

Development Control Plan No

36



Complying and Exempt Development



MARRICKVILLE
council

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Some basic facts about this Development Control Plan (DCP)

General

This Development Control Plan (DCP) specifies development standards and requirements for *complying and exempt development* as provided for under the Environmental Planning and Assessment Act (EP&A Amendment Act), 1997 and Marrickville Local Environmental Plan (MLEP), 2001 as in force at the date of the development.

Exempt or complying development that can be carried out on land under the EP&A Amendment Act, and MLEP must comply with the standards and requirements specified in this DCP. Where development cannot be carried out in accordance with this DCP it is not exempt or complying development.

This DCP will come into force upon gazettal of Marrickville Local Environmental Plan 2001.

Adoption Date

This DCP was adopted by Marrickville Council on 18 April, 2000 and came into force upon gazettal of Marrickville Local Environmental Plan 2001.

Land to Which This Plan Applies

This DCP applies to all land within the Marrickville local government area.

Relationship of This Plan to Other Plans

This DCP supplements Marrickville Local Environmental Plan, 2001.

The DCP has been prepared in accordance with the provisions of section 72 of the Environmental Planning and Assessment Act, 1979 (EPA) 1979, and clauses 19-25 of the Environmental Planning and Assessment Regulation, 1980.

Under section 85A of the EP&A Act, Marrickville Council or an Accredited Certifier is required to take this DCP into consideration, when determining a *Complying Development Certificate*.

Aims and Objectives

The aim of this DCP is to provide controls and standards for complying and exempt development. The controls and standards are designed to ensure that development specified in this plan is carried out with minimal environmental impact and that the amenity of the residents of Marrickville is protected. The broad aims of this plan are:

- To provide for a system of appropriate assessment for development in Marrickville.
- To protect the amenity of people living and working in Marrickville while not unduly restricting development of minor or minimal environmental impact.
- To provide appropriate assessment procedures and standards in order that development of minor environmental impact can be efficiently assessed.
- To promote greater efficiency and more productive use of resources in the assessment of development proposals.

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1 Definitions

This Plan adopts the definitions in Marrickville Local Environmental Plan, except in so far as the context or subject matter otherwise indicates.

AS means Australian Standard.

building means any part of a building and any structure or part of a structure, but does not include:

- a manufactured home, a moveable dwelling or associated structure or part of a manufactured home, a moveable dwelling or associated structure; or
- a temporary structure within the meaning of the Local Government Act, 1993.

building alignment means a line parallel to the external walls of the main building envelope, being either the front, side or rear wall/s.

Building Code of Australia (BCA) means the document of that name published on behalf of the Australian Building Codes Board in October 1996, together with:

- such amendments made by the Board; and
- such variations approved by the Board in relation to New South Wales, as are prescribed by the regulations.

building line means a building line set by the Council in accordance with the provisions of the Local Government Act, 1993 or Environmental Planning and Assessment Act, 1997.

building work means any physical activity involved in the erection of a building.

change of building use means a change of use in a building from a use that is permissible in the zone to another use that is permissible in the zone and may include a change in classification under the Building Code of Australia.

compliance certificate means a certificate issued by a principal certifying authority and referred to in section 109C (1) (a) of the Act.

complying development certificate means a certificate referred to in section 85 of the Act.

consent authority means in relation to a development application or an application for a complying development certificate:

- the Council having the function to determine a development application, in this case being the Council of Marrickville; or
- if a provision of the Act, the regulations or an environmental planning instrument specifies a Minister or Public Authority (other than the Council) as having the function to determine the application – that Minister or Public Authority, as the case may be.

DCP means Development Control Plan.

development application means an application for consent under Part 4 to carry out development but does not include an application for a complying development certificate.

development consent means consent under Part 4 to carry out development and includes, unless expressly excluded, a complying development certificate.

habitable room means a room in a dwelling being a living room, lounge room, dining room, bedroom, kitchen or the like but does not include a bathroom, laundry, toilet or the like.

height in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the natural ground level immediately below that point.

integrated development has the meaning given by section 91 of the Act, and generally means development which requires approval from a separate authority than the consent authority for the development consent to be issued.

natural ground level means the ground level excluding any areas that have been filled or excavated.

occupation certificate means a certificate referred to in section 109C (1) (c).

principal certifying authority (PCA) means a principal certifying authority appointed under section 109E.

premises means any of the following:

- a building of any description or any part of it and the appurtenances to it,
- a manufactured home, moveable dwelling and associated structure,
- land, whether built on or not,
- a tent,
- a swimming pool,
- a ship or vessel of any description (including a houseboat).

private open space means an area of land or of a building (such as a balcony or roof garden) associated with a dwelling and intended for the exclusive use of the occupants of the dwelling and located and designed to offer visual privacy to the occupants.

public place has the same meaning as in the Local Government Act 1993.

public reserve has the same meaning as in the Local Government Act 1993.

public road has the same meaning as in the Roads Act 1993.

real estate sign means a sign used as an advertisement for a real estate agency which contains only information that the place or premises to which it is affixed or to which it relates is or are for sale or letting, together with particulars of the sale or letting.

soft landscaped area means that part of the site area not occupied by a building or structure, and which is predominantly landscaped by way of gardens, lawns, shrubs or trees, but does not include any area that is predominantly impervious surface area.

State significant development has the meaning given by section 76A (7).

subdivision certificate means a certificate referred to in section 109C (1) (d).

subdivision work means any physical activity authorised to be carried out under the conditions of a development consent for the subdivision of land, as referred to in section 81A (3).

useable open space has the same meaning as private open space but does not include drying or curtilage areas.

2 What is Exempt Development?

Development specified in the 'Exempt Development Schedule' in this Development Control Plan, **must**:

- (a) comply with all applicable deemed-to-satisfy provisions of the Building Code of Australia relevant to the development; and
- (b) if it relates to an existing building that is classified under the Building Code of Australia as class 1b or class 2–9, have a current fire safety certificate or fire safety statement or be a building for which no fire safety measures are currently implemented, required or proposed; and
- (c) comply with all relevant standards and procedures set for the development by this plan; and
- (d) comply with any relevant conditions of a development consent applying to the land; and
- (e) be permissible development under Marrickville Local Environmental Plan, 2001, as in force at the date of the development.

Development specified in the 'Exempt Development Schedule' in this Development Control Plan, **must not**:

- (a) create interference with the neighbourhood because it is noisy, causes vibrations, creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste water, grit or oil or otherwise; or
- (b) obstruct drainage of the site on which it is carried out or redirect flows to adjacent properties; or
- (c) restrict any vehicular or pedestrian access to or from the site and if work is to be undertaken on Council controlled land a road opening permit has been obtained; or
- (d) involve earthworks within 4 metres of the base of a tree or the removal or pruning of a tree, that is protected by an environmental planning instrument or a Tree Preservation Order, or is either above 5 metres in height or has a trunk with a circumference less than 700mm at a point 1 metre above natural ground level, other than with the written approval of the Manager, Parks and Gardens; or
- (e) be located less than one metre from any easement or overland flowpath, and clear of the zone of influence of any Council or interallotment stormwater line (pipe or channel) or public sewer main and complies with the building over the sewer requirements of Sydney Water Corporation.

Development specified in the 'Exempt Development Schedule' in the Development Control Plan, **cannot be carried out** on land:

- (a) that is the site of an item of the environmental heritage that:
 - (i) is identified as such in an environmental planning instrument applying to the land, or
 - (ii) is listed on the State Heritage Register under the Heritage Act 1977, or

- (iii) is subject to an interim heritage order under the Heritage Act 1977, or
- (b) is within a heritage conservation area that is identified as such in an environmental planning instrument applying to the land; or

Note:

Clause 49 of Marrickville Local Environmental Plan 2001, permits minor development to an item of environmental heritage or within a heritage conservation area to be undertaken without the need for development consent.

The provisions of this Plan can be used as a guide to establish whether the proposed development may constitute minor development.

- (c) is an Aboriginal place under the National Parks and Wildlife Act 1974; or
- (d) is reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna or geological formations or for other environmental protection purposes.

Section 76(3) of the EP&A Act says that development cannot be exempt development on land that is:

1. Critical habitat (within the meaning of the Threatened Species Conservation Act 1995) and
2. Within a wilderness area (within the meaning of the Wilderness Act 1987)

3 Exempt Development Schedule

Development listed in this schedule is exempt development applicable to all zones identified in Marrickville Local Environmental Plan 2001. All development identified in this Schedule is exempt development provided that the prerequisites for exempt development in this plan are complied with and the associated requirements in the Schedule for the particular development are complied with.

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1. Access and ramps for people with a disability

Exemptions

Access and the erection of access ramps for persons with a disability.

Development Standards and Requirements

Exempt development, where:

Height

- The ramp has a maximum height of 1 metre above ground level.

Gradient

- The ramp has a maximum grade of 1:14 and complies with AS 1428.1.

Setbacks

- The ramp is located a minimum of 900mm from side or rear boundaries.

Length

- The ramp does not exceed 19 metres in length.

Note:

The Disability Discrimination Act (DDA), 1992 should be consulted to ensure that works are consistent with the Act.

2. Advertising signs and structures

Exemptions

Erection of one (1) advertising structure and the display of an advertisement on it per premises or property, or the display of one (1) advertisement that is not on an advertising structure.

Development Standards and Requirements

Exempt development, where:

General Requirements

- It is not a subsequent advertising structure or sign and relates to the existing legal use of the premises;
- The advertising structure complies with Section B1 'Structural Provisions' of the BCA; and
- The advertisement and any structure has a maximum height of 4.6 metres above ground level or the height of the first floor window sill where there is no awning; or where an awning exists, is suspended from the awning, and is not lower than 2.6m above ground level and 600mm from the kerb line or roadway edge.
- The advertisement does not advertise goods or services within the meaning of the Indecent Articles and Classified Publications Act 1975, or display of objects primarily concerned with sexual behaviour.

Specific Requirements

The advertisement and/or structure comply with the **General Requirements** and the following requirements:

Shops and Commercial Premises

- The advertisement and structure has maximum dimensions of 2.4 m x 0.4m.

Residential Premises

- The advertisement relates to a home occupation and has a maximum area of 0.75m²;and
- The sign is affixed to the dwelling and is no higher than 3 metres above ground/pavement level and below the eaves line of the building.

Industrial Premises

- The advertisement and structure has a maximum area of 4 m².

Real Estate Signs

- Only advertises the sale or lease of a premises and has a maximum area of 2.5m² for a residential property and 5m² for commercial or industrial premises; and
- Sign must be removed within 14 days of the completion of the sale or lease of the premises.

Prohibitions

King Street/Enmore Road

The advertisement is not exempt development if located on King Street or Enmore Road (*King Street & Enmore Rd Retail Conservation Area*), except as provided by the **Exceptions** below.

Illuminated signs/structures.

The advertisement is not exempt development where it advertises a brothel.

Exceptions

Erection of one or more advertising structures and the display of advertisements, or the display of one or more advertisements that are not on advertising structures, where:

- The advertisement(s) replace lawfully erected signs using the same structure and does not advertise a brothel.
- The advertisement(s) is an A-frame advertising board and a license for its display has been obtained from Council.
- The advertisements are temporary advertisements for a social, cultural or recreational event and are displayed no more than 28 days before the event and are removed within 7 days after the event; and
- The advertisements do not include commercial advertising and have a maximum area of 3.5 square metres.
- The advertisements are erected by a public authority.

3. Aerials and antennae

Exemptions

Up to two (2) aerial and antennae (excluding satellite dishes) per property.

Development Standards and Requirements

Exempt development, where:

- It is for domestic purposes;
- It has a maximum height of 3m above ridge level;
- It is located behind the front building alignment and is not a separate structure in the yard space of the dwelling; and
- it is installed in accordance with the manufacturers specifications.

4. Air conditioning units

Exemptions

Air conditioning units, excluding water/cooling towers.

Development Standards and Requirements

Exempt development where:

- The unit is located a minimum of 3m from any property boundary;
- Not located within the street facing elevation;
- Not visible from a public place where attached above the ground floor on residential and commercial premises and are not roof mounted unless on an industrial premises;
- The noise level generated by the unit does not exceed an LA10 of 5dBA above ambient background noise level measured at the property boundary. In addition, domestic units must not be audible within any room of adjoining premises, from 10pm to 7am on weekdays and 10pm to 8am on weekends or public holidays;
- The building work does not reduce the structural integrity of the building and is capable of carrying the additional load;
- Any opening created is weather proofed; and
- There is no external ductwork.

5. Aviaries

Exemptions

One (1) bird aviary per property.

Development Standards and Requirements

Exempt development, where:

- The maximum area is 10m²;
- The maximum height is 2.1m from ground level; and
- It is located behind the front building alignment, and is not visible from any street alignment.

6. Awnings, canopies and storm blinds

Exemptions

Awnings, canopies and storm blinds, excluding security blinds or shutters on commercial premises.

Development Standards and Requirements

Exempt development where:

- The total area, including existing awnings, canopies and storm blinds does not exceed 10m²;
- There is a minimum setback of 450mm from the side boundaries;
- They are located wholly within the property boundaries and behind the front building alignment;
- They do not require other supporting structures;
- They are non-combustible materials; and
- They are connected to an adequate stormwater drainage system.

7. Barbecues (fixed structures)

Exemptions

A maximum of one (1) barbecue that is not visible from any street alignment.

Development Standards and Requirements

Exempt development where:

- It has a maximum chimney height of 2.1m above ground level;
- It is setback a minimum of 450mm from the side boundaries unless a heat shield is incorporated or it adjoins a non-combustible fence;
- It is not located within 6m of a window or other ventilation opening to any adjoining buildings on other allotments;
- It does not have a roof or other cover, other than as provided for by this DCP, and it is located to minimise the risk of fire spreading to other structures; and
- It is not for commercial use.

8. Bridges and staircases erected on public land

Exemptions

Bridges and staircases erected in public parks and recreation spaces.

Development Standards and Requirements

Exempt development where:

- Constructed by or for the Council;
- The maximum span does not exceed 5 metres; and
- Designed, fabricated and installed in accordance with the BCA (Section D) and AS 4100 (for steel structures) and AS 1720 (for timber structures) and AS 3600 for concrete structures.

9. Bus shelters

Exemptions

Erection of bus shelters.

Development Standards and Requirements

Exempt development where:

- Built by or for the Council and comply with any plan of management adopted under section 40 of the LGA, 1993 that applies to the land.

10. Carports

Exemptions

One (1) separate unattached carport per property and behind the front building alignment.

Development Standards and Requirements

Exempt development where:

- **The maximum height:**
 - (i) does not exceed 2400mm for a flat roof;
 - (ii) does not exceed 3000mm for pitched roofs;with a maximum wall height of 2400mm;
- The **area of the carport** does not exceed 20m² and do result in the total site coverage exceeding 2/3 of the site area;
- There are at least three open sides;
- No additional impervious surface area is created or a minimum of 20% of total site area will be maintained as soft landscaped area;
- The **maximum width** of the carport is 3.5m or 50% of the street frontage, whichever is less;
- The minimum dimensions are 5.5 metres x 2.5 metres;
- It is setback at least 900mm from side and rear boundaries unless the boundary adjoins a road where the external wall may be on the boundary; and
- It is connected to an adequate stormwater drainage system.

11. Change of commercial use

Exemptions

Change of use of a building, from:

- Shop to a shop
- Commercial premises to a commercial premises
- Food premises to a shop
- Commercial premises to a shop and a shop to a commercial premises
- Restaurant to restaurant

Development Standards and Requirements

Exempt development where:

- The current use does not benefit from 'existing use rights' as defined in Section 106 of the EP&A Act, 1979 and the new use does not result in a change of classification under the BCA where the premises has a floor space >200m²;
- The new use complies with the relevant conditions of the applicable development consent relating to the use of the building or land;
- The proposed use does not include;
 - (i) an adult book shop;

- (ii) any shop with a floor space > 530m²;
 - (iii) a funeral parlour;
 - (iv) a methadone clinic.
- There is no extension to the existing hours of operation with the maximum hours from the existing development consent not to exceed 7am - 6pm weekdays and Saturdays; and 8am - 12pm Sundays;
 - The new use does not create additional floorspace;
 - A Section 73 Compliance Certificate has been obtained from Sydney Water Corporation for a change of use to any of the activities listed in Appendix 1 of this plan;
 - There is no display or sale of publications within the meaning of the Indecent Articles and Classified Publications Act 1975, or display of objects primarily concerned with sexual behaviour;
 - Parking, landscaping, loading and waste facilities are provided and maintained in accordance with the existing development consent;
 - The curtilage of any shop or office is not used for storage or display purposes; and
 - The use does not involve handling, storing, or using hazardous chemicals or materials otherwise than on a domestic scale (except at a distance of more than 25 metres from any habitable building), and does not release any hazardous chemicals or materials or pollutants into the environment.

Note:

Internal fit-out required as the result of a change of use, must comply with the requirements of the 'Internal Alterations' exemption in this DCP, otherwise a Complying Development Certificate or development application is required.

The Disability Discrimination Act (DDA), 1992 imposes requirements in terms of providing appropriate accessibility to premises. Further information can be obtained from the Equal Opportunity Commission.

12. Change of industrial use

Exemption

Change of use of a building from:

- Industry to Industry
- Industry to Warehouse
- Warehouse to Warehouse

Development Standards and Requirements

Exempt development, where:

- The current use does not benefit from existing use rights as defined under Section 106 of the EP&A Act, 1979 and has a floor space not exceeding 500m²;
- There is no extension to the existing hours of operation with the maximum hours not to exceed 7am to 6 pm Mondays to Saturdays and 8am to 12 noon Sundays;
- No additional floor space is proposed;
- No more than 25% of the floorspace is used for office or showroom activities;
- A Section 73 Compliance Certificate has been obtained from Sydney Water Corporation for a change of use to any of the activities listed in Appendix 1 of this plan;
- There is no display or sale of publications within the meaning of the Indecent Articles and Classified Publications Act 1975, or display of objects primarily concerned with sexual behaviour;
- The curtilage is not used for storage or display purposes;

- The new use complies with the relevant conditions of the applicable development consent relating to the use of the building or land;
- Rear lane access or off-street loading facilities are available;
- No retailing, other than ancillary retailing, is carried out; and
- The use does not involve handling, storing, or using hazardous chemicals or materials otherwise than on a domestic scale (except at a distance of more than 25 metres from any habitable building), and does not release any hazardous chemicals or materials or pollutants into the environment.

Note:

Internal fit-out required as the result of a change of use must comply with the requirements of the 'Internal Alterations' exemption in this DCP, otherwise a Complying Development Certificate or development consent is required.

The Disability Discrimination Act (DDA), 1992 imposes requirements in terms of providing appropriate accessibility to premises. Further information can be obtained from the Equal Opportunity Commission.

13. Clothes hoists/lines

Exemptions

Clothes hoists/lines installed at ground level.

Development Standards and Requirements

Exempt development where:

- Height does not exceed 2.1 metres; and
- Located behind the rear alignment of any building and not visible from a public place.

14. Decks

Exemptions

Decks.

Development Standards and Requirements

Exempt development, where:

- Not located within 5 metres of the windows to adjacent buildings other than where a fence with a height of at least 1.7 metres above the finished floor level is between the deck and window(s);
- Maximum area is 20m² and does not result in the total site coverage exceeding 2/3 of the site area;
- Not roofed other than as provided for by this DCP;
- Finished floor/surface level is less than 500mm above existing ground level at the lowest point (**Note:** any area that has been filled under the provisions of this plan is to be excluded in determining existing ground level); and
- Located behind the building alignment to any street frontage and maintains the side boundary setbacks of the existing dwelling with a minimum setback of 900mm.

15. Demolition

Exemptions

Demolition of minor buildings and structures.

Development Standards and Requirements

Exempt development, where:

- An order to demolish has been served by Council under Section 124 of the Local Government Act, 1993, or Section 121B of the Environmental Planning and Assessment Act, 1979;
- The structure to be demolished is exempt development under the provisions of this DCP;
- The work is carried out to Australian Standard AS2601 - 1991 Demolition Code;
- A written undertaking is given to Council prior to commencement of work to repair any damage to Council property; and
- Demolition waste is disposed of in a manner that is consistent with *Marrickville DCP No.27 – Controls for Site Waste and Minimisation*.

NOTE:

Where the buildings/structures to be demolished are likely to have been treated with pesticides, care should be taken to avoid contact with the top 10-20mm of soil and not to leave topsoil exposed where children or other individuals may come into contact with it.

16. Driveways and paths

Exemptions

One (1) driveway and/or pathway per property

Development Standards and Requirements

Exempt development, where:

- An approved vehicular crossing exists and it is not necessary to alter that crossing;
- Not over public land other than with the approval of the relevant authority;
- Align with the footpath crossing levels issued by Council and comply with the access gradient requirements of AS 2890.1 – 1993;
- Not elevated or suspended above natural ground level;
- Drains to an adequate stormwater system; and
- The impervious surface area of the property is not increased by more than 40m² and a minimum of 20% of total site area will be maintained as soft landscaped area.

17. Emergency works

Exemptions

Emergency works relating to the safety of life and the environment carried out by or for the Council, State or Federal government or utility provider.

Development Standards and Requirements

Exempt development, where:

- The emergency works do not cause any destruction or dismantling to an item of environmental heritage or reduce the structural integrity of a building/structure.

18. Fences and gates

Exemptions

Fences constructed in accordance with the Dividing Fences Act, 1991.

Development Standards and Requirements

Exempt development, where:

Front fences

Timber, metal or lightweight materials

- Front fences (including between the front building alignment and front property boundary) that do not prevent or concentrate the flow of stormwater up to a maximum height of 1.2 metres that are at least 50% transparent.

Brick and masonry materials

- Front fences (including between the front building alignment and front property boundary) that do not prevent or concentrate the flow of stormwater up to a maximum height of 600 mm.

Side and Rear Fences

- Side and rear fences that do not prevent or concentrate the flow of stormwater up to a maximum height of 1.8 metres if constructed of timber, metal or lightweight materials and up to 1 metre if constructed of brick or masonry.

Security Fences

- Chain wire type security fences on industrial sites and Council depots up to a maximum height of 2.5 m where located behind a landscaped area or the front building line.

19. Flagpoles

Exemptions

One (1) flagpole per property.

Development Standards and Requirements

Exempt development, where:

- Height not exceeding 6 metres above ground level;
- The maximum flag area does not exceed 1m² or involve advertising material, logos or the like;
- It is a minimum of 3 metres from any property boundary; and
- Appropriate measures are taken to reduce noise from flapping.

20. Goal posts, sightscreens and ancillary sporting structures

Exemptions

Goal posts, sightscreens and ancillary sporting structures.

Development Standards and Requirements

Exempt development, where:

- Construction is by or for council and installed in accordance with relevant Australian Standards and/or the Building Code of Australia;
- Located in public parks or recreation areas in accordance with the relevant Plan of Management; and
- They are designed and/or fixed to the ground to adequately withstand live loads and wind loads.

21. Hoardings

Exemptions

Hoardings.

Development Standards and Requirements

Exempt development, where:

- The vertical height of the structure being demolished or erected is less than 4 metres;
- The least horizontal distance between the common boundary of the site and a public footpath or thoroughfare and the nearest parts of the structure is greater than twice the height of the structure being erected or demolished;
- In instances where the building is situated away from the boundary by twice the measurement of the height of the building other non-solid hoardings may be provided subject to appropriate signage being provided and provision made to minimise dust from the site;
- The hoarding is constructed of solid materials to a height not less than 2.4 metres above the level of the footpath or thoroughfare;
- The hoarding and its supports do not encroach onto a public footpath or thoroughfare without the approval of Council;
- It complies with Workcover Authority requirements;
- All care is taken to safeguard the general public;
- Appropriate signage is provided in accordance with AS 1319 – 1994 – Safety Signs for the Occupational Environment; and
- The hoarding is structurally adequate.

22. Home occupation

Exemptions

An occupation carried on in a dwelling house or in a dwelling in a residential flat building by the permanent residents of the dwelling house or dwelling

Development Standards and Requirements

Exempt development, where it does not involve:

- The registration of the building under the Factories, Shops and Industries Act 1962;
- The employment of persons other than those residents;
- Interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;
- The display of goods, whether in a window or otherwise;
- The exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident) with an area greater than 0.75m²;
- The sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail; and
- The use of the premises as a brothel.

23. Internal alterations

Exemptions

Internal alterations to previously completed buildings, including:

- replacement of doors;
- wall, ceiling or floor linings;
- deteriorated frame members with equivalent or improved quality materials;
- renovations of bathrooms and kitchens;
- inclusion of built-in fixtures such as vanities cupboards and wardrobes; and
- installation of shelving, displays, benches, partitions that do not provide any structural support to the building.

Development Standards and Requirements

Exempt development where:

- The work does not provide any additional floor area or additional residential accommodation;
- The work does not change room configurations, reduce window arrangements for light and ventilation needs, reduce doorways for egress purposes or involve enclosure of open areas;
- The work does not compromise fire safety or affect accessibility to a fire exit;
- Bathroom and kitchen fixtures and fittings are triple AAA rated; and
- Maximum floor area of alterations not to exceed 100m².

Note:

It is recommended that you contact a structural engineer, architect or building surveyor before commencing alterations to ensure you comply with the Building Code of Australia and will not affect the structural sufficiency and stability of the building.

24. Landform modification

Exemptions

Landform modification.

Development Standards and Requirements

Exempt development, where:

- It does not involve the excavation at or below the groundwater table on land identified on the Acid Sulphate Soils Planning Maps;
- The existing ground level is not increased cumulatively by more than 300mm with total excavation and filling not to exceed 1 metre;
- The ground level is not increased within 900mm of the boundary where the modified area is trafficable;
- Stormwater is not directed onto adjoining properties other than via a registered easement and is connected to an adequate stormwater system; and
- Any filling material imported onto the site is virgin excavated natural material as defined in Schedule 1 of the *Protection of the Environment Operations Act, 1997*.

25. Letter box

Exemptions

Letter boxes.

Development Standards and Requirements

Exempt development, where:

- The height of the letterbox does not exceed 1.2 metres above ground level and the receptacle does not have dimensions greater than 500mm; and
- Appropriate numbering is provided that is visible from the road alignment.

26. Outbuildings

Exemptions

Free standing outbuildings, including:

- Cabana
- Cubby house
- Garden shed
- Gazebo
- Green house
- Other outbuildings of similar type

Development Standards and Requirements

Exempt development, where:

- Maximum height of 3 metres for a flat roof and 3.6 metres for pitched roof structures, with a maximum wall height of 3 metres from ground level (ground level is to exclude any area that has been filled under the provisions of this plan);
- Maximum area of 10m² and total site coverage does not exceed 2/3 of the site area;
- No additional impervious surface area is created or a minimum of 20% of total site area is maintained as soft landscaped area;
- There is a minimum setback of 450mm from side and rear boundaries;
- Not located within the front building setback and are located behind the building alignment to any street frontage;
- Not used for habitable purposes;
- Safety glass for any glass doors that conform to AS2208-1978 is used;
- Non-reflective roof coverings are used; and
- Connected to an adequate stormwater drainage system.

27. Park and street furniture

Exemptions

Park and street furniture located on Council controlled land.

Development Standards and Requirements

Exempt Development, where:

- It is constructed by or for the Council and designed, fabricated and installed in accordance with the relevant Australian Standards and the BCA; and
- When located in public parks or recreation areas they are in accordance with the relevant Plan of Management.

28. Patio

Exemptions

Patios at ground level (ground level excludes any area that has been filled under the provisions of this plan).

Development Standards and Requirements

Exempt Development, where:

- No additional impervious surface area is created or a minimum of 20% of total site area will be maintained as soft landscaped area; and
- Stormwater is not directed to adjacent properties other than via an easement.

29. Pergola

Exemptions

Pergolas located behind the front building alignment.

Development Standards and Requirements

Exempt development, where:

- They have a maximum height of 3 metres for flat roofs or 3.6 metres for pitched roof structures above ground level (ground level is to exclude any area that has been filled under the provisions of this plan);
- They have a maximum area 20m² and do not result in the total site coverage exceeding 2/3 of the site area;
- They are setback at least 450mm from side boundaries; and
- They are not enclosed.

30. Playground equipment

Exemptions

Playground equipment, located behind the rear building alignment to any street frontage that is appropriately screened.

Development Standards and Requirements

Exempt Development, where it:

- Has a maximum height of 2.4 metres;
- Is setback 450mm from side boundaries;
- Has a maximum ground coverage of 10m²;
- Includes adequate safety arrangements, including soft landing surfaces;
- Is installed in accordance with manufacturer's instructions and complies with relevant Australian Standards (AS 1924, 2155 and DR 94007-DR 94010); and
- Is on Community Land and the equipment is designed, installed and fabricated by or for the Council and complies with all applicable Australian Standards.

31. Pollution control works

Exemptions

Pollution control works carried out by or at the direction of the Council or in accordance with a license issued by the Environmental Protection Authority that do not require alterations to the building envelope.

Development Standards and Requirements

Exempt Development, where:

- There is no interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.

32. Portable classrooms & school buildings

Exemptions

Portable school classrooms and buildings installed for up to five (5) years.

Development Standards and Requirements

Exempt Development, where:

- Installation is undertaken in accordance with a qualified engineer's design;
- The buildings are located on school grounds and do not contravene any other development consents;
- They are connected to an adequate stormwater drainage system;
- Buildings do not exceed one (1) storey.

Note:

The Disability Discrimination Act (DDA), 1992 imposes requirements in terms of providing appropriate accessibility to premises. Further information can be obtained from the Equal Opportunity Commission.

33. Public meeting halls

Exemptions

Use of a building as a public meeting hall.

Development Standards and Requirements

Exempt Development, where:

- The building is a class 9b building.

Note:

The Disability Discrimination Act (DDA), 1992 imposes requirements in terms of providing appropriate accessibility to premises. Further information can be obtained from the Equal Opportunity Commission.

34. Re-cladding of roofs or walls

Exemptions

Re-cladding of roofs or walls

Development Standards and Requirements

Exempt Development, where:

- Replacement materials are similar or compatible with the existing materials or finish of the building.
- The work does not involve structural alterations or changes to the external configuration of the building.

35. Remediation of land

Exemptions

Category 2 remediation under State Environmental Planning Policy No. 55 and Marrickville Development Control Plan No. 29.

Development Standards and Requirements

Exempt Development, where:

- It is undertaken in accordance with any Council plan adopted under State Environmental Planning Policy No. 55 and any relevant protocols, standards or guidelines published by the Environment Protection Authority or the Department of Urban Affairs and Planning.

36. Retaining walls

Exemptions

Retaining walls.

Development Standards and Requirements

Exempt Development, where:

- The maximum height is 1 metre when located more than 3 metres from a property boundary;
- The maximum height is 600mm when located less than 3 metres from a property boundary;
- In the case of masonry walls comply with:
 - AS3700 - Masonry Code;
 - AS3600 - Concrete Structures;
 - AS1170 - Loading Code.
- In the case of timber walls comply with:
 - AS1720 - Timber Structures;
 - AS1170 - Loading Code.

37. Roller shutters to doors and windows

Exemptions

Concertina style roller shutters to doors and windows.

Development Standards and Requirements

Exempt Development, where:

- There is no encroachment onto a footpath or public thoroughfare;
- Installed in accordance with the provisions of any Council endorsed DCP that applies to the premises;
- Not installed above the awning or first floor windowsill; and
- Not more than 25% of the area of the ground floor principal street frontage is covered and is at least 75% transparent.

38. Roof ventilators

Exemptions

Roof ventilators.

Development Standards and Requirements

Exempt Development, where:

- The maximum cumulative area is 0.3m².; and
- There are no structural alterations to the building.

39. Scaffolding

Exemptions

Scaffolding.

Development Standards and Requirements

Exempt Development, where:

- It does not encroach onto the footpath or public thoroughfare without a footpath license;
- Has sufficient structural strength to withstand and be impenetrable to the impact of falling rubble;
- Fully encloses the work area;
- Complies with AS 1576; and
- Is removed immediately after the purpose for which it was initially provided has concluded and no safety problems will result due to removal.

40. Satellite dishes

Exemptions

One (1) satellite dish per property.

Development Standards and Requirements

Exempt Development, where:

- In the case of ground-mounted dishes, the dish has a maximum height above natural ground level of 1.8 metres or in the case of roof mounted dishes, the dish is not visible from any street alignment;
- The dish has a maximum diameter of 1.5 metres if ground mounted and 1 metre if roof-mounted;
- It is setback a minimum of 450mm the property boundaries; and
- It is located behind the building alignment to any street frontage and ground mounted dishes are not visible from any public place;

41. Skylight roof windows

Exemptions

Skylight roof windows.

Development Standards and Requirements

Exempt Development, where they:

- Are not installed on the front roof elevation of a building, visible from the street;
- Have a maximum area not exceeding 2m² with a total maximum of 2m² of skylights per dwelling;
- Are located not less than 900mm from a property boundary and not less than 900mm from a wall separating attached dwellings;
- Do not reduce the structural integrity of the building or involve structural alterations;
- Include adequate weatherproofing for any opening created by the installation;
- Are flush with the roof pitch; and
- Are non-reflective and have framing materials which are compatible with the roof materials and colour.

42. Solid fuel heaters

Exemptions

Solid fuel heaters.

Development Standards and Requirements

Exempt Development, where:

- Complies with AS 2918-1990.

43. Solar collectors/ heaters

Exemptions

Solar Collectors/Heaters.

Development Standards and Requirements

Exempt Development, where:

- They are flush with the roofline.
- They are installed by a licensed tradesperson.
- Any openings created by the installation are adequately weatherproofed.
- Framing materials, are used that are compatible with the roof materials and colour.

Note:

The Environment Protection Authority publication 'Selecting, Installing and Operating Domestic Solid Fuel Heaters' should be consulted.

44. Temporary structures and temporary buildings

Exemptions

Temporary structures and temporary buildings, for non-habitable purposes.

Development Standards and Requirements

Exempt Development, where:

- They are removed after construction of associated development or 5 months, whichever is the lesser;
- They are located within the property boundaries;
- In the case of marquees/mini stages they are not in place longer than 1 week and have a total maximum floor area of 12m².; and
- Written notification is given to Council advising of the date of erection.

45. Water heaters

Exemptions

Water heaters.

Development Standards and Requirements

Exempt Development, where:

- A licensed person installs them;
- They have a maximum capacity of 5,000 litres;
- They have a maximum overall height 1.8m;
- They are located at least 2 metres behind the front building alignment to any street frontage; and
- They have a minimum 3.5 star energy rating.

46. Water tanks

Exemptions

One (1) water tank per premises.

Development Standards and Requirements

Exempt Development, where:

- It is installed above ground or does not require excavation exceeding 1 metre.
- It has a storage capacity not exceeding 8,000 litres.
- It has a maximum height above ground level of 2.3 metres.
- It is not visible from any street alignment and is located behind the front building alignment.
- The overflow is connected to the existing or an adequate stormwater drainage system.
- The noise generated by a pump does not exceed 5 dBA above ambient noise levels measured at the property boundary.
- Openings to the tank are adequately screened to prevent access by mosquitoes.

47. Windows, glazed areas and external doors

Exemptions

Windows, glazed areas and external doors.

Development Standards and Requirements

Exempt Development, where:

- Replaces an existing window, glazed area or external door only and does not increase the size of any openings;
- Complies with AS 1288 Glass in buildings - Selection and installation and AS 2208 Safety Glazing Materials for Use in Buildings (Human Impact Considerations);
- There is no reduction in the area provided for light and ventilation;
- There is no removal or alteration of structural support members; and
- the replacement materials are of a similar type and style to the original materials and style of the building.

4 What is Complying Development?

Development specified in the 'Complying Development Schedule' in the Development Control Plan, **must**:

- (a) comply with all applicable deemed-to-satisfy provisions of the Building Code of Australia relevant to the development; and
- (b) comply with any relevant standards and procedures set for the development by this plan and Marrickville Local Environmental Plan 2001, as in force at the date of the development, and
- (c) be permissible development under Marrickville Local Environmental Plan; and
- (d) comply with all relevant conditions of a development consent applying to the land, and
- (e) comply with the conditions for the development specified in Part 6 of this plan.

Development specified in the 'Complying Development Schedule' in the Development Control Plan, **must not**:

- (a) be integrated development, or
- (b) be exempt development as set out under Marrickville Local Environmental Plan, 2001, and by this Plan, or
- (c) be located less than one metre from any easement or overland flowpath, and clear of the zone of influence of any Council or interallotment stormwater line (pipe or channel) or public sewer main and complies with the building over the sewer requirements of Sydney Water Corporation, or
- (d) obstruct drainage of the site or redirect flows to adjacent properties; or
- (e) involve earthworks within 4 metres of the base of a tree or the removal or pruning of a tree, that is protected by Council's Tree Preservation Order, and is either above 5 metres in height or has a trunk with a circumference less than 700mm at a point 1 metre above natural ground level, other than with the written approval of the Manager, Parks and Gardens, and

Development specified in the 'Complying Development Schedule' in the Development Control Plan, **cannot be carried out** on land:

- (a) that is the site of an item of the environmental heritage that:
 - (i) is identified as such in an environmental planning instrument applying to the land, or
 - (ii) is listed on the State Heritage Register under the Heritage Act 1977, or
 - (iii) is subject to an interim heritage order under the Heritage Act 1977, or
- (b) is within a heritage conservation area that is identified as such in an environmental planning instrument applying to the land; or

Note:

Clause 49 of Marrickville Local Environmental Plan 2001, permits minor development to an item of environmental heritage or within a heritage conservation area to be undertaken without the need for development consent.

The provisions of this Plan can be used as a guide to establish whether the proposed development may constitute minor development.

- (c) identified in this Plan or any other environmental planning instrument as bushfire prone, flood liable (where the development involves the creation of additional or new floor space), contaminated land, or land subject to slip or erosion, or
- (d) that is an Aboriginal place under the National parks and Wildlife Act 1974, or
- (e) that is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
- (f) that is currently, or has previously been used for any purpose in Appendix 2 of this Plan without an Initial Evaluation of the land being carried out and any subsequent investigations undertaken in accordance with *Marrickville DCP 29 - Contaminated Land Policy and Controls*, or
- (g) to which an environmental planning instrument applies that requires an acid sulphate soil management plan to be considered before consent can be granted to the development.

Section 76A(6) of the EP& A Act says that the following development **cannot** be complying development:

1. State significant development
2. Designated development
3. Any development, if consent for it requires the concurrence of a person (other than the consent authority or the Director-General of National Parks and Wildlife as referred to in section 79B(3) of the EP&A Act)

Section 76A(6) of the EP&A Act says that development **cannot** be complying development on land that is:

- 1 Critical habitat (within the meaning of the Threatened Species Conservation Act 1995) and
- 2 Within a wilderness area (within the meaning of the Wilderness Act 1987)
- 3 That comprises, or on which there is, an item of environmental heritage to which an order under the Heritage Act 1977 applies, or that is identified as such an item in an environmental planning instrument.

5 Complying Development Schedules

Schedules

Schedule 1:	Alterations And Additions to Dwelling Houses
Schedule 1A:	Prescribed Alterations and Additions
Schedule 2:	Development Ancillary to any Building Lawfully in Existence
Schedule 2A:	Prescribed Ancillary Development to Buildings Lawfully in Existence
Schedule 3:	Bed and Breakfast Accommodation
Schedule 4:	Change of Building Use
Schedule 5:	Demolition
Schedule 6:	Internal and External Alterations to Shops and Commercial Premises
Schedule 7:	Internal and External Alterations to Industrial Buildings and Warehouses
Schedule 8:	Minor Subdivision
Schedule 9:	Swimming Pools and Spas

Schedule 1: Alterations And Additions To Dwelling Houses

Alterations and additions to dwelling houses that comply with the following standards and requirements:

A. Development Prerequisites

Schedule 1 and 1A development is permissible in the following zones under Marrickville Local Environmental Plan, 2001:

2(A)	2(B)	2(C)	3(A)	3(B)	4(A)	4(B)	5(A)	5(B)	6(A)	6(B)	9(A)	9(B)	9(C)	9(D)
✓	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗

Note: *Clause 25(3) of the MLEP 2001 permits alterations and additions to dwelling houses that are lawfully in existence in non-residential zones.*

The development must not:

- be carried out to the primary street frontage elevation or between the property boundary and the side of the building with a street frontage, except for a rear laneway; and
- Involve works 3.6 metres above natural ground level other than as provided for in Schedule 1A – Prescribed Alterations and Additions.

B. Legal Land Constraints

Alterations and additions to the dwelling must not:

- be built within 1 metre of an easement or overland flowpath;
- breach any covenant to which the Council is a party;
- be located within a zone of influence of a public sewer main; and
- be located within a zone of influence of a public stormwater drainage pipe;

without the written approval of the relevant person or authority benefiting from the easement or covenant or occupation.

C. Services

- The development must connect to Sydney Water Corporations' reticulated sewerage disposal system.

D. Development Standards

■ Energy Efficiency

New or replacement hot water systems must have a minimum 3.5 star rating and meet SEDA's Greenhouse ratings and associated bathroom/kitchen taps, showerheads and toilet cisterns must be AAA rated.

- Minor alterations and additions to a Dwelling-House (Works affecting less than 50% of the existing floor area)
 - o The application is to include an assessment of the key energy efficient design principles in Council's *Energy Smart Water Wise DCP*.
 - o Insulation of the additional or replacement ceiling and roof to be provided to an R3 rating.
- Major alterations and additions to a Dwelling-House (Works affecting more than 50% of the existing floor area)
 - o The application is to include an assessment of the key energy efficient design principles in Council's *Energy Smart Water Wise DCP*.
 - o Insulation of the ceiling and roof of the whole dwelling is to be provided to an R3 rating.

■ **Floorspace**

Up to a maximum of 30m² of additional floor space for all cumulative complying development on a property.

■ **Height**

- Maximum wall height of 3 metres.
- Maximum ridge height of 3.6 metres.
- The finished floor level is not to exceed 500mm above natural ground level.

■ **Open Space**

- Minimum of 20% of the site must be usable open space with a minimum dimension of 3 metres.

■ **Privacy**

Windows in habitable rooms having an out look to a window to a habitable room in an adjoining dwelling and are within 6m must:

- be offset by a distance of 500mm from the window of the adjoining dwelling; or
- have sill heights of 1.7 metres above floor level; or
- have fixed obscured glazing in any part of the window less than 1.7 metres above floor level.

■ **Setbacks**

- A minimum of 900mm minimum to all boundaries with eaves having a minimum setback of 675mm; or
- Where the existing dwelling wall is located on the boundary an alteration or addition may be adjacent to the boundary subject to compliance with the building to the boundary provisions of the Building Code of Australia and a maximum extension to any party wall of 3 metres in length.

■ **Solar Access**

- Solar access is not to be reduced or is to be maintained to adjacent habitable rooms for a minimum period of 2 hours between 9.00am and 3.00pm at the winter solstice, or where less than 2 hours solar access is currently available, no additional overshadowing is permitted.
- Solar access to adjacent properties private open space is not to be reduced or is to be maintained over a minimum of that space for a period of at least two hours between 9.00am and 3.00pm at the winter solstice.

■ **Site Coverage**

- The total site coverage of buildings on the property is not to exceed the the maximum specified in the table below:

ALLOTMENT AREA	MAXIMUM SITE COVERAGE
0 – 300 sqm	66%
301 – 350 sqm	60%
351 – 400 sqm	55%
Over 400 sqm	50%

■ **Stormwater**

- Where the impervious surface area of the site increases by more than 40m², an on-site detention system shall be provided in accordance with Marrickville Council's *Stormwater & On-Site Detention Code*.

■ **Waste Management and Minimisation**

- A screened accessible waste bin storage area capable of housing Council's standard waste and recycling containers is retained or provided on-site in accordance with *Marrickville Development Control Plan No. 27 – Controls for Site Waste Management and Minimisation*.
- A Waste Management Plan is prepared in accordance with Marrickville Development Control Plan No.27 – Controls for Site Waste Management and Minimisation.

Schedule 1A: Prescribed Alterations and Additions

Prescribed alterations and additions that comply with Schedule 1 and the following standards and requirements: -

1. Juliet Balconies

Juliet Balconies, that:

- are at the rear of the property;
- replace an existing opening that has an area greater than 0.5m²;
- do not have a width greater than 1 metre and a depth exceeding 500mm;
- are not within a 15 metre radius of the private open space of an adjoining dwelling;
- are not located within 15 metres of the windows of adjoining properties.

2. Dormer Windows and Extensions within the Existing Roof Space

A maximum of 1 dormer per property, where:

- not visible from the front street alignment;
- the maximum dimensions are 1.2 metres x 1.5 metres and do not exceed a ratio of 2:1 measured from head to ceiling of window frame;
- the ridge of the dormer facing the front street alignment is at least 300mm lower than the existing ridge; and
- any rear dormer is setback at least 500mm from the inner-edge of the side/party walls or side boundary, 200mm from the rear wall and 200mm below the ridge line.

Alterations within the existing roof space, where:

- the maximum ceiling height does not exceed 2.4 metres; and
- the rear ridgeline is retained.

3. Enclosure of Existing Balcony or Verandah

Enclosure of balconies or verandahs, where:

- it is located at the rear of the property; and
- it is not visible from a public place.

4. Alterations to Dwellings (i.e. dwellings in a residential flat building)

Alterations and additions to dwellings, where:

- no additional floor space is created.

Schedule 2: Development Ancillary to Buildings Lawfully in Existence

Development Ancillary to buildings lawfully in existence that complies with the following standards and requirements:

A. Development Prerequisites

Schedule 2 and 2A development is permissible in the following zones under Marrickville Local Environmental Plan, 2001:

2(A)	2(B)	2(C)	3(A)	3(B)	4(A)	4(B)	5(A)	5(B)	6(A)	6(B)	9(A)	9(B)	9(C)	9(D)
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✗	✗	✗

Note: *A building may be lawfully in existence despite being prohibited by the zoning by virtue of the existing use right provisions of the EPA Act.*

- Ancillary development to a building, excluding:
 - access ramps for the disabled;
 - aerials and antennae;
 - aviaries;
 - barbecues;
 - flagpoles;
 - retaining walls;
 - skylights;
 - swimming pools;
- The development must not:
 - be located in front of the building alignment to the principal street frontage.

B. Legal Land Constraints

- Ancillary development to buildings must not:
 - be built over an easement or overland flowpath;
 - breach any covenant to which the Council is a party;
 - be located within a zone of influence of a public sewer main; and
 - be located within a zone of influence of a public stormwater drainage pipe.

without the written approval of the relevant person or authority benefiting from the easement or covenant or occupation.

C. Development Standards

- Height
 - The maximum height of ancillary development is not to exceed 3.6 metres with a maximum wall height not exceeding 3 metres from natural ground level; and
 - If located on the boundary the maximum height of the ancillary development shall not exceed 2.7 metres from natural ground level at the boundary.
- Setbacks
 - Ancillary development may be built to the boundary subject to compliance with the provisions of this plan and the Building Code of Australia.

■ **Solar Access**

- Solar access is not to be reduced or is to be maintained to adjacent habitable rooms for a minimum period of 2 hours between 9.00am and 3.00pm at the winter solstice, or where less than 2 hours solar access is currently available, no additional overshadowing is permitted; and
- Solar access to adjacent properties private open space is not to be reduced or is to be maintained over a minimum of that space for a period of at least two hours between 9.00am and 3.00pm at the winter solstice.

■ **Privacy**

Windows in habitable rooms having an out look to a window to a habitable room in an adjoining dwelling and are within 6m must:

- be offset by a distance of 500mm from the window of the adjoining dwelling; or
- have sill heights of 1.7 metres above floor level; or
- have fixed obscured glazing in any part of the window less than 1.7 metres above floor level.

■ **Noise**

- Ancillary development to buildings shall not cause noise levels exceeding 5dBA above ambient background levels at adjoining property boundaries.

■ **Car Parking**

- Ancillary development shall not reduce existing on site parking provision to less than that required for the use of the property.

■ **Stormwater**

- Where the impervious surface area of the site increases by more than 40m², an on-site detention system shall be provided in accordance with Marrickville Council's *Stormwater & On-Site Detention Code*.

■ **Landscaped Area**

- An ancillary development must not reduce the total soft landscaped area of a property to less than 20%.

■ **Site Coverage**

- An ancillary development must not exceed the maximum site coverage specified in the table below.

ALLOTMENT AREA	MAXIMUM SITE COVERAGE
0 - 300 sqm	66%
301 – 350 sqm	60%
351 – 400 sqm	55%
Over 400 sqm	50%

■ **Waste Management**

- A Waste Management Plan is in accordance with Marrickville Development Control Plan No.27 – Controls for Site Waste Management and Minimisation.

Schedule 2A: Prescribed Development Ancillary to Buildings in Lawful Existence

Prescribed ancillary development to buildings that comply with the standards and requirements in Schedule 2 and 2A.

1. Fences

- Side boundary dividing fences up to 1.8 metres above natural ground level (*NB Side boundary fences means any fence extending from the rear allotment boundary to the front building alignment*).

2. Garages and Carports

- Maximum area not to exceed 30m²;
- Maximum height:
 - does not exceed 2700mm for a flat roof;
 - does not exceed 3600mm for a pitched roof;with a maximum wall height of 2700mm;
- It is served by an existing vehicular crossing and it is not necessary to alter the crossing;
- Must not include shower, water closet or kitchen facilities.

Schedule 3: Bed and Breakfast Accommodation

Bed and breakfast accommodation that complies with the following standards and requirements: -

A. Development Prerequisites

Schedule 3 development is permissible in the following zones under Marrickville Local Environmental Plan, 2001:

2(A)	2(B)	2(C)	3(A)	3(B)	4(A)	4(B)	5(A)	5(B)	6(A)	6(B)	9(A)	9(B)	9(C)	9(D)
✓	✓	✓	✓	✓	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗

- The development must be located within a legal dwelling house that is permanently occupied by a resident or residents.

B. Services

- The development must connect to Sydney Water Corporations' reticulated sewerage disposal system.

C. Development Standards

- **General**
 - There are no more than 3 guestrooms and a maximum of 6 guests at any one time.
- **Advertising Signs**
 - Only one external sign, with a maximum area of 0.5m².
- **Health and Safety**
 - A separate hand wash basin is provided for each room;
 - Either a double bowl sink or a single bowl sink and commercial grade dishwasher (that can heat water to a minimum of 77 degrees Celsius) is provided;
 - Approved (AS 3786) single station detector systems connected to a permanent 240v electricity supply with battery operated back-up device are provided to all bedrooms and hallways and on each other storey of the building not already provided with an alarm;
 - Each guestroom is provided with natural light and ventilation (either natural or mechanical ventilation) in accordance with BCA requirements;
 - A system of lighting must be installed to assist evacuation of occupants in the event of a fire and be activated by the smoke alarm;
 - No key release dead locks on guest bedroom and exit doors in any path of egress;
 - No bars or other restrictions to egress from guest room windows;
 - Guest rooms are insulated from all noise generating sources (e.g. kitchens, bathrooms, laundries, other bedrooms) in accordance with BCA requirements for a Class 1B building - rating of 50 STC for new buildings and rating of 45 STC for existing buildings;
- **Parking and Access**
 - One off-street parking space per guest room for each room except the first, to be located behind the front building alignment of the dwelling with vehicles able to exit in a forward direction from the site.
 - The parking area is served by an existing vehicular crossing and it is not necessary to alter the existing crossing.
- **Equity of Access and Mobility**
 - Access is to be provided in accordance with AS1428.2 & satisfy the numerical provisions of Marrickville DCP No.31 Access & Mobility.

■ **Waste Management and Minimisation**

- A screened accessible waste bin storage area capable of housing Council's standard waste and recycling containers is retained or provided on-site in accordance with *Marrickville Development Control Plan No. 27 – Controls for Site Waste Management and Minimisation*.
- An area having a minimum area 1m² suitable for composting is provided at the rear of the property.

Schedule 4: Change of Building Use

Changes in the use of buildings subject to compliance with the following development standards and requirements.

A. Development Prerequisites

Schedule 4 development is permissible in the following zones under Marrickville Local Environmental Plan, 2001:

2(A)	2(B)	2(C)	3(A)	3(B)	4(A)	4(B)	5(A)	5(B)	6(A)	6(B)	9(A)	9(B)	9(C)	9(D)
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Note: *A change of building use can be carried out in any zone under this plan provided the existing and proposed new use are permissible development within the particular zone.*

- The development must:
 - replace a former use that has operated in accordance with a development consent;
- The development must not:
 - increase the total floor space of a building or use and in the case of an industry or warehouse result in an office/showroom area exceeding 25% of the total floor area;
 - be undertaken to a dwelling that is identified as an item of environmental heritage under *Marrickville Local Environmental Plan, 2001*;
 - involve a change of use of greater than 2000m² or exceed the maximum floor areas specified in Marrickville Local Environmental Plan 2001;
 - extend the hours of operation;
 - increase on-site car parking requirements as determined under Marrickville Development Control Plan No.19 - Parking Strategy;
 - affect the loading and unloading of goods or vehicles;
 - require the provision of, or increase the demand for public amenities and public services within the area as determined under *Marrickville Contributions Plan*, as in force at the date of the development;

Constitute the use of the premises as a:

- brothel or involve the sale of publications within the meaning of the Indecent Articles and Classified Publications Act 1975, or the display of objects primarily concerned with sexual behaviour;
- a hotel or other licensed premises;
- bulky goods sales room or show room;
- a building with a Class 9 Classification under the Building Code of Australia.

B. Services

- Where the new use involves a change in the type or volume of trade wastes from the premises, or an increase in water or wastewater usage, a Section 73 Compliance Certificate may be required from Sydney Water. Appendix 1 of this plan lists uses that may require a Section 73 certificate. Where required, a Section 73 certificate is to be obtained and provided to the Certifying Authority prior to the issuing of the commencement of works.

C. Development Standards

- **Food Premises**
 - Development involving the preparation of food must comply with the National Code for the Construction and Fitout of Food Premises, 1993.

- **Equity of Access and Mobility**
 - In the case of a change of use for the purpose of commercial premises, shop, or restaurant an appropriately qualified person, shall certify that the proposed development is consistent with the Disability Discrimination Act, 1992.
- **Waste Management and Minimisation**
 - Facilities are provided for waste storage and recycling in accordance with Marrickville Development Control Plan No. 27 – Controls for Site Waste Management and Minimisation.
- **Occupation certificate**
 - Class 2-9 buildings shall not be occupied or used until an occupation certificate is issued by the principal certifying authority.

Schedule 5: Demolition

Demolition of buildings subject to compliance with the following development standards and requirements: -

A. Development Prerequisites

Schedule 5 development is permissible in the following zones under Marrickville Local Environmental Plan, 2001:

2(A)	2(B)	2(C)	3(A)	3(B)	4(A)	4(B)	5(A)	5(B)	6(A)	6(B)	9(A)	9(B)	9(C)	9(D)
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✗	✓	✓

The development must not:

- be undertaken to a dwelling that is identified as an item of environmental heritage under *Marrickville Local Environmental Plan, 2000*.

General

- The structure to be demolished would be complying development under the provisions of this plan and has a floor area not exceeding 30m².
- In a heritage conservation area the structure to be demolished is to be located behind the rear building alignment and is not to be attached to the building.
- The work is carried out in accordance with AS2601 – 1991 Demolition Code.
- A Waste Management Plan is submitted to the Principal Certifying Authority, in accordance with *Marrickville Development Control Plan No.27 – Controls for Site Waste Management and Minimisation* 2 days prior to the commencement of works.

Schedule 6: Internal and External Alterations to Shops and Commercial Premises

Internal and external alterations to shops and commercial premises that alter the load bearing capacity of load bearing walls or other components if the alterations comply with the following development standards and requirements: -

A. Development Prerequisites

Schedule 6 development is permissible in the following zones under Marrickville Local Environmental Plan, 2001:

2(A)	2(B)	2(C)	3(A)	3(B)	4(A)	4(B)	5(A)	5(B)	6(A)	6(B)	9(A)	9(B)	9(C)	9(D)
✓	✓	✓	✓	✓	✓	✓	✗	✓	✗	✗	✓	✓	✗	✗

Note: *Clause 25(3) of the MLEP 2001 permits internal and external alterations to shops and commercial premises that are lawfully in existence in non-residential zones.*

The alterations or additions must not:

- alter the size or shape of the building envelope;
 - cumulatively increase or decrease the area of openings by more than 10%;
 - increase the total floor area of the building;
 - contravene any conditions that apply in respect of the current development consent for the use of the building or change the use of any part of the building;
 - reduce the provision for the loading or unloading of goods or vehicles in respect of the building;
 - alter any public services/utilities without the approval of the relevant authority.
- Food Premises
 - Alterations to a building being used for the purpose of preparation of food for sale or consumption must comply with the *National Code for the Construction and Fitout of Food Premises, 1993*.

B. Services

- Where the new use involves a change in the type or volume of trade wastes from the premises, or an increase in water or wastewater usage, a Section 73 Compliance Certificate may be required from Sydney Water. Appendix 1 of this plan lists uses, which may require a Section 73 certificate. Where required, a Section 73 certificate is to be obtained and provided to the Certifying Authority prior to the commencement of works.

C. Development Standards

- Equity of Access and Mobility
 - In the case of a change of use for the purpose of commercial premises, shop, or restaurant an appropriately qualified person, shall certify that the proposed development is consistent with the Disability Discrimination Act, 1992.
- Waste Management
 - A Waste Management Plan is prepared in accordance with Marrickville Development Control Plan No.27 – Controls for Site Waste Management and Minimisation.
- Materials and Components
 - New materials used externally are to be consistent with the existing materials and comply with the provisions of Council's DCP No.28- Urban Design Guidelines for Business Centres.

Schedule 7: Internal and External Alterations to Industrial Buildings and Warehouses

Internal and external alterations to industrial buildings and warehouses that alter the load bearing capacity of load bearing walls or other components if the alterations comply with the following development standards and requirements: -

A. Development Prerequisites

Schedule 7 development is permissible in the following zones under Marrickville Local Environmental Plan, 2000:

2(A)	2(B)	2(C)	3(A)	3(B)	4(A)	4(B)	5(A)	5(B)	6(A)	6(B)	9(A)	9(B)	9(C)	9(D)
✓	✓	✓	✓	✓	✓	✓	✗	✓	✗	✗	✗	✗	✗	✗

Note: *Clause 25(3) of the MLEP 2001 permits internal and external alterations to industrial buildings and warehouses that are lawfully in existence in non-residential zones.*

The alterations or additions must not:

- alter the size or shape of the building envelope;
- increase the total floor area of the building;
- contravene any conditions that apply in respect of the current development consent for the use of the building or change the use of any part of the building;
- reduce the provision for the loading or unloading of goods or vehicles in respect of the building;
- **Food Premises**
 - Alterations to a building being used for the purpose of preparation of food for sale or consumption must comply with the *National Code for the Construction and Fitout of Food Premises, 1993*.

B. Services

Where the new use involves a change in the type or volume of trade wastes from the premises, or an increase in water or wastewater usage, a Section 73 Compliance Certificate may be required from Sydney Water. Appendix 1 of this plan lists uses, which may require a Section 73 certificate. Where required, a Section 73 certificate is to be obtained and provided to the Certifying Authority prior to the commencement of works.

C. Development Standards

- **Equity of Access and Mobility**
 - In the case of a change of use for the purpose of commercial premises, shop, or restaurant an appropriately qualified person, shall certify that the proposed development is consistent with the Disability Discrimination Act, 1992.
- **Waste Management**
 - A Waste Management Plan is prepared in accordance with Marrickville Development Control Plan No.27 – Controls for Site Waste Management and Minimisation.
- **Materials and Components**
 - New materials used externally are to be consistent with the existing materials.

Schedule 8: Minor Subdivision

Minor subdivisions of land and buildings for the purpose of:

- adjusting the boundary between lots;
- correcting an encroachment on a lot.

that comply with the following standards and requirements: -

A. Development Prerequisites

Schedule 8 development is permissible in the following zones under Marrickville Local Environmental Plan, 2001:

2(A)	2(B)	2(C)	3(A)	3(B)	4(A)	4(B)	5(A)	5(B)	6(A)	6(B)	9(A)	9(B)	9(C)	9(D)
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

- Subdivision involving an adjustment to the boundary between lots shall not:
 - result in the area of a lot being increased or decreased by more than 10%;
 - change the orientation of a lot so the lot fronts a different road or the same road in a different direction;
 - cause any building to contravene the deemed-to-satisfy setback requirements of the Building Code of Australia;
 - reduce the road frontage to less than 10 metres.

B. Legal Land Constraints

- Subdivision involving an adjustment to a boundary between lots shall not be carried out where the adjustment in the boundary will:
 - conflict with any easement;
 - affect any covenant to which Council is a party;
 - conflict with the location of any private utility services or stormwater pipes or channels on the lots;
 - conflict with the location of any public drainage pipes on the lots;
 - cause any lot to no longer have a sewer point of connection within any lot without a Section 73 Compliance Certificate having first being obtained from Sydney Water Corporation.

C. Services

- Subdivision shall not reduce:
 - vehicular access to any lot;
 - loading and unloading areas and manoeuvring areas on any lot;
 - areas used for parking, access and minimum open space and landscaped areas.

Schedule 9: Swimming Pools and Spas

One swimming pool and spa per property that comply with the following standards and requirements.

A. Development Prerequisites

Schedule 9 development is permissible in the following zones under Marrickville Local Environmental Plan, 2001:

2(A)	2(B)	2(C)	3(A)	3(B)	4(A)	4(B)	5(A)	5(B)	6(A)	6(B)	9(A)	9(B)	9(C)	9(D)
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✗

- Swimming pools and spas must:
 - be on land comprising an existing dwelling house only;
 - be for private domestic use only.

B. Legal Land Constraints

- Swimming pools and spas must not:
 - be built within 1 metre of an easement;
 - breach any covenant to which the Council is a party;
 - be located within a zone of influence of a public sewer main;
 - be located within a zone of influence of a public drainage pipe;

without the written approval of the relevant person or authority benefiting from the easement or covenant or occupation.

C. Development Standards

- Privacy and Amenity
 - The maximum height of pool coping and/or decking is to be no more than 500mm from natural ground level.
- Noise
 - Filtration or pumps must not exceed a noise level of 5dBA above the ambient background noise level measured at the property boundary.
- Safety
 - Fencing must comply with the Swimming Pool Act 1992 and Regulation and AS 1926.2 – Swimming Pool Safety.
 - The installation and construction of swimming pools must comply, where relevant, with:
 - o AS/NZS 1838:1994 – Swimming Pools – Premoulded fibre-reinforced plastics – Design and fabrication, and AS/NZS 1839:1994 Swimming Pools – Premoulded fibre-reinforced plastics – Installation; or
 - o AS 2783-1992 – Use of reinforced concrete for small swimming pools.
- Setbacks
 - The outer edge is to be setback 1.5 metres from side and rear boundaries;
 - To be located behind the building alignment to any street frontage, except for a rear lane.
- Site Coverage
 - A minimum of 20% of the total site must be soft landscaped.

■ **Drainage**

- Stormwater and pool overflow shall be collected in a system of pits and pipelines/channels and major storm event surface flowpaths and shall be discharged to a Council or Sydney Water Corporation controlled stormwater drainage system in accordance with the requirements of *Marrickville Council Stormwater, Detention & On-Site Detention Code*.

6. Complying Certificate Standard Conditions

In accordance with Section 85A (6) (a) of the Environmental Planning and Assessment Act, 1979, the following conditions shall be applied to all Complying Development Certificates issued by the Council or an accredited certifier.

Prior to the Commencement of construction

Approved plans

- 1 The development shall be implemented substantially in accordance with the details set out on the approved plan/drawing and on the application form and on any supporting information received with the application except as amended by the conditions specified in this Certificate.

Building Code of Australia

- 2 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Appointment of a principal certifying authority

- 3 Two (2) days before any site works, building or demolition begins, the applicant must:
 - (a) have appointed a Principal Certifying Authority and forwarded a Notice of Commencement of Work and Appointment of Principal Certifying Authority to Council (where Council is not the Principal Certifying Authority), and
 - (b) have notified adjoining properties in accordance with Section 7.0 of Marrickville Development Control Plan No.36 – Complying and Exempt Development.

Note: The applicant may appoint the Council or an accredited certifier as the Principal Certifying Authority for the development.

- 4 The notice required by condition 3(i) shall be in accordance with Form 7 of the Environmental Planning and Assessment Regulation 1994.

Council property and environmental damage security

- 5 Prior to the commencement of construction, the applicant for that certificate shall provide security to Council to the value nominated within Council's Schedule of Fees and Charges for the payment of the cost of making good any damage caused to any Council property as a consequence of the implementation of the complying development certificate. The security may be forwarded by way of a deposit with the Council or a bank guarantee satisfactory to Council. Should any of Council's property and/or the environment sustain damage during the course of the demolition/construction works, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair damage and/or remove the risk. The cost of these works will be deducted from the security.

Note: No security deposit will be required for developments of less than \$200 000 provided a written undertaking is provided in accordance with condition 9 and submitted with the Notice of Commencement of Work and Appointment of the Principal Certifying Authority.

- 6 Prior to the commencement of construction the applicant, or any person entitled to act upon this consent shall sign a written undertaking that they shall pay the full cost of repairs to footpath, kerb and gutter, and/or other Council property damaged as a result of construction of the proposed development. The undertaking is to be submitted with the Notice of Commencement of Work and Appointment of the Principal Certifying Authority.

Public risk insurance

- 7 Where works will occupy or be undertaken within Council's road reserve, the owner or contractor shall, prior to works commencing, provide evidence to the Council of a Public Risk Insurance Policy with a minimum cover of \$10 million that applies for the full duration of the proposed works. The Policy is to note Council as an interested party.

Sydney Water Corporation requirements

Plan Stamping

- 8 Approval from Sydney Water Corporation is to be obtained prior to the commencement of works, where the works:
- Involve any interference with water or sewer main surface fittings
 - Involve works to tile roofs and/or brickwork anywhere on the structure higher than 1 metre.
 - Involve works in enclosed areas with basins, toilets and showers.

Section 73 Compliance Certificate

- 9 Where a new use of premises involves a change in the type or volume of trade wastes from the premises, or an increase in water or wastewater usage, a Section 73 Compliance Certificate may be required from Sydney Water. Appendix 1 of this plan lists uses, which may require a Section 73 certificate. Where required, a Section 73 certificate is to be obtained and provided to the Certifying Authority prior to the commencement of works.

Road openings

- 10 Where vehicular access is proposed, a road-opening permit shall be obtained for all works carried out in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code and to the satisfaction of Council's Director, Technical Services.

Vehicular access

- 11 Alignment levels for the site of the proposed development, in general, and at all pedestrian and vehicular access locations shall be obtained from Council's Director, Technical Services prior to the commencement of construction.

Residential building work

- 12 Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
- (a) in the case of work to be done by a licensee under that Act:
- i) has been informed in writing of the licensee's name and contractor license number, and
 - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
- (b) in the case of work to be done by any other person:
- (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of "owner-builder work" in section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part. (Clause 78C of Regulation.)

Advice

- 13 Arrangements shall be made to the satisfaction of all Utility Authorities in respect to the services supplied by those authorities to the development. Any adjustment or augmentation of any public utility services, including street lighting, required as a result of the development shall be at no cost to Council.

Site management

- 14 Runoff and erosion controls are to be installed prior to commencement of any site works and shall be continuously maintained during the period of construction or demolition. The measures are to incorporate:
 - (a) a silt fence or other device to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways,
 - (b) controls to prevent tracking of sediment by vehicles onto adjoining roadways, and
 - (c) disturbed areas being turfed, mulched, paved or other methods approved by the Council.

Drainage

- 15 All drainage works shall be constructed by the applicant, in accordance with the requirements of Marrickville Council Stormwater, Detention & On-Site Detention Code and to the satisfaction of Council's Director, Technical Services.
- 16 All stormwater drainage shall be designed generally in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.) and the requirements of Marrickville Council Stormwater, Detention & On-Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the ten (10) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flowpaths shall be designed to cater for the one hundred-(100) year A.R.I. storm.
- 17 All site drainage shall be by means of gravity systems. Pump and sump drainage systems will not generally be approved. However, where genuine attempts at acquiring a downstream easement have failed and satisfactory written documentation of these attempts is submitted for the approval of Council's Director, Technical Services, approval of a pump/sump system will be considered by Council. If a pump/sump system is approved then the following conditions shall apply:-
 - (a) Any proposal for a pump/sump drainage system for part or the entire site shall require the prior approval of Council's Director, Technical Services. Formal plans and associated details shall be submitted for the approval of Council's Director, Technical Services.
 - (b) The site of the proposed development shall be re-leveled, retained and development shall be laid out so as to minimise the area of the site that drains to the pump/sump system.
 - (c) The pump/sump system shall consist of two (2) pumps and a storage tank. The pumps shall be arranged for staggered starts (duty and stand-by) with an automatic switchover facility to change the duty pump.
- 18 The foundations of the proposed development adjacent to Council's drainage system shall be constructed so that *no* surcharge loads are imposed upon Council's drainage system. Plans, and supportive documents, detailing the proposed foundations adjacent to Council's drainage system shall be submitted for the approval of Council's Director, Technical Services in conjunction with the building application.

Toilet facilities

- 19 Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided;

 - (a) must be a standard flushing toilet, and
 - (b) must be connected:

- (i) to a public sewer, or
- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
- (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by Council.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

Construction Conditions

Inspections during construction

- 20 The applicant must arrange with the Principal Certifying Authority for the development to be inspected at all of the following stages:
- erosion controls, site works and site set out, before building starts, and
 - placement of piers or foundation before placing footings, and
 - steel reinforcing before pouring concrete, and framework of structure
 - before lining or cladding is fixed, and
 - stormwater drainage and onsite detention before backfilling, and
 - wet areas treated before lining or tiling.

Permitted hours for building and demolition work

- 21 All building and demolition work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 1.00pm Saturdays. No work shall be carried out on Sundays and public holidays.
- This condition does not apply to internal fitouts where the shop/commercial premise is within a shopping centre or arcade and is not in the vicinity of a residential premise. No time limits shall apply to such premises.

Excavations and backfilling

- 22 All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 23 All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Retaining walls and drainage

- 24 If the soil conditions require it:
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) adequate provision must be made for drainage.

Support for neighbouring buildings

- 25 If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and

- (c) must, 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.

Protection of public places

- 26 If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place, or
 - (c) a hoarding or fence must be erected between the work site and the public place.
- 27 If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 28 The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- 29 A hoarding permit must be obtained from Council and the required fees paid prior to the erection of a building on a public place.

Signs to be erected on building and demolition sites

- 30 A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited, and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours.
- Any such sign is to be removed when the work has been completed.

Access

- 31 Vehicular access and associated vehicle standing areas within the site of the proposed development shall be constructed in accordance with Australian Standard AS 2890.1-1993 Off street car parking, so that:-
 - (a) The minimum dimensions of any standing area shall be 2.5m wide by 5.4m deep (relative to the line of the proposed access). The minimum head clearance (headroom) at any point shall be 2.3m.
 - (b) At the property boundary the access from the road to a standing area shall be (as near as practicable) perpendicular to the line of the adjacent road.
 - (c) The relative surface levels of the access from the road shall be controlled so that:-
 - (i) the surface levels at the property boundary match "alignment levels", to be obtained from Council's Director, Technical Services.
 - (ii) The change in grade for any 3m length of access way shall not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1.
 - (iii) The maximum grade at any point shall not exceed 1 in 6 (16.7%).

Erosion and sediment control

- 32 Removal or disturbance of vegetation and topsoil shall be confined to within 3m of the approved building area.
- 33 Topsoil, excavated material, construction & landscaping supplies and onsite debris are to be stockpiled within the erosion containment boundary and shall not encroach upon the footpath, nature strip or road.

Construction materials and machinery must be kept on site

- 34 All construction materials, sheds, skip bins, temporary water closets, spoil, etc, shall be kept within the property. No vehicles or machines shall be permitted to stand on Council's footpath without a permit first being obtained.

Spoil deposited on public roads

- 35 Any spoil deposited on public roads during cartage of materials from or to the site shall be removed immediately to the satisfaction of Council. If Council determines that excessive depositing of spoil onto the roads is taking place the cartage of spoil shall cease if Council so directs.

Spoil from works within the road reserve

- 36 Any spoil from works within the road reserve shall be removed as it accumulates.
- 37 All trees/bushland areas are to be protected during construction through the provision of protective fencing, exclusion of storage materials from within the drip zone, erosion control and soil pH maintenance.

Demolition

- 38 To ensure that demolition of structures is carried out in an acceptable and safe manner:
- (a) the demolition of the existing building shall be carried out strictly in accordance with Australian Standard 2601-1991 "The Demolition of Structures",
 - (b) the owner or the demolition contractor shall notify Council of any existing damage to the footpath and/or road reserve prior to commencement of work. Any damage other than that noted prior to commencement of the demolition will be the responsibility of the owner of the property for repair or reinstatement, and
 - (c) the principal certifying authority and the applicant shall ensure that the demolition contractor has a current public risk insurance cover for a minimum of \$10 million. A copy of the Policy must be submitted to the Council prior to demolition.
- 39 If the building contains asbestos sheeting or asbestos products the demolition shall only be carried out by persons licensed by the Workcover Authority. The formal approval of the Workcover Authority is required prior to commencement of work where the area of the sheeting or product exceeds 200 square metres.

Swimming pools

- 40 To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool area the design and construction of the swimming pool and associated equipment shall comply with the following requirements:

- (a) The Swimming Pools Act 1992 & Regulations;
- (b) Australian Standard 1926 – 1986 Swimming Pool Safety.
- (c) Council's Local Approvals Policy – Swimming Pools.
- (d) Noise Control Act (Miscellaneous Articles) Regulation 1995.

The swimming pool/spa pump and associated equipment shall be sound insulated and/or isolated so that the noise emitted does not exceed 5 dB(A) above the background level in any octave band from 63.0 Hz centre frequencies inclusive at the boundary of the site. Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1-1989.

Waste minimisation and management

- 41 (i) The applicant shall provide the builder with a copy of the approved waste management plan, and the builder shall have it available on site during the demolition and/or construction phases.
- (ii) Waste and/or waste containers shall not be placed outside the property boundary (i.e. on any road, footpath or nature strip) without approval having been obtained from Council.

Post Construction Conditions

Change of building use

- 42 A building in respect of which there is a change of building use must comply with Category 1-fire safety provisions applicable to the proposed new use.

Note: Category fire safety provision has the same meaning as it has in Part 7B of the Regulation (Clause 78B of Regulation).

- 43 Any redundant vehicular crossings to the site of the proposed development, shall be removed and replaced by kerb and gutter and footpath paving, at no cost to Council.

7 Public Notification Procedures

The following types of complying development are to be notified in the form shown in Appendix 3 and as required by condition 3(ii) of Part 6.0 of this Plan: -

- Schedule 1 and 1A – Alterations and Prescribed Alterations and Additions to Dwellings:
- Schedule 2 and 2A – Ancillary and Prescribed Ancillary Development to Buildings:
- Schedule 9 – Swimming Pools and Spas.

Notification is to be made to all adjoining properties, sharing a common boundary with the property that is the subject of the proposed development, and addressed to the occupants of the premises.

The following types of complying development are also required to be notified in the above manner where any adjoining property, sharing a common boundary, is being used for residential purposes:

- Schedule 4 – Change of Building Use:
- Schedule 6 – Internal and External Alterations to Shops and Commercial Premises:
- Schedule 7 – Internal and External Alterations to Industrial and Warehouse Buildings.

Appendix 1

Section 73 Compliance Certificate for Trade Waste

Sydney Water assesses the water, wastewater and trade waste impacts of a development prior to the issue of a Section 73 Compliance Certificate. A Subdivider/Developer Compliance is required for development by Sydney Water Corporation under Section 73 of the Sydney Water Act 1994 where the development involves a change in the type or volume of trade wastes from the premises, or an increase in water or wastewater usage."

Trade Waste Requirements

Some developments are required to enter into a Trade Waste Agreement with Sydney Water Corporation. The notification occurs via the Section 73 Compliance Certificate process. Trade Waste Agreements ensure that wastewater discharged by industrial and commercial customers meet strict environmental and operational standards and, where required, is treated on site before it is discharged into a Sydney Water sewer.

Development types that generally require a Section 73 Compliance Certificate are noted below:

Industrial

- Any development or change of use where waste water is likely to be generated in addition to domestic sewage (i.e. in addition to waste water generated by persons for their personal hygiene):
- food, beverage and tobacco manufacturing and wholesaling
- textile and leather manufacturing
- plywood and paper product manufacturing
- printing
- petroleum and chemical product manufacturing and wholesaling
- ceramic, cement and plaster product manufacturing
- metal product manufacturing
- industrial and transport equipment manufacturing
- motor vehicle wholesaling, retailing, dismantling and services

Commercial

- | | |
|--------------------------|---------------------------|
| ■ Butchers | ■ Mechanical Repairers |
| ■ Charcoal Chicken Shops | ■ Motels |
| ■ Commercial Car Washes | ■ Nursing Homes |
| ■ Commercial Laundries | ■ Photographic Processing |
| ■ Delicatessens | ■ Pizza Shops |
| ■ Dry Cleaners | ■ Restaurants |
| ■ Fresh Chicken Shops | ■ Schools |
| ■ Hospitals | ■ Service Stations |
| ■ Hot Bread Shops | ■ Take Away Food Shops |
| ■ Hotels | ■ Veterinary Surgeons |
| ■ Medical Centres | |

Plan Stamping for Exempt and Complying Developments

Developments with the following impacts require approval from Sydney Water Corporation:

- a development that interferes with any water or sewer mains surface fittings;
- developments with tile roofs and/or brickwork anywhere on the structure higher than 1.0 metre; and
- developments with enclosed areas with fixtures within, that is, basins, toilets and showers.

Appendix 2

Potential Causes of Land Contamination

The following list is of potentially contaminating land uses:

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosive industry
- gas works
- iron and steel works
- landfill sites
- lead processing
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation

Source: *Managing Land Contamination Planning Guidelines* 1998, Department of Urban Affairs and Planning & NSW Environment Protection Authority.

Appendix 3

Standard Notification Letter

[insert date]

[insert applicant's name/address]

[insert Occupiers Address]

Dear Sir/Madam

Standard Notice of Commencement of Complying Development

[Address of property where works are proposed]

In accordance with the requirements of Marrickville Development Control Plan No. 36 (DCP No.36) – Complying and Exempt Development, you are hereby notified of the commencement of works at the above-mentioned property.

A complying development certificate was approved for the development by [insert certifying authority] on [insert date] for [insert description of development]. The development complied with the standards and requirements in DCP No.36 and as such did not require a development application.

Please note that building works cannot commence until 2 days after this notice has been made to the Council and adjoining properties.

Should you have any enquiries please contact [insert me (optional) or] the principal certifying authority. Contact details for the principal certifying authority are on the attached Notice.[Note: Attach copy of complying development certificate].

Copies of the complying development application and approved plans are held at the offices of Marrickville Council.

Yours sincerely,

[insert applicant's name]