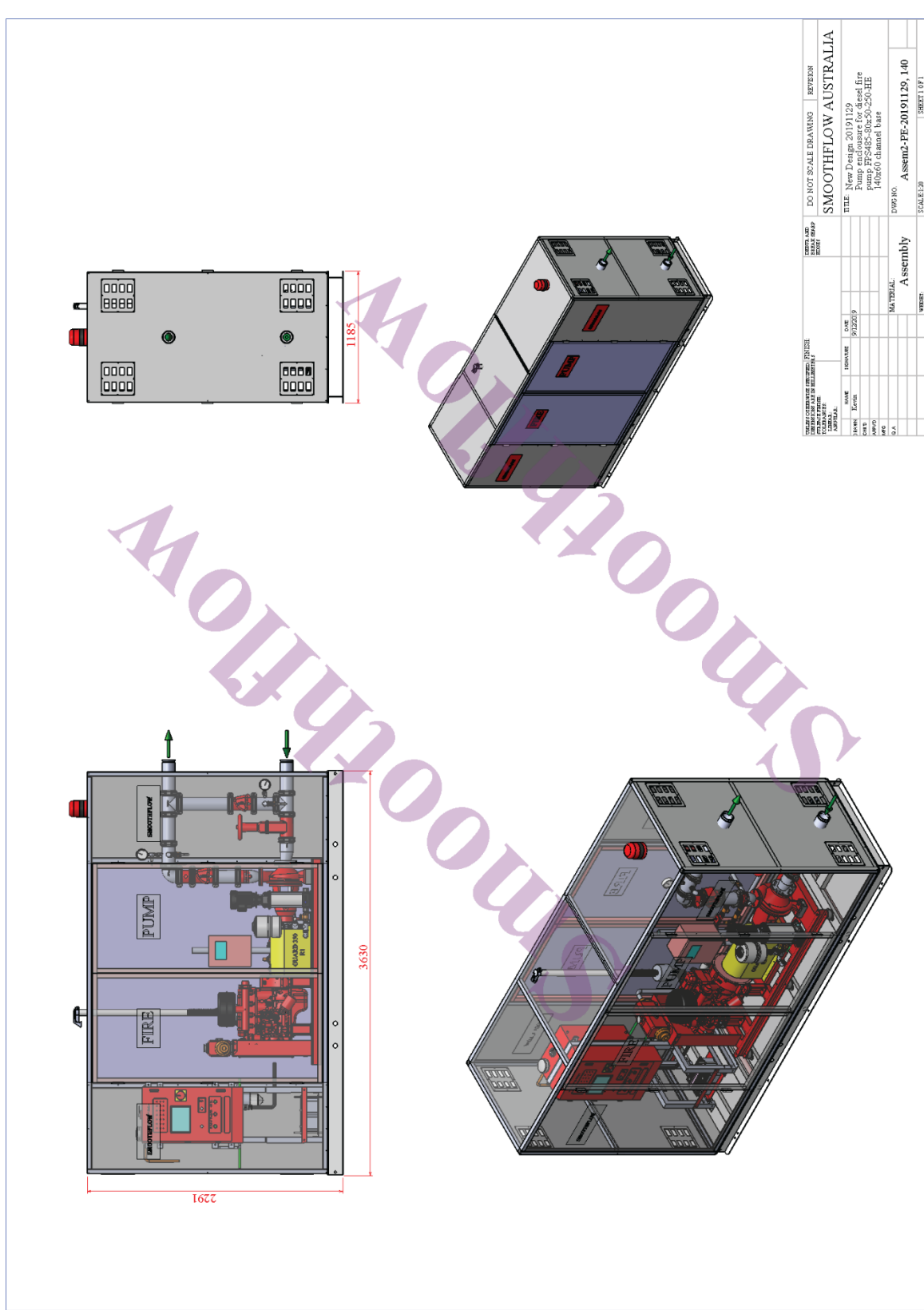




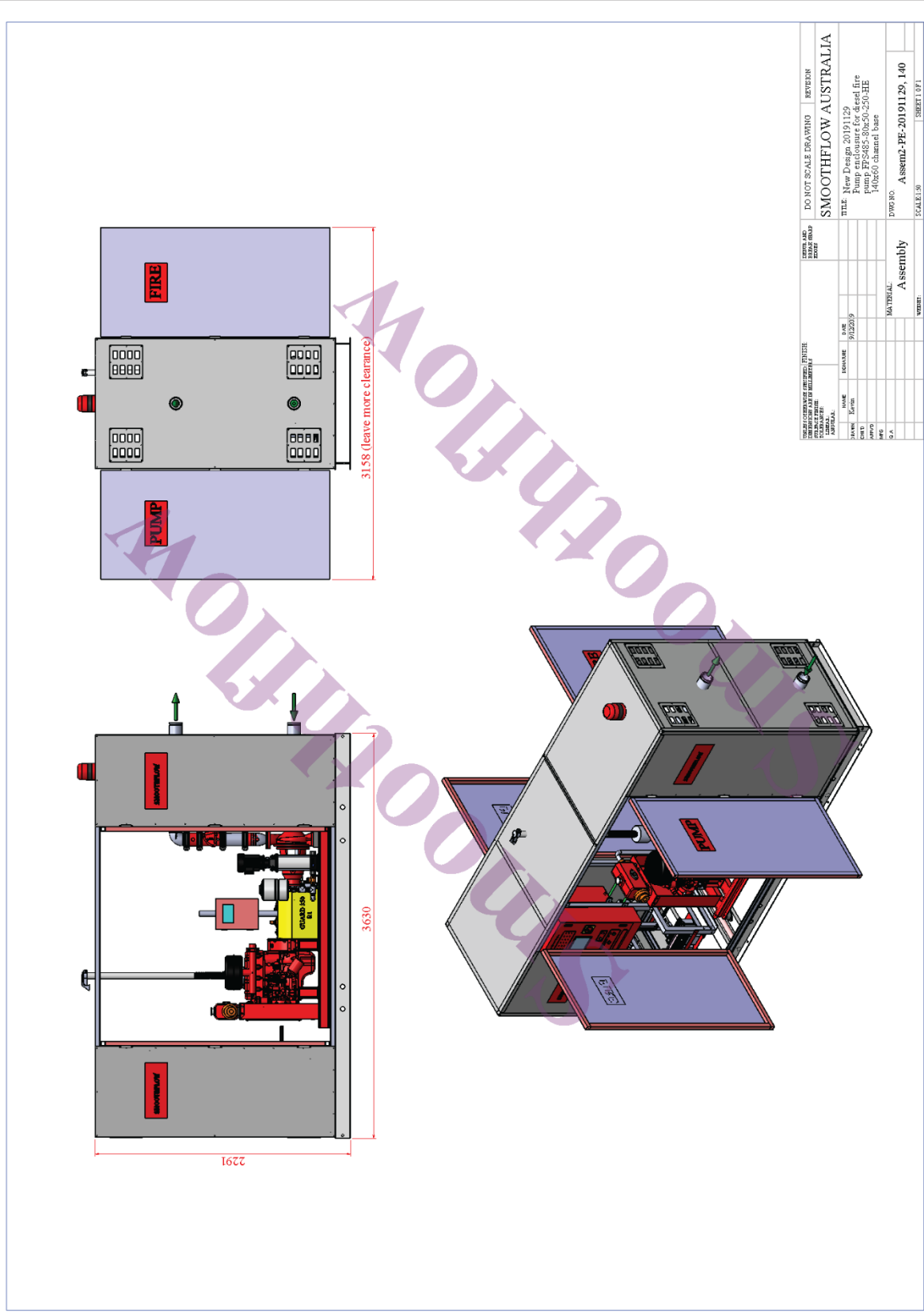








DESIGNATION	REVISION	DATE	BY	APP'D	SCALE	SHEET NO.	TOTAL SHEETS
SMOOTHFLOW AUSTRALIA							
TITLE	New Design 20191129						
PROJECT	Pump for Fire and Life						
CLIENT	PSC/AS/166-2018						
DESCRIPTION	140060 channel base						
DATE	ISSUE	DATE	BY	APP'D	SCALE <td>SHEET NO.</td> <td>TOTAL SHEETS</td>	SHEET NO.	TOTAL SHEETS
		9/12/2019					
MATERIAL						Assem-PE-20191129_140	
ASSEMBLY							
SCALE 1:1							
SHEET 1/1							





Selected half-round gutters
colour: Colorbond 'Surfmist' or
similar

Aluminium basement exhaust flue
colour: Dulux 'Beige Royal Quarter'
or similar to match existing

Acrylic rendered walls
colour: Dulux 'Beige Royal Quarter'
or similar to match existing

Existing shopfront banner signage
colour and graphic TBC

Rendered and painted walls
colour: Dulux 'Monument' or similar
to match existing (Refer to FSO4 for
further detail)

Existing automatic sliding doors to
be retained
glazing: clear

Selected powdercoated aluminium louvre fire hydrant booster doors
colour: Dulux 'Monument' or similar. (Refer to FSO4 for further detail)

Selected powdercoated aluminium commercial framed windows
colour: Dulux 'Monument' or similar
glazing: clear
(Refer to FSO4 for further detail)



Note: Dulux & Colorbond colours can
be replaced by similar products



- Selected half-round gutters colour: Colorbond 'Surfmist' or similar
- Acrylic Rendered precast concrete walls colour: Dulux 'Beige Royal Quarter' or similar to match existing
- Acrylic rendered fibre-cement permanent formwork concrete wall AFS Logicwall LW150 or similar colour: Dulux 'Beige Royal Quarter' or similar to match existing
- Selected powdercoated aluminium framed windows colour: Colorbond 'Monument' or similar to match existing
- Acrylic Rendered concrete fire pump enclosure colour: Dulux 'Beige Royal Quarter' or similar to match existing
- selected anodised aluminium louvred doors to fire pump enclosure

	Colorbond 'Surfmist' product code: C1
	Dulux 'Beige Royal Quarter' product code: S165F1Q
	Dulux - Colorbond 'Monument' product code: C29

Note: Dulux & Colorbond colours can be replaced by similar products



- Selected fire rated lightweight cladding colour: Dulux 'Beige Royal Quarter' or similar to match existing
- Lysaght Klip-Lok Classic 700 roof sheeting or similar colour: Colorbond 'Surfmist' or similar
- Acrylic Rendered fibre-cement permanent formwork concrete wall AFS Logicwall 'LW150' or similar colour: Dulux 'Beige Royal Quarter' or similar to match existing
- Selected half-round gutters colour: Colorbond 'Surfmist' or similar
- Selected powdercoated aluminium framed windows colour: Colorbond 'Monument' or similar
- Frameless glass balustrade with 20mm stainless steel top rail glazing: clear
- Rendered and painted masonry walls colour: Dulux 'Beige Royal Quarter' or similar to match existing
- Acrylic Rendered fibre-cement permanent formwork concrete wall AFS Logicwall 'LW150' or similar colour: Dulux 'Beige Royal Quarter' or similar to match existing

Colorbond 'Surfmist' product code: C1

Dulux 'Beige Royal Quarter' product code: S1651Q

Dulux - 'Monument' product code: C29

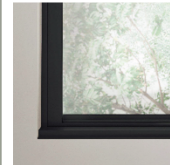
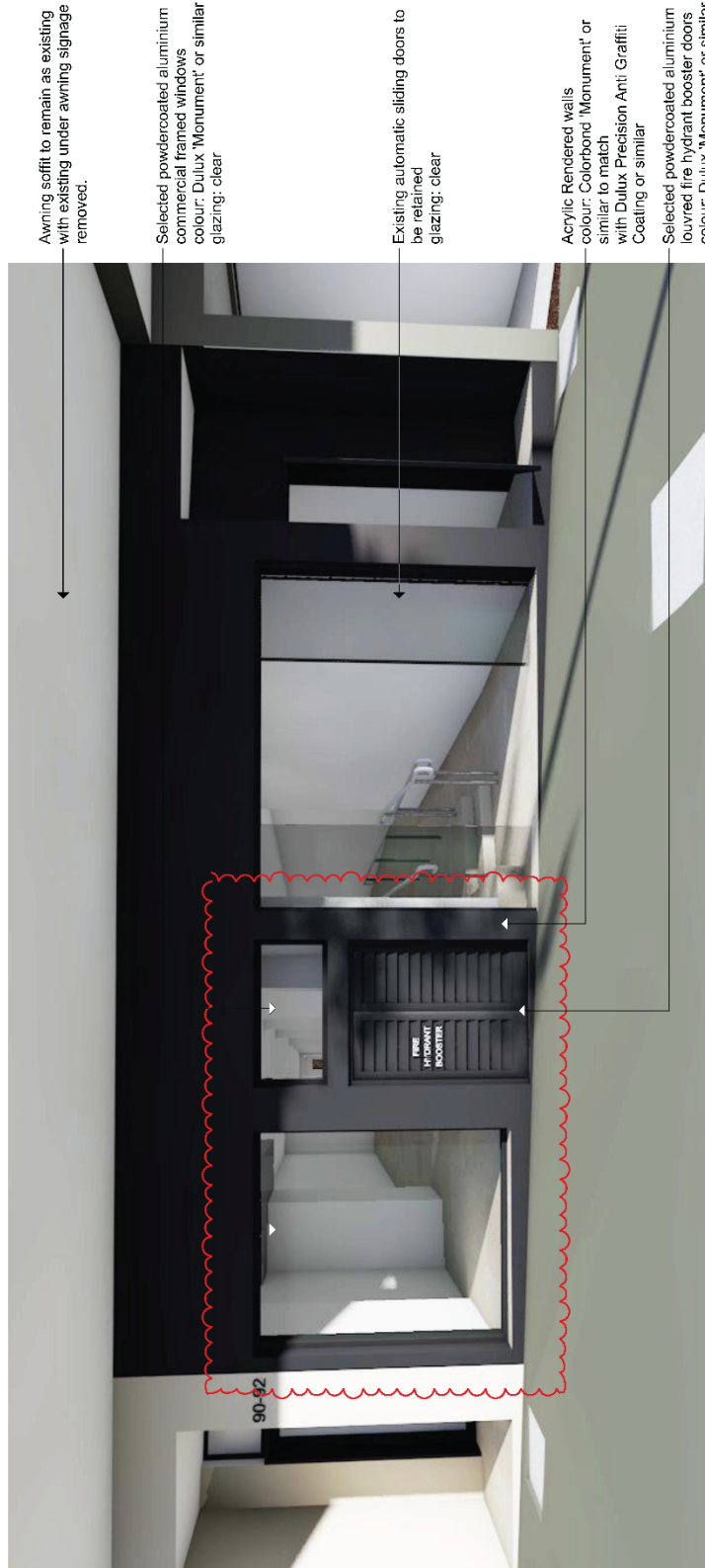
Lysaght Klip-Lok Classic 700

Note: Dulux & Colorbond colours can be replaced by similar products

90-92 AUDLEY STREET, PETERSHAM, 2049

Finishes Schedule 04

ISSUE B



Powdercoated commercial framed aluminium window & Dulux - 'Colorbond 'Monument' product code: C29



Fire hydrant booster powdercoated aluminium Dulux - 'Colorbond 'Monument' product code: C29



Rendered wall sample Dulux - Colorbond product code: C29



Dulux 'Brige Royal Quarter' product code: ST16B1Q

Dulux - 'Colorbond 'Monument' product code: C29

Note: Dulux & Colorbond colours can be replaced by similar products

Jamisa Architects Pty Ltd Nominated Architect: Jamie Grounds NSW Registration No. 7265 ABN 89 619 962 760

Attachment C – Statement of Heritage Significance

Item Details

Name

Petersham Commercial Precinct

Other/Former Names

Address

PETERSHAM NSW 2049

Local Govt Area

Inner West

Group Name

Petersham Commercial Precinct Heritage Conservation Area



Item Classification

Item Type

Conservation Area

Item Group

Urban Area

Item Category

Townscape

Statement Of Significance

The Petersham Commercial Precinct Heritage Conservation Area is significant because it demonstrates the development of a major suburban shopping precinct over a period of more than 70 years. Shops and buildings from each major period of retailing have survived and continue to contribute to the aesthetic, historic, and social values of Petersham and the Marrickville local government area.

The streetscapes of the area are of aesthetic significance because they encompass a substantially intact mid to late 19th Century retail precinct which includes notable examples of the Federation Free Style retail development, such as the group at xx which is recognised as an exemplar of its style. The aesthetic value of the area is enhanced by the undulating alignment of New Canterbury Road, which provides a fine series of evolving views and vistas.

The commercial and retail buildings within the area demonstrate the principal characteristics of the traditional suburban shopping area with narrow shopfronts and clearly defined structural bays providing physical evidence of the regularity of the underlying subdivision pattern. Although evidence of most original shopfronts has been lost, the streetscape at pedestrian level remains a cohesive one due to the regular spacing of the original shopfronts and the 1920s hanging ball lights under the awnings which creates a distinctive aesthetic quality to the streetscape and accentuates the curvature of the façade as it follows the alignment of new Canterbury Road.

The group demonstrates strong aesthetic qualities also through the consistency of the parapeted and enclosing street wall, with its finely worked detailing creating a high quality and strongly defined skyline view from the opposing footpath and when travelling through the area.

Retail buildings on the western side of Audley Street are significant for their association with the prominent local builder Henry Hollands, who constructed the shops in 1906 and the Commonwealth Bank in 1913.

Assessed Significance Type

Local

Endorsed Significance

Local

Date Significance Updated

01/16/2012

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.

10/08/2021 06:02 PM

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	C25			2011/645
Heritage study						
Local Environmental Plan	12/12/2011 12:00:00 AM	Marrickville Local Environmental Plan 2011	C25			2011/645
Heritage study						

Heritage Item ID

2030508

Source

Local Government

Location

Addresses

Records Retrieved: 2

Street No	Street Name	Suburb/Town/Postcode	Local Govt. Area	LALC	Parish	County	Electorate	Address Type
		PETERSHAM/NSW/2049	Inner West	Unknown			Unknown	Primary Address
		PETERSHAM/NSW/2049	Inner West	Unknown			Unknown	Primary Address

Description

Designer

Builder/Maker

Henry Hollands builder (shops and bank, western side of Audley St, 1906-1913)

Construction Year Start & End

Circa

Period

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.

10/08/2021 06:02 PM

1861 - 1935

NO

1851 to 1900

Physical Description

Updated

LOCATION

The Petersham Commercial Precinct Heritage Conservation Area lines New Canterbury Road between Hunter and Audley Streets, Petersham.

KEY PERIOD OF SIGNIFICANCE: 1861- 1935

DESCRIPTION

The Petersham Commercial Precinct Heritage Conservation Area contains a fine collection of late 19th and early 20th Century retail buildings, many of which have retained their original shopfronts and parapet lines. Its form is linear following the course of New Canterbury Road along the ridgeline and returning north along Audley Street towards the railway Station.

Although New Canterbury Road was formed relatively early in Marrickville's development the precinct did not develop into a major retail centre until well into the second half of the 19th Century after the suburban building boom associated with the arrival of the railway and tram networks. Following the decline of mainstream local strip shopping in the 1970s and 1980s this precinct was reinvigorated as a centre for Portuguese retailing.

The streetscape qualities of the precinct are excellent, with the fine-grained and highly patterned shops following the sweeping bends in the road to create a high quality sequential view sequence whilst moving through the area.

The prevailing streetscape character of the precinct is homogenous due to the consistent parapet heights and widespread attention to detail in the original shops, including above the awnings. Many groups and runs of shops demonstrate notable decorative detailing above awning level, and their finely formed parapets create an aesthetically complex and pleasing skyline when viewed from the opposite footpath. The visually prominent early ball light fittings found in the Marrickville shopping areas add a further unifying element to the streetscape.

Many shops were constructed in sets, with the detailing above awning level divided into bracketed bays. Examples include the two Federation Free Style groups at 65-77 New Canterbury Road, a prominent and finely detailed seven bay group addressing the corner; and 37- 47 New Canterbury Road, which is a six-bay group, the two ends of which provide 'bookends' to the centre bays.

One of the features of shops from this era is the verandah opening integrated into the main façade of the building, with the residence set back behind this. This form is common within the precinct and contributes to its streetscape qualities even though many of the openings have been enclosed. Many of these enclosures are of lightweight construction and potentially reversible. Other developments have used the opening as part of an infill development set back from the original façade (eg 98-102 Audley Street). The success of this approach has been limited by the crude juxtaposition of the old and new, and lack of roof to the verandah creating an unconvincing pattern of illumination. Other examples of facadism were found for example the group at 140-150, where the façade wall is treated as an opaque unit and the development set back behind the created wall. Other recent development is expressed more clearly though not always with a result that contributes positively to the integrity of the historic shopping precinct.

The precinct also includes prominent individual buildings, including the former National Australia Bank building at 114 New Canterbury Road and the former Orion Theatre, which is an imposing element in the streetscape due to the height, scale and detailing of its 1920's Art Deco Picture Palace façade. A locally significant heritage item, it was adapted for use as a roller skating rink, but was vacant at the time of inspection.

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CONTRIBUTORY ELEMENTS

- Street alignment following the ridgeline
- Street tree plantings in conjunction with the introduction of footway dining areas
- High urban density, winding road and attached shopfronts with a consistent parapet creates an intimate and high quality streetscape
- Intricate 'skyline' views above early decorative parapets
- Commercial character demonstrated through the single and two-storey 19th-century and Federation period retail typologies
- Building typologies reinforce the tight urban grain.
- Groups and runs of shops demonstrate strong streetscape qualities including cohesiveness of form, scale, rhythm and materials.
- High quality detailing to front elevation of intact and substantially intact shops and commercial buildings
- Increasing simplification of scale and detailing towards rear – including window size, bulk and visual prominence in view from rear lanes and side streets
- Roof forms appropriate to typology and period of construction
- Primary ridgelines of roofs are hidden behind the parapet
- Lack of alterations to roof form and volumes visible from the public domain
- Intact or substantially intact built elements
- Intact or substantially intact shopfronts
- Consistency of form and detailing to facades
- 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
- Use of appropriate colour schemes for detailing
- Advertising signage does not intrude in streetscape view
- Footprints of additions to the rear respect the traditional pattern of development (including service wing/pavilion/recessive scale)
- Original form and detailing to shop interiors (not inspected-details unknown)
- Vehicle access from rear lanes (where available)

NON CONTRIBUTORY ELEMENTS

- Poorly designed, scaled and detailed infill/adaptive re-use
- Loss of original shopfronts
- Alterations above awning level
- Removal of original detailing
- Painting and rendering to original face brick
- Alteration to fenestration patterns (including reconfiguration/re-orientation of vertical openings to horizontal and enclosing of balconies through infill)
- Removal/replacement of timber windows with aluminium-framed windows
- Roller shutters to windows
- Visually intrusive security measures (eg security bars painted a light colour, roller shutters and enclosing grilles to verandahs)

Physical Condition

Updated 07/15/2009

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Generally Good.

Modifications And Dates

Further Comments

History

Historical Notes or Provenance

Updated

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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.

Thomas Moore was a boatbuilder and landholder, who arrived in 1796. He was granted 1170 acres in Petersham, which he extended by purchase to 1920 acres by 1807. Dr Robert Wardell, who had arrived in 1824, purchased Moore's holdings in the late 1820s and by the time of his death owned about 2500 acres, which was known as the "Petersham Estate". Wardell's house, "Sara Dell" stood near Parramatta Road, on a site now occupied by Fort Street High School, though most of the "Petersham Estate" was south of Stanmore and New Canterbury Roads, stretching to the Cooks River. Dr Wardell was murdered in 1834 and his estate was divided amongst his relatives. Subdivision of the "Petersham Estate" was begun in 1848.

A portion of the Petersham estate was subdivided as the "Sydenham Estate" in anticipation of the opening of the Sydney to Parramatta railway and advertised for sale, with an auction on 9 October 1854. "SYDENHAM, A most Picturesque and beautiful Village about 3¼ miles from Sydney, immediately opposite to Elswick, the seat of James Norton, Esq., and at the cross roads leading from the CITY OF SYDNEY to Parramatta, Canterbury, Cooks River, Illawarra and Balmain; and from its gentle elevation above the surrounding country, its local resemblance and also its commanding and panoramic view of Metropolitan City and Suburbs, so justly named after that far-famed spot in our Fatherland, which has been chosen as the site for the wonder of modern times, THE CRYSTAL PALACE: SYDENHAM, from its position and neighbourhood must ere long become a place of considerable importance. The Sydney Railway passes through it and the second station from Sydney, the one which is perhaps next in importance to the main terminus, STANDS IN THE VERY CENTRE OF IT." (Sale Notice, SMH, 1854, no specific date, probably early October)

The "Sydenham Estate" was a subdivision of 205 building allotments, along Parramatta and New Canterbury Roads, with 127 villa sites. Sites ranged from 1/8th of an acre (along Parramatta and Canterbury Roads), to 4 acres for some of the villa sites. The tiny blocks along Canterbury Road and Fisher Street were amalgamated, over 100 blocks were amalgamated into less than 20 properties by 1894 (Petersham Detail Sheet 19, 1894). The blocks between Parramatta Road and Queen Street were likewise amalgamated, though to a lesser extent.

The Sydenham Estate had access to both Parramatta Road and Petesham Station (one of four railway stations between Sydney and Parramatta in 1855). Villas and cottages were built and it formed the core of the Municipality of Petersham, which was incorporated in 1871.

Building in the area reached its zenith in the 1880s. The areas close to the station were extensively resubdivided. In 1917 it was reported that there was "no available building land in Petersham" and any further development entailed the demolition of existing buildings. The Inter-War period saw demolition of some of the Victorian villas and shops and their replacement, particularly in the areas nearest to the railway station.

An example of this early 20th century redevelopment in this area, is the subdivision of the grounds of George Mullen's "Avoca House" (now at the rear of 94 Audley Street, Petersham). The grounds of the house were auctioned as the "Mullen Estate" on Saturday 2 December 1905. Local builder Henry Hollands, of Stanmore Road, purchased the block containing "Avoca House" and leased the house to Charles Edward Dean. Hollands subdivided some of the block and built shops along the Palace Street (later renamed Audley Street) frontage. In February 1912 Hollands sold "Avoca" to the Government Savings Bank of NSW. In June 1913 a brick bank building was erected on the Palace Street frontage, while "Avoca" was used as a residence by the bank manager. In May 1932 No. 136 Palace Street was transferred to the Commonwealth Savings Bank of Australia, which continues (2008) to own the property. In the 1940s or 1950s this portion of Palace Street was renamed Audley Street and this property became 94 Audley Street.

This area includes landmark buildings such as the Federation period retail terrace of shops at 65-77 New Canterbury Road and the former Odeon Cinema at 49-59 New Canterbury Road.

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Historic Themes

Records Retrieved: 2

National Theme	State Theme	Local Theme
Developing local, regional and national economies	Convict	Unknown
Developing local, regional and national economies	Convict	Unknown

Assessment

Criteria a)

Historical Significance

Include

Exclude

Petersham Shops Commercial Precinct Heritage Conservation Area is of historical significance as an area originally subdivided in the 19th century which retains remnant physical evidence of this period, however has a built environment strongly reflecting rebuilding in the early 20th century. Retail buildings on the western side of Audley Street are related to the prolific local builder Henry Hollands, who constructed the shops in 1906 and the Commonwealth bank in 1913.

Criteria b)

Historical Association Significance

Include

Exclude

Criteria c)

Aesthetic/Technical Significance

Include

Exclude

The Petersham Shops Commercial Precinct is of aesthetic significance as a good example of a mid to late 19th Century retail precinct.

Criteria d)

Social/Cultural Significance

Include

Exclude

Criteria e)

Research Potential

Include

Exclude

Criteria f)

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Rarity

Include

Exclude

Criteria g)

Representative

Include

Exclude

The Petersham Shops Commercial Precinct is a good example of a retail typology built during the mid to late 19th Century. It demonstrates the principal characteristics of the development of the Marrickville Council area from an early Estate to a suburban cultural landscape and contains high quality streetscapes and public domain elements representative of civic management and improvement programs. Hanging ball lighting under awnings from the 1920s still remain.

Integrity/Intactness

Updated 07/23/2009

The area has a good level of integrity.

References

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

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

Management

Management

Records Retrieved: 0

Management Category	Management Name	Date Updated
No Results Found		

Management Summary

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