



DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	REV/2023/0020
<b>Address</b>	29 Albermarle Street MARRICKVILLE
<b>Proposal</b>	S8.2 Review of DA/2023/0275, to amend the approved alterations and additions to the existing dwelling house to delete condition 2a, which requires the carport/garage to be setback further from the front boundary
<b>Date of Lodgement</b>	5 October 2023
<b>Applicant</b>	Kresho Srpak
<b>Owner</b>	Ms Tealia J Scott
<b>Number of Submissions</b>	Initial: 0
<b>Value of works</b>	\$151,840.00
<b>Reason for determination at Planning Panel</b>	No substantial change to original determination of conditions seeking review
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Impact on streetscape</li> <li>• Heritage building setbacks</li> </ul>
<b>Recommendation</b>	Refusal
<b>Attachment A</b>	Reasons for refusal
<b>Attachment B</b>	Plans approved under DA/2023/0275
<b>Attachment C</b>	Consent of DA/2023/0275
<b>Attachment D</b>	Assessment Report DA/2023/0275



LOCALITY MAP

Subject Site		Objectors		N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application to review a consent for alterations and additions to the existing dwelling house submitted to Council under Section 8.2 of the *Environmental Planning and Assessment Act 1979* specifically to review Condition 2 of DA/2023/0275, so as to delete condition 2a, which requires the carport/garage to be setback a further one (1) metre from the front boundary at 29 Albermarle Street Marrickville.

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

The main issues that have arisen from the application include:

- The proposed garage structure would be forward of the front building line, contrary to Part 4.1.7 of MDCP 2011.
- The location and prominence of the garage positioned at the front property boundary would result in adverse impacts of the South Dulwich Hill Heritage Conservation Area, contrary to Section 5.10 of IWLEP 2022 and Part 8 of MDCP 2011

Given the non-compliances and streetscape and heritage impacts associated with a parking structure positioned at the front property boundary, it is considered that the variation to the applicable development controls is unjustified and that Condition 2a ensures that the development is acceptable and responds appropriately to the surrounding development and desired future character of the area.

Therefore, the deletion of Condition 2a would result in an unacceptable streetscape impacts and the review application is recommended for refusal.

## 2. Proposal

The application seeks a review of Condition 2a imposed on DA/2023/0275, approved on 29 June 2023 for partial demolition, alterations and additions to the existing dwelling house, including a new garage, and associated landscaping of the site. Condition 2a is reproduced as follows:

### **2.Design Change**

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

- a. The setback of the carport/garage is to be increased by 1 metre;*

It is noted that the original plans proposed a garage with a 55mm setback from the front boundary. Condition 2a was imposed to provide for a 1 metre setback from the front boundary. Specifically, the current review seeks approval for the 55mm setback from the front boundary for the garage as sought in the original development application.

The review application does not seek any changes to the approved plans or any other conditions of consent imposed under DA/2023/0275.

### 3. Site Description

The subject site is located on the north-eastern side of Albermarle Street, between Challis Avenue and Kays Avenue. The site consists of one allotment and is generally triangular shaped with a total area of approximately 302.7 sqm. The site is legally described as Lot 56 in Deposited Plan 6459.

The site has a frontage to Albermarle Street of 25.575 metres and adjoins the Sydenham to Bankstown railway corridor on its northern boundary.

The site supports a single storey dwelling house. The surrounding properties generally support single storey dwelling houses.

The property is located with the South Dulwich Hill Heritage Conservation Area (HCA) and zoned R2 Low Density Residential under IWLEP 2022.

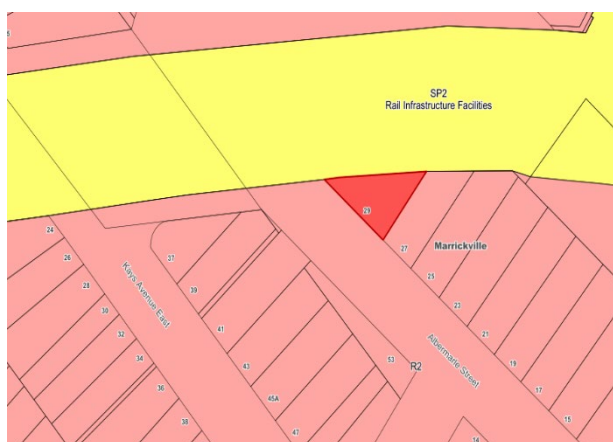


Figure 1: Zoning Map (Subject site in dark red)

Figure 2: Photo of the subject site

### 4. Background

#### 4(a) Site history

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

Application	Proposal	Decision & Date
PDA/2022/0281	Alterations and additions to existing dwelling	Advice Issued – 14 November 2022
DA/2023/0275	Partial demolition, alterations and additions to existing dwelling house including new garage, and associated landscaping of the site.	Approved, Subject to Conditions – 29 June 2023

#### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
08/11/2023	Council advised the applicant via phone conversation that an assessment of the review had been completed and, in light of the inconsistencies with DCP controls, it was considered appropriate to concur with the original determination.

## 5. Assessment

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

### 5(a) Section 8.2 Reviews

The application was lodged under Section 8.2 of the *EPA Act 1979*.

An application for partial demolition, alterations and additions to the existing dwelling house, including a new garage, and associated landscaping was approved under delegated authority by Determination No. DA/2023/0275 on 29 June 2023. The applicant is seeking review of the following condition imposed under the original determination:

#### **2. Design Change**

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

- a. The setback of the carport/garage is to be increased by 1 metre;*

The application is supported by written documentation outlining reasoning for the request to have condition 2a deleted and to maintain the positioning of the garage as originally proposed. There is no other change proposed to original approval and no amended plans have been provided.

The application is supported by the following justification:

- Imposing the additional one metre setback to the garage will decrease the liveability of the site through a reduction in the private open space.*
- Solar access to potential photo-voltaic panels, passive internal space heating and outdoor area for clothes drying will be reduced by setting the garage back a further one metre.*
- Increasing the setback of the garage will decrease potential habitat area on the subject site for flora and fauna of biodiversity value*
- Creating a setback on Albermarle street will encourage illegal dumping and potentially impact Council stormwater assets.*
- There are existing garages with a similar boundary setback from Albermarle Street located opposite the subject site.*
- The finishes and materials of the proposed garage are an improvement on the existing carport structure.*



The review proposes the deletion of one condition of consent, being condition 2a relating to the setback of the garage. Council has reviewed the whole proposal (noting no changes to the development as approved are proposed) and concurs with the original assessment, which can be found at Attachment D.

The following is an assessment of the justification with regard to the contested condition:

(i) Heritage and Streetscape

The subject site is a contributory building within the South Dulwich Hill Heritage Conservation Area (HCA). In this regard, the objectives of Section 5.10 of IWLEP 2022 have been considered in the assessment of this application. Additionally, Parts 4.1.7 and 8 of MDCP 2011 relating to parking structures and heritage have been considered.

The following objectives and controls are relevant to the review matters:

Part 4.1.7 of MDCP 2011

**C14** *Car parking structures must be located and designed to: ...*

- iii. *Not dominate or detract from the appearance of the existing dwelling or new development and the streetscape;*
- iv. *Be compatible in scale, form, materials and finishes with the associated dwelling or development on the site; ...*

**C15** *For existing and new dwellings, a car parking structure in order of priority must be:*

- i. *Located at the rear of the site with access from a rear lane; or*
- ii. *Located at the side of the dwelling house behind the front building alignment where it is the predominant form of parking structure in the street and is consistent with the desired future character for the area.*

**C17** *Parking structures forward of the building line are not permitted*

**O18** *To ensure, where permitted, that car parking structures respect and enhance the character of the street.*

**O19** *To ensure car parking structures are designed to complement and not compete with the architectural character of the existing building and do not become a dominant element on the site or in the streetscape.*

Part 8.3.2 – Heritage

**C15** *New construction including carports and garages must not be built between the original building line and the street boundary.*

**C16** *Driveway-width setbacks beside the house must not be built over unless there is no pattern of side setbacks within the street group or where rear lane access is available for vehicles to the back garden. Extensions over existing driveways must not be used to justify the erection of garages or carports on driveway setbacks adjacent to buildings.*

**C64** *No structures associated with car parking or similar (for example, boat, caravan or trailer parking) must be built forward of the rear building line on an existing driveway.*

A variation to the above controls was considered acceptable in the original assessment due to the existing carport structure being located forward of the front building alignment and the constraints of the irregular lot shape. However, considering the non-compliance with the above controls of MDCP 2011 it is considered that the additional 1 metre setback from the front boundary continues to mitigate the extent of the departure from the control's objectives, specifically objectives O18 and O19 and the heritage considerations.

Notwithstanding the above, a review of Council records does not show any approval for the structure that is currently located to the front boundary, and it appears that the carport slowly morphed into the current structure sometime in 2010. The aerial image from 14 November 2009 in Figure 3 below clearly depicts a carport structure located behind the front building line with the setback circled in red.

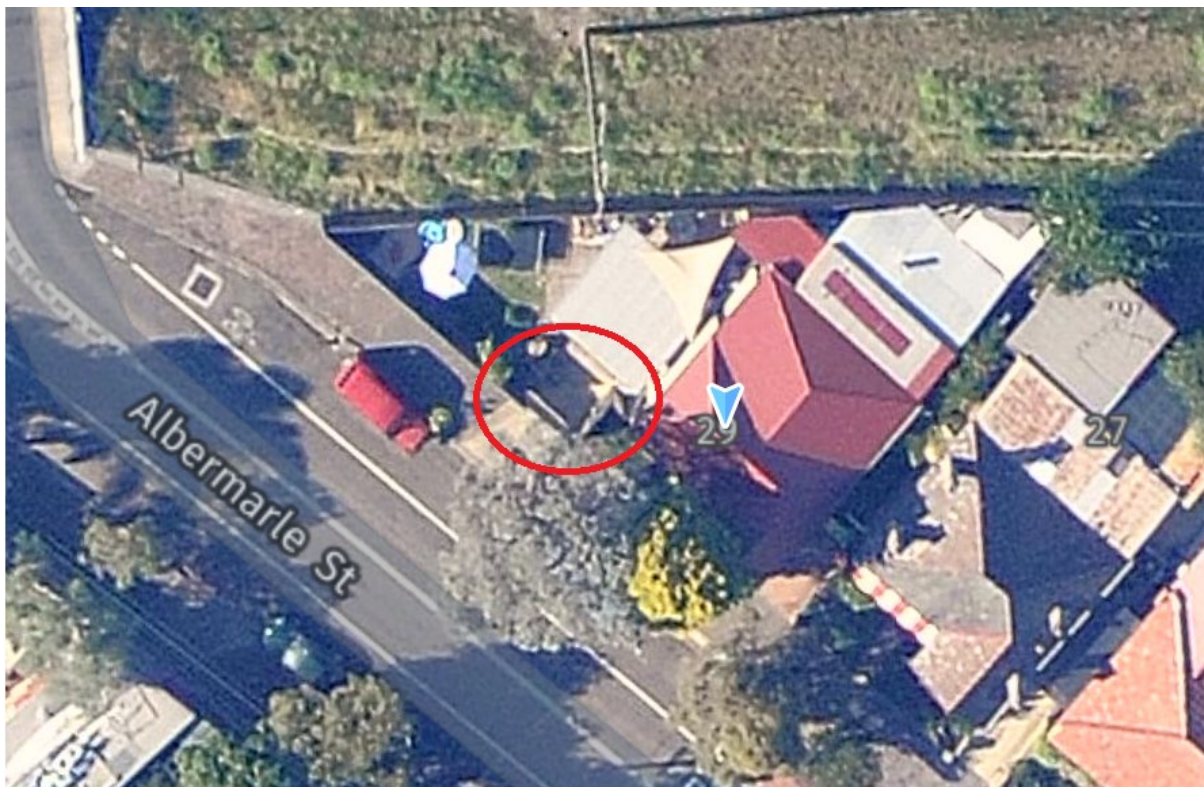


Figure 3: Aerial image of site from 14 November 2009

The location of a garage structure significantly forward of the building line and positioned at the front property boundary as proposed would create a structure that dominates the streetscape and contributory dwelling and detracts from the streetscape and wider HCA. In addition to resulting in a solid wall to the front boundary, the solid western and eastern side walls would also be highly visible from the street and dominate within the front setback of the dwelling, which would be detracting and inconsistent with the streetscape.

Although a variation to the above controls was considered acceptable in the original consent due to the irregular lot size, the additional one metre setback as imposed is considered to lessen the variation by mitigating the dominance of the garage structure on the streetscape and differentiating its dominance from the front building alignment of the dwelling house. A further variation to approve the garage with only a 55mm setback from the front boundary will emphasise the level of non-compliance and is not considered acceptable given the streetscape and heritage controls applying to the site.

The review application has justified the reduced boundary setback of the garage by the precedence of garages located opposite the subject site with similar boundary setbacks

presenting to Albermarle Street. However, these sites have a primary frontage to Kays Avenue, and as such, the garages are located within their rear setbacks, as their secondary frontage is to Albermarle Street. Therefore, they are considered to be consistent with the above controls and objectives of MDCP2011 and do not present the same concern of dominance to the front façade and to the streetscape and HCA as the garage of the subject proposal forward of the front building line which would be inconsistent with the prevailing pattern of development in Albermarle Street.

Given the above, it is considered that condition 2a should remain as imposed on Determination DA/2023/0275. The review application is recommended for refusal given a lesser front setback of the garage would result in adverse impacts to the heritage values of the Inner West and would be inconsistent with the streetscape and heritage provisions, contrary to Section 5.10 of IWLEP 2022 and Parts 4.1.7 and 8 of MDCP 2011.

Having regard to the above, the proposal is inconsistent with 1.2(b) of the *IWLEP 2022* as the proposal fails to conserve and maintain the built heritage of the Inner West.

Overall, it is considered that a garage structure as proposed to the front boundary would detract from the contributory dwelling and a setback of 1 metre would lessen the impact/appearance/dominance of the structure in relation to the dwelling and to the street.

(ii) Solar Access and Overshadowing

The review application contends that setting back the garage by 1 metre would impact solar access to the dwelling house.

The proposed garage is located on the south-western boundary of the subject site. Increasing the setback from the front boundary by an additional one metre as per the original condition 2(a) would therefore not increase amenity impacts by virtue of the orientation of the site and positioning of the structure. Further to this, the subject site continues to receive the minimum MDCP2011 requirements for solar access to the private open space.

(iii) Parking

As per the provisions of this part, the development proposes one car parking space and is therefore compliant. The original application includes a condition of consent (condition 21) requiring that the car parking space comply with AS/NZS2890.1-2004 and has minimum internal dimensions of 6000mm x 3000mm (length x width). It is noted that the inclusion of condition 2(a) does not prevent the satisfaction of condition 21 as there remains adequate space on site to build a garage/ parking space compliant with the above Australian standards if an additional one metre setback from the front boundary is adhered to. In addition to the above parking requirements, landscaping and open space controls are able to be satisfied with the inclusion of the additional one metre set back condition as discussed below.

(iv) Landscaping and Open Space

The review application contends that setting back the garage by 1 metre would impact the private open space and pervious landscaping of the site, particularly given the sites location in a Green Corridor.

However, the below calculations demonstrate that the additional one metre setback maintains in excess of the minimum required private open space and will only impact an area proposed for semi-pervious paving and decking, rather than deep soil landscaping.

The site area is 302.7sqm and therefore 60.54sqm of private open space is required, being the greater of 45sqm or 20% of the site area. Once the increased garage setback is included, the side yard is still able to support 66.5sqm of private open space, of which 58% is pervious landscaping. Given the irregular lot shape, and the lack of directly adjoining neighbours to the north, the side yard is considered capable of providing adequate privacy and can be considered as private open space in this instance. While increasing the setback of the garage from the front boundary does reduce the amount of private open space by a minor amount, it is noted that it remains compliant, and as previously discussed, the area reduced by the garage setback is decking and semi-pervious paving, not a reduction in the proposed pervious landscaped area.

While Council supports the applicant's intentions to meet the objectives of Part 2.18.1 of MDCP2011 in providing locally indigenous flora and encouraging fauna habitats within the subject site. It is not considered that the imposition of condition 2a unacceptably impacts the ability of the proposal to achieve these objectives. As discussed above, the site maintains the ability to support in excess of the minimum landscaping area and therefore with the additional one metre setback of the garage is able to meet the objectives of Part 2.18 of MDCP 2011 as reproduced below:

*03 To provide dwellings with outdoor recreation space*

*07 To provide private open space areas which act as an extension of the living area of a dwelling and, where practicable, receive adequate sunlight*

*08 To encourage green corridors and to require the retention of indigenous vegetation-and, in the case of new plantings, to encourage planting locally indigenous species.*

(v) Rubbish Dumping and Stormwater

(vi) The review application contends that providing an additional one metre setback to the garage along the boundary to Albermarle Street will provide an enclave for illegal dumping and thus detrimentally impact stormwater collection. The dumping of rubbish is not considered to be a relevant planning matter nor is it impacted by the imposition of condition 2a. Notwithstanding this, the proposal generally complies with Part 2.9.3 of MDCP2011 in relation to CPTED principles and thus provides opportunities for passive surveillance through an appropriately designed entrance to the principle dwelling.

(vii) Section 8.2 Requirements

The following table outlines compliance with the procedural provisions of Section 8.2 of the *EPA Act 1979*.

Requirement	Proposal
<b>8.2 Determinations and decisions subject to review</b>	
<p>(1) The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division—</p> <ul style="list-style-type: none"> <li>(a) the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),</li> <li>(b) the determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),</li> <li>(c) the decision of a council to reject and not determine an application for development consent.</li> </ul>	<p>The subject application relates to the review of a determination of an application for development consent by Council.</p>
<p>(2) However, a determination or decision in connection with an application relating to the following is not subject to review under this Division—</p> <ul style="list-style-type: none"> <li>(a) a complying development certificate,</li> <li>(b) designated development,</li> <li>(c) Crown development (referred to in Division 4.6).</li> </ul>	<p>The subject application does not relate to any of the applications noted in Clause 2.</p>

<p>(3) A determination or decision reviewed under this Division is not subject to further review under this Division.</p>	<p>Noted.</p>
<p><b>8.3 Application for and conduct of review</b></p>	
<p>(1) An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.</p>	<p>Noted.</p>
<p>(2) A determination or decision cannot be reviewed under this Division—                  (a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or                  (b) after the Court has disposed of an appeal against the determination or decision</p>	<p>The original application was determined on 29 June 2023. Pursuant to Section 8.10(1)(b)(i) of the <i>Environmental Planning and Assessment Act 1979</i>, an appeal may be made to the Court 6 months after the date of determination. The subject application was lodged on 5 October 2023 and has been reported to the Inner West Local Planning Panel for determination prior to the expiry of the appeal period (29 December 2023).</p>
<p>(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.</p>	<p>The development remains substantially the same as that proposed in the original DA.</p>
<p>(4) The review of a determination or decision made by a delegate of a council is to be conducted-                  (a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or                  (b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision.</p>	<p>The original DA was determined under Council Officer delegation. The current application is to be determined by the Local Planning Panel.</p>
<p>(5) The review of a determination or decision made by a local planning panel is also to be conducted by the panel.</p>	<p>The application is to go before the Local Planning Panel for determination.</p>
<p>(6) The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.</p>	<p>N/A</p>
<p>(7) The review of a determination or decision made by a Sydney district or regional planning panel is also to be conducted by the panel.</p>	<p>N/A</p>
<p>(8) The review of a determination or decision made by the Independent Planning Commission is also to be conducted by the Commission.</p>	<p>N/A</p>



<p>(9) The review of a determination or decision made by a delegate of the Minister (other than the Independent Planning Commission) is to be conducted by the Independent Planning Commission or by another delegate of the Minister who is not subordinate to the delegate who made the determination or decision.</p>	<p>N/A</p>
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### 5(b) Environmental Planning Instruments and Development Control Plans

The application has been assessed against the relevant Environmental Planning Instruments and Development Control Plans listed below and assessed as discussed earlier in this report.

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Inner West Local Environmental Plan 2022*
- *Marrickville Development Control Plan 2011*

### 5(c) The Likely Impacts

The assessment of the Section 8.2 Review Application demonstrates that the proposal will have an adverse impact on the locality in the following way:

- The development would result in an adverse impact to the South Dulwich Hill HCA and would not adequately preserve the heritage values of the Inner West given that the garage as proposed would be prominent in the streetscape and detract from the contributory dwelling.
- The development would result in a poor streetscape outcome resulting in a garage structure forward of the building line which is inconsistent with the streetscape would dominate the existing dwelling without the setback required by condition 2a.

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

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

### 5(e) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. No submissions were received in response to the initial notification.

### 5(f) The Public Interest

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

## 6 Referrals

### 6(a) Internal

Council's Heritage Specialist reviewed the proposal and concurs with the original assessment that condition 2a as originally imposed should remain to ensure a suitable outcome for the HCA.

The application was not referred to other internal officers as Council concurs with original determination and comments from original referrals remain unchanged given there is no design changes proposed under this review application.

### 6(b) External

The application was not referred to external bodies as Council concurs with original determination and comments from original referrals remain unchanged given there is no design changes proposed under this review application.

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal given the cost of works is less than \$200,000.00 and there is no net population increase associated with the proposal.

## 8. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

The development would result in adverse impacts on the streetscape and is not considered to be in the public interest.

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

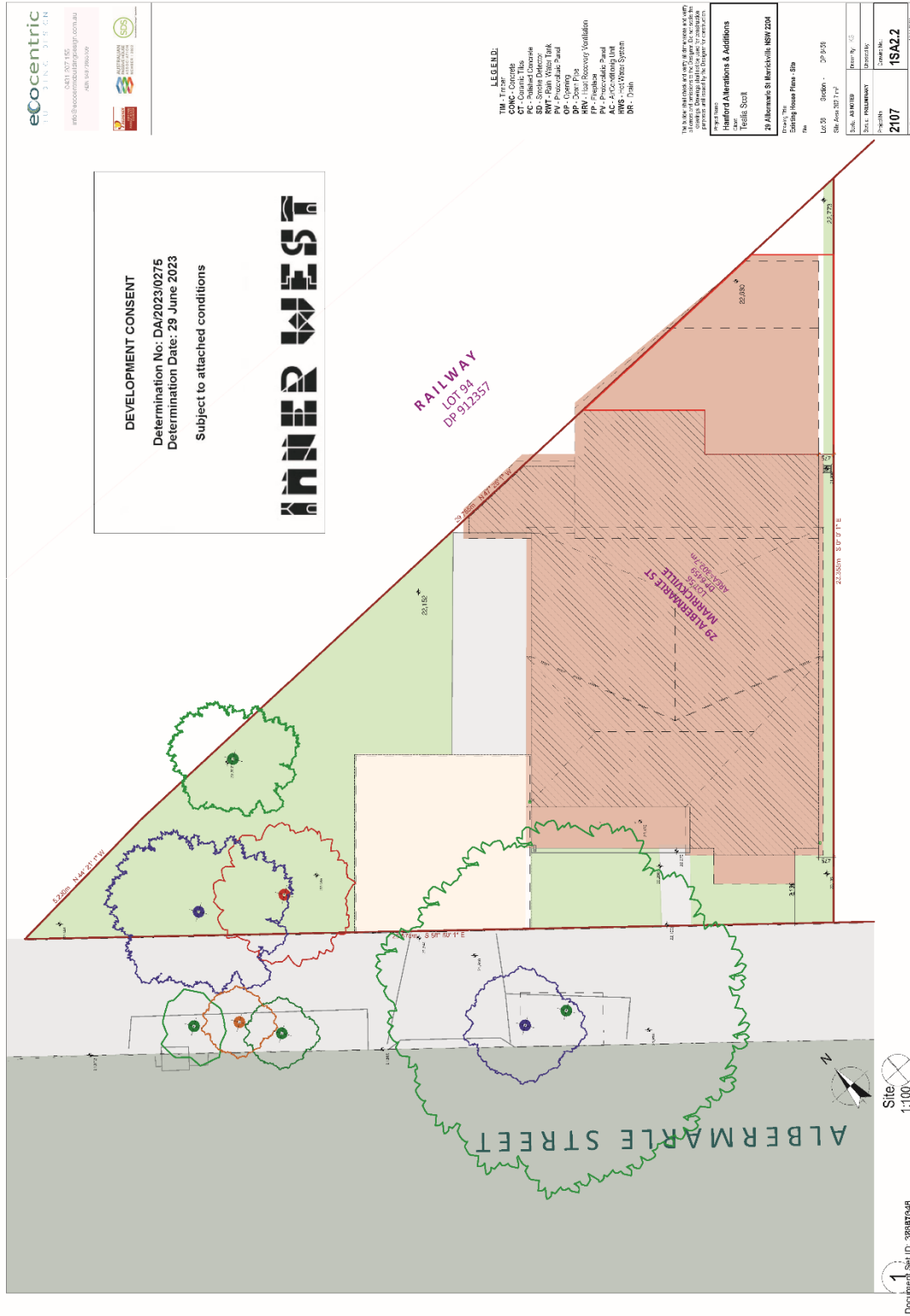
## 9. Recommendation

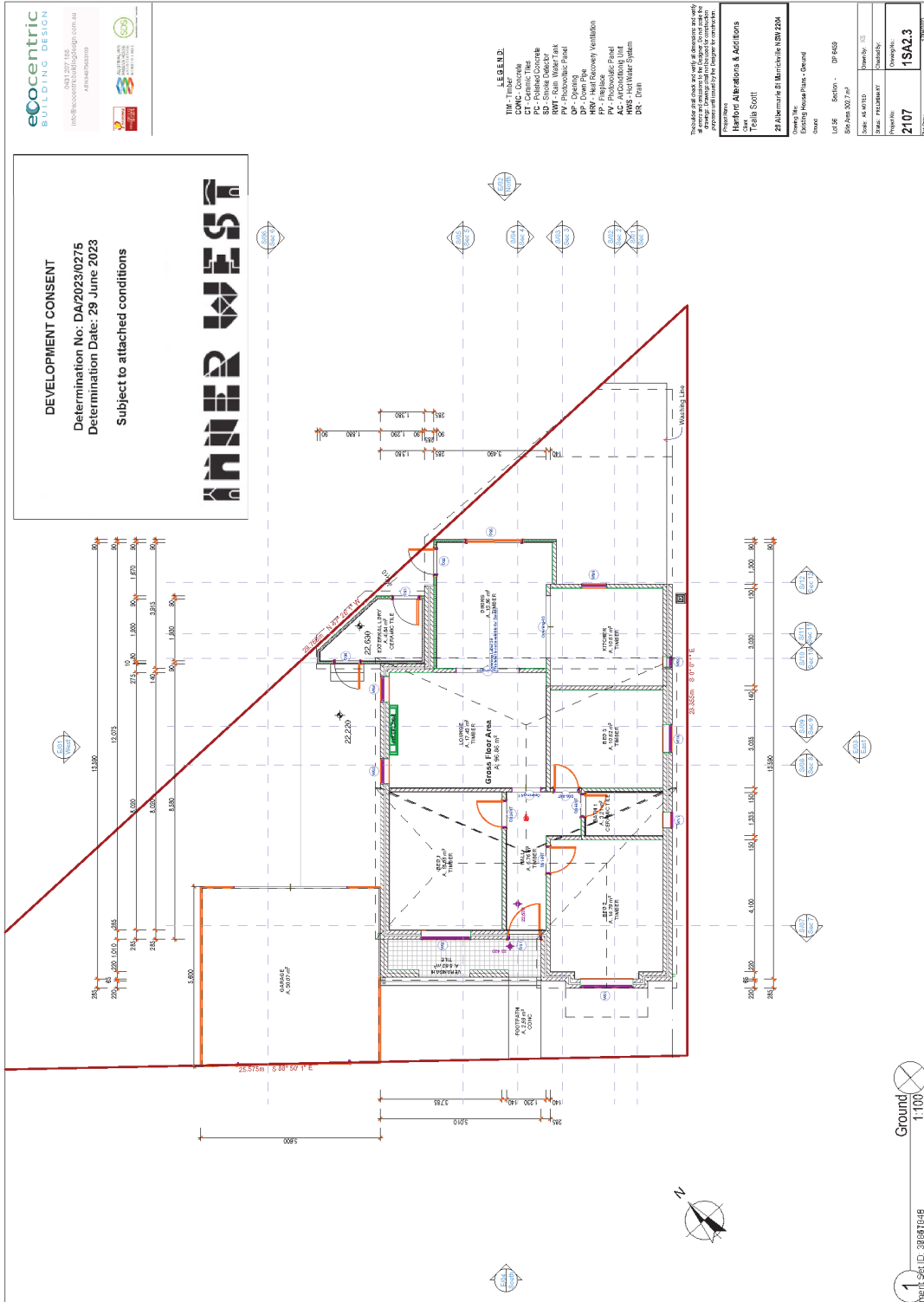
That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s8.2 of the *Environmental Planning and Assessment Act 1979*, refuse Application No. REV/2023/0020 which seeks a review of Condition 2a of Determination DA/2023/0275 dated 29 June 2023 to amend the garage setback at 29 Albermarle Street Marrickville subject for the reasons listed in Attachment A.

## Attachment A – Reasons for refusal

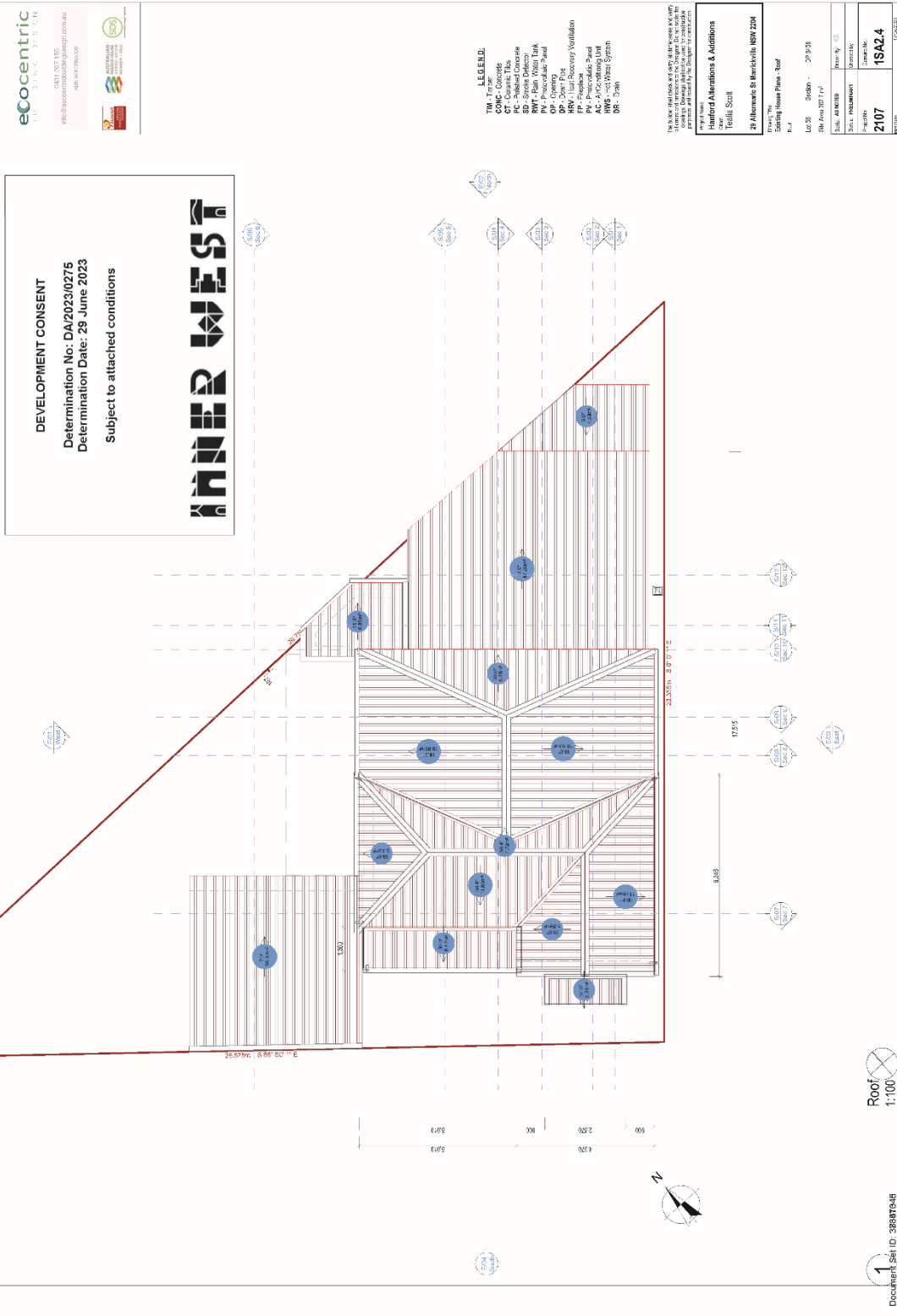
1. Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following sections of Inner West Local Environmental Plan 2022:
  - a. Section 1.2 Aims of the Plan, in that the development does not conserve and maintain the built and cultural heritage of Inner West, contrary to (2)(b).
  - b. Section 5.10 – Heritage conservation: The proposed development would cause an adverse impact upon the heritage significance of the South Dulwich Hill Heritage Conservation Area.
2. Pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following parts of Marrickville Development Control Plan 2011:
  - a. Part 4.1.7- Car Parking, as the development proposes a parking structure forward of the building line to an extent that would adversely impact the streetscape.
  - b. Part 8.3.2.3 - Building setbacks, as the development proposes a garage between the original building line and the street boundary to an extent that would dominate the contributory dwelling and adversely impact the South Dulwich Hill Heritage Conservation Area
  - c. Part 8.3.2.13 - Car Parking, as the development proposes a car parking structure forward of the rear building line to an extent that would dominate the contributory dwelling and adversely impact the South Dulwich Hill Heritage Conservation Area
3. The proposal has not demonstrated that it will not result in any significant impacts on the built environment, particularly with respect to establishing an undesirable bulk, scale, and streetscape impact, pursuant to section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
4. In view of the extent of non-compliances with the planning provisions, the proposal is not considered to be in the public interest, contrary to section 4.15(1)(e) Environmental Planning and Assessment Act 1979.

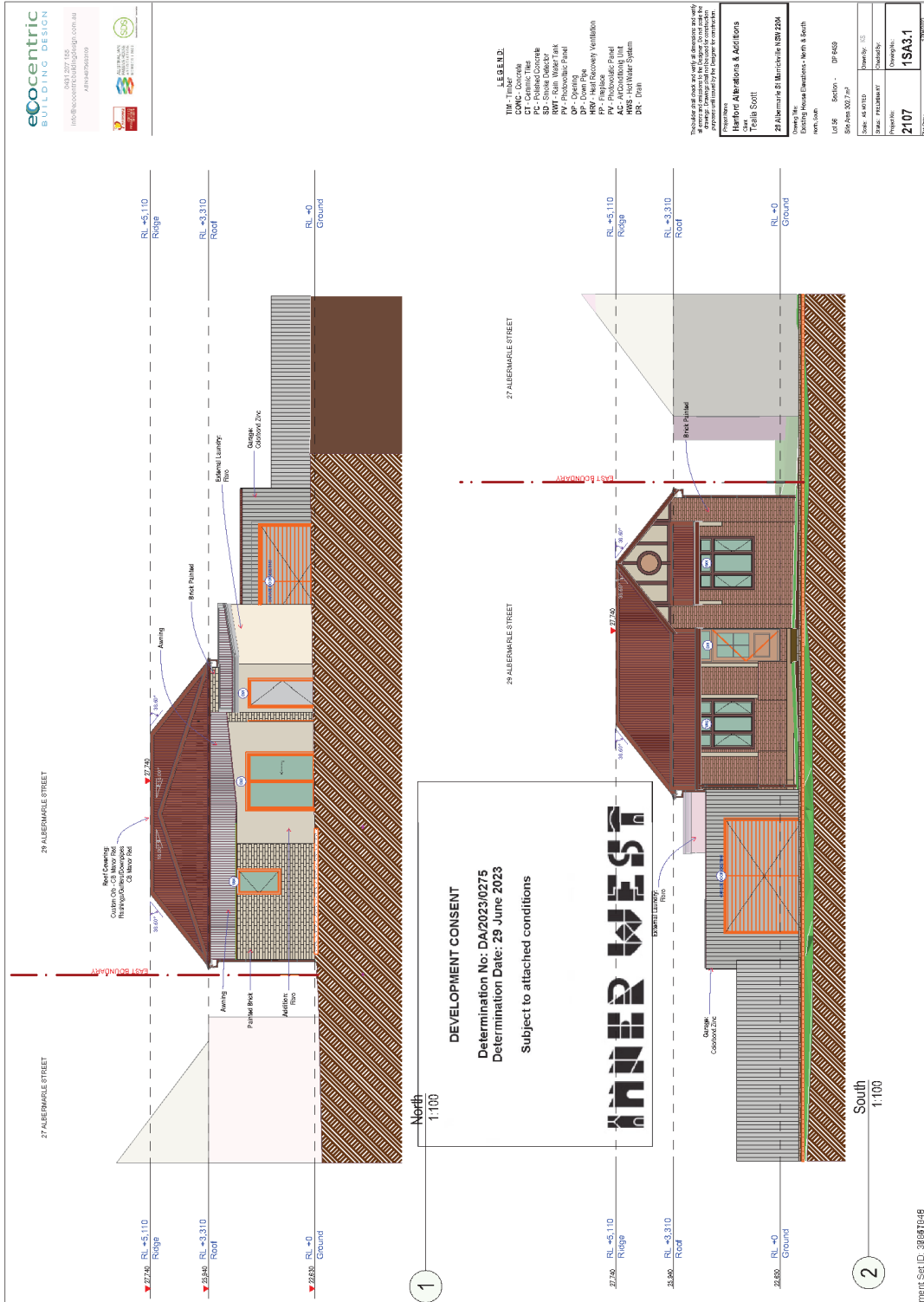


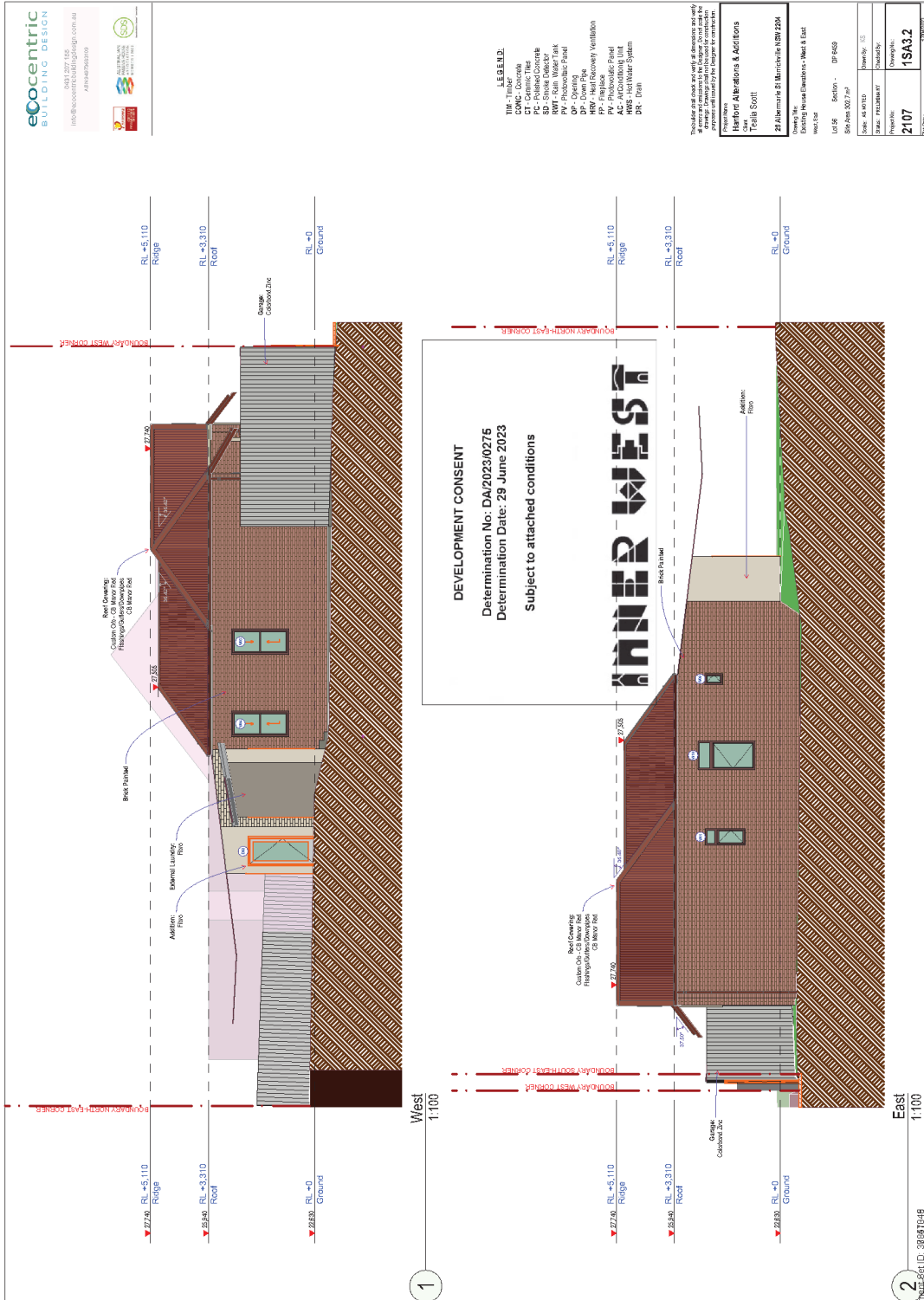


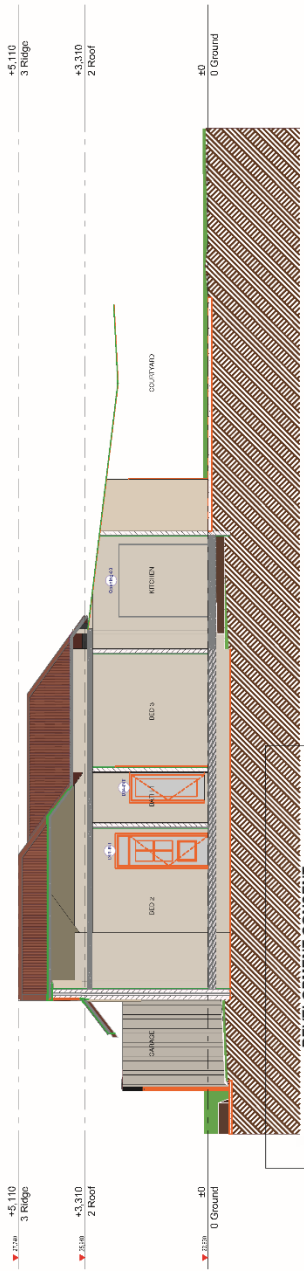








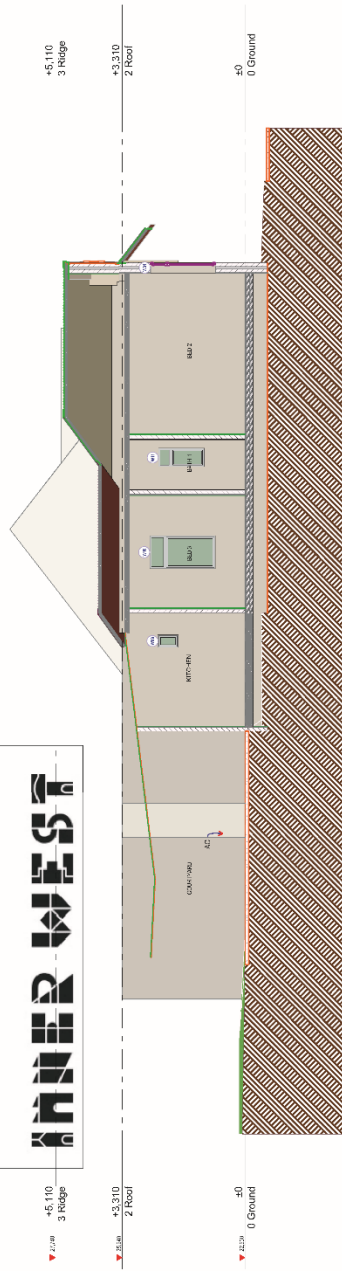




**DEVELOPMENT CONSENT**  
 Determination No: DA/2023/0275  
 Determination Date: 29 June 2023  
 Subject to attached conditions

**INNER WEST**

1



2

- LEGEND:**
- TH - Timber
  - CMC - Concrete
  - CC - Concrete
  - CT - Concrete
  - ST - Steel
  - SC - Structural Concrete
  - RWT - Rain Water Tank
  - OP - Overhead Pipe
  - DP - Down Pipe
  - PPV - High Efficiency Ventilation
  - PA - Polyurethane Insulation
  - AC - Acoustic Insulation
  - DR - Drain

The location of the development is shown on the map. The map is provided for information only and does not constitute a guarantee of the accuracy of the information. The location of the development is shown on the map. The map is provided for information only and does not constitute a guarantee of the accuracy of the information.

**Heinford Alterations & Additions**  
 The Heintzmann  
 29 Allamvale St Marwickville NSW 2204  
 Section 182  
 Section 182  
 Section 182

2107  
 15A4.1  
 2023

Document Ref ID: 3887048  
 Version: 1, Version Date: 20/06/2023



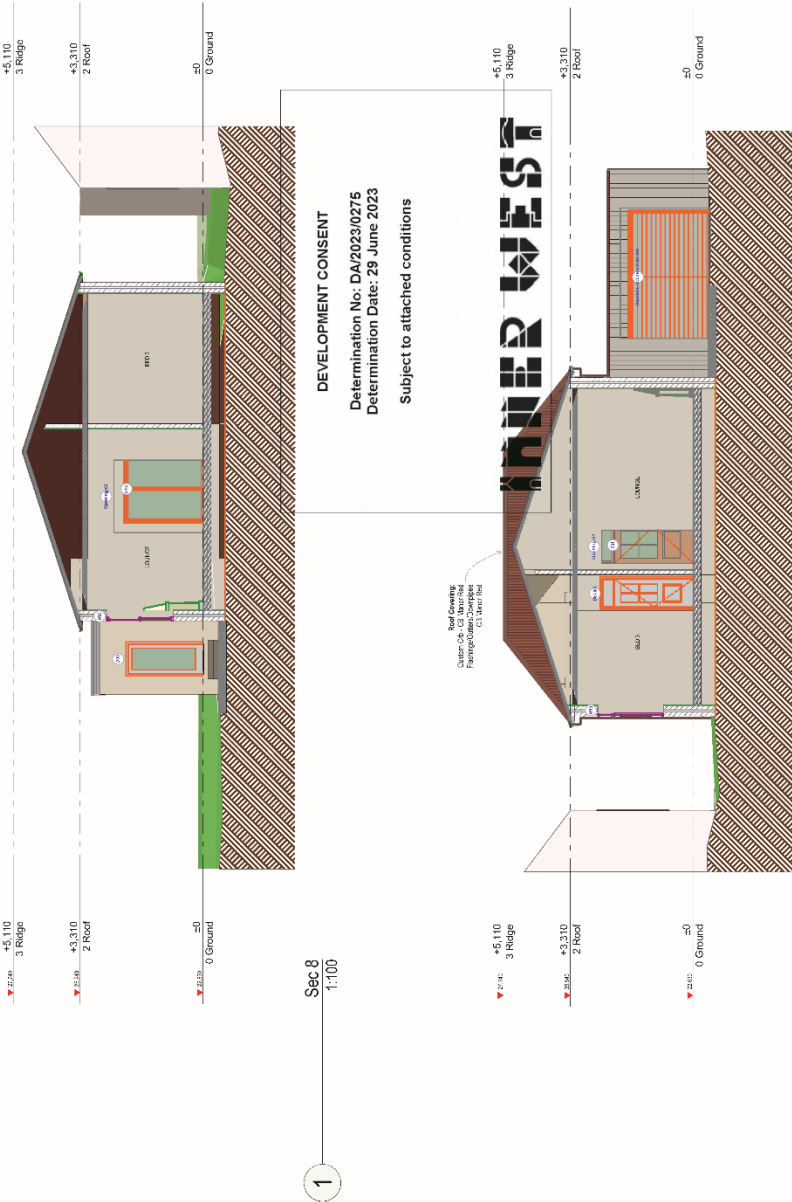
- LEGEND:**
- TH - Timber
  - CONC - Concrete
  - CT - Concrete Block
  - SL - Slab
  - SC - Spigot Concrete
  - RWT - Rain Water Tank
  - OP - Operable Panel
  - DP - Down Pipe
  - PPV - Rain Downpipe Ventilation
  - PA - Rainwater Pipe
  - AC - Air Conditioning Unit
  - DR - Drain

The location of the proposed development is shown on the map. The map is provided for information only and does not constitute a guarantee of accuracy. The Council is not responsible for any errors or omissions in the map.

**Development:** Inner West  
**Site:** 29 Altamont Road, Marrickville NSW 2204  
**Section:** Section 888

**Lot:** 29  
**Area:** 202.7 m<sup>2</sup>  
**Section:** 888

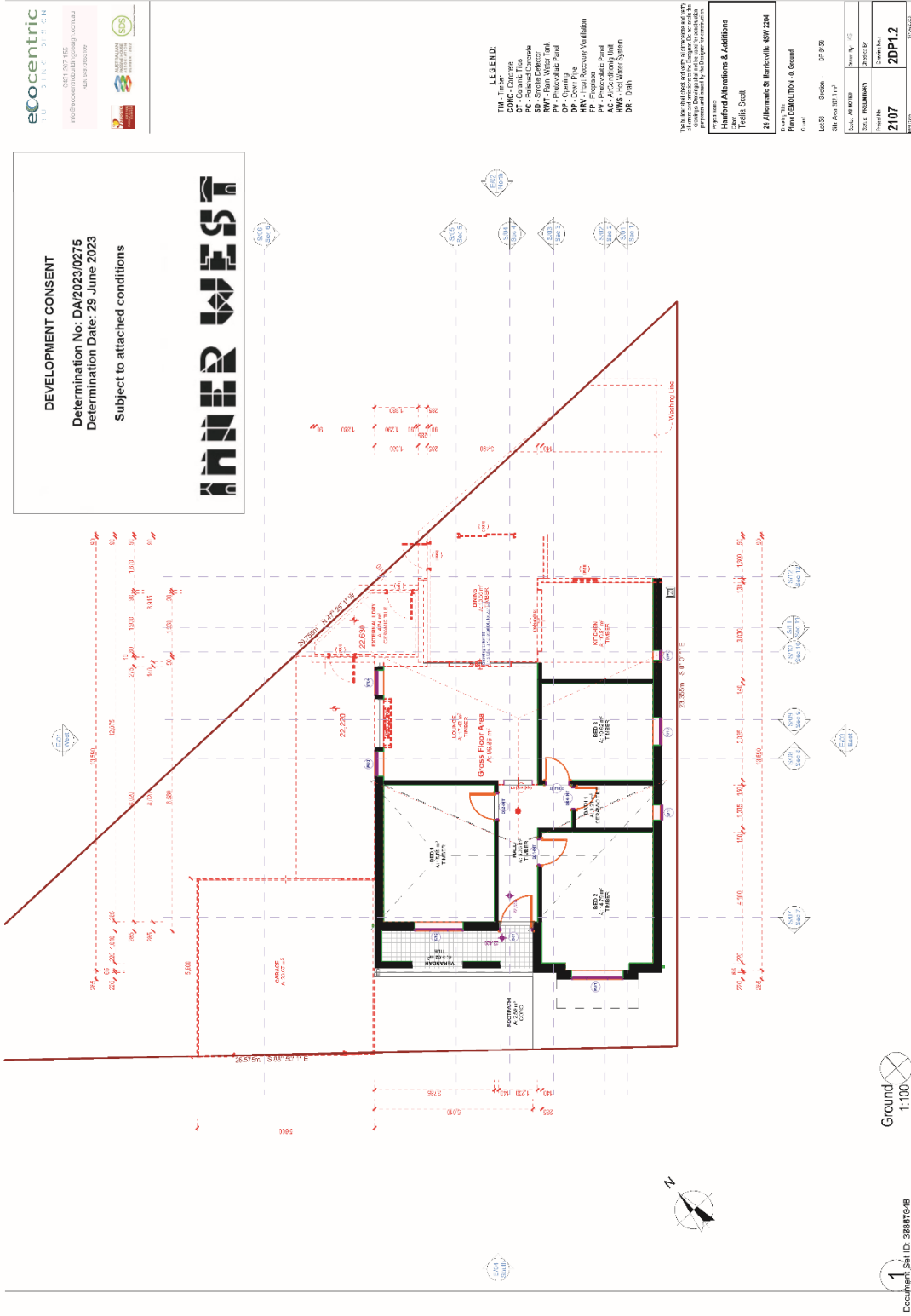
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**Date:** 29 June 2023  
**Project No.:** ISAM 2  
**Page No.:** 2107



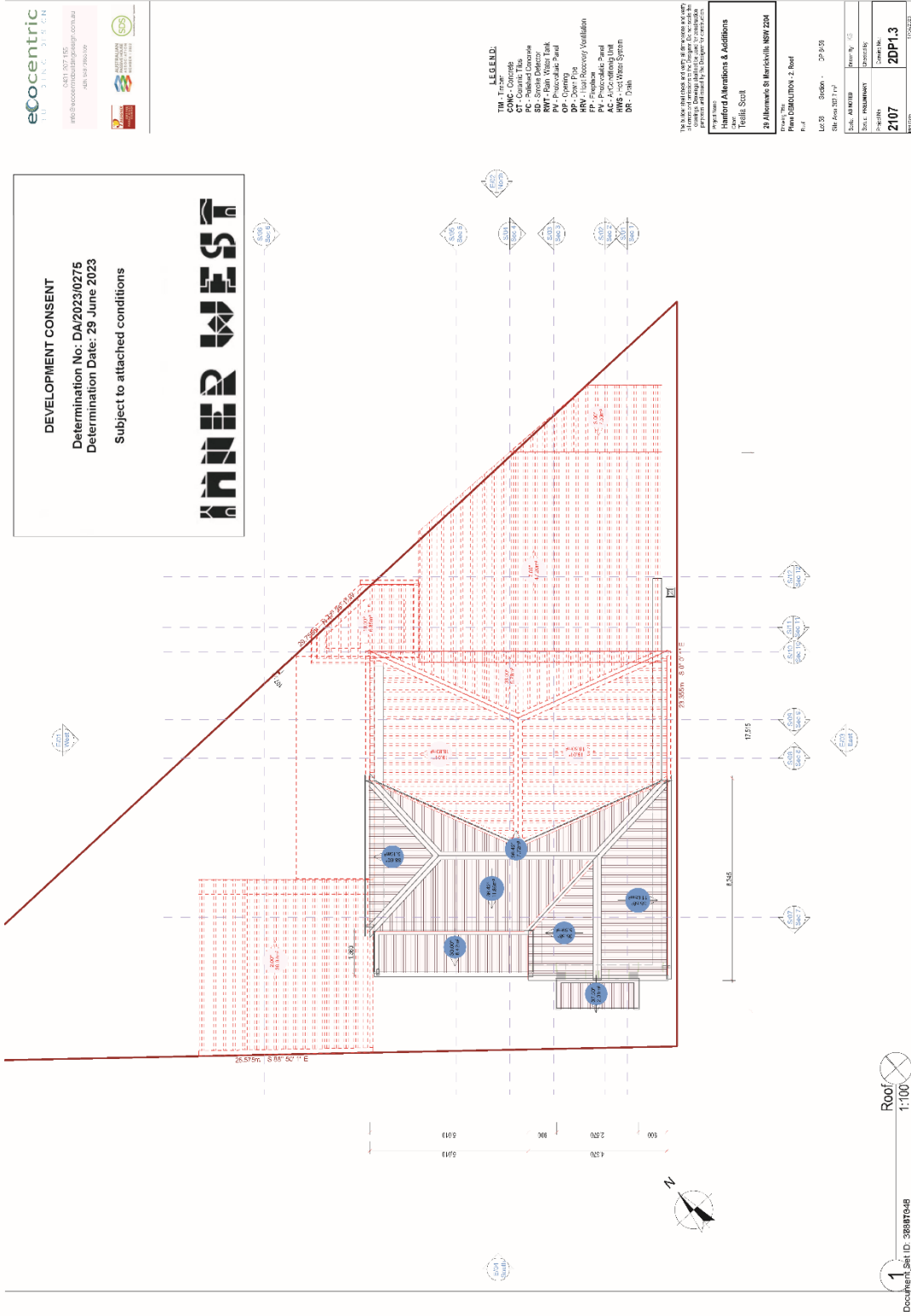
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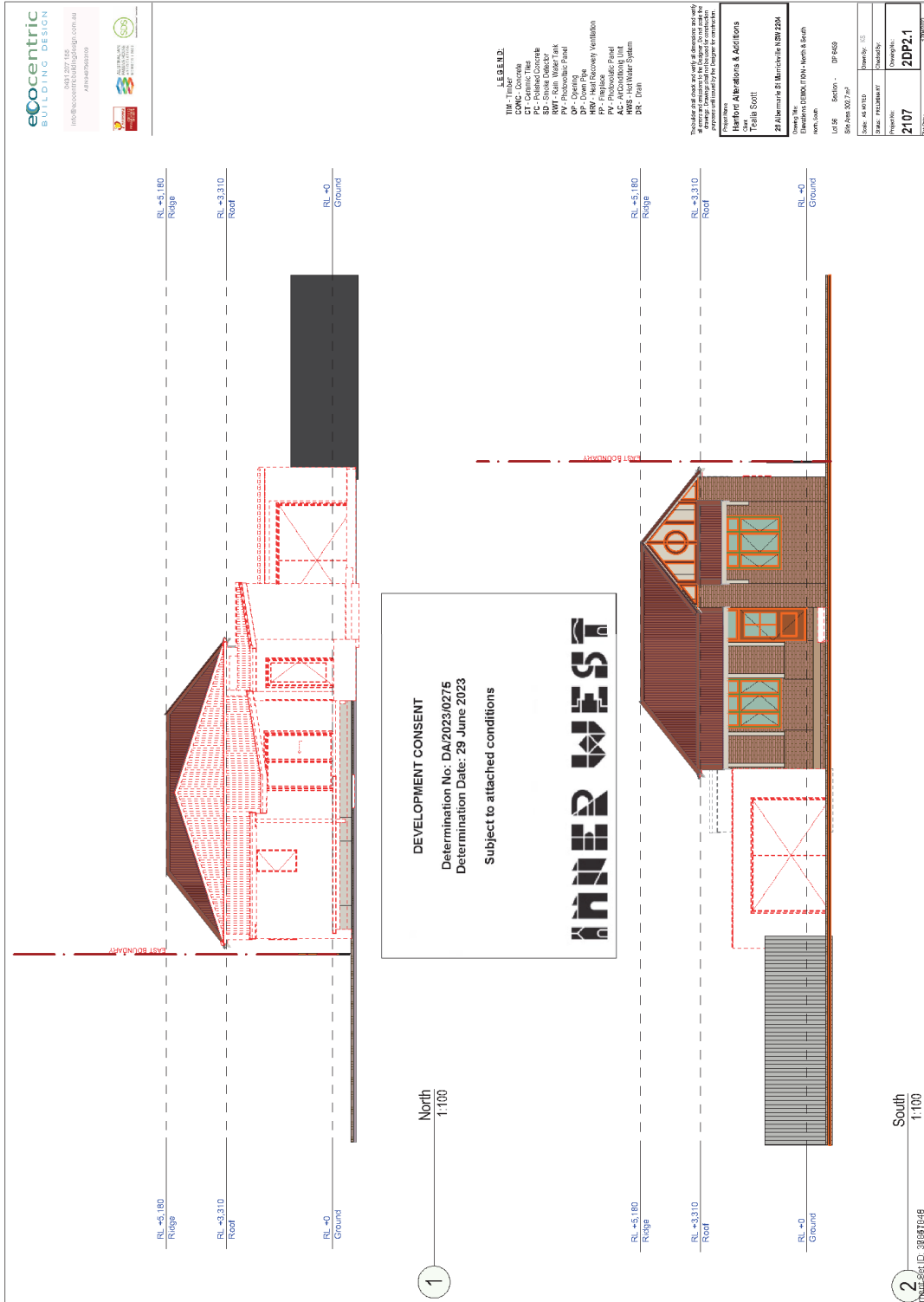
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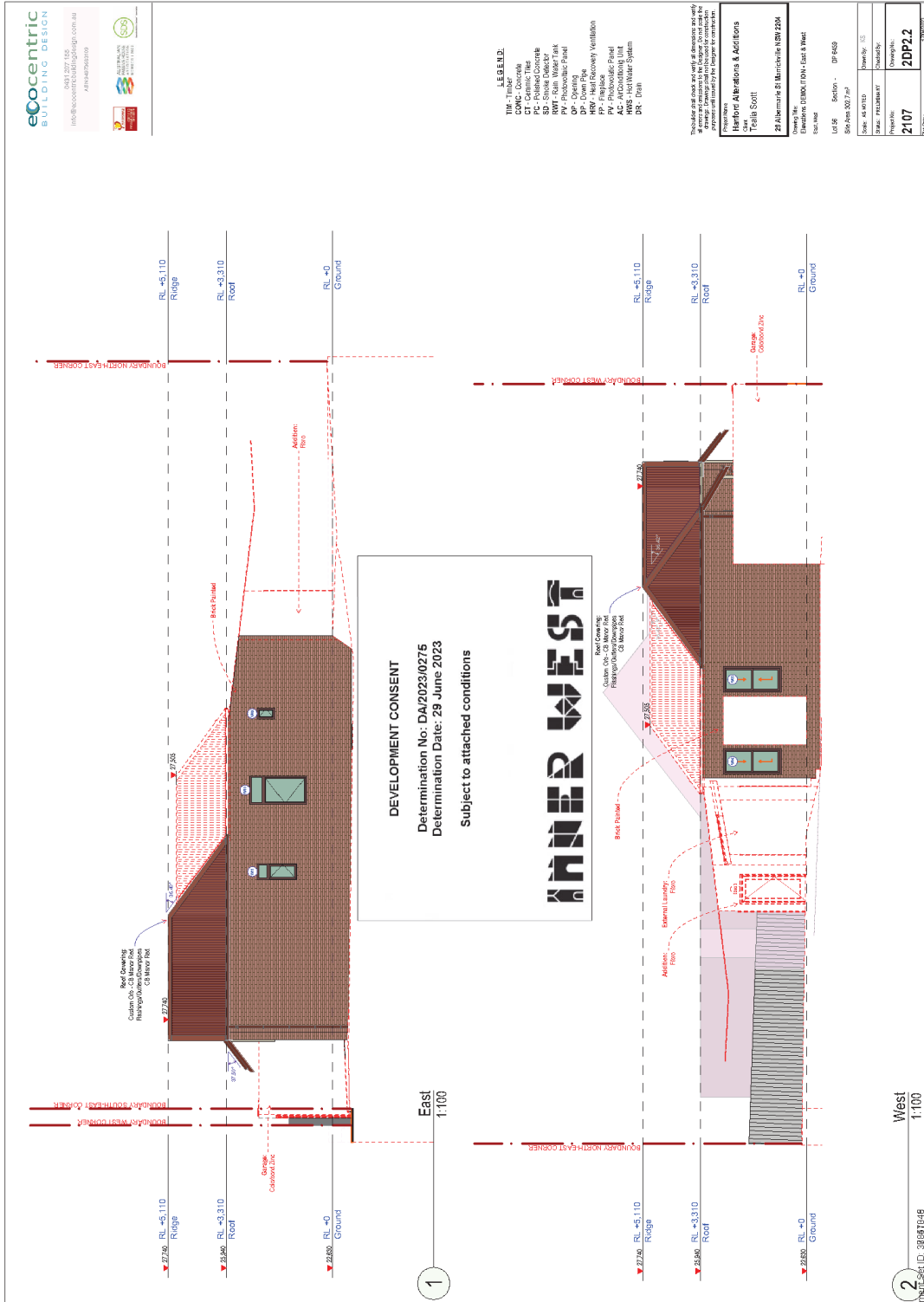
Document Ref ID: 31887049  
 Version: 1, Version Date: 29/06/2023

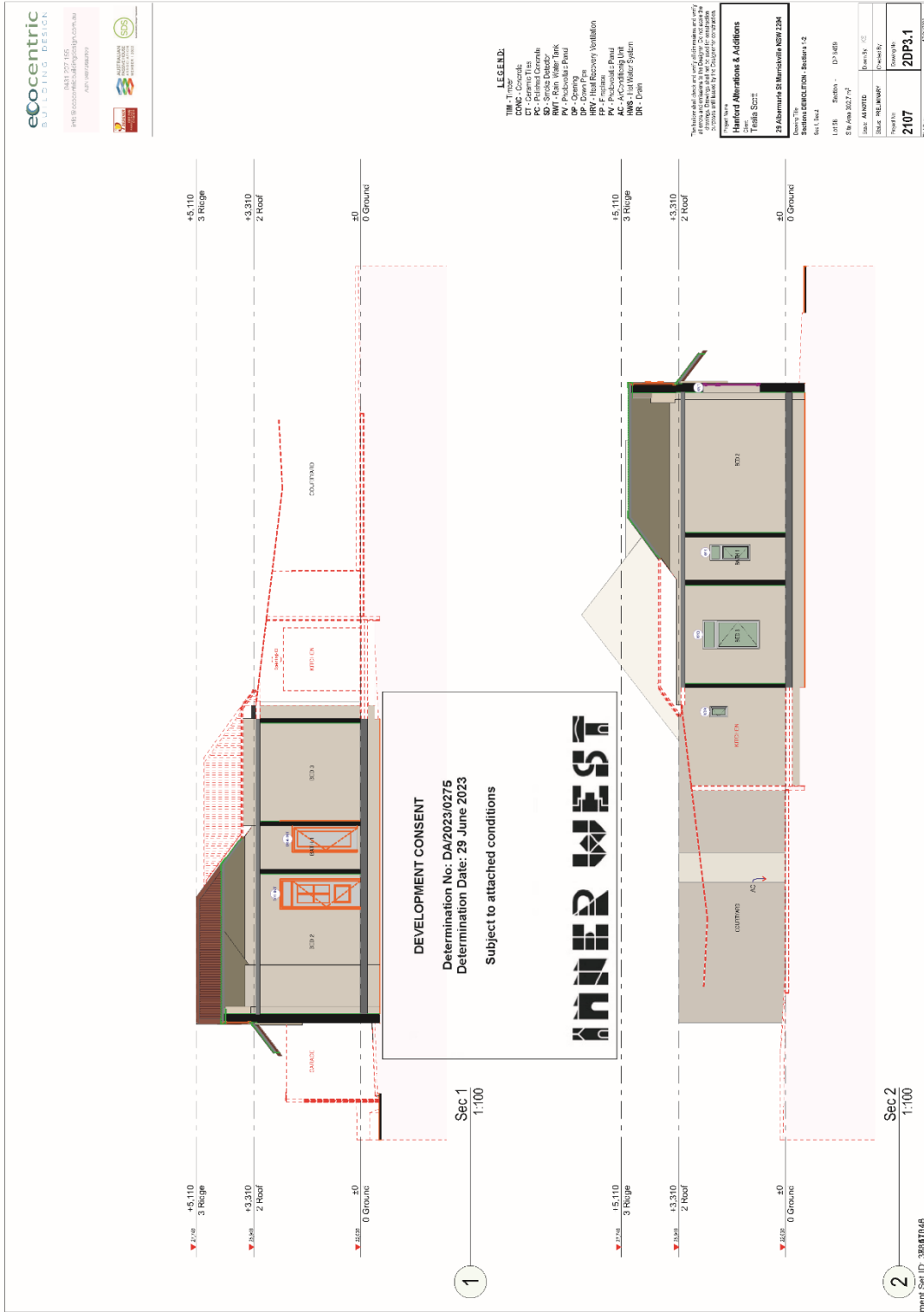












**eCocentric**  
BUILDING DESIGN

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NSW  
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SA  
NT

MEMBER OF THE  
AUSTRALIAN  
BUILDING DESIGNERS  
ASSOCIATION

- LEGEND:**
- TR - Truss
  - CG - Concrete
  - CT - Ceramic Tiles
  - CC - Concrete
  - SC - Steel Deck
  - SM - Steel Mesh
  - RWT - Rain Water Tank
  - DP - Down Pipe
  - RV - Roof Recovery Ventilation
  - AC - Air Conditioning Unit
  - PC - PVC
  - DR - Drain

The information shown on this plan is for information only. It is not intended to be used for construction purposes. It is the responsibility of the client to ensure that all information is correct and that it is used for the intended purpose.

**Heinford Alterations & Additions**

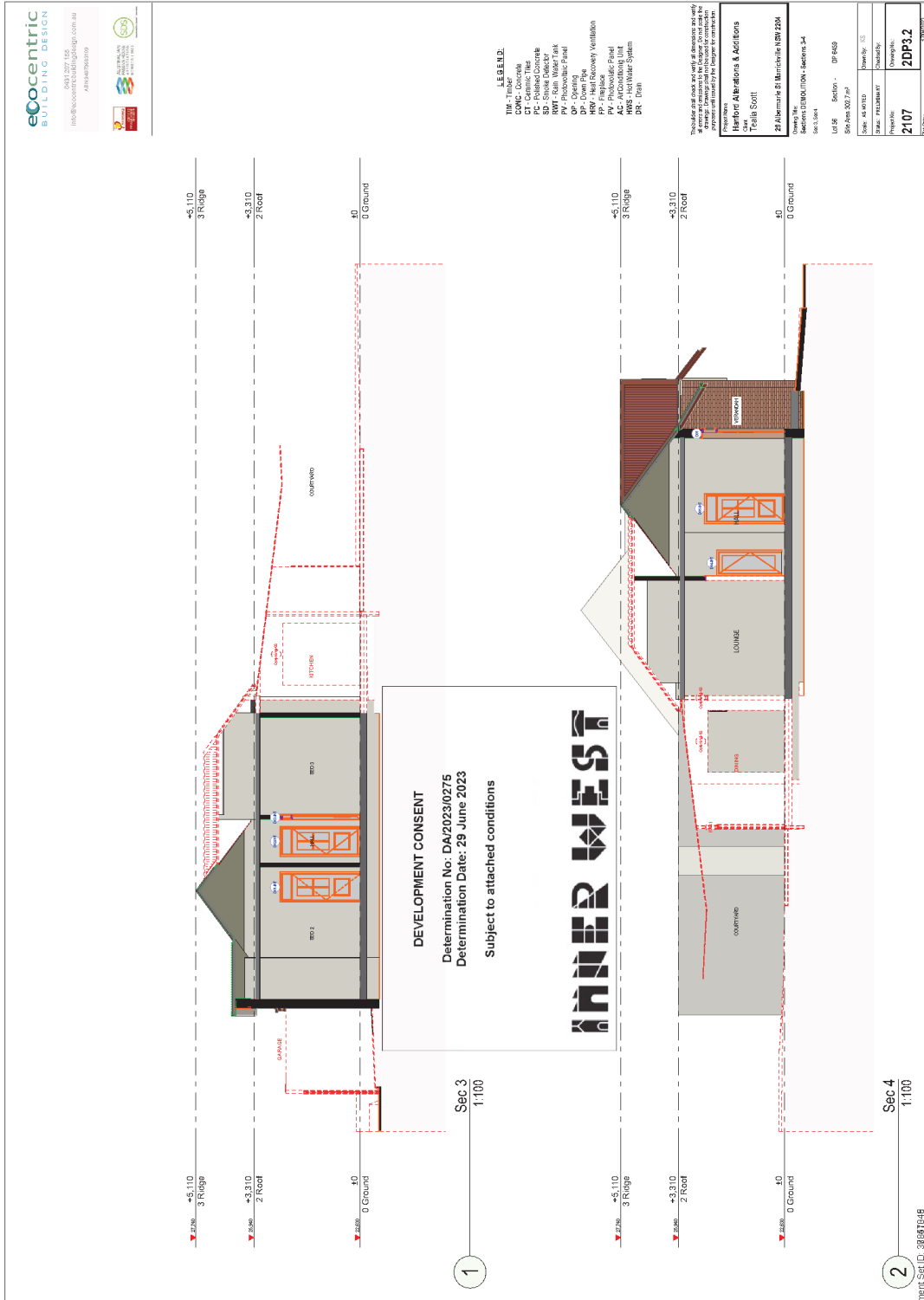
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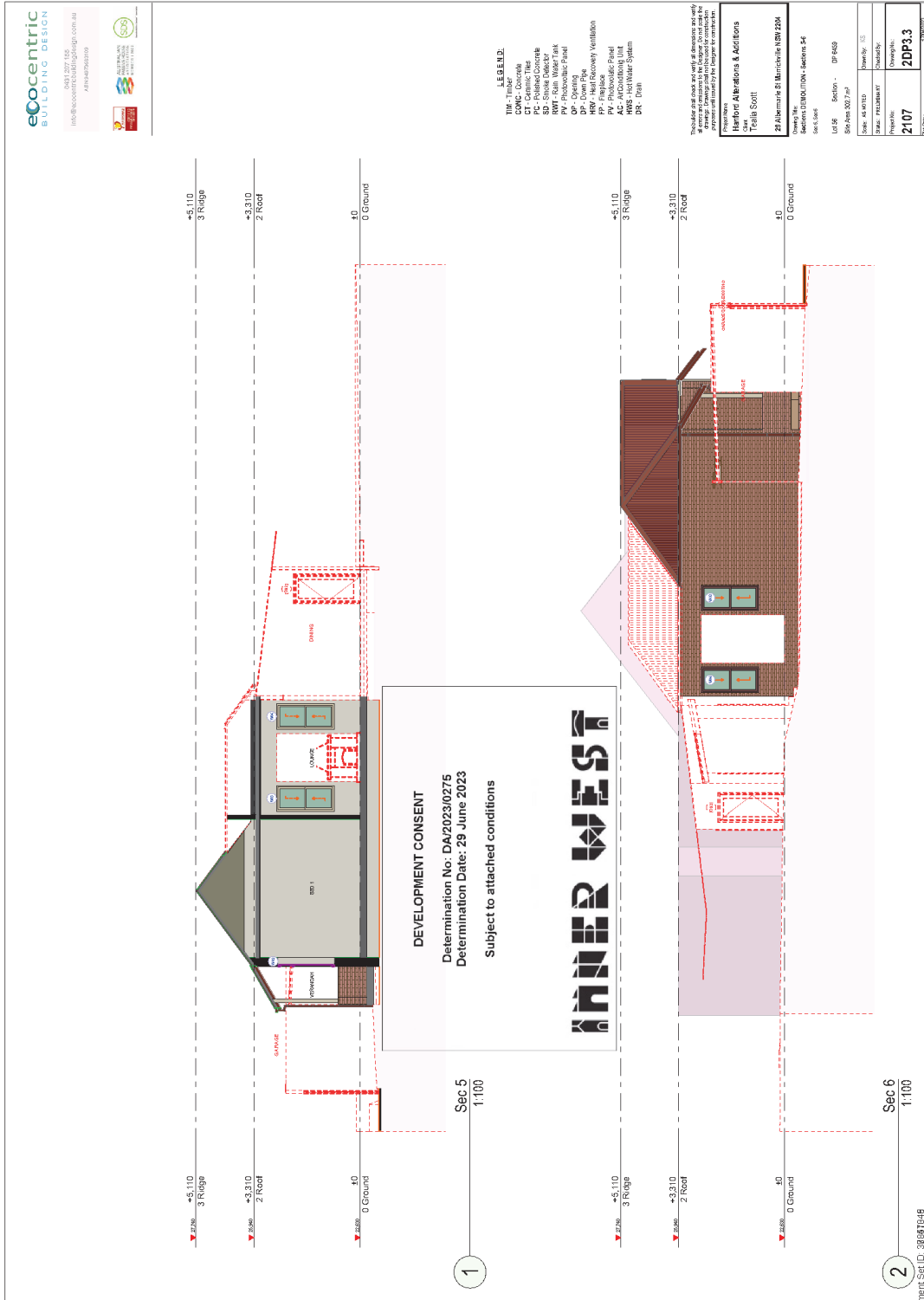
29 Aboriginal St, Manlyville NSW 2204

Section: REVOLUTION - Batters 1-2  
Scale: 1:50

Issue:	2107
Revision:	
Author:	
Project No.:	2DP3.1
Project Name:	

Document Set ID: 38837646  
Version: 1, Version Date: 30/09/2023



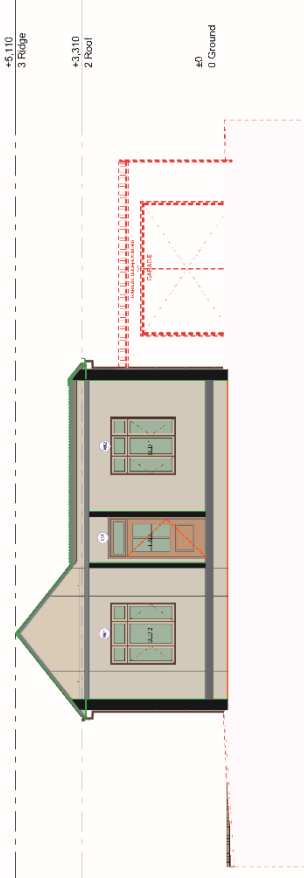




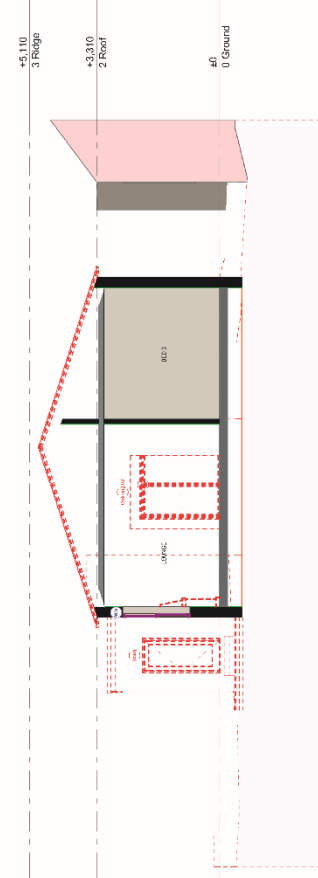


**DEVELOPMENT CONSENT**  
 Determination No: DA/2023/0275  
 Determination Date: 29 June 2023  
 Subject to attached conditions

INNER WEST



1  
Sec 7  
1:100



2  
Sec 8  
1:100

- LEGEND:**
- TM - Timber
  - CMC - Concrete
  - CT - Concrete Tiles
  - C - Cladding
  - SS - Stainless Steel
  - RMV - Rain Water Tank
  - RV - Rainwater Valve
  - OP - Over Pipe
  - HRV - Heat Recovery Ventilation
  - PV - Photovoltaic Panel
  - AC - Air Conditioning Unit
  - DR - Drain System
  - DR - Drain

The above plan shows the development as proposed. It is the responsibility of the applicant to ensure that the development complies with all applicable laws, regulations, codes of practice, and standards. The applicant is advised that the development may be subject to change without notice.

**Height Alterations & Additions**  
 Height: 2m  
 Material: Brick, Steel

Project No: 20/Alamanda St Marikiville NSW 2204  
 Section: EVOLUTION - Section 1.8  
 Rev: 7.1.1  
 L1: 00 - Section - 20/2/20  
 Rev: 04/2023/1/1

Scale: ARCHITECT	Priority: 02
Scale: MECHANICAL	Priority:
Project No: 2107	Drawn By: 2DP3.4
Project No: 2107	Project No: 2DP3.4
Project No: 2107	Project No: 2DP3.4

Document Set ID: 33817648  
 Version: 1, Version Date: 30/06/2023

**eCentric**  
LIVING DESIGN

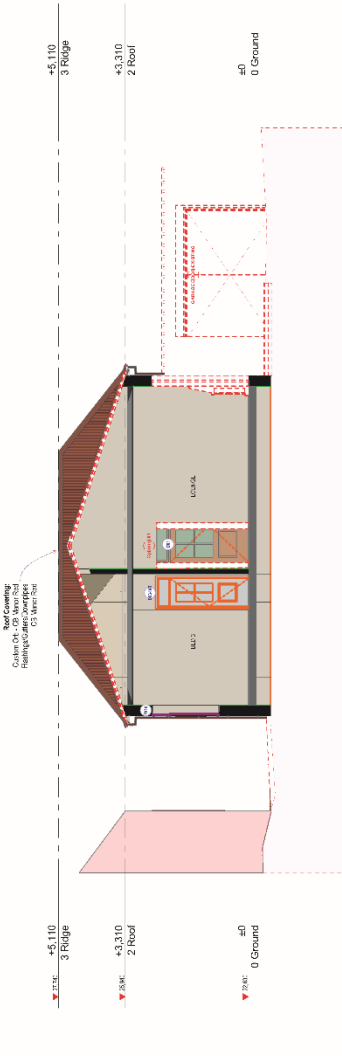
ARCHITECTS  
180 500 000 000  
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**NSW**  
REGISTERED ARCHITECTS

**NSW**  
REGISTERED ARCHITECTS

**DEVELOPMENT CONSENT**  
Determination No: DA/2023/0275  
Determination Date: 29 June 2023  
Subject to attached conditions

**INNER WEST**



1  
Sec 9  
1:100

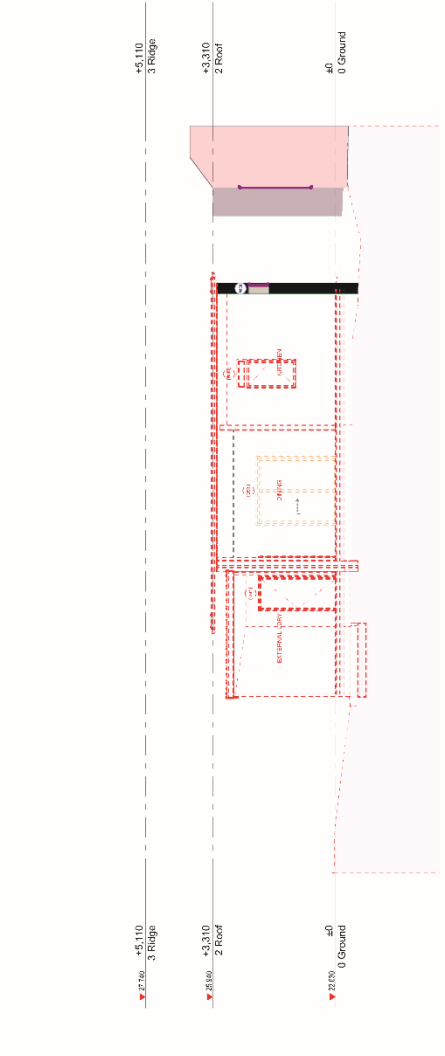
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  - CMC - Concrete
  - CT - Concrete Tiles
  - C - Cladding Concrete
  - SS - Stainless Steel
  - RV - Rain Water Tank
  - PP - Photovoltaic Panel
  - DP - Down Pipe
  - HRV - Heat Recovery Ventilation
  - PV - Photovoltaic Panel
  - AC - Air Conditioning Unit
  - DR - Drain

The Applicant has not been advised by the Council of any other conditions that may apply to this development consent. Design plans have been prepared in accordance with the provisions of the Development Consent Conditions.

**Minor Alterations & Additions**  
Refrill, Stair

20 Allamanna St Marwickville NSW 2204

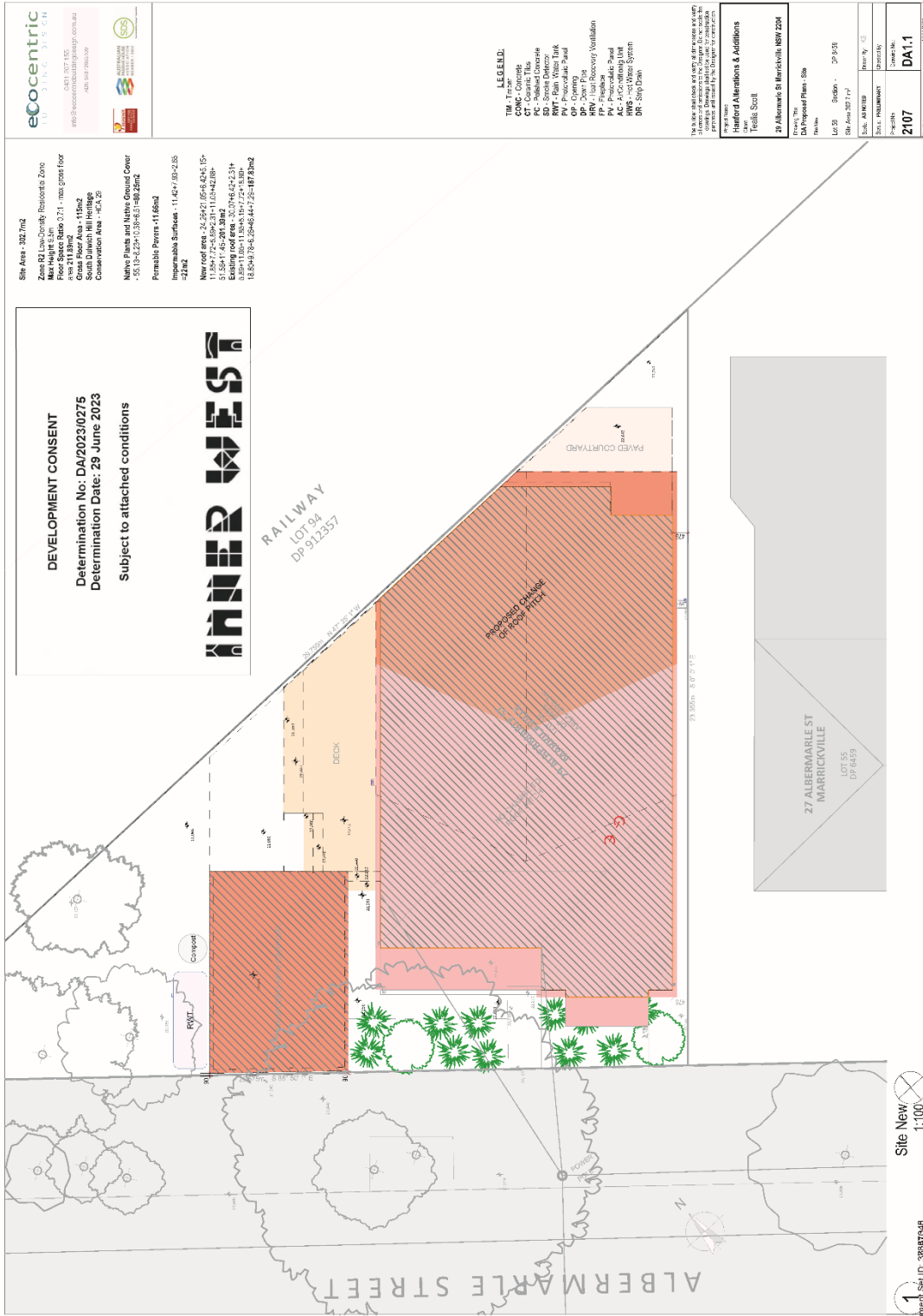
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Section Name:	Section 9
Section No:	2DP3.5
Section Name:	2DP3.5



2  
Sec 10  
1:100

Document Set ID: 33819548  
Version: 1, Version Date: 30/06/2023





**DEVELOPMENT CONSENT**  
 Determination No: DA/2023/0275  
 Determination Date: 29 June 2023  
 Subject to attached conditions

**INNER WEST**

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 L U P T I N G S T R U C T U R E  
 180 SHERWOOD ROAD, SHERWOOD VIC 3030  
 PH: 03 9387 1000  
 WWW.ECOCENTRIC.COM.AU

- Site Area - 302.7m<sup>2</sup>
- Zone DA (Development) Residential Zone
- Max Height 5m
- Floor Space Ratio 0.7:1 - net gross floor area
- Lot 94 Area - 115m<sup>2</sup>
- South Dandenong Hill Heritage Conservation Area - HCA 26
- Native Plants and Native Ground Cover - 35.15m<sup>2</sup> (30.5m<sup>2</sup> + 4.65m<sup>2</sup>)
- Permeable Pavement - 11.66m<sup>2</sup>
- Imperviable Surfaces - 11.46m<sup>2</sup> (10.81m<sup>2</sup> + 0.65m<sup>2</sup>)
- New roof area - 26.25m<sup>2</sup> (10.81m<sup>2</sup> + 15.44m<sup>2</sup>)
- 11.58m<sup>2</sup> (7.25m<sup>2</sup> + 4.33m<sup>2</sup>)
- 9.15m<sup>2</sup> (4.5m<sup>2</sup> + 4.65m<sup>2</sup>)
- 3.85m<sup>2</sup> (1.8m<sup>2</sup> + 2.05m<sup>2</sup>)
- 18.5m<sup>2</sup> (8.8m<sup>2</sup> + 9.7m<sup>2</sup>)

- LEGEND:**
- TH - Timber
  - CGC - Concrete
  - CT - Concrete
  - CS - Concrete Slab
  - CC - Concrete
  - SC - Slab on Ground
  - RMV - Rain Water Tank
  - OV - Overhead
  - DP - Down Pipe
  - RV - Rain Water
  - AC - Air Conditioning Unit
  - DR - Drain

**Herford Alterations & Additions**

27 Albermarle St Marrickville NSW 2204

DA/2023/0275

DA Proposed Plans: S89

Lot 94 - 302.7m<sup>2</sup>

Site Area 302.7m<sup>2</sup>

Site: DA/2023/0275

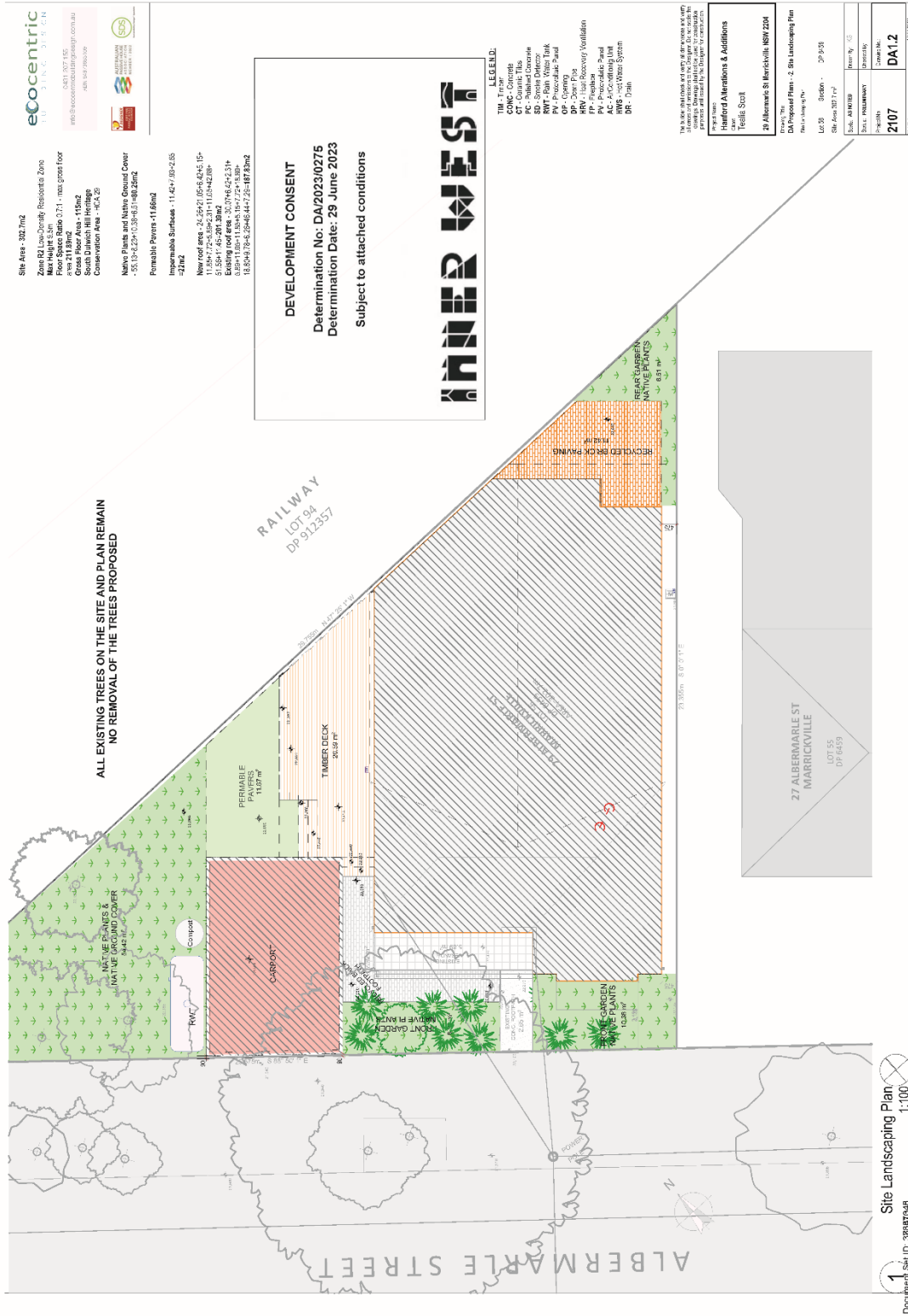
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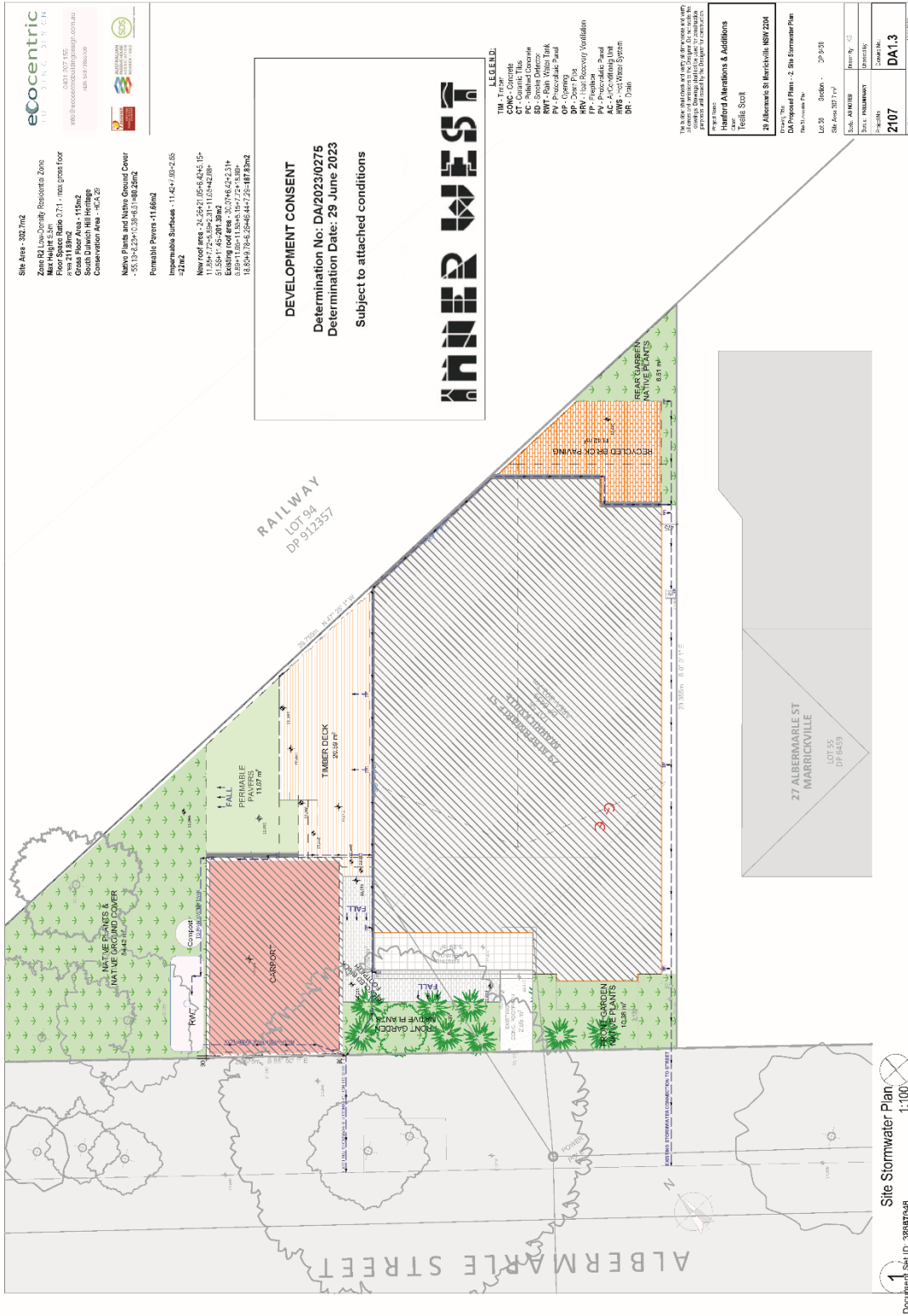
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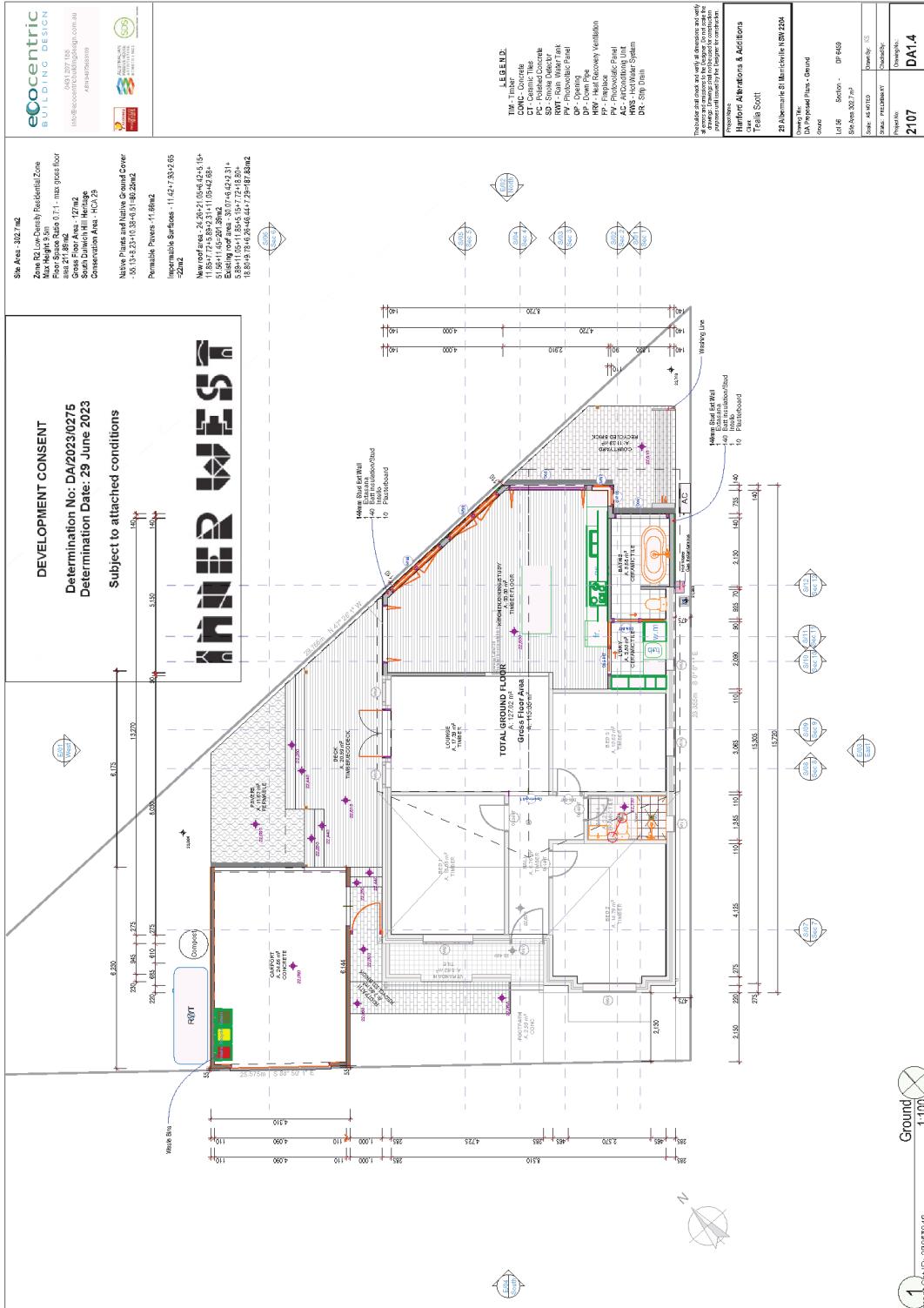
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Document ID: 33828648	Version: 1	Version Date: 30/08/2023
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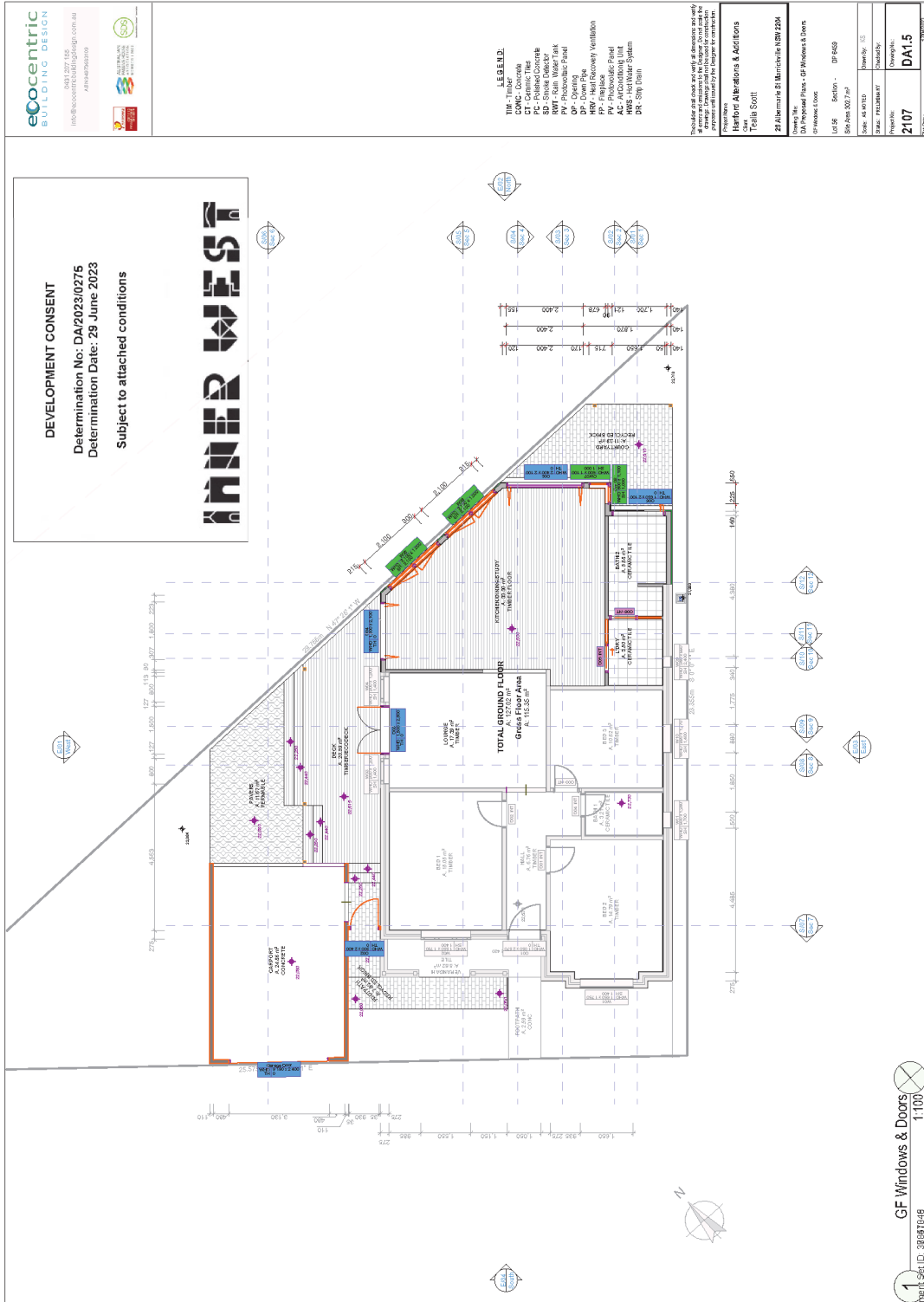
Site New 1:100











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BUILDING DESIGN

1800 600 000  
1000 600 000  
1800 600 000

**LEGEND:**  
TC - Ceramic Tiles  
CT - Ceramic Tiles  
ST - Stone Tiles  
SD - Stone Tiles  
RW - Rain Water Tank  
Op - Opener  
DP - Down Pipe  
RV - Heat Recovery Ventilation  
PV - Photovoltaic Panel  
AC - Air Conditioning Unit  
AS - Air Splitter  
DR - Drain

**PROVISIONS:**  
Heritage Alterations & Additions  
Table 10.1.1

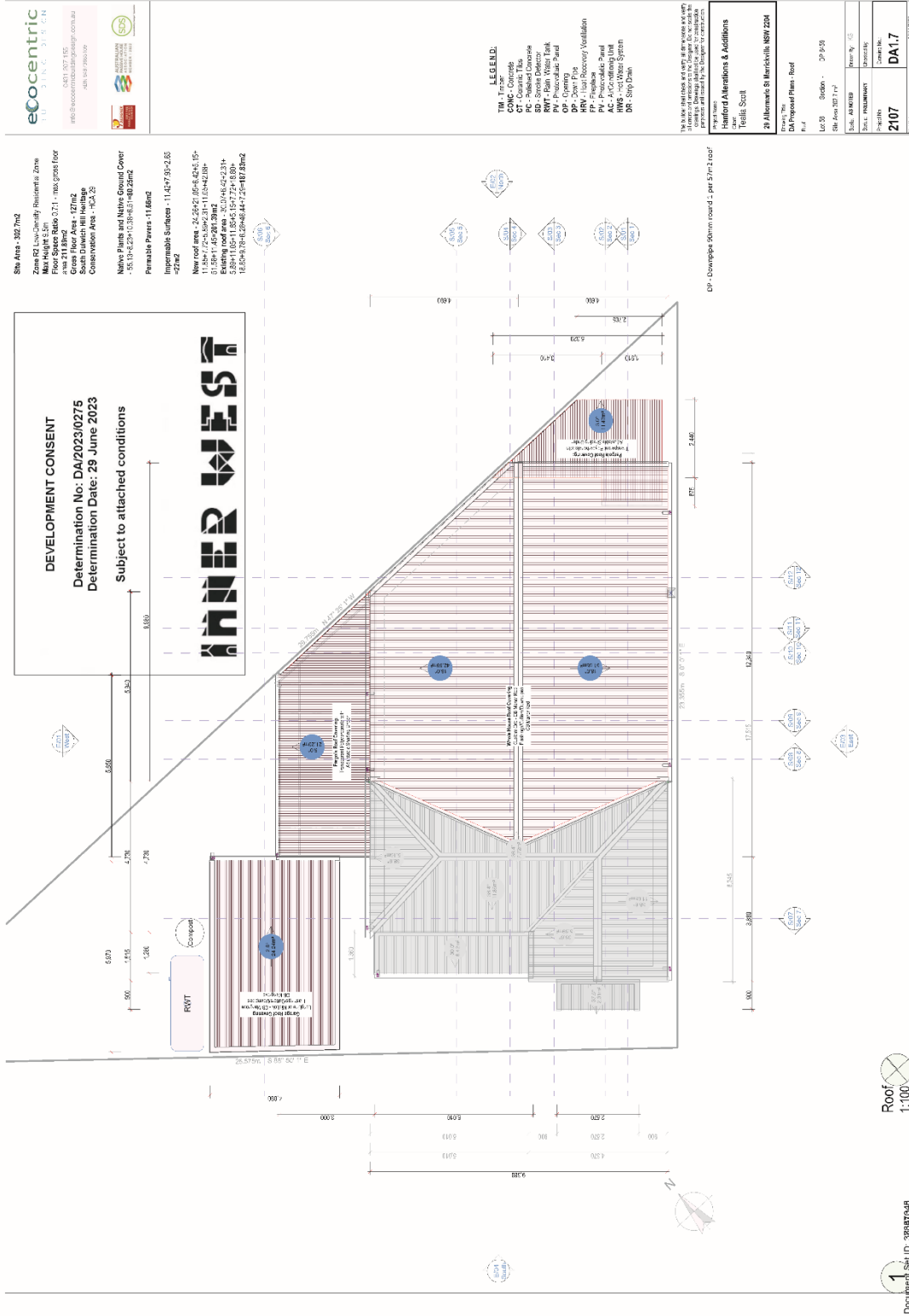
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**Section:** DP #439  
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**Date:** 29 June 2023

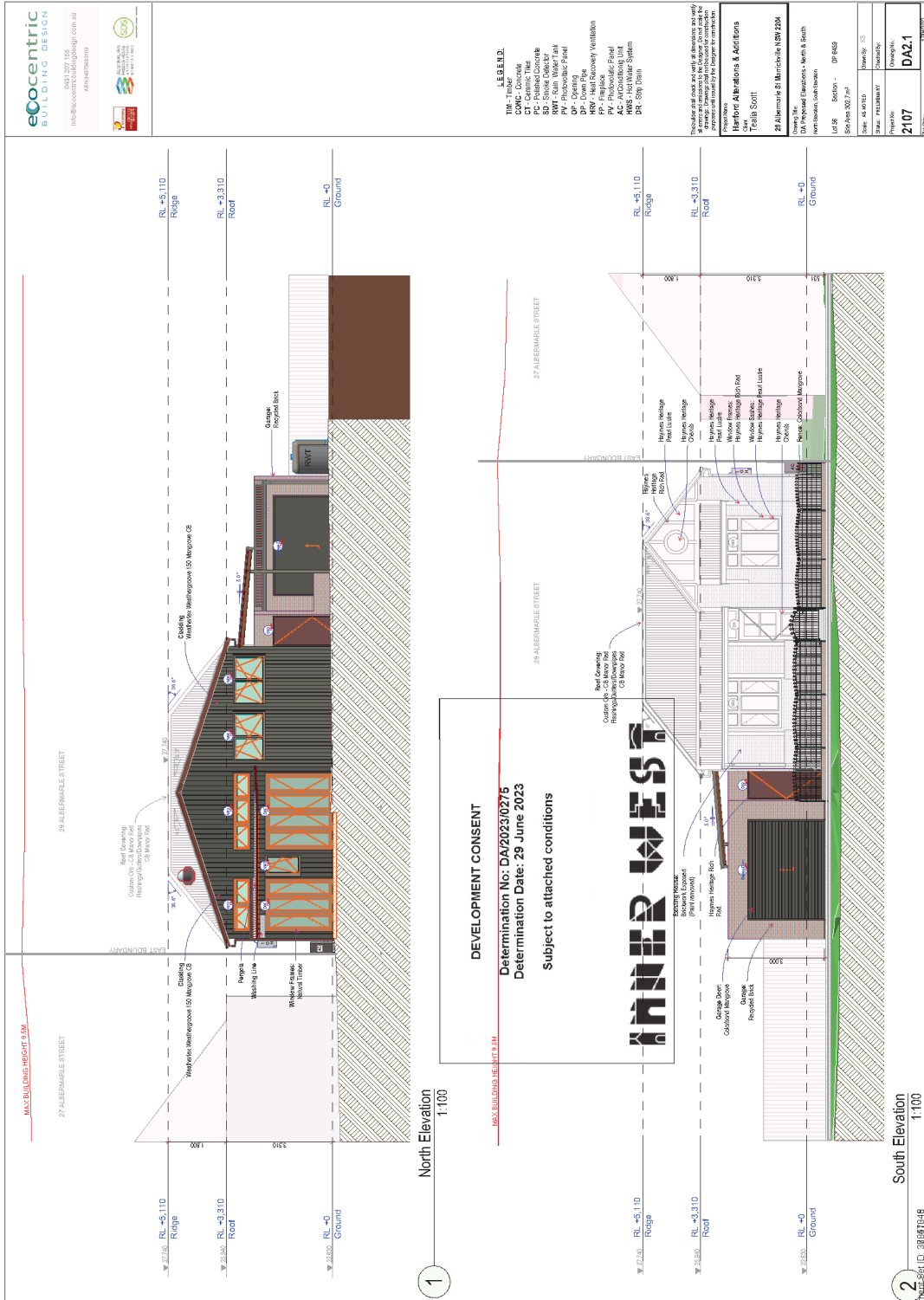
**DEVELOPMENT CONSENT**  
Determination No: DA/2023/0275  
Determination Date: 29 June 2023  
Subject to attached conditions

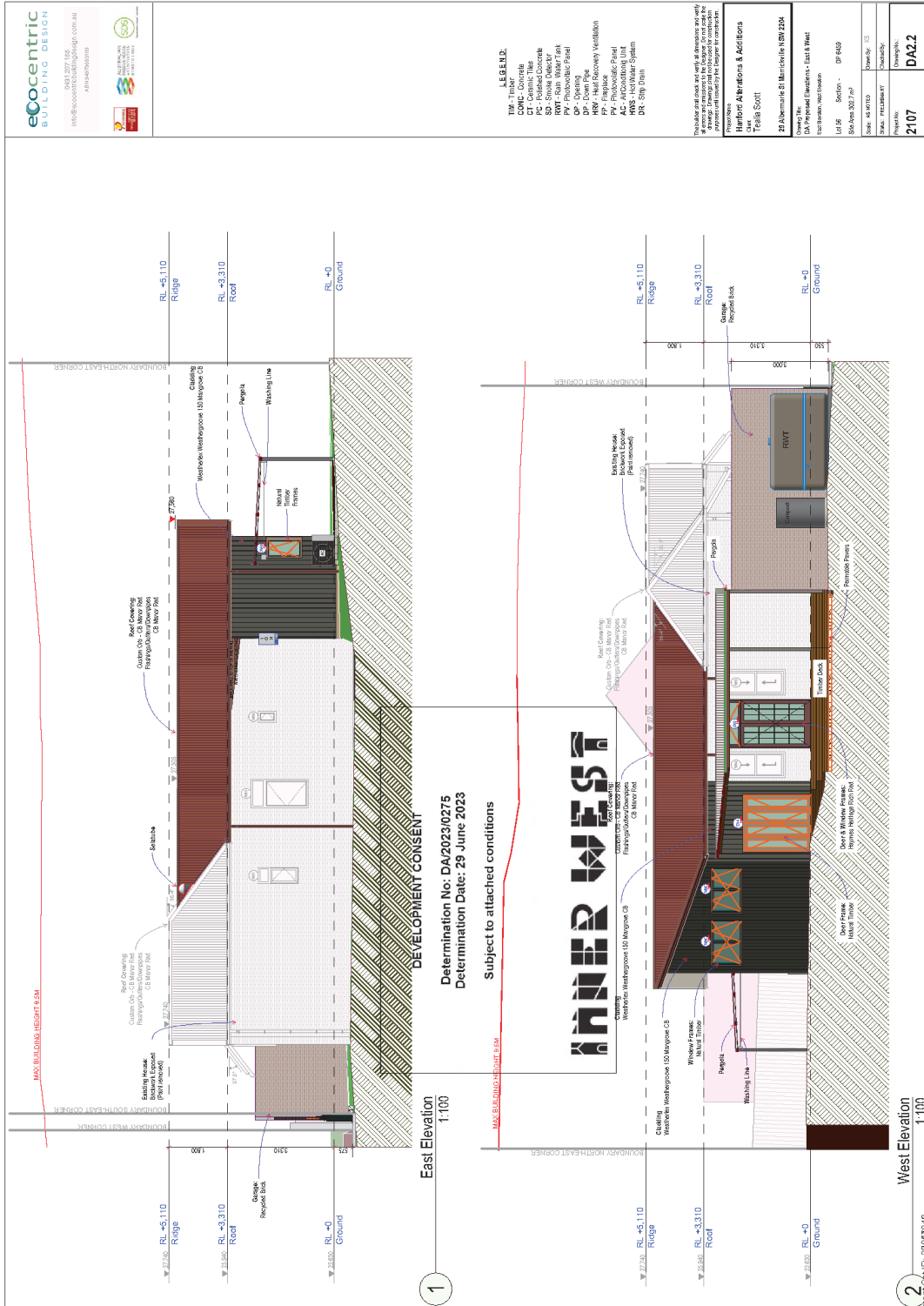
**INNER WEST**

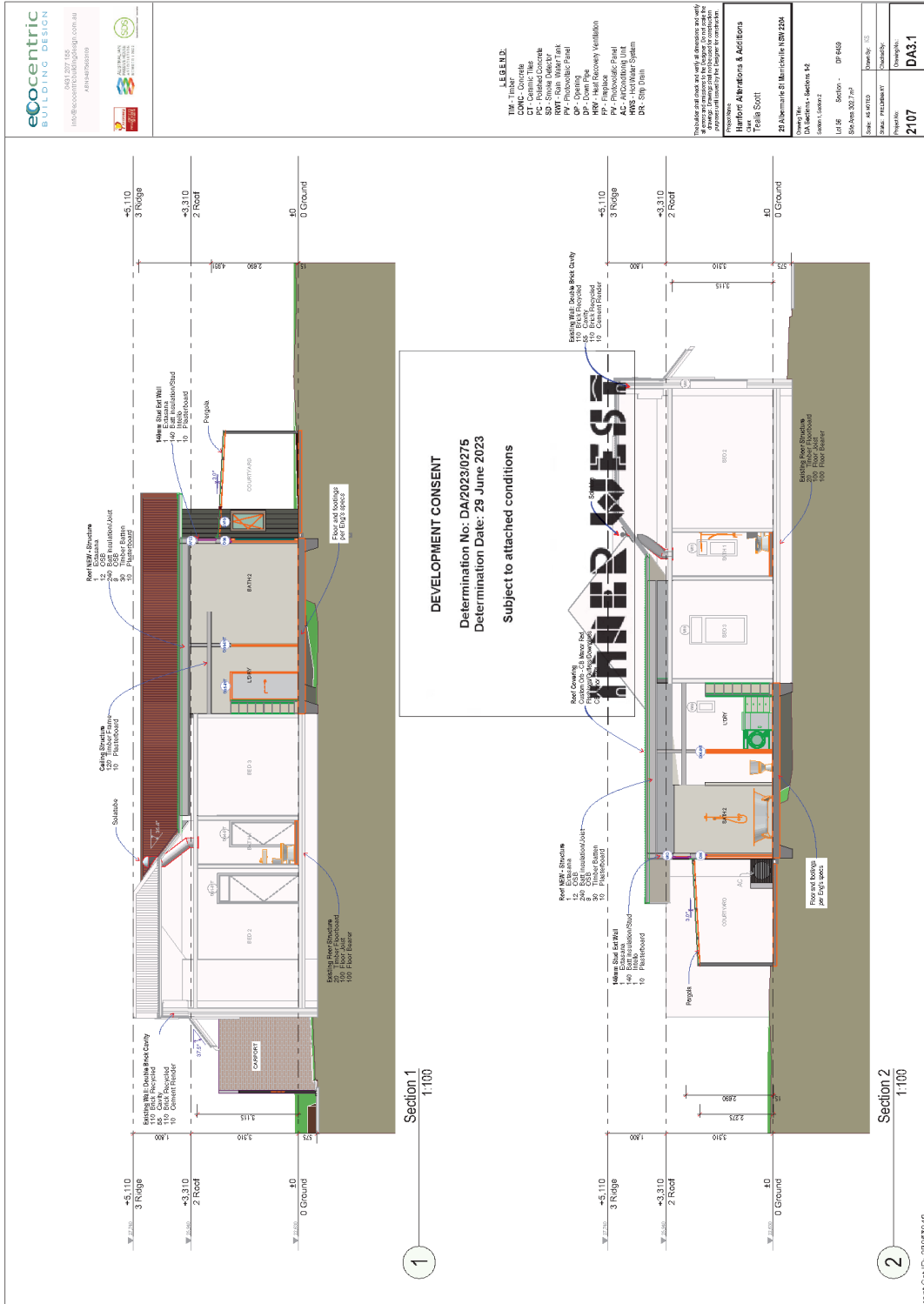
Doc: DA/2023/0275  
Version: 1, Version Date: 29/06/2023

GF Upper Windows  
1:100





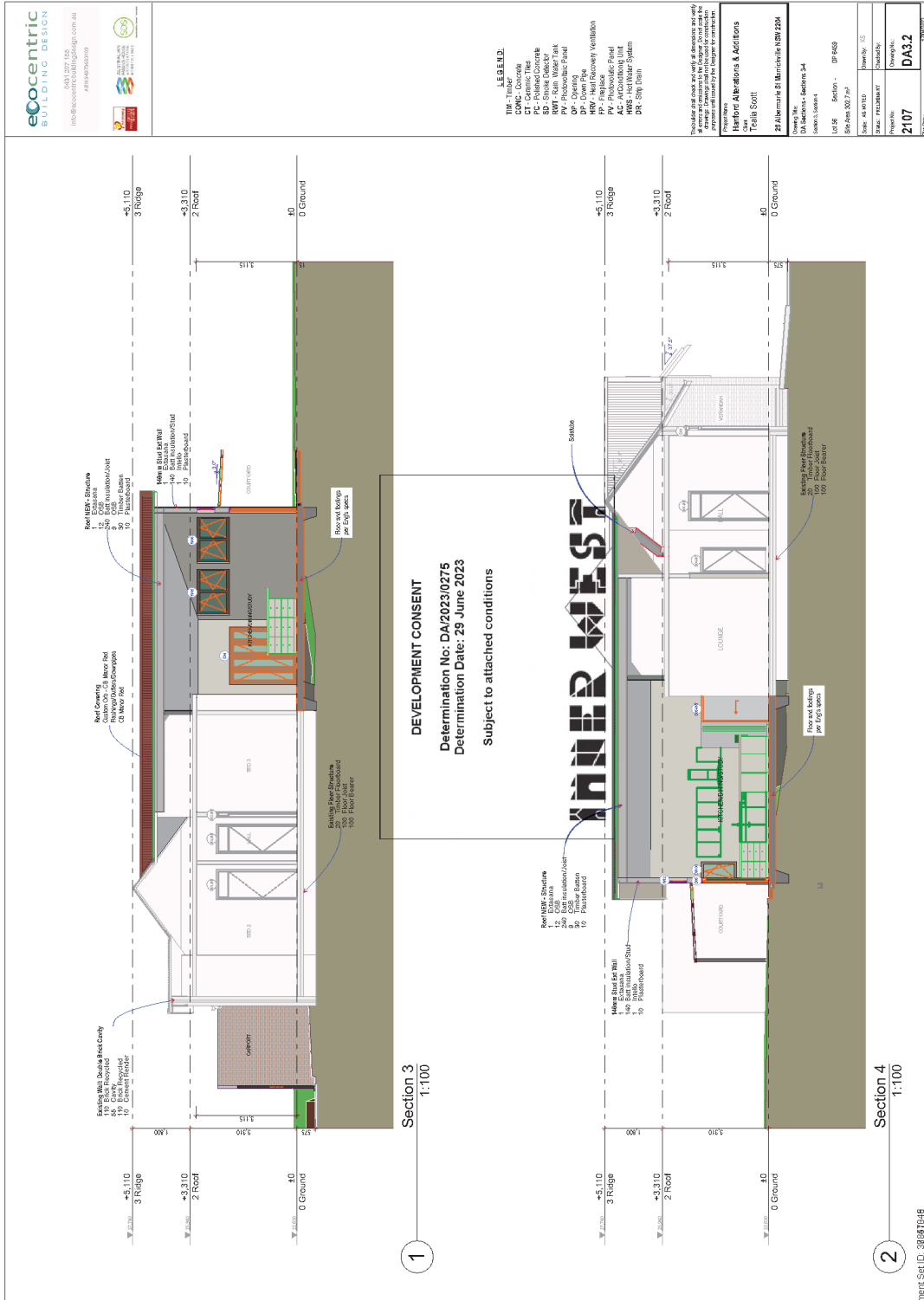




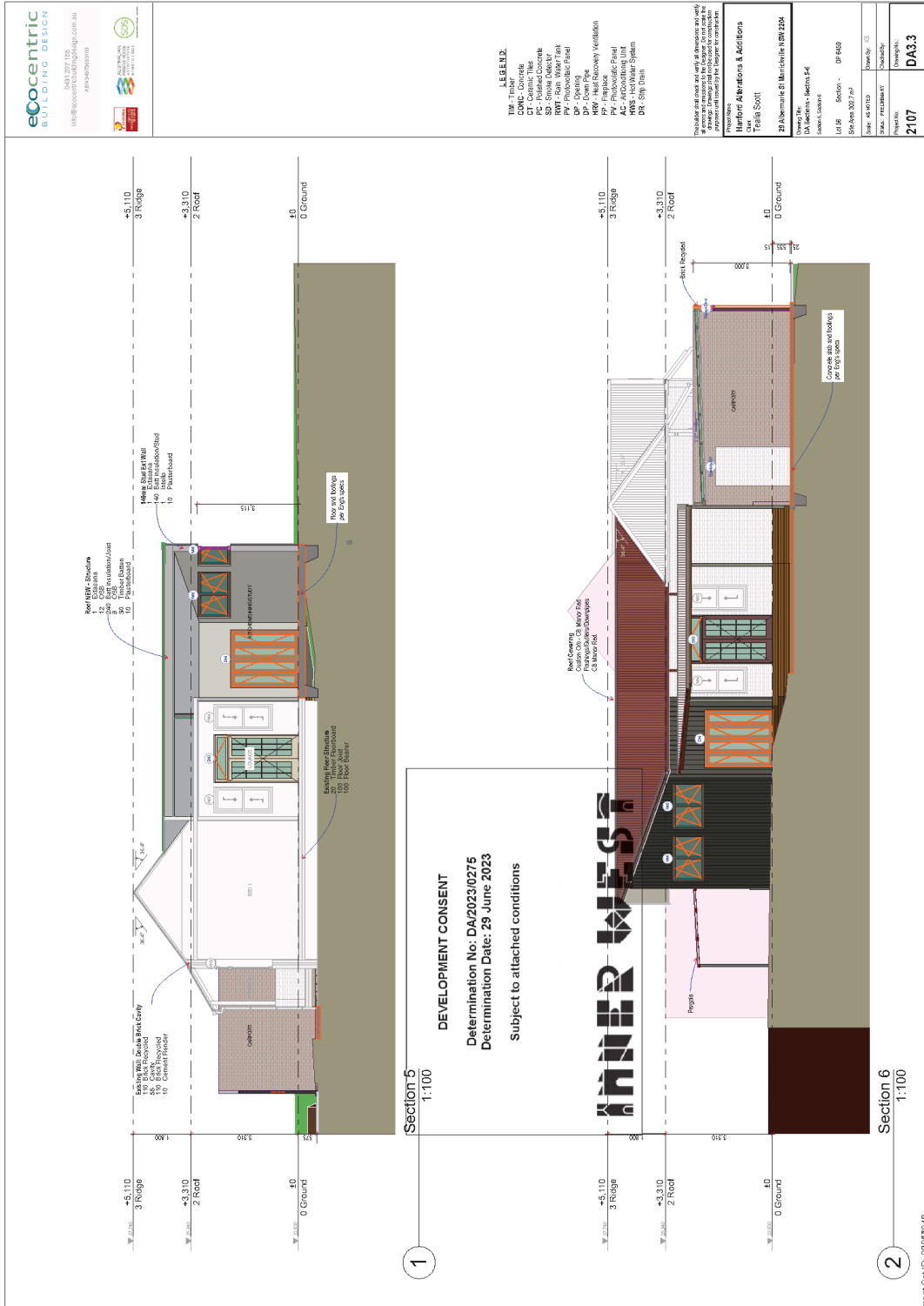
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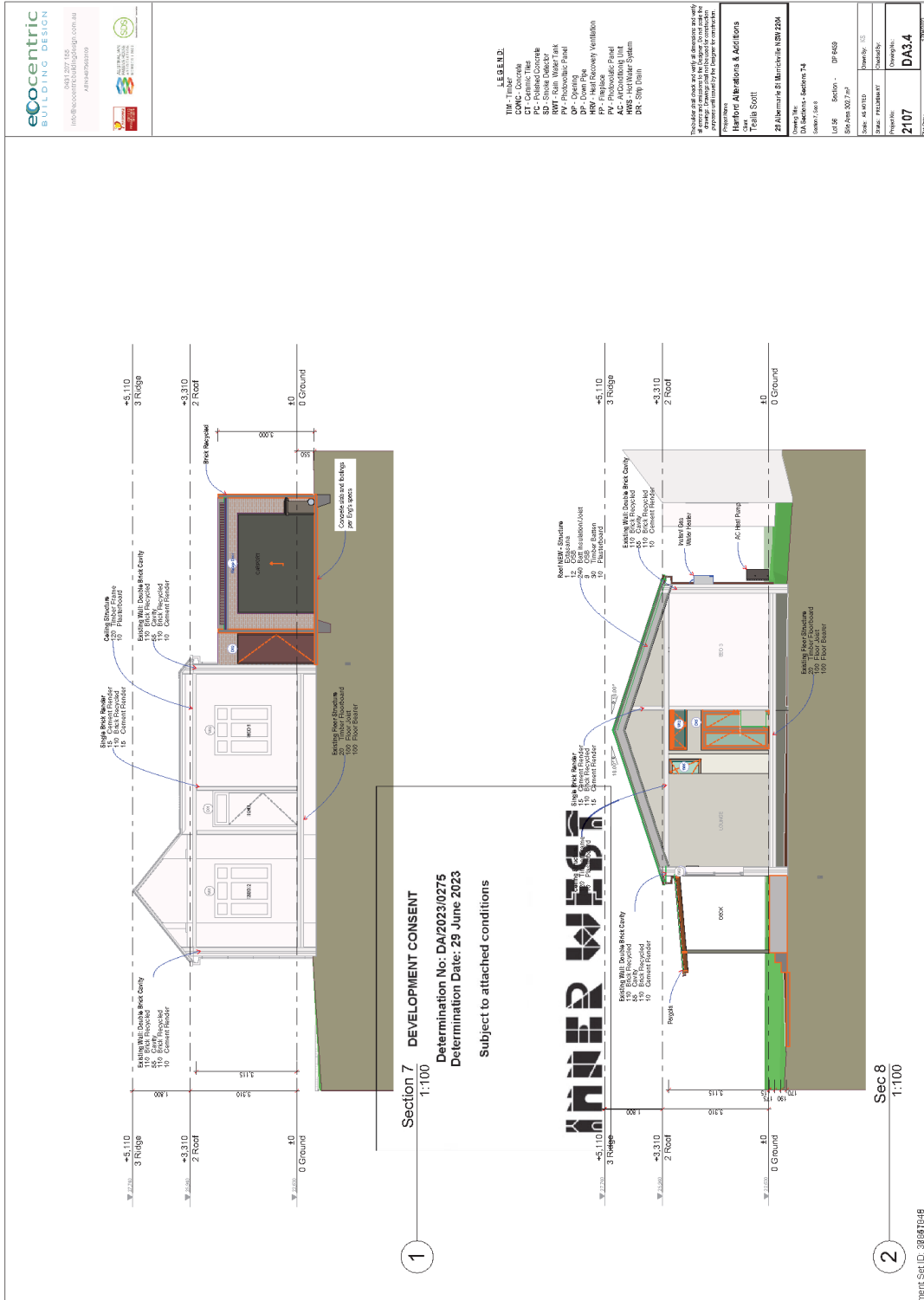
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Version: 1, Version Date: 30/06/2023

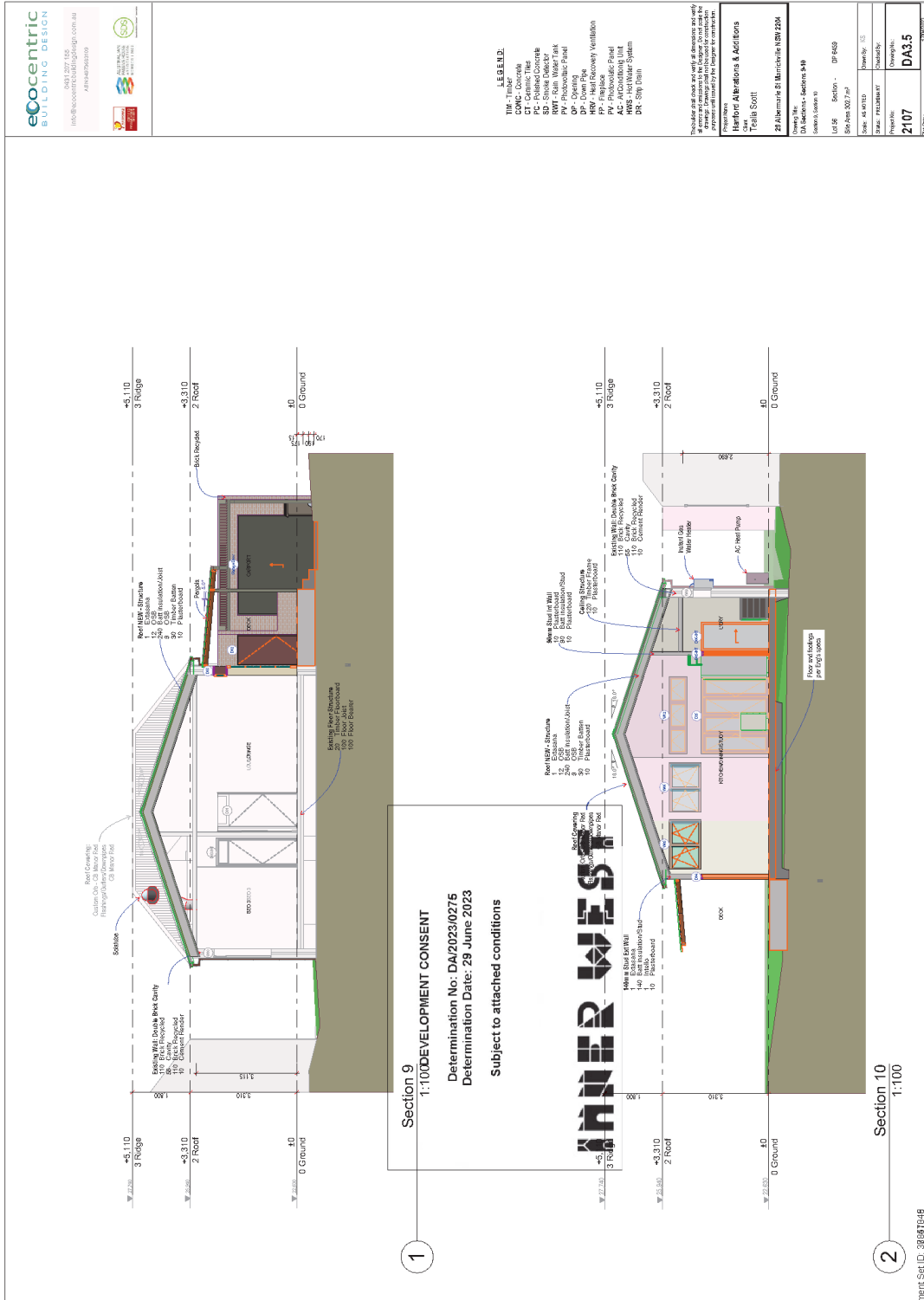






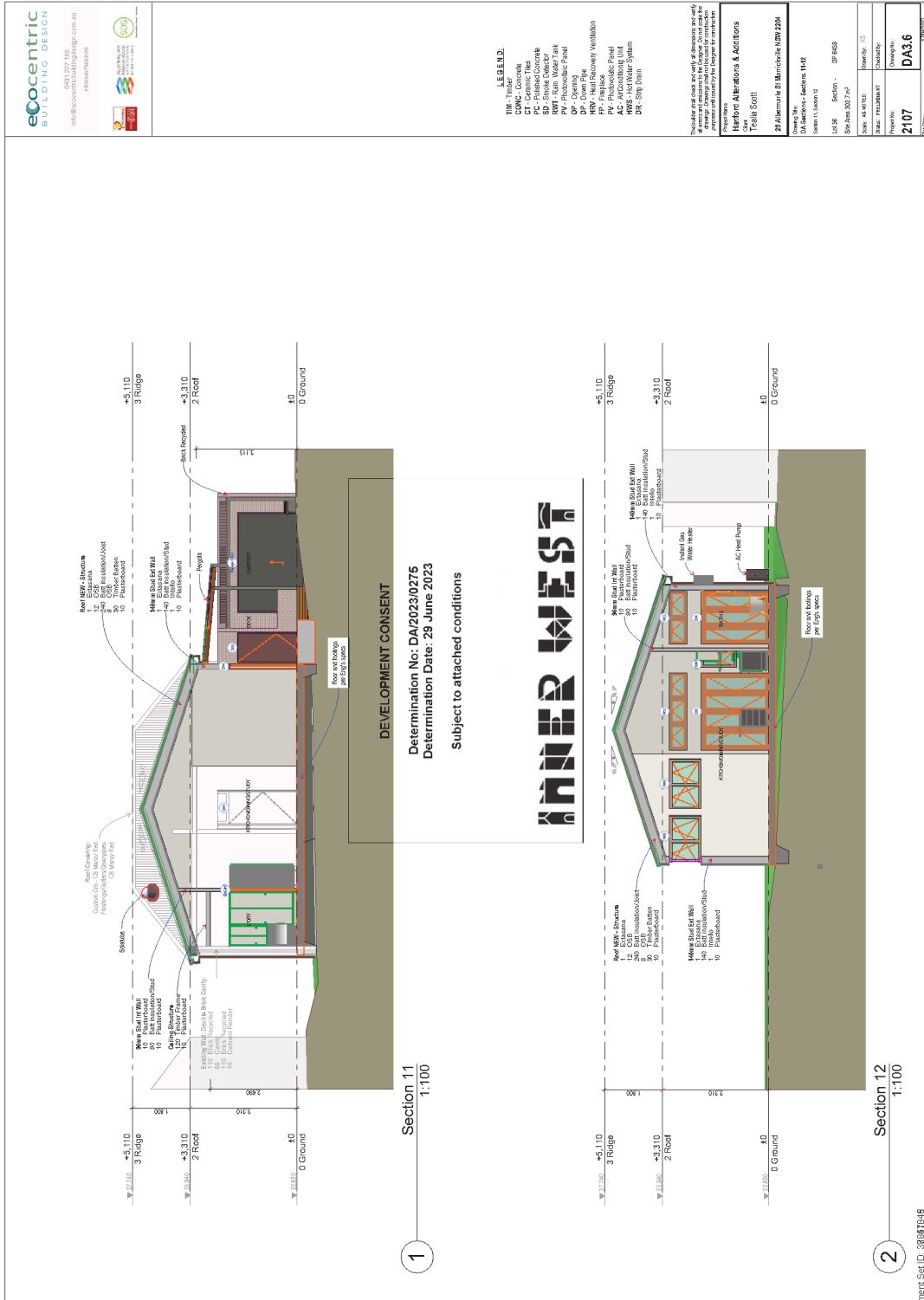


Document Set ID: 98371046  
Version: 1, Version Date: 30/06/2023



1

2







**Proposed Heritage Single Woven Fence Samples**

1800 301 455  
info@eocentricbuildingdesign.com.au  
4th Floor, 100/101 Sturt Street, Sydney NSW 2000

**DEVELOPMENT CONSENT**

Determination No: DA/2023/00275  
Determination Date: 29 June 2023

Subject to attached conditions

**LEGEND:**

- TR - Trusses
- CONC - Concrete
- CT - Concrete Tiles
- PC - Polished Concrete
- ES - External Stairs
- RWF - Rain Water Tank
- PP - Photovoltaic Panel
- DP - Down Pipe
- HRV - Heat Recovery Ventilation
- PV - Photovoltaic Panel
- AC - Air Conditioning Unit
- MS - Mechanical Services
- DR - Drain

The information on this plan was prepared in accordance with the provisions of the relevant legislation and the relevant Council's Local Environmental Plan. It is not intended to constitute a contract and is subject to the terms and conditions of the relevant Council's Local Environmental Plan.

**Herford Alterations & Additions**

Site No: 29 Allomands St, Marickville NSW 2204

Client: Herford Scott

Architect: Herford & Partners - Materials & Finishes 22

Lot/ES: 300/0 - DP #103

Site Area: 3027.27

Scale: 1:100

Drawn By: JSS

Checked By: JSS

Project No: 2107

Drawn On: DA6.2

Document Set ID: 35857648  
Version: 1, Version Date: 30/06/2023

Attachment C- Consent of DA/2023/0275



**NOTICE OF DETERMINATION - APPROVAL**

*Issued under Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979*

<b>Development Application No.</b>	DA/2023/0275
<b>Applicant</b>	Kresho Srpak
<b>Land to be developed</b>	29 Albermarle Street MARRICKVILLE NSW 2204
<b>Approved development</b>	Partial demolition, alterations and additions to the existing dwelling house including a new garage, and associated landscaping of the site
<b>Cost of development</b>	\$151,840.00
<b>Determination</b>	The application was determined by Delegation to Staff and was granted consent <b>subject to the conditions attached.</b>
<b>Other Approvals</b>	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act.
<b>Determination date</b>	29 June 2023
<b>Consent is to operate from</b>	29 June 2023
<b>Consent will lapse on</b>	29 June 2028

**Inner West Council**  
 innerwest.nsw.gov.au  
 02 9392 5000

council@innerwest.nsw.gov.au  
 PO Box 14, Petersham NSW 2049

Document Set ID: 3888007  
 Version: 1, Version Date: 02/07/2023



**Reasons for conditions**

To protect the environmental amenity of the area and the public interest.

**Right of appeal**

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in [Section 8.10](#) of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. Section 8.2 does not apply to complying development, designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that is already subject to a Section 8.2 review.

For further information please contact **Angela Berryman** on **(02) 9392 5979** or [angela.berryman@innerwest.nsw.gov.au](mailto:angela.berryman@innerwest.nsw.gov.au).

*Kaitlin Zieme*

Kaitlin Zieme  
**Team Leader – Development Assessment**

**CONDITIONS OF CONSENT**

**DOCUMENTS RELATED TO THE CONSENT**

**1. Documents related to the consent**

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

<b>Plan, Revision and Issue No.</b>	<b>Plan Name</b>	<b>Date Issued</b>	<b>Prepared by</b>
SA1	Site Analysis	17 April 2023	Ecocentric Building Design
1SA2.2	Existing Home Plans - Site	17 April 2023	Ecocentric Building Design
1SA2.3	Existing Home Plans - Ground	17 April 2023	Ecocentric Building Design
1SA2.4	Existing Home Plans - Roof	17 April 2023	Ecocentric Building Design
1SA3.1	Existing House Elevations - North & South	17 April 2023	Ecocentric Building Design
1SA3.2	Existing House Elevations - West & East	17 April 2023	Ecocentric Building Design
1SA4.1	Existing House Sections - Section 1 & 2	17 April 2023	Ecocentric Building Design
1SA4.2	Existing House Sections - Section 8 & 9	17 April 2023	Ecocentric Building Design
2DP1.2	Plans Demolition - 0 Ground	17 April 2023	Ecocentric Building Design
2DP1.3	Plans Demolition - 2. Roof	17 April 2023	Ecocentric Building Design
2DP2.1	Elevations Demolition - North & South	17 April 2023	Ecocentric Building Design
2DP2.2	Elevations Demolition - East & West	17 April 2023	Ecocentric Building Design
2DP3.1	Sections Demolition - Section 1-2	17 April 2023	Ecocentric Building Design

2DP3.2	Sections Demolition - Sections 3-4	17 April 2023	Ecocentric Building Design
2DP3.3	Section Demolition - Sections 5-6	17 April 2023	Ecocentric Building Design
2DP3.4	Sections Demolition - Sections 7-8	17 April 2023	Ecocentric Building Design
2DP3.5	Sections Demolition - Sections 9-10	17 April 2023	Ecocentric Building Design
2DP3.6	Sections Demolition - Sections 11-12	17 April 2023	Ecocentric Building Design
DA1.1	DA Proposed Plans - Site	17 April 2023	Ecocentric Building Design
DA1.2	DA Proposed Plans - 2. Site Landscaping Plan	17 April 2023	Ecocentric Building Design
DA1.3	DA Proposed Plans - 2 Site Stormwater Plan	17 April 2023	Ecocentric Building Design
DA1.4	DA Proposed Plans - Ground	17 April 2023	Ecocentric Building Design
DA1.5	DA Proposed Plans - GF Windows & Doors	17 April 2023	Ecocentric Building Design
DA1.6	DA Proposed Plans - GF Upper Windows	17 April 2023	Ecocentric Building Design
DA1.7	DA Proposed Plans - Roof	17 April 2023	Ecocentric Building Design
DA2.1	DA Proposed Elevations - North & South	17 April 2023	Ecocentric Building Design
DA2.2	DA Proposed Elevations - East & West	17 April 2023	Ecocentric Building Design
DA3.1	DA Sections - Sections 1-2	17 April 2023	Ecocentric Building Design
DA3.2	DA Sections - Sections 3-4	17 April 2023	Ecocentric Building Design
DA3.3	DA Sections - Sections 5-6	17 April 2023	Ecocentric Building Design
DA3.4	DA Sections - Sections 7-8	17 April 2023	Ecocentric Building Design
DA3.5	DA Sections - Sections 9-10	17 April 2023	Ecocentric Building Design
DA3.6	DA Sections - Sections 11-12	17 April 2023	Ecocentric Building Design

DA6.1	Materials & Finishes - Materials & Finishes 1/2	17 April 2023	Ecocentric Building Design
DA6.2	Materials & Finishes - Materials & Finishes 2/2	17 April 2023	Ecocentric Building Design
A488598	BASIX Certificate	6 March 2023	Ecocentric Building Design

As amended by the conditions of consent.

**DESIGN CHANGE**

**2. Design Change**

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

- a. The setback of the carport/garage is to be increased by 1 metre;
- b. The roller door shall be a panel lift door and shall be of a colour equivalent to Haymes Pearl Lustre; and
- c. The front fence shall be retained as existing. Alternatively, a new brick fence shall be constructed that is of the same design, detail and height of number 27 Albermarle, Street Marrickville.

**FEES**

**3. Security Deposit - Custom**

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

<b>Security Deposit:</b>	\$2,800.00
<b>Inspection Fee:</b>	\$350.00

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

#### **GENERAL CONDITIONS**

##### **4. Boundary Alignment Levels**

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

##### **5. Stormwater Drainage System – Simple**

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

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

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road.

**6. Tree Protection**

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

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

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

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (reference to be made to provided Arborist Report by DJD Tree Consultancy date *4th January 2023*):

Tree No.	Botanical/Common Name	Location
Tree 1	<i>Eucalyptus cinerea</i> - Argyle Apple	Council Street Tree - in front of property
Tree 2	<i>Acacia decurrens</i> - Black Wattle	Council Street Tree - in front of property
Tree 3	<i>Eucalyptus punctata</i> - Grey Gum	West side setback of property
Tree 4	<i>Ficus benjamina</i> - Weeping Fig	West side setback of property

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

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

**7. Project Arborist**

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation,

demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

#### **8. Waste Management Plan**

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

#### **9. Erosion and Sediment Control**

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

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

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

#### **11. Anti-graffiti Treatment**

The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.

#### **12. Rail corridor pollution**

During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

#### **13. Access Gate Albermarle Street**

The Applicant/Developer shall not at any stage block the corridor access gate on Albermarle Street and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.

#### **14. Representative to liaise with Sydney Trains**

The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:



- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- acts as the authorised representative of the Applicant; and
- is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

#### **15. Consultation with Sydney Trains**

Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

#### **PRIOR TO ANY DEMOLITION**

##### **16. Hoardings**

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

##### **17. Advising Neighbours Prior to Excavation**

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

##### **18. Construction Fencing**

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

**19. Rail Corridor Fencing**

Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

**PRIOR TO CONSTRUCTION CERTIFICATE****20. Dilapidation Report – Pre-Development – Minor**

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

**21. Parking Facilities - Domestic**

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

- a. The garage slab must match the existing back of footpath level at the boundary;
- b. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- c. Access to the carport must utilise the existing vehicle crossing;
- d. The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm x 3000 mm (length x width). The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;
- e. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004; and
- f. The external form and height of the approved structures must not be altered from the approved plans.

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

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

**23. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

*Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92*

**24. Acoustic report**

The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Certifier and Council prior to the issuing of a Construction Certificate. The Certifier must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction.

**25. Electrolysis**

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

**26. Lighting**

The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**27. Rail Corridor Easements**

No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**28. Construction Machinery**

Prior to the issuing of a Construction Certificate, the following final version rail specific items are to be submitted to Sydney Trains for review, comment, and written endorsement:

- Machinery to be used during excavation/construction.
- Demolition, excavation, and construction methodology and staging.

The Certifier is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

**29. Risk Management Plan**

If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**30. Site Investigation Report - Rail Corridor**

Prior to the issue of a Construction Certificate, the Applicant shall provide a Detailed Site Investigation report to Sydney Trains for review, with clearance from NSW Environment Protection Authority. Any cross contamination identified shall be removed by the Applicant under instructions from Sydney Trains. The Certifier is not to issue an Occupation Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

**DURING DEMOLITION AND CONSTRUCTION**

**31. Tree Protection Zone**

To protect the trees on site, no work must commence until their Protection Zone is fenced off to prevent any activities, storage or the disposal of materials within the fenced area in accordance with the provided Tree Protection Plan, by DJD Tree Consultancy dated 4th January 2023. The fence (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site.

**32. Inspections by Project Arborist**

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
<b>Tree 1</b> - <i>Eucalyptus cinerea</i> - Argyle Apple - Council Street Tree - in front of property <b>Tree 2</b> - <i>Acacia decurrens</i> - Black Wattle - Council Street Tree - in front of property <b>Tree 3</b> - <i>Eucalyptus punctata</i> - Grey Gum - West side setback of property <b>Tree 4</b> - <i>Ficus benjamina</i> - Weeping Fig - West side setback of property	Prior to commencement of works	<ul style="list-style-type: none"> <li>• Inspection and sign off installation of tree protection measures.</li> </ul>
	During Works	<ul style="list-style-type: none"> <li>• Supervise removal and demolition of existing concrete slab within TPZ;</li> <li>• Supervise all excavation, trenching works, within the TPZ;</li> <li>• Supervise relaying of concrete and pathways within the TPZ.</li> </ul>

	After completion of works and post demobilisation	<ul style="list-style-type: none"> <li>• Inspection of trees prior to removal of tree protection measures.</li> <li>• Inspection and sign off after removal of tree protection measures.</li> </ul>
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Recommendations to ensure the trees long term survival must be carried out immediately upon receipt of the report.

**33. Limited Root Pruning**

No tree roots of 30mm or greater in diameter located during the installation of the proposed root barrier adjacent Tree 3, must be severed or injured in the process of any works during the construction period.

All excavation within the within the TPZ of any trees must be hand dug to a maximum depth of 700mm under direct supervision of the Project Arborist. If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose tool*. The pruning must be undertaken by a practicing Arborist.

**34. Tree Protection**

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

Tree No.	Botanical/Common Name/Location
Tree 1	<i>Eucalyptus cinerea</i> - Argyle Apple - Council Street Tree - in front of property
Tree 2	<i>Acacia decurrens</i> - Black Wattle - Council Street Tree - in front of property

**35. Construction Hours – Class 1 and 10**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

**36. Survey Prior to Footings**

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

**37. Use of Tools**

No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

**38. Soil Rail Corridor**

Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.

**39. Drainage to Rail Corridor**

The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.

**40. Access for Sydney Trains**

Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.



### **PRIOR TO OCCUPATION CERTIFICATE**

#### **41. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

#### **42. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

#### **43. Parking Signoff – Minor Developments**

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

#### **44. Project Arborist Certification**

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

#### **45. Ongoing Rail Corridor Fencing**

The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

#### **46. As Built Drawings**

Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered

Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to by TAHE (Transport Asset Holding Entity). The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

### **ON-GOING**

#### **47. Bin Storage**

All bins are to be stored within the site.

### **ADVISORY NOTES**

#### **Permits**

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

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

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

#### **Insurances**

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those

lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

#### **Tree Protection Works**

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

#### **Tree Pruning or Removal (including root pruning/mapping)**

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

#### **Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

#### **Notification of commencement of works**

At least 7 days before any demolition work commences:

- a. The Council must be notified of the following particulars:
  - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - ii. the date the work is due to commence and the expected completion date; and
- b. A written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

#### **Storage of Materials on public property**

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

#### **Toilet Facilities**

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and

- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

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

#### **Infrastructure**

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

#### **Other Approvals may be needed**

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

#### **Failure to comply with conditions**

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

#### **Other works**

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

#### **Obtaining Relevant Certification**

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

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;

- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent;
- or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

#### **National Construction Code (Building Code of Australia)**

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

#### **Notification of commencement of works**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor; and
  - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. The name of the owner-builder; and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

#### **Dividing Fences Act**

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

#### **Permits from Council under Other Acts**

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

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;

- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

#### **Amenity Impacts General**

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

#### **Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

#### **Lead-based Paint**

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

#### **Dial before you dig**

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

**Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm	<a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20	<a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a>
	Enquiries relating to Owner Builder Permits and Home Warranty Insurance.	
Dial Prior to You Dig	1100	<a href="http://www.dialpriortoyoudig.com.au">www.dialpriortoyoudig.com.au</a>
Landcom	9841 8660	To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441	<a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406	<a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government		<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a>
		Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	<a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92	<a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>



Waste Service - SITA 1300 651 116  
Environmental Solutions  
[www.wasteservice.nsw.gov.au](http://www.wasteservice.nsw.gov.au)

Water Efficiency Labelling and Standards (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)

WorkCover Authority of NSW 13 10 50  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Enquiries relating to work safety and asbestos removal and disposal.

#### **Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

#### **Contact with Sydney Trains**

Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface, and they can be contacted via email on [Central\\_Interface@transport.nsw.gov.au](mailto:Central_Interface@transport.nsw.gov.au).

### Copies of Sydney Trains Endorsed Documents

Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

### Overhead Power Lines

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase. Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.


The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at [www.ausgrid.com.au](http://www.ausgrid.com.au).

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost. Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: [www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)

Attachment D – Assessment Report- DA/2023/0275



Development Assessment Report

<b>Application No:</b>	DA/2023/0275	<b>Assessing Officer:</b>	Angela Berryman
<b>Date of lodgement:</b>	26 April 2023	<b>Cost of works:</b>	\$151,840.00
<b>Heritage Significance:</b>	HCA	<b>Notification:</b>	10 May 2023 to 24 May 2023
<b>Permissible:</b>	Yes	<b>Submissions:</b>	0
<b>Applicant:</b>	Kresho Srpak		
<b>Owner:</b>	Ms Tealia J Scott		
<b>Subject Site:</b>	29 Albermarle Street MARRICKVILLE NSW 2204		
<b>Site Location Map/Description</b>	<p>The subject site is located on the north eastern side of Albermarle Street, between Kays Avenue East and the railway corridor. The site area is approximately 302.7sqm with a primary frontage to Albermarle Street. The lot is triangular in shape and adjoins the railway corridor on its north western boundary. An existing single storey dwelling house is located on the site.</p> <p>Surrounding land uses are predominantly single and two storey dwelling houses.</p>		
			
	<p style="text-align: center;"><i>Figure 1: Subject Site</i></p>		

# INNER WEST



Figure 2: Site Photo

<p><b>Proposal:</b></p>	<p>Partial demolition, alterations and additions to the existing dwelling house including a new garage, and associated landscaping of the site</p> <p>Specifically, the proposal involves the following works:</p> <ul style="list-style-type: none"> <li>• Demolition of the kitchen, and dining at the rear of the existing dwelling;</li> <li>• Demolition of the laundry and garage;</li> <li>• Construction of a ground floor addition containing a lounge, kitchen/dining/study area, laundry and bathroom;</li> <li>• Construction of a deck to the north western elevation of the dwelling and a courtyard area to the north eastern elevation of the dwelling;</li> <li>• Construction of a carport accessed Via Albermarle Street; and</li> <li>• Associated landscaping works.</li> </ul>
<p><b>Relevant Background:</b></p>	<p>Not applicable</p>
<p><b>Key Issues:</b></p>	<p>Heritage, Setback of Garage</p>
<p><b>Recommendation:</b></p>	<p>Approval subject to conditions</p>



## 1. Assessment

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

### A. Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

#### State Environmental Planning Policies (SEPPs)

##### SEPP (Resilience and Hazards) 2021

###### Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

##### SEPP (Building Sustainability Index: BASIX) 2004

The applicant has included a BASIX Certificate as part of the lodgment of the application (lodged within 3 months of the date of the lodgment of this application) in compliance with the *EP&A Regulation 2021*.

##### SEPP (Transport and Infrastructure) 2021

###### Chapter 2 Infrastructure

###### Development likely to affect an electricity transmission or distribution network



The proposed development meets the criteria for referral to the electricity supply authority within Section 2.48 of *SEPP (Transport and Infrastructure) 2021* and has been referred for comment for 21 days. Ausgrid have raised no objection to the proposed development.

Development in, above, below or adjacent to rail corridors and interim rail corridors

The proposed development has been referred to the rail authority in accordance with Sections 2.98 of *SEPP (Transport and Infrastructure) 2021*. Transport for NSW have raised no objection to the proposal subject to the imposition of conditions relating to construction. Subject to the imposition of these conditions, the proposal will not impact the safety and ongoing operation of the rail corridor and rail infrastructure.

Impact of rail noise or vibration on non-rail development

The site is located adjacent to a rail corridor. Section 2.100(3) of *SEPP (Transport and Infrastructure) 2021* requires consideration to be given to the impact of rail noise on residential accommodation. A condition has been included in the development consent to ensure that an acoustic report is prepared to demonstrate the noise levels within the dwelling will not exceed the following requirements:

- In any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,
- Anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Subject to the above-mentioned condition, the proposed rail corridor will not result in adverse acoustic impacts on the dwelling.

**Inner West Local Environmental Plan 2022**

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

**Part 1 – Preliminary**

Control	Proposed	Compliance
Section 1.2 Aims of Plan	The proposal is consistent with Section 1.2 as follows: <ul style="list-style-type: none"> <li>• The proposal conserves and maintains the natural, built and cultural heritage of Inner West; and</li> <li>• The proposal preserves adverse social, economic and environmental impacts on the local character of Inner West.</li> </ul>	Yes

**Part 2 – Permitted or prohibited development**

Zone Objectives	Proposed	Permissible with consent?
Section 2.3 Zone objectives and Land Use Table R2 – Low Density Residential	The proposal satisfies the section as follows: <ul style="list-style-type: none"> <li>• The application proposes alterations and additions to a</li> </ul>	Yes



	<p><b>dwelling house</b>, which is permissible with consent in the R2 – Low Density Residential zone.</p> <ul style="list-style-type: none"> <li>The development meets the objectives of the zone.</li> </ul>	
<b>Control</b>	<b>Proposed</b>	<b>Compliance</b>
Section 2.7 Demolition requires development consent	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> <li>Demolition works are proposed, which are permissible with consent; and</li> <li>Standard conditions are recommended to manage impacts which may arise during demolition.</li> </ul>	Yes, subject to conditions

**Part 4 – Principal development standards**

Control	Proposed		Compliance
Section 4.3 Height of building	Maximum	9.5m	Yes
	Proposed	5.4m	
	Variation	NA	
Section 4.4 Floor space ratio	Maximum	0.7:1 or 211.89sqm	Yes
	Proposed	0.38:1 or 115sqm	
	Variation	NA	
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.		Yes

**Part 5 – Miscellaneous provisions**

Control	Compliance	Compliance
Section 5.10 Heritage conservation	<p>The subject site is a contributory building within the South Dulwich Hill Conservation Area (HCA).</p> <p>The development has largely been designed to respond to the significance of the conservation area and preserve contributory elements and fabric of the existing building. Notwithstanding, it is considered the proposal in its current form may have adverse impacts on the significance of the HCA as the proposed fence is not reflective of a historical period and has not been designed using historical evidence. In addition, the proposed carport location and choice of door is dominant and detracts from the original dwelling on the site. Therefore, a condition has been included requiring amended plans to demonstrate the following:</p>	Yes





	<ul style="list-style-type: none"> <li>• The roller door shall be a panel lift door and shall be of a colour equivalent to Haymes Pearl Lustre;</li> <li>• The carport/garage structure is to be setback further 1 metre from the front boundary; and</li> <li>• The front fence shall be retained as existing. Alternatively a new brick fence shall be constructed that is of the same design, detail and height of number 27 Albermarle, Street Marrickville.</li> </ul>	
<p>Subject to the abovementioned conditions being imposed it is considered the development preserves the environmental heritage of the Inner West and is acceptable with regard to Clause 5.10 of IWLEP 2022 and Part 8 of MDCP 2011.</p>		

**Part 6 – Additional local provisions**

Control	Proposed	Compliance
Section 6.2 Earthworks	The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.	Yes
Section 6.3 Stormwater Management	The development maximises the use of permeable surfaces and subject to standard conditions would not result in any significant runoff to adjoining properties or the environment.	Yes

**B. Draft Environmental Planning Instruments**

There are no Draft Environmental Planning Instruments relevant to the development.

**C. Development Control Plans**

**Marrickville Development Control Plan 2011**

**Part 2 – Generic Provisions**

Control	Proposed	Compliance
Part 2.1 – Urban Design	<p>The proposal is consistent with Part 2.1 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal does not impact the definition between the public and private domain and is appropriate for the character of the locality given its form, massing, siting and detailing; and</li> <li>• The proposal preserves the existing character of the streetscape, as the development protects the street elevation of the existing dwelling.</li> </ul>	Yes



<p>Part 2.6 – Acoustic and Visual Privacy</p>	<p>The proposal is consistent with Part 2.6 of MDCP 2011 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The windows proposed predominantly face into the site or are adequately offset from adjoining windows, thereby protecting existing privacy levels for surrounding occupiers; and</li> <li>• The development is for a ground floor addition only and as such views will be mitigated by the boundary fencing.</li> </ul>	<p>Yes</p>
<p>Part 2.7 – Solar Access and Overshadowing</p>	<p>The proposal is consistent with Part 2.7 of MDCP 2011 for the following reasons:</p> <ul style="list-style-type: none"> <li>• A minimum of 2 hours direct solar access to windows of principal living areas and principal areas of open space of nearby residential properties between 9:00am and 3:00pm on 21 June is retained.</li> <li>• The development will not result in adverse amenity impacts as a result of overshadowing;</li> <li>• At least one habitable room of the dwelling has a window having an area not less than 15% of the floor area of the room, positioned within 30 degrees east and 20 degrees west of true north and will allow for direct sunlight for at least two hours over a minimum of 50% of the glazed surface between 9:00am and 3:00pm on 21 June; and</li> <li>• The private open space provided for the dwelling house receives a minimum two hours of direct sunlight over 50% of its finished surface between 9.00am and 3.00pm on 21 June.</li> </ul>	<p>Yes</p>
<p>Part 2.10 – Parking</p>	<p>The proposal is consistent with Part 2.10 of MDCP 2011 for the following reasons:</p> <ul style="list-style-type: none"> <li>• One car parking space is proposed; and</li> <li>• Conditions have been included to ensure the proposed parking area and access meet the relevant Australian Standards.</li> </ul>	<p>Yes, subject to condition</p>
<p>Part 2.18 – Landscaping and Open Spaces</p>	<p>The proposal is consistent with Part 2.18 of MDCP 2011 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The entire front setback is to consist of pervious landscaping with the exception of the pathway and driveway;</li> <li>• The Landscape Plan identifies that a minimum of 60sqm, being 20% of the total site area, with no dimension being less than 3 metres is to be retained as private open space. While it is located to the side of the dwelling this is considered acceptable in the circumstances given the unusual configuration of the lot. In addition, the private open space will maintain adequate privacy from the public domain; and</li> <li>• In excess of 50% of the private open space is to be maintained as pervious landscaping.</li> </ul>	<p>Yes</p>



Part 2.20 – Tree Management	The proposal is consistent with Part 2.20 of MDCP 2011 for the following reasons: <ul style="list-style-type: none"> <li>• Conditions have been included in the recommendation to ensure trees on the site and Council land are retained and protected.</li> </ul>	Yes, subject to conditions.
Part 2.21 – Site Facilities and Waste Management	The proposal is consistent with Part 2.21 for the following reasons: <ul style="list-style-type: none"> <li>• The application was accompanied by a waste management plan in accordance with the Part; and</li> <li>• Standard conditions are recommended to ensure the appropriate management of waste during the construction of the proposal.</li> </ul>	Yes, subject to conditions.
Part 2.25 – Stormwater Management	The proposal is consistent with Part 2.25 of MDCP 2011 for the following reasons: <ul style="list-style-type: none"> <li>• Standard conditions are recommended to ensure the appropriate management of stormwater.</li> </ul>	Yes, subject to conditions

**Part 4 – Low Density Residential Development**

Control	Assessment	Compliance
Part 4.1.4 – Good Urban Design Practice	The proposal is consistent with Part 4.1.4 of MDCP 2011 for the following reasons: <ul style="list-style-type: none"> <li>• The height, bulk and scale of the development complement existing developments in the street and the architectural style of the proposal is in keeping with the character of the area.</li> </ul>	Yes
Part 4.1.5 – Streetscape and Design	The proposal is consistent with Part 4.1.5 of MDCP 2011 for the following reasons: <ul style="list-style-type: none"> <li>• The development complements the uniformity and visual cohesiveness of the bulk, scale and height of the existing streetscape; and</li> <li>• The proposal is a contemporary design that complements the character of the area.</li> </ul>	Yes
Part 4.1.6 – Built form and character  <u>Front setback</u> • Consistent with adjoining developments  <u>Side setbacks</u>	<ul style="list-style-type: none"> <li>• The existing front setback of the dwelling is to remain unaltered by the proposal;</li> <li>• As discussed earlier, the front setback of the garage/carport is required to be increased by 1 metre to reduce its dominance in the streetscape;</li> <li>• The proposal does not include change to the existing minimum side setbacks. While the side setbacks are not consistent with the 900mm requirement contained in MDCP 2011, the proposed are considered satisfactory, as the proposal has an acceptable impact on adjoining properties in terms of overshadowing,</li> </ul>	Yes



<ul style="list-style-type: none"> <li>• One storey – 900mm</li> </ul> <p><u>Rear setback</u></p> <ul style="list-style-type: none"> <li>• On merit</li> </ul> <p><u>Site coverage</u></p> <ul style="list-style-type: none"> <li>• On merit (300m<sup>2</sup> – 350 m<sup>2</sup> allotments)</li> </ul>	<p>visual bulk and privacy. In addition, the proposed side setbacks are consistent with the established setback pattern of the street;</p> <ul style="list-style-type: none"> <li>• The proposed ground floor rear setback is considered appropriate, as it will not create adverse impacts on adjoining properties in terms of visual bulk, overshadowing or privacy; and</li> <li>• The proposal results in a site coverage of 41% (125sqm). The overall site coverage of the development is considered acceptable, as it is consistent with the pattern development of the street and will have an acceptable impact on adjoining properties.</li> </ul>	
<p>Part 4.1.7 – Car Parking</p>	<p>The proposal is consistent with Part 4.1.7 of MDCP 2011 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The garage and car parking space comply with the design requirements and minimum dimension for car parking within Part 2.10 of MDCP 2011;</li> <li>• The garage is located safely and conveniently located for use;</li> <li>• Whilst ideally the garage/carport would be located behind the front building line, the shape of the allotment would result in there being little usable private open space if this was required. The location of the garage should be setback a further 1 metre to provide some visual relief in the streetscape and reduce its dominance;</li> <li>• The design of the garage is appropriate to the dwelling house and is consistent in height and form with other approved development in the street; and</li> <li>• The location of the driveway is suitable within the street and will not impact traffic or parking.</li> </ul>	<p>Yes</p>

**Part 8 – Heritage**

Control	Assessment	Compliance
<p>Part 8.2.31 – South Dulwich Hill Heritage Conservation Area</p>	<p>The proposal is consistent with Part 8.2.31 of MDCP 2011 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The additions to the existing dwelling ensure the development maintains the existing building which was constructed during the period of significance of the conservation area; and</li> <li>• Conditions have been included in the recommendation to ensure the existing fence is retained and to ensure the carport door is of appropriate materials that will not be dominant within the streetscape.</li> </ul>	<p>Yes, subject to conditions.</p>
<p>Part 8.3.2.1 – Public domain elements</p>	<p>The proposal is consistent with Part 8.3.2.1 of MDCP 2011 for the following reasons:</p>	<p>Yes</p>



	<ul style="list-style-type: none"> <li>The proposal retains significant public domain elements.</li> </ul>	
Part 8.3.2.3 – Building setbacks	<p>The proposal is consistent with Part 8.3.2.3 of MDCP 2011 for the following reasons:</p> <ul style="list-style-type: none"> <li>The development maintains existing building front and side setbacks.</li> <li>While the proposal includes construction of a carport, this is replacing smaller structure, given the redevelopment a increased setback to the larger and formalised structure is required. Conditions have been included in the recommendation to ensure the increased setback and that the roller door shall be a panel lift door of a colour equivalent to Haymes Pearl Lustre to reduce its dominance within the street.</li> </ul>	Yes, subject to conditions.
Part 8.3.2.4 – Building heights	<p>The proposal is consistent with Part 8.3.2.4 of MDCP 2011 for the following reasons:</p> <ul style="list-style-type: none"> <li>The proposed additions to the contributory dwelling are no higher than the existing roof form and height of the original building and do not overwhelm the existing built form.</li> </ul>	Yes
Part 8.3.2.5 – Building form	<p>The proposal is consistent with Part 8.3.2.5 of MDCP 2011 for the following reasons:</p> <ul style="list-style-type: none"> <li>The proposed additions to the dwelling are not visible from the main street frontage and is consistent with the overall form and massing of the building.</li> </ul>	Yes
Part 8.3.2.6 – Roof form	<p>The proposal is consistent with Part 8.3.2.6 of MDCP 2011 for the following reasons:</p> <ul style="list-style-type: none"> <li>The development maintains the original roof form to the front elevation and for the length of the main roof to the side elevations.</li> <li>The materials to the original roof and suitable to the building and conservation area.</li> </ul>	Yes
Part 8.3.2.7 – Building facades	<p>The proposal is consistent with Part 8.3.2.7 of MDCP 2011 for the following reasons:</p> <ul style="list-style-type: none"> <li>The changes to the façade of the dwelling include like for like changes and are appropriate to the dwelling.</li> </ul>	Yes
Part 8.3.2.8 – Verandahs and porches	<p>The proposal is consistent with Part 8.3.2.8 of MDCP 2011 for the following reasons:</p> <ul style="list-style-type: none"> <li>The porch of the dwelling is unchanged by the development and is retained.</li> </ul>	Yes
Part 8.3.2.9 – Windows and doors	<p>The proposal is consistent with Part 8.3.2.9 of MDCP 2011 for the following reasons:</p> <ul style="list-style-type: none"> <li>The development maintains original front doors and windows in their original position.</li> </ul>	Yes



	<ul style="list-style-type: none"> <li>The new windows to the rear of the property have limited visibility and are of proportions appropriate the conservation area and dwelling.</li> </ul>	
Part 8.3.2.10 – Façade materials	<p>The proposal is consistent with Part 8.3.2.10 of MDCP 2011 for the following reasons:</p> <ul style="list-style-type: none"> <li>The original materials to the front portion of the dwelling are maintained.</li> <li>The new additions to the rear exhibit materials that are compatible with the conservation area.</li> </ul>	Yes
Part 8.3.2.12 – Fences	<p>Control C57 in Part 8 of MDCP 2011 requires the following:</p> <p><i>C57 Where the property is one of a group of houses that otherwise feature original fences, a new fence must match the original design, including height, spacing of bars/elements, density/transparency and materials in accordance with the relevant type. See Section 2.11 of this DCP on Fencing.</i></p> <p>The proposal includes construction of a new fence at the front of the property. The proposed fence is not based on any historical evidence of the original fence and does not appear to be reflective of an original fence to the dwelling. Therefore, the proposal is not consistent with Control C57 in Part 8 of MDCP 2011. Therefore, a condition has been included in the recommendation requiring the existing fence to be retained and not altered.</p> <p>Subject to the abovementioned condition being imposed the proposal is considered to be consistent with Part 8.3.2.12 of MDCP 2011.</p>	Yes, subject to condition.
Part 8.3.2.13 – Car parking	<p>Control C64 in Part 8 of MDCP 2011 requires the following:</p> <p><i>C64 No structures associated with car parking or similar (for example, boat, caravan or trailer parking) must be built forward of the rear building line on an existing driveway.</i></p> <p>The proposal includes replacing the existing carport that is located forward of the front building line and is therefore not consistent with the abovementioned control. The location of the carport is considered acceptable given it is replacing and existing structure. A condition has been included in the recommendation requiring the roller door to the carport to be a panel lift door of a colour equivalent to Haymes Pearl Lustre to reduce its dominance within the street.</p> <p>Subject to the abovementioned condition being imposed the proposal is considered to be consistent with Part 8.3.2.13 of MDCP 2011.</p>	Yes, subject to condition.



**Part 9 – Strategic Context**

Control	Assessment	Compliance
Part 9.22 – Dulwich Hill Station South (Precinct 22)	<ul style="list-style-type: none"> <li>The proposal maintains the single storey streetscape, as the addition will not be visible from the street; and</li> <li>The proposal protects the identified values of the South Dulwich Hill Heritage Conservation Area subject to the imposition of conditions as discussed throughout this report.</li> </ul>	Yes

**D. The Likely Impacts**

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have significant adverse environmental, social or economic impacts upon the locality.

**E. The Suitability of the Site for the Development**

The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential surrounding and amongst similar uses to that proposed.

**F. Submissions**

The application was required to be notified in accordance with Council's Community Engagement Framework Policy between 10 May 2023 to 24 May 2023.

No submissions were received.

**G. The Public Interest**

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

This has been achieved in this instance.

**2. Section 7.11 / 7.12 Contributions**

Given the cost of works is less than \$200,000.00, no contribution or levy is applicable.

**3. Referrals**





Referrals	Summary of Response
Engineer	Conditions provided
Heritage	Acceptable subject to changes recommended in Section 1- Assessment
Urban Forest	Conditions provided
Sydney Trains	Conditions provided
Ausgrid	Supported

#### 4. Recommendation

The proposal generally complies with the aims, objectives and design parameters contained within the relevant environmental planning instruments and development controls plans.

The proposal will not result in significant adverse impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

It is recommended that the application is suitable for APPROVAL subject to the imposition of appropriate conditions as per the conditions as recommended.