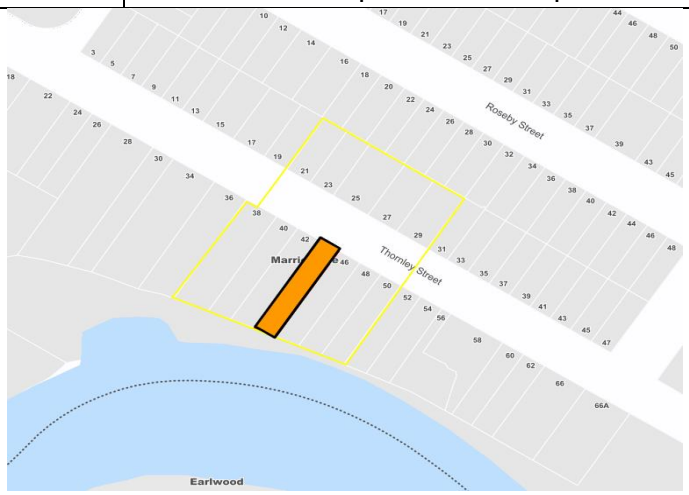
DEVELOPMENT ASSESSMENT PANEL REPORT	
Application No.	DA/2024/0896
Address	44 Thornley Street MARRICKVILLE
Proposal	Alterations and additions to an existing detached dwelling, including partial demolition of existing structures, alterations to the lower ground floor, ground floor, first floor, construction of a swimming pool and associated pool equipment store and deck and tree removal.
Date of Lodgement	1 November 2024
Applicant	Andrew H Beattie
Owner	Kimberley L Alexander Andrew H Beattie
Number of Submissions	Initial: Zero (0) Renotification: Zero (0)
Cost of works	$790,000.00
Reason for determination at Planning Panel	• Section 4.4 – Floor Space Ratio (FSR) Variation (over 10%)
Main Issues	• Chapter 2 – Coastal Management of *SEPP (Resilience and Hazards) 2021* • Section 4.4 – FSR • Part 2.7 – Solar Access and Overshadowing • Part 9 – Strategic Context
Recommendation	Approved with Conditions
Attachment A	Recommended Conditions of Consent
Attachment B	Plans of Proposed Development
Attachment C	Section 4.6 Exception to Development Standards



LOCALITY MAP

Subject Site		Objectors		N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing detached dwelling, including partial demolition of existing structures, alterations to the lower ground floor, ground floor, first floor, construction of a swimming pool and associated pool equipment store and deck and tree removal at No. 44 Thornley Street Marrickville.

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

The main issues that have arisen from the application include:

- Chapter 2 – Coastal Management of *SEPP (Resilience and Hazards) 2021*
- Section 4.4 – FSR Variation
- Part 2.7 – Solar Access and Overshadowing
- Part 9 – Strategic Context

Despite the issues noted above, it is considered that the proposed development is capable of generally complying with the aims, objectives, and design parameters contained in the relevant State Environmental Planning Policies, *Inner West Local Environmental Plan 2022*, and the Marrickville Development Control Plan 2011, subject to the imposition of conditions included in the recommendation.

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

Considering the above, subject to the imposition of appropriate terms and conditions, the application is considered suitable for approval.

2. Proposal

The proposal seeks consent for alterations and additions to an existing detached dwelling, including partial demolition of existing structures, alterations to the lower ground floor, ground floor, first floor, construction of a swimming pool and associated pool equipment store and deck and tree removal. The proposal includes the following works:

- Create a new open plan living, dining and kitchen area on ground floor;
- Add new windows to the south-eastern façade on ground and first floor;
- Convert the lower ground level into a bedroom suite with wardrobe and ensuite bathroom and create a new stair to connect to the ground floor level;
- Improve the existing underfloor store area;
- New garden retaining walls, stairs and pavement to the rear yard; and
- Construction of swimming pool and associated deck and pool equipment storage area within the rear yard of the subject site (i.e., within the Foreshore Building Line).

3. Site Description

The subject site is located on the south-western side of Thornley Street, between Hampden Avenue and Mansion Street. The site consists of one (1) allotment, is generally rectangular in shape with a total area of area of 379.4sqm and is legally described as Lot 32 in DP 1142.

The site has a frontage to Thornley Street of 9.145m and a secondary frontage of approximate 9.27m to the public domain fronting the Cooks River. The rear portion of the subject site (6.3m to 8.3m depth from the rear boundary line) is located within the Foreshore Building Line, and the entire site, as well as adjoining properties, are identified as flood prone.

The site supports a three-storey dwelling house with an attic contained within the existing roof form. The adjoining properties support two storey dwelling houses with landscaping to the rear.

The subject site is not located in a Heritage Conservation Area and is not listed as a Heritage Item; however, an existing period building is located on the subject site.

The following trees are located on the site and within the vicinity:

- *Banksia integrifolia* – Street tree located along the Thornley Street frontage;
- 3 x *Syzygium australe* – Located along the eastern side boundary of the subject site;
- 7 x *Cupressus sempervirens* - Located along the eastern side boundary of the subject site;
- *Angophora costata* – Adjacent to the southern boundary within the Cooks River walkway; and
- *Olea europaea subsp. Cuspidate* – Adjacent to the southern boundary within the Cooks River walkway.

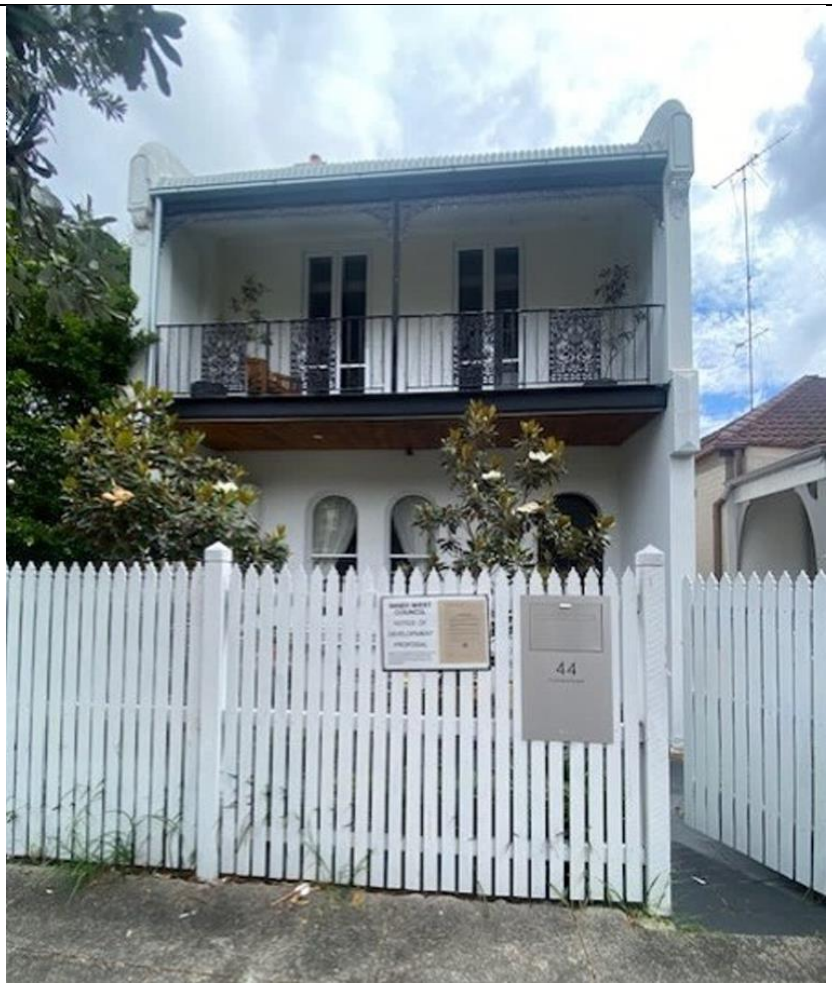


Figure 1: Photo of the subject site as viewed from Thornley Street

Figure 2: Photo of the subject site as viewed from the Cooks River frontage

Figure 3: Zoning Map (subject site in red)

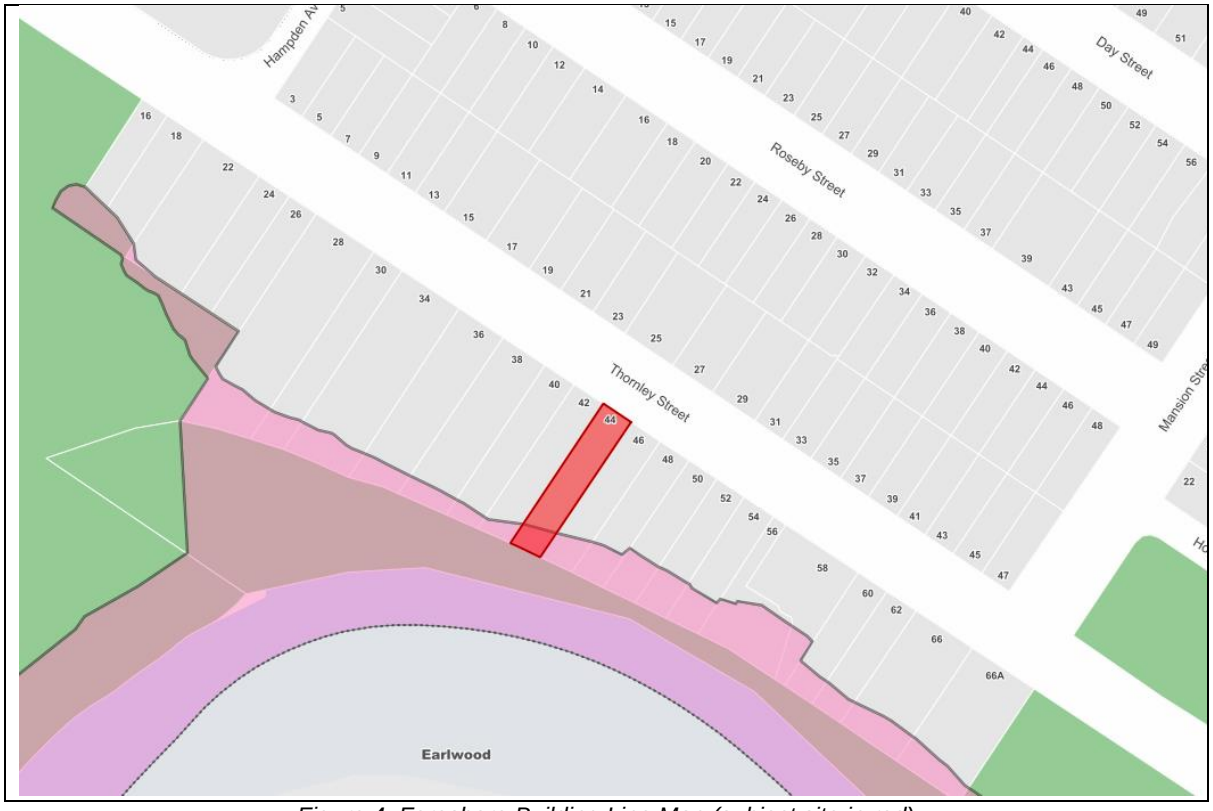


Figure 4: Foreshore Building Line Map (subject site in red)

4. Background

Site history

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

Subject Site

Application	Proposal	Decision & Date
BC/2023/0031	Building Certificate – Alterations and additions.	Approved, 12/04/2023

Surrounding properties

40 Thornley St

Application	Proposal	Decision & Date
DA201200579	To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house including a new two (2) storey addition at the rear and construct a swimming pool in the rear yard.	Approved, 04/04/2013

DA201200579.02	Application under Section 96 to modify Determination No. 201200579 dated 4 April 2013 to make minor amendments to the internal configuration resulting in changes to the proposed fenestration; deletion of the raised planter boxes and lowered level of the approved side terrace; and change the pool shape and orientation.	Approved, 05/12/2014

Application history

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

Date	Discussion / Letter / Additional Information
13/01/2025	A Request for Further Information letter was sent to the Applicant requiring amended plans to address permissibility of development within the Foreshore Area, FSR variation, and acoustic and visual privacy matters.
03/02/2025	Amended plans and supporting documentation were received. Renotification was not required in accordance with Council's Community Engagement Strategy.
19/02/2025	Council requested that the proposed structure within the Foreshore Building Line be amended from a boat shed to a permissible development type for the following reasons: • A boat cannot be stored within the proposed boat shed due to the lack of sufficiently sized openings to allow for the ingress and egress of a boat; and • Given that the proposed boat shed and associated subject site is of a much higher level than the Cooks River and a public pathway separates the subject site from the Cooks River, a boat cannot be transported to and from the water from the rear of the subject site. The option was also given to the Applicant to proceed with the determination of the application, subject to a condition to delete the boat shed and associated deck from the development.
24/02/2025	Amended plans and supporting documentation were received which included a new swimming pool and pool storage room.
05/03/2025	Council requested that the proposed pool equipment storage area be reduced in width and height to ensure that this space is utilised for non-habitable purposes only.
12/03/2025	Amended plans and supporting documentation were received. Renotification was required in accordance with Council's Community Engagement Strategy. The amended plans and supporting documentation are the subject of this report.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* (*EP&A 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 2 Coastal Management

The *Resilience and Hazards SEPP* aims to ensure that future coastal development is appropriate and sensitive to its coastal location and category. The site is categorised as a coastal wetland, coastal environment, and a coastal use area pursuant to Sections 2.10 and 2.11 of the *Resilience and Hazards* SEPP as identified on the maps to the *Resilience and Hazards SEPP*.

However, these specific provisions do not apply to land located within the Foreshores and Waterways Area of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6.

In general terms, it is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not be likely to cause increased risk of coastal hazards on the land or other land. However, the proposed development does seek to vary the following provision contained under Division 4 – Coastal Use Area of Chapter 2 – Coastal Management of *SEPP (Resilience and Hazards) 2021*:

> *(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—*
>
> *(a) has considered whether the proposed development is likely to cause an adverse impact on the following—*
>
> *(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*

As illustrated in the provided Shadow Diagrams, the proposed pool equipment store will result in additional overshadowing to the public footpath and landscaped areas from 11:00am to 3:00pm on June 21. Thus, varying the abovementioned provision of *SEPP (Resilience and Hazards) 2021.* However, subclause (b) of the abovementioned provision allows for the variation to subclause (ii), subject to satisfying the following:

(b) is satisfied that—

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

It is considered that the proposal satisfies the above test for the following reasons:

- The proposed pool equipment store is of a size, scale siting and design similar to No. 40 Thornley Street's pool equipment store, and therefore, will be in keeping with the prevailing pattern of development when viewed from the public domain. Thus, the proposed development will not have an impact on the visual amenity and scenic qualities of the Cooks River;
- The proposed pool equipment store will not impact the existing access to the public domain area as no access to the rear is currently available on-site;
- The proposed development is of an appropriate height, scale and setback that will not allow for wind funnelling and / or the loss of views when obtained from public spaces to foreshores;
- The proposed development will not result in any impacts to Aboriginal cultural heritage, practices and places and cultural and built environmental heritage; and
- The height, bulk and scale of the development has been reduced substantially in order to reduce the extent of shadows cast to the public domain; and therefore, managed to mitigate the impact in question (i.e., overshadowing). It is important to note that only portions of the public domain will be slightly overshadowed at different times during the Winter Solstice, and the majority of the public domain will have adequate access to sunlight. Further, the impact in question will be substantially reduced during the Equinox which is a satisfactory outcome.

Considering the above, the proposed variation to subclause (ii) of Division 4 – Coastal Use Area of Chapter 2 – Coastal Management of *SEPP (Resilience and Hazards) 2021* is supported given that there will be minimal impact on the public domain as a result of the development and efforts have been made to manage the extent of overshadowing cast. As such, it is considered that the development, as proposed, satisfies the objectives of this Plan.

Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards 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 (Sustainable Buildings) 2022

Chapter 2 Standards for residential development - BASIX

The application is accompanied by a BASIX Certificate (lodged within 3 months of the date of the lodgment of this application) in compliance with the *EP&A Regulation 2021.*

SEPP (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The *Biodiversity and Conservation SEPP* requires consideration for the protection and / or removal of vegetation and gives effect to the local tree preservation provisions of Part 2.20 of the MDCP 2011.

The application seeks the removal of 1 x *Callistemon sp.* (Bottlebrush) and 2x *Citrus sp.* (Mandarin) trees from within the subject site.

An assessment of the proposal against the abovementioned provisions has identified the following:

- The abovementioned trees have all been rated in the Arboricultural Impact Assessment Report as having Low Landscape Significance and Low Retention Value for reasons such as underperforming in health, suppressed by more dominate trees, or found to be providing minimal amenity value to the immediate area; and
- Trees rated as having Low Retention Value are generally considered as not being important for retention, nor require special works or design modification to be implemented for their retention. As such, the removal of the abovementioned trees is well within allowable limits, and is therefore, supported, subject to replacement planting being undertaken at the completion of the works. Refer to the Recommended Conditions of Consent for details.

Overall, the proposal is considered acceptable with regard to the *Biodiversity and Conservation SEPP* and Part 2.20 of the MDCP 2011 subject to the imposition of conditions, which have been included in the recommendation of this report.

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

Section	Proposed	Complies
Section 1.2 Aims of Plan	The proposal satisfies this Section as follows: • The proposal conserves and maintains the natural, built and cultural heritage of the Inner West; • The proposal prevents adverse social, economic and environmental impacts on the local character of the Inner West; and • The proposal prevents adverse social, economic and environmental impacts, including cumulative impacts.	Yes

Part 2 – Permitted or prohibited development

Section	Proposed	Complies
Section 2.3 Zone objectives and Land Use Table *R2 – Low Density Residential*	• The application proposes alterations and additions to an existing detached ***dwelling house***, including partial demolition of existing structures, alterations to the lower ground floor, ground floor, first floor, construction of a swimming pool and associated pool equipment store and deck and tree removal which is permissible with consent in the R2 – Low Density Residential zone. ***Dwelling houses*** are permissible with consent in the R2 zone; and • The proposal is consistent with the relevant objectives of the zone, as the proposal seeks to enhance the existing dwelling that satisfies the needs of its occupants.	Yes
Section 2.7 Demolition requires development consent	The proposal satisfies this Section as follows: • Demolition works are proposed, which are permissible with consent; and • Standard conditions are recommended to manage impacts which may arise during demolition.	Yes, as conditioned

Part 4 – Principal development standards

Section	Proposed		Complies
Section 4.3 Height of buildings	Maximum	9.5m	Yes
	Proposed	7.6m	
Section 4.4 Floor space ratio	Maximum	0.6:1 or 227.64sqm	

Section	Proposed		Complies
 Figure 2: A screenshot from the NSW Planning Portal Digital EPI Viewer shows the subject site (Lot 32 Section 10 DP 1142) is on land identified as "Clause 4.4 2C" on the Floor Space Ratio Map.	Proposed	0.72:1 or 271.5sqm	No – See discussion below
	Variation	19.27% or 43.86sqm	
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
Section 4.6 Exceptions to development standards	The applicant has submitted a variation request in accordance with Section 4.6 to vary Section 4.4 – Floor Space Ratio.		See below under the relevant heading for further details

Section 4.6 – Exceptions to Development Standards

<u>Floor Space Ratio Development Standard</u>

The applicant seeks a variation to the above-mentioned development standard under Section 4.6 of the *IWLEP 2022* by 19.27% or 43.86sqm. Section 4.6 allows Council to vary Development Standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

A written request has been submitted to Council in accordance with Section 4.6(3) of the *IWLEP 2022* justifying the proposed contravention of the Development Standard. In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the Development Standard has been assessed against the objectives and provisions of Section 4.6 of the *IWLEP 2022* below.

Whether compliance with the development standard is unreasonable or unnecessary

In *Wehbe* at [42] – [51], Preston CJ summarises the common ways in which compliance with the Development Standard may be demonstrated as unreasonable or unnecessary. This is

repeated in *Initial Action* at [16]. In the Applicant's written request, the first method described in *Initial Action at* [17] is used, which is that the objectives of the Floor Space Ratio Development Standard are achieved notwithstanding the numeric non-compliance.

The **first objective of Section 4.4 – Floor Space Ratio** is *"to establish a maximum floor space ratio to enable appropriate development density".* The written request states that the existing building on-site already exceeds the maximum permissible Floor Space Ratio. This is because of the steep sloping tppography of the land which results in a three (3) storey rear frontage, with a two (2) storey streetscape frontage; therefore, resulting in a relatively high Floor Space Ratio on a relatively small footprint. Given that the building footprint of the existing dwelling will look substantially the same when viewed from the public domain, it is considered that the scale of the development will be in keeping with the existing development density, as well as the established development density along Thornley Street. Accordingly, the breach is consistent with the first objective.

The **second objective of Section 4.4 – Floor Space Ratio** is *"to ensure development density reflects its locality".* The written request states that the proposed additional development density will not change when viewed from the Thornley Street frontage. Therefore, the existing Victorian Terrace will be retained; thus, reflecting the character and density of its locality. Accordingly, the breach is consistent with the second objective.

The **third objective of Section 4.4 – Floor Space Ratio** is *"to provide an appropriate transition between development of different densities".* The written request states that the renovation will maintain the low-density scale of the building. A Floor Space Ratio of 0.72:1.0 is still a low-density Floor Space Ratio whilst maintaining the character of built and natural features in the surrounding area. In addition, the additional floor space to the rear of the subject site (i.e., the pool equipment storage area) will be in keeping with other previously approved development within the Foreshore Building Line, including No. 40 Thornley Street. Accordingly, the breach is consistent with the third objective.

The **fourth objective of Section 4.4 – Floor Space Ratio** is *"to minimise adverse impacts on local amenity".* The written request states that the increase in the built area (i.e., pool equipment storage area) at the rear of the site is set in from the boundaries, will not add to the building volume or unduly to the overall massing of the proposal. This is evident from the Shadow Diagrams in which minimal shadows will be cast to neighbouring properties, as well as the public domain which is a satisfactory outcome. Accordingly, the breach is consistent with the fourth objective.

The **fifth objective of Section 4.4 – Floor Space Ratio** is *"to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain".* The written request states that the proposal, as conditioned, will result in an increased tree canopy on-site. Although the proposal seeks to remove three (3) low retention value trees, a condition has been recommended to be imposed as part of this consent granted to plant two (2) x 75L trees with a minimum mature height of 6m which is greater than the existing on-site tree canopy which is a satisfactory outcome. Accordingly, the breach is consistent with the fifth objective.

As the proposal achieves the objectives of the Floor Space Ratio Development Standard, compliance is considered unreasonable and unnecessary in this instance.

Whether there are sufficient environmental planning grounds to justify contravening the development standard

Pursuant to Section 4.6(3)(b), the Applicant provides the following environmental planning grounds to justify contravening the Floor Space Ratio Development Standard:

Environmental Planning Ground 1 - *There are no impacts from the form and size of the new pool equipment and storage area on neighbouring properties or from the public domain.* As discussed throughout this report, the additional floor space on-site will have minimal amenity implications on adjoining properties, including solar access and overshadowing, visual bulk and scale, and visual and acoustic privacy. This environmental planning ground is accepted in part as the proposed development, will have minimal amenity impacts on adjoining properties, as well as the public domain, and will be in keeping with the established pattern of development along Thornley Street, when viewed from the Cooks River frontage. Whilst there is some additional shadowing of the public domain, this is limited and unlikely to impact the use of the space.

Environmental Planning Ground 2 – *The proposal complies with the relevant provisions contained under SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land, SEPP (Sustainable Buildings) 2022 – Chapter 2 Standards for Residential Development – BASIX,* and *SEPP (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in Non-Rural Areas and other LEP, DCP provisions.* As discussed in this report, no contamination is evident on the subject site, the submitted BASIX Certificate is in compliance with the *Environmental Planning and Assessment Regulation 2021*, and the extent of tree removal is supported given that the trees in question are of low retention value and replacement planting conditions are recommended to be imposed as part of any consent granted. This environmental planning ground is accepted because the proposed scope of works is a reasonable response to the applicable development standards and DCP provisions, thereby representing development of the site as envisaged by the applicable planning policies. In other words, alterations and additions to the existing dwelling.

Cumulatively, the grounds are considered sufficient to justify contravening the Development Standard.

For the reasons outlined above, it is recommended that the Section 4.6 exception be granted.

Part 5 – Miscellaneous provisions

Section	Proposed	Complies
Section 5.21 Flood planning	The site is located in a flood planning area. The proposed swimming pool and associated deck and pool equipment store are located within Flood Liable Land. Given that the proposed structures are non-habitable, the proposed development is permissible within Flood	Yes, as conditioned

Section	Proposed	Complies
	Liable Land according to Part 2.22 – Flood Management of the MDCP 2011. The development is considered to be compatible with the flood function and behaviour on the land now and under future projections. The design of the proposal and its scale will not affect the flood affectation of the subject site or adjoining properties and is considered to appropriately manage flood risk to life and the environment. Conditions are recommended to ensure potential flooding is appropriately managed and mitigated.	

Part 6 – Additional local provisions

Section	Proposed	Complies
Section 6.1 Acid sulfate soils	• The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable.	Yes
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 proposal will remain satisfactory with respect to the provisions of this Section of the *IWLEP 2022* subject to conditions, and these conditions will remain in force as part of any future consent granted.	Yes, as conditioned
Section 6.4 Terrestrial biodiversity	• The subject site is identified as located within the 'Biodiversity' area on the Natural Resource – Biodiversity Map. The proposal does not involve any work that will disturb or reduce existing pervious surface area of the site by more than 25%, as such a test of significance is not required. Conditions have been included to ensure that the development protects and provides natural habitat for local wildlife.	Yes, as conditioned
Section 6.5 Limited development on foreshore	• The proposal consists of a swimming pool and an ancillary deck and swimming pool equipment store located within the Foreshore Building Line. These works are permissible within the Foreshore Building Line according to Clause 3 of this Section of the *IWLEP 2022;* • The proposed development will maintain compliance with the zone objectives, and will have minimal environmental impacts upon the foreshore, the public domain and / or neighbouring properties; and	Yes

Section	Proposed	Complies
	• The appearance of the swimming pool and the ancillary deck and swimming pool equipment store is compatible with other surrounding development including No. 40 Thornley Street.	
Section 6.6 Development on foreshore must ensure access	• The subject site is in private ownership. The proposal does not impact on any current or future foreshore access.	Yes
Section 6.8 Development in areas subject to aircraft noise	• The site is located within the ANEF 15-20 aircraft noise exposure corridor, as such no further assessment is required with regard to this clause.	NA

B. Development Control Plans

Summary

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

MDCP 2011	Complies
Part 2.1 – Urban Design	Yes – see discussion
Part 2.6 – Acoustic and Visual Privacy	Yes, as conditioned – see discussion
Part 2.7 – Solar Access and Overshadowing	Acceptable, on merit – see discussion
Part 2.9 – Community Safety	Yes – see discussion
Part 2.11 – Fencing	Yes – see discussion
Part 2.13 – Biodiversity	Yes, as conditioned – see discussion
Part 2.14 – Unique Environmental Features	Acceptable, on merit – see discussion
Part 2.18 – Landscaping and Open Space	Yes – see discussion
Part 2.20 – Tree Management	Yes, as conditioned – see discussion
Part 2.21 – Site Facilities and Waste Management	Yes, as conditioned – see discussion
Part 2.22 – Flood Management	Yes, as conditioned – see discussion
Part 2.25 – Stormwater Management	Yes, as conditioned – see discussion
Part 4.1 – Low Density Residential Development	Yes – see discussion
Part 9 – Strategic Context	Acceptable, on merit – see discussion

The following provides discussion of the relevant issues:

Part 2 – Generic Provisions

Control	Assessment	Complies
Part 2.1 Urban Design	The proposed development satisfies the relevant provisions of this Part as follows: • 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; • The proposal preserves the existing character of Thornley Street, as the proposed alterations and additions will not be visible from the primary street frontage and protects the street elevation of the existing dwelling; and • The alterations and additions to the rear will be in keeping with the prevailing pattern of development along the foreshore building line and is sympathetic to the heavily vegetated area between the Cooks River and the subject site.	Yes
Part 2.6 Acoustic and Visual Privacy	The proposal will have a satisfactory impact on visual and acoustic levels of the surrounds as follows: • The proposal maintains a low impact residential use and as such is unlikely to result in adverse acoustic impacts; • The principal living area and area of Private Open Space (POS) is designed and located to offer reasonable amenity to occupants; • Any view corridors obtained from the subject site's POS will be obscured by existing neighbouring boundary fencing in order to protect the visual privacy of adjoining properties; • A 1.6m high privacy screen is proposed to the western and eastern elevations of the swimming pool and associated deck and has been adequately offset from both side boundaries in order to mitigate any overlooking opportunities into neighbouring POS areas and main living room glazing which is a satisfactory outcome; • The pool is located in the rear yard away from bedroom areas of the adjoining dwellings in order to protect the acoustic privacy of neighbours and to ensure compliance with C2(iii) of this Part of the MDCP 2011; • Conditions have been included to ensure that the noise levels associated with the pool pumping unit will not result in adverse noise impacts for surrounding properties; • Any direct view corridors from the proposed glazed areas to the pool equipment and storage shed (W10, W11 and D12) will be obscured by existing boundary fencing and given that they service a non-habitable area, it can be expected that the glazing in question will have minimal visual privacy implications; • The proposal seeks to add windows (W05, W06, W07 and W08) to the first floor along the side elevations (eastern and western elevations) of the dwelling which is contrary to C3(iii)	Yes, as conditioned

Control	Assessment	Complies
	of this Part of the MDCP 2011. Although the windows face an adjoining residential building, the windows in question overlook Nos. 42 and 46 Thornley Street's roof form. Therefore, given that the windows have been adequately offset from neighbouring glazed areas in accordance with C3(iv) of this Part of the MDCP 2011, the installation of W06 and W07 is supported; • The proposed ground floor side-facing glazing to the eastern elevation of the dwelling (W02, W03 and W04) are not adequately offset from No. 46 Thornley Street's side-facing glazing. Given the sloping typography of the site, the existing boundary fence will not obscure direct view lines from these windows in question; however, the proposed overlooking impacts will be substantially the same as the existing ground floor side-facing glazing. Further, a sufficient setback from the boundary is maintained with the assistance of established vegetation which will assist in mitigating clear view corridors into neighbouring glazing. Considering the above, the proposed installation of W02, W03 and W04 is supported; • The proposed rear-facing window seat on ground floor (W01) overlooks the subject site's POS and is in a location that is consistent with C3(iii) of this Part of the MDCP 2011 which is satisfactory; and • No air-conditioning units are proposed as part of this application. However, air conditioning units may be installed under the exempt development provisions for air conditioning under *State Environmental Planning Policy (Exempt and Complying Development) 2008*.	
Part 2.7 Solar Access and Overshadowing	The proposal will have a satisfactory impact in terms of solar access and overshadowing on the surrounds as follows: *Overshadowing* • The development will not result in adverse amenity impacts as a result of overshadowing; • The extent of shadows cast is restricted to the public domain and / or cast within existing shadows cast by existing structures which is well within allowable limits according to this Part of the MDCP 2011; and • No. 42 Thornley Street's POS and main living room glazing will not be further overshadowed as a result of the proposed works which is a satisfactory outcome; and • The shadows cast to No. 48 Thornley Street's POS will fall within existing shadows cast which is well within allowable limits according to this Part of the MDCP 2011 given that no additional impact is proposed. In addition, No. 48 Thornley Street's main living room glazing will not be impacted as a result of the proposed development.	Acceptable, on merit

Control	Assessment	Complies
	Solar Access • The extent of solar access obtained to the subject site's main living room glazing will remain the same as existing as a result of this development, and therefore, the proposal does not seek to alter compliance with C8(i) of this Part of the MDCP 2011 which is a satisfactory outcome; and • The proposed additions will result in additional overshadowing to the subject site's POS during mid-winter, resulting in less than two (2) hours solar access to be obtained to 50% of the subject site's POS; thus, varying C8(ii) of this Part of the MDCP 2011. The proposed variation is supported in this instance due to the poor orientation and steep sloping topography of the subject site which results in the existing dwelling to overshadow the subject site's POS during mid-winter. Therefore, any additions on the subject site make compliance or near compliance more difficult due to the existing site constraints on the site (i.e., site orientation and topography). Considering the above, the proposed variation to C8(ii) is acceptable in the circumstances.	
Part 2.9 Community Safety	The proposed development satisfies the relevant provisions of this Part as follows: • The proposal satisfies the relevant provisions of Part 2.9 as the dwelling entrance remains identifiable and visible from the street.	Yes
Part 2.11 Fences	The proposed development satisfies the relevant provisions of this Part as follows: • The proposal seeks to maintain the existing front fence in its original condition in order to maintain the historic character of the streetscape; and • The rear boundary fence is 1.8m in height in accordance with C21 of this Part of the MDCP 2011. Refer to *Part 2.14 Unique Environmental Features* and *Part 9.30 – The Warren (Precinct 30)* of this report for a detailed assessment regarding materiality.	Yes
Part 2.13 Biodiversity	The proposed development satisfies the relevant provisions of this Part as follows: • As discussed under *Section 6.4 – Terrestrial Biodiversity* of this report, the proposal does not involve any work that will disturb or reduce existing pervious surface area of the site by more than 25%, as such a test of significance is not required. Conditions have been included to ensure that the development protects and provides natural habitat for local wildlife; • The proposal seeks to provide landscaping in the rear yard surrounding the pool and associated deck and swimming pool equipment store in order to satisfy C2 of this Part of the MDCP 2011; and • The proposal seeks to construct a rear boundary fence to the area adjoining the public open space, thus, impeding on the visual transition between private and public open space;	Yes, as conditioned

Control	Assessment	Complies
	therefore, varying C3, C4 and C5 of this Part of the MDCP 2011. As discussed under *Part 2.14 Unique Environmental Features* and *Part 9.30 – The Warren (Precinct 30)* of this report, the construction of a rear boundary fence adjoining the public domain is acceptable given that the proposed fencing will be in keeping with the prevailing pattern of development, such as Nos. 40, 42 and 46 Thornley Street. As such, the variation from C3, C4 and C5 is acceptable in this instance.	
Part 2.14 Unique Environmental Features	The proposed development satisfies the relevant provisions of this Part as follows: • The proposed colours, materials and finishes are sympathetic to the adjoining public open space and is consistent with the prevailing pattern of development when viewed from the Cooks River; • The proposed swimming pool and associated deck and swimming pool equipment store have been well setback from the rear boundary in order to mitigate any visual bulk and scale implications when viewed from the public domain; • The proposed development contained within the Foreshore Building Line will have minimal environmental implications, particularly in terms of flooding. Refer to *Section 5.21 – Flood Planning* of this report for details; • The proposed swimming pool and associated deck and pool equipment storage area is in keeping with the character, landscape and scenic qualities of the area, as established by No. 40 Thornley Street, and therefore, will have minimal visual impacts when viewed from the public domain; • The development does propose a timber paling fence to the rear elevation of the subject site that adjoins the public open space area which varies C5(iv) of this Part of the MDCP 2011 which seeks to retain the open visual transition from public to private open space. This variation is acceptable in this instance given that the existing rear elevation consists of a dilapidated Colourbond fence to the rear boundary, and the proposed fencing will be in keeping with Nos. 40, 42 and 46 Thornley Street. Given that the proposed rear boundary fencing is in keeping with the prevailing pattern of development, the variation from C5(iv) is acceptable and reasonable in this instance; and • The existing sandstone outcrops will be retained as a result of the development.	Acceptable, on merit
Part 2.18 Landscaping and Open Spaces *Private Open Space (POS)*	The proposed development satisfies the relevant provisions of this Part as follows: • The entire front setback is to consist of pervious landscaping with the exception of the pathway; • The Landscape Plan identifies that a minimum of 75.88sqm, being 20% of the total site area, with no dimension being less than 3m is to be retained as POS; and	Yes

Control	Assessment	Complies
Min: 75.88sqm (20% of site area) *<u>Pervious Landscaping</u> Min: 50% of POS*	• In excess of 50% of the POS is to be maintained as pervious landscaping.	
Part 2.20 Tree Management	The proposed development satisfies the relevant provisions of this Part as follows: • According to the Arboricultural Impact Assessment, no works are proposed within the Tree Protection Zones (TPZ) of trees 1, 2, 3, 4 and 5. However, to ensure these trees are not damaged during construction works, tree protection measures are to be installed in accordance with the recommended conditions of consent. Refer to the Recommended Conditions of Consent for details; • The Arboricultural Impact Assessment indicates that the proposed development will be located within the TPZ of trees 9 and 10 which are deemed as Minor Encroachments (i.e., less than 10% of the TPZ) as defined by the *Australian Standards AS4970 'Protection of trees on development sites'.* It is considered that the proposed works are not expected to adversely impact on the trees provided tree sensitive construction methods and tree protection measures are implemented in accordance with the Arboricultural Impact Assessment recommendations which have been incorporated in the Recommended Conditions of Consent; and • Refer to *Chapter 2 Vegetation in Non-Rural Areas* under *SEPP (Biodiversity and Conservation) 2021* of this report for a detailed assessment regarding the proposed tree removal.	Yes, as conditioned
Part 2.21 Site Facilities and Waste Management	The proposed development satisfies the relevant provisions of this Part as follows: • The application was accompanied by a waste management plan in accordance with the Part; and • Standard conditions are recommended to ensure the appropriate management of waste during the construction of the proposal.	Yes, as conditioned
Part 2.22 Flood Management	Refer to *Section 5.21 – Flood Planning* of this report for a detailed assessment.	Yes, as conditioned
Part 2.25 Stormwater Management	Standard conditions are recommended to ensure the appropriate management of stormwater.	Yes, as conditioned

Part 4 – Low Density Residential Development

Control	Assessment	Complies
Part 4.1.4 Good Urban Design Practice	The proposed development satisfies the relevant provisions of this Part as follows: • 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.	Yes
Part 4.1.5 Streetscape and Design	The proposed development satisfies the relevant provisions of this Part as follows: • The proposal does not seek to alter the front façade, roof form, materials and finishes and form of the existing period building when viewed from the Thornley Street frontage. As such, the proposal will continue to maintain the integrity and character of the period building, and therefore, the streetscape in accordance with this Part of the MDCP 2011; • The development fronting the public domain (i.e., Cooks River) complements the uniformity and visual cohesiveness of the bulk, scale and height of the existing streetscape when viewed from the Cooks River; and • The proposed swimming pool and associated pool equipment store is a contemporary design that will be in keeping with other previously approved / similar development in the area, including No. 40 Thornley Street.	Yes
Part 4.1.6 Built form and character <u>*Front setback*</u> • *Consistent with adjoining developments* <u>*Side setbacks*</u> • *One storey – 900mm* • *Two storeys – 1.5m* • *Three storeys – 2.5m* <u>*Rear setback*</u> • *On merit* <u>*Site coverage*</u> • *55% or 208.67sqm*	The proposed development satisfies the relevant provisions of this Part as follows: • As assessed earlier in this report, the proposal readily complies with the Height of Building Development Standard. Refer to *Section 4.6 - Exceptions to Development Standards* of this report for a detailed assessment regarding the Floor Space Ratio Development Standard variation; • The existing front, rear and side setbacks of the existing dwelling house will not be altered as a result of this proposal, other than the installation of the window seat on the ground floor level. The proposed ground floor rear setback is appropriate in the context of the streetscape given that it will not create adverse impacts on adjoining properties in terms of visual bulk, overshadowing or privacy; • The proposed pool equipment store is adequately setback from the side boundaries (1.1m to 1.6m) and is located in a similar position to other similar structures along Thornley Street, including No. 40 Thornley Street which is a satisfactory outcome in terms of satisfying O13 and O14 of this Part of the MDCP 2011; and • The proposal seeks to increase the existing site coverage by a minor amount to be a total of 155.5sqm or 41% which is compliant with C13 of this Part of the MDCP 2011. The overall site coverage of the development is considered acceptable, as it is consistent with the pattern development	Yes

Control	Assessment	Complies
	of the street and will have an acceptable impact on adjoining properties.	
Part 4.1.11 Additional controls for residential period dwellings	The proposed development satisfies the relevant provisions of this Part as follows: • The proposal retains the façade and main external body of the period building visible from the street; • The proposal accommodates contemporary additions and alterations while retaining the significant components of the period building; • The alterations and additions at the rear, are subordinate to the main body of the period dwelling and will not be visible from the primary street frontage; and • Existing significant period features at the front have been retained as part of this proposal.	Yes

Part 9 – Strategic Context

Control	Assessment	Complies
Part 9.30 The Warren (Precinct 30)	The proposed development satisfies the relevant provisions of this Part as follows: • The proposal protects the existing period dwelling on the site; • The proposal maintains the two-storey streetscape, as the additions are built below the ridge of the period dwelling and will not be visible from Thornley Street; • The proposed development contained within the Foreshore Building Line will have minimal environmental implications, particularly in terms of flooding. Refer to *Section 5.21 – Flood Planning* of this report for details; • The proposed swimming pool and associated deck and pool equipment storage area is in keeping with the character, landscape and scenic qualities of the area, as established by No. 40 Thornley Street, and therefore, will have minimal visual impacts when viewed from the public domain; • The development does propose a timber paling fence to the rear elevation of the subject site that adjoins the public open space area which varies C1(iv) of this Part of the MDCP 2011 which seeks to retain the open visual transition from public to private open space. This variation is acceptable in this instance given that the existing rear elevation consists of a dilapidated Colourbond fence to the rear boundary, and the proposed fencing will be in keeping with Nos. 40, 42 and 46 Thornley Street. Given that the proposed rear boundary fencing is in keeping with the prevailing pattern of development, the variation from C1(iv) is acceptable and reasonable in this instance; and • The existing sandstone outcrops will be retained as a result of the development.	Acceptable, on merit

C. 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.

D. 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.

E. Submissions

The application was required to be notified in accordance with Council's Community Engagement Strategy between 12 November 2024 to 26 November 2024. No submissions were received.

An amended proposal / plans were received which required renotification in accordance with Council's Community Engagement Strategy and was exhibited between 25 March 2025 to 8 April 2025. No submissions were received.

No submissions were received in response to the initial notification and renotification of the proposal.

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.

This has been achieved in this instance.

6. Section 7.11 / 7.12 Contributions

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of ***$7,900.00*** would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023.

A condition requiring that contribution to be paid is included in the recommendation.

7. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Development Engineer; and
- Urban Forest.

8. Conclusion

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.

9. Recommendation

A. In relation to the proposal in Development Application No. DA/2024/0896 to contravene the Floor Space Ratio Development Standard in Section 4.4 of *Inner West Local Environmental Plan 2022* the Inner West Local Planning Panel is satisfied that the Applicant has demonstrated that:
   (a) compliance with the Development Standard is unreasonable or unnecessary in the circumstances, and
   (b) there are sufficient environmental planning grounds to justify the contravention of the Development Standard.

B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979,* grant consent to Development Application No. DA/2024/0896 for alterations and additions to an existing detached dwelling, including partial demolition of existing structures, alterations to the lower ground floor, ground floor, first floor, construction of a swimming pool and associated pool equipment store and deck and tree removal at No. 44 Thornley Street MARRICKVILLE subject to the conditions listed in Attachment A below.

Attachment A – Recommended Conditions of Consent

CONDITIONS OF CONSENT

GENERAL CONDITIONS

	Condition
1.	**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: • 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; • A concrete pump across the roadway/footpath; • Mobile crane or any standing plant; • Skip Bins; • Scaffolding/Hoardings (fencing on public land); • Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.; • Awning or street veranda over the footpath; • Partial or full road closure; and • 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. Reason: To ensure works are carried out in accordance with the relevant legislation.
2.	**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. Reason: To ensure Council assets are protected.
3.	**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 the approved Tree Protection Plan. Reason: To protect and retain trees.

4.	**Documents related to the consent** The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by
A1768166_02	BASIX Certificate	24/03/2025	Mr Mackenzie Pronk
DA-02, Rev D	Site Plan & Concept Drainage Plan	12/03/2025	MackenziePronk Architects
DA-04, Rev D	Demolition Plans + Site Management	12/03/2025	MackenziePronk Architects
DA-05, Rev D	Proposed Lower Ground & Ground Floor	12/03/2025	MackenziePronk Architects
DA-06, Rev D	Proposed First Floor & Attic	12/03/2025	MackenziePronk Architects
DA-07, Rev D	Proposed Pool Area & Pool Equipment Storage	12/03/2025	MackenziePronk Architects
DA-08, Rev D	Proposed Pool Area & Pool Equipment Storage	12/03/2025	MackenziePronk Architects
DA-10, Rev D	Long Section A	12/03/2025	MackenziePronk Architects
DA-11, Rev D	Long Section B	12/03/2025	MackenziePronk Architects
DA-12, Rev D	Cross Sections C & D	12/03/2025	MackenziePronk Architects
DA-13, Rev D	East Elevation	12/03/2025	MackenziePronk Architects
DA-14, Rev D	West Elevation	12/03/2025	MackenziePronk Architects
DA-15, Rev D	North & South Elevations	12/03/2025	MackenziePronk Architects
Unknown	Arboricultural Impact Assessment	08/08/2024	Arbor Logix

As amended by the conditions of consent.

Reason: To ensure development is carried out in accordance with the approved documents.

2

5.	**Noise Levels and Enclosure of Pool/spa Pumping Units**
	Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008. Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays. Reason: To ensure that acoustic privacy treatment protects the amenity of the neighbourhood.
6.	**Works Outside the Property Boundary**
	This development consent does not authorise works outside the property boundaries on adjoining lands. Reason: To ensure works are in accordance with the consent.
7.	**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. Reason: To protect pedestrian safety.
8.	**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.* Reason: To ensure compliance with legislative requirements.
9.	**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. Reason: To ensure compliance with legislative requirements.
10.	**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. Reason: To ensure compliance with legislative requirements.
11.	**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. Reason: To ensure compliance with legislative requirements.
12.	**Swimming Pools**
	Applicants are advised of the following requirements under the *Swimming Pools Act 1992*: a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority. b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012. c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate. d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas. e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*. f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times. All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system. Reason: To ensure the pool does not result in any ongoing safety or amenity issues.

13.	**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. Reason: To protect human health.
14.	**Dial Before You Dig**
	Contact "Dial Before You Dig" prior to commencing any building activity on the site. Reason: To protect assets and infrastructure.
15.	**Asbestos Removal**
	Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority. Reason: To ensure compliance with the relevant environmental legislation.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
16.	**Security Deposit - Custom**
	Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent. Security Deposit: $6,238.00 Inspection Fee: $389.90 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. Reason: To ensure required security deposits are paid.
17.	**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. Reason: To ensure Council assets are protected.
18.	**Stormwater Drainage System – Minor Developments (OSD is not required)**
	Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements: a. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road. Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may drained to an on-site dispersal system such as an absorption system or otherwise, subject to the roof areas being drained via a suitably sized rainwater tank, no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer. b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP. c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tanks.

	d. The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes. e. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. f. No nuisance or concentration of flows to other properties. g. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required. h. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. i. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm. j. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings. k. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated. l. No impact to street tree. Reason: To ensure that the adequate provision of stormwater drainage is provided.
19.	**Flood Risk Management Plan** Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Flood Risk Management Plan prepared and certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The Plan must be prepared/amended to make provision for the following: a. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site must be assessed for the 100-year ARI and Probable Maximum Flood (PMF) storm events. The precautions must include but not be limited to the following: i. Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris. ii. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.

iii. Flood warning signs/depth indicators for areas that may be inundated

iv. A flood evacuation strategy.

v. On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.

b. The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path. Details of all obstructions or changes in level within the overland flow paths must be detailed on the plan.

c. All works must be designed to comply with the ABCB Standard: Construction of Buildings in Flood Hazard Areas in accordance with the National Construction Code and the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below.

i. Building Code of Australia

ii. Defined flood level (DFL) 100-year Average Recurrence Interval flood level

iii. Defined flood event (DFE) 100-year Average Recurrence Interval flood

iv. Flood hazard level (FHL) Flood Planning Level (FPL).

Reason: To protect human life and property during a flood event.

20. Construction Methods to Minimise Impact on Trees

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by the Project Arborist demonstrating that the footings of the approved retaining walls and garden store will utilise tree sensitive construction techniques within the specified radius of the trunk/s of the following tree/s should woody roots that are not approved for pruning be encountered:

Tree No.	Species	Radius in metres
9	*Angophora costata*	8.4m
10	*Olea europaea subsp. cuspidata*	4.2m

Reason: To mitigate the impact of the work on trees to be retained.

21. Tree Protection Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a detailed site-specific Tree Protection Plan (TPP) prepared by a minimum Australian Qualification Framework (AQF) Level 5, Diploma of Arboriculture, Project Arborist. The TPP is to be prepared in accordance with Australian Standard AS4970—*Protection of trees on development sites* and Council's Development Fact Sheet—Trees on Development Sites.

	The tree protection measures contained in the TPP must be shown clearly on the Construction Certificate drawings, including the Construction Management Plan. The Certifying Authority must ensure the construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPP. A Project Arborist is to be appointed prior to any works commencing to monitor tree protection for the duration of works in accordance with the requirements identified in the TPP. All tree protection measures as detailed in the approved Tree Protection Plan must be installed and certified in writing as *fit for purpose* by the Project Arborist. Reason: To protect trees during construction.
22.	**Long Service Levy**
	Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing $250,000 or more. Reason: To ensure the long service levy is paid.
23.	**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. Reason: To ensure the structural adequacy of the works.
24.	**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. Reason: To ensure relevant utility and service provides requirements are provided to the certifier.

25.	**Section 7.12 Development Contribution Payments** In accordance with section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of **$7,900.00** shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan. At the time of payment, the monetary contribution payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner: Cpayment = Cconsent x (CPIpayment ÷ CPIconsent) Where: • Cpayment = is the contribution at time of payment • Cconsent = is the contribution at the time of consent, as shown above • CPIconsent = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 139.7 for the December 2024 period. • CPIpayment = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment Note: The contribution payable will not be less than the contribution specified in this condition. The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing. **It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.** Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres. Please contact any of Council's customer service centres on 9392 5000 or council@innerwest.nsw.gov.au to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued. Once the invoice is obtained, payment can be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

	The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney. Reason: To ensure payment of the required development contribution.
26.	**Fauna Movement Across and Within the Site**
	Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a landscape plan showing that access for bandicoots and other fauna within and into the site is maintained. Any new or replacement boundary fences, front or side gates and internal dividing fences must have 150mm by 300mm gaps (or 150mm diameter circular gaps) spaced no more than 2m along the base of the fence. Reason: To protect and maintain terrestrial biodiversity.

BEFORE BUILDING WORK COMMENCES

	Condition
27.	**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. Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.
28.	**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. Prescribed trees protected by Council's Tree 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 5 metres of the development must be protected in accordance with AS4970—*Protection of trees on development sites* and 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 existing trees detailed below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent.

NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by Arborlogix dated 8 August 2024 for tree numbering and locations.

Tree Number	Species	Location
1	*Banksia integrifolia*	Street tree
2	*Syzygium australe*	Side passage - eastern boundary
3	*Syzygium australe*	Side passage - eastern boundary
4	*Syzygium australe*	Side passage - eastern boundary
5	*Cupressus sempervirens* x7	Side passage - eastern boundary
9	*Angophora costata*	Adj southern boundary - within Cooks River walkway
10	*Olea europaea subsp. cuspidata*	Adj southern boundary - within Cooks River walkway

Reason: To ensure that trees to be retained are protected.

29. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist (a person holding a minimum Australian Qualification Framework (AQF) Level 5, Diploma of Arboriculture), 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.

Reason: To protect and retain trees.

30. 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.

Reason: To ensure resource recovery is promoted and local amenity is maintained.

31. 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.

Reason: To ensure resource recovery is promoted and local amenity is maintained.

32.	**Standard Street Tree Protection**
	Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction. Reason: To protect and retain trees.
33.	**Dilapidation Report**
	Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified properties (Nos. 42 and 46 Thornley Street) to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences. Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
34.	**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. Reason: To protect the built environment from construction works.
35.	**Site induction - Bandicoot on Site**
	Prior to commencement of any excavation, demolition or construction work, all workers on the work site must be made aware of the potential presence of Long-nosed Bandicoots as part of the site induction (including what they look like). Reason: To protect and maintain terrestrial biodiversity.

DURING BUILDING WORK

	Condition
36.	**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. Prescribed trees protected by Council's Tree 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 5 metres of the development must be protected in accordance with AS4970—*Protection of trees on development sites* and 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 existing trees detailed below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent.

NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by Arborlogix dated 8 August 2024 for tree numbering and locations.

Tree Number	Species	Location
1	*Banksia integrifolia*	Street tree
2	*Syzygium australe*	Side passage - eastern boundary
3	*Syzygium australe*	Side passage - eastern boundary
4	*Syzygium australe*	Side passage - eastern boundary
5	*Cupressus sempervirens* x7	Side passage - eastern boundary
9	*Angophora costata*	Adj southern boundary - within Cooks River walkway
10	*Olea europaea subsp. cuspidata*	Adj southern boundary - within Cooks River walkway

Reason: To ensure that trees to be retained are protected.

37. Inspections by Project Arborist

The Project Arborist must oversee various stages of work within the Tree Protection Zone (TPZ) of any tree listed for retention including street trees. The Arborist must certify compliance with each key milestone detailed below:

a. The installation of tree protection measures prior to the commencement of any construction works;
b. During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
c. During excavation for pier footings for the retaining walls and garden store within the TPZ of trees 9 and 10;
d. During any excavation and trenching within the TPZ of any tree to be retained;
e. During any Landscape works within the TPZ which has been approved by Council.

An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by certifying authority at each hold-point listed below:

a. Certification that tree protection measures have been installed in accordance with these consent conditions
b. Certification of compliance with each key milestone listed above within 48 hours of completion;

c. Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
d. A final compliance report must be submitted to and approved by certifying authority prior to the issue of any Occupation Certificate.

Reason: To protect and retain trees.

38. Limited Root Pruning

No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s may be severed or injured in the process of any works during the construction period:

Tree No	Species	Radius in metres
9	*Angophora costata*	8.4m
10	*Olea europaea subsp. cuspidata*	4.2m

All excavation within the specified radius of the trunks of the above trees must be hand dug to a depth of 1m under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 50mm 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.

Note – The installation of services must be undertaken accordingly.

Reason: To protect and retain trees.

39. Arborists standards

All tree work must be undertaken by a person holding a minimum Australian Qualification Framework (AQF) Level 3, Certificate of Arboriculture, Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—Guide to Managing Risks of Tree Trimming and Removal Work. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved network service provider contractor for the management of vegetation conflicting with such services. Contact the relevant network service provider for further advice in this regard.

Reason: To ensure compliance with legislative requirements.

40. 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*.

Reason: To protect and retain trees.

41. Works to Trees

Approval is given for the following trees to be removed, after the issue of a Construction Certificate:

Tree No.	Species	Location
6	*Callistemon* spp.	Rear Yard
7 & 8	*Citrus reticulata*	Rear Yard

All tree works shall be undertaken by an arborist with minimum Australian Qualification Framework (AQF) Level 3, Certificate of Arboriculture, as defined by the Australian Qualification Framework and in compliance with Australian Standard AS 4373—*Pruning of amenity trees* and Safe Work Australia's Guide to Managing Risks of Tree Trimming and Removal Work.

The trees to be removed must be included on all Construction Certificate plans shown in red.

NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by Arborlogix dated 8 August 2024 for tree numbering and locations

Reason: To identify trees permitted to be removed.

42. 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, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation.

Reason: To ensure surrounding properties are adequately notified of the proposed works.

43. 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.

Reason: To protect the amenity of the neighbourhood.

44. 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.

Reason: To ensure works are in accordance with the consent.

45. Site Inspections - Bandicoot on Site

During excavation, demolition or construction work, all holes (e.g. created for footings etc.), machinery and construction material stockpiles must be inspected daily by contractors prior to commencing work to ensure no Long-nosed Bandicoots are sheltering in these areas.

Reason: To protect and maintain terrestrial biodiversity.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

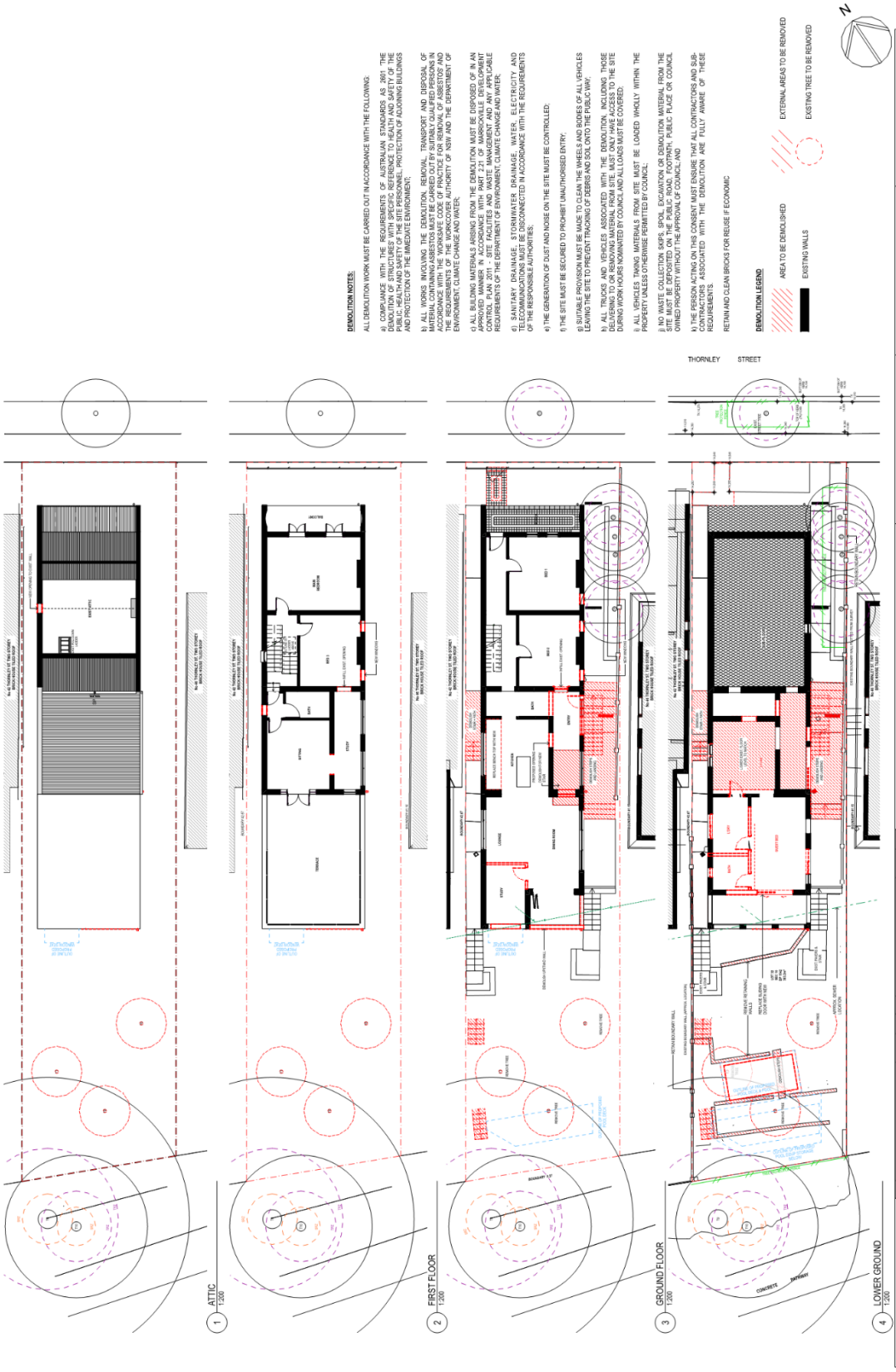
	Condition
46.	**No Encroachments**
	Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council. Reason: To maintain and promote vehicular and pedestrian safety.
47.	**Flood Risk Management Plan - Certification**
	Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified practising Civil Engineer that all aspects of the flood risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards. Reason: To ensure the approved works are undertaken in accordance with the consent.
48.	**Certification of Tree Planting**
	Prior to the issue of any Occupation Certificate, the Certifying Authority is to be provided with evidence in the form of an image and a purchase invoice to confirm that: A minimum of 2x 75 litre size trees, which will attain a minimum mature height of six (6) metres, have been planted in a suitable locations within the rear yard of the property (at least 1 metre from any boundary and 1.5 metres from any structure) and allowing for future tree growth. The tree must meet the requirements of AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Development Control Plan and species recognised to have a short life span, will not be accepted. Trees required by this condition must be maintained and protected until they are protected by Council's Tree Management DCP. Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month. Reason: To ensure appropriate landscaping is undertaken.
49.	**Project Arborist Certification**
	Prior to the issue of an Occupation Certificate, the Certifying Authority is to be provided with certification from the Project Arborist that the requirements of the conditions of consent related to the landscape plan/approved tree planting plan and the role of the project arborist have been complied with. Reason: To ensure the protection and ongoing health of trees to be retained.

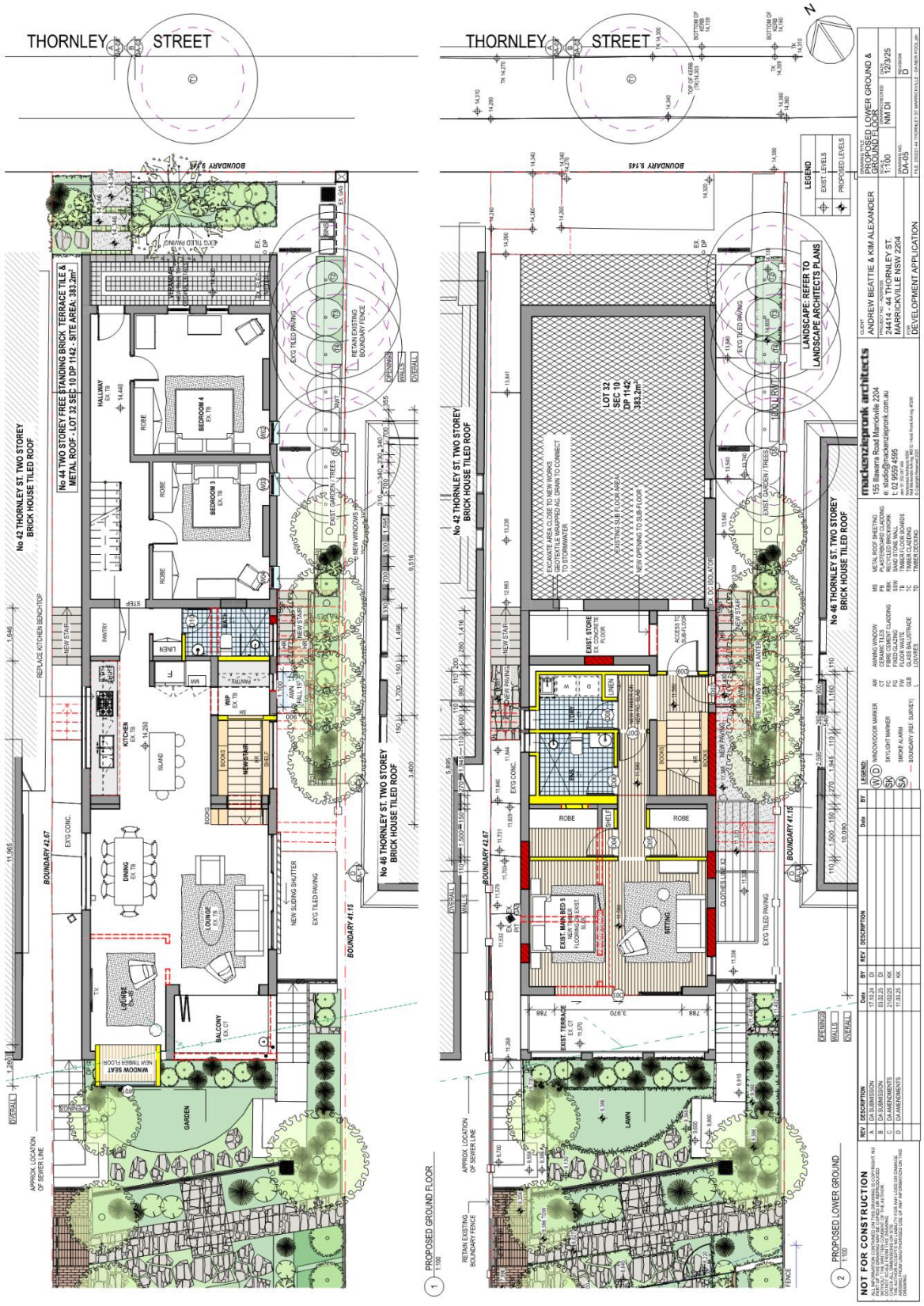
50.	**Dilapidation Report**
	Prior to the issue of an Occupation Certificate, the Certifying Authority and owners of identified properties must be provided with a second colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified properties (Nos. 42 and 46 Thornley Street) to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences. Reason: To determine potential construction impacts.

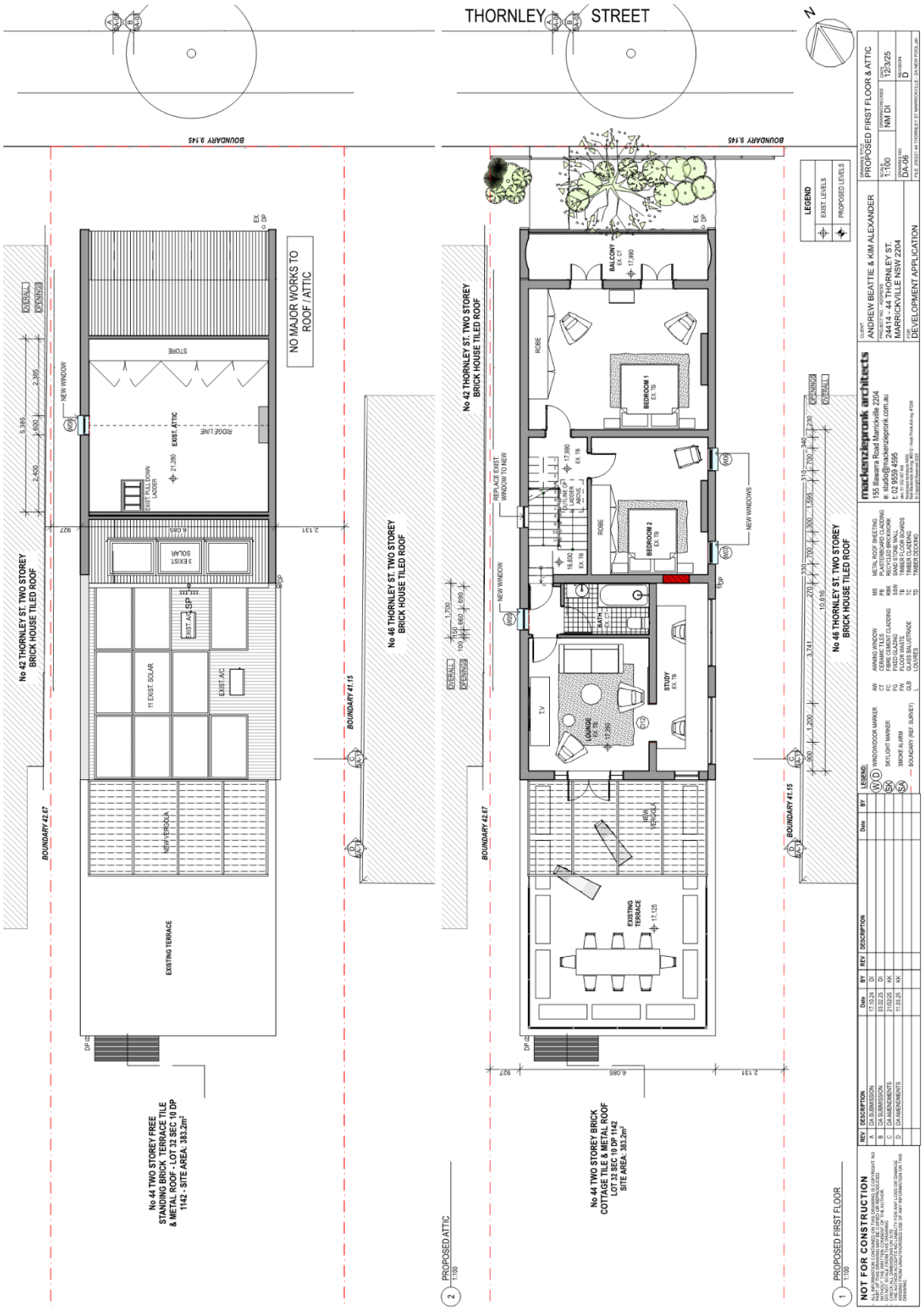
OCCUPATION AND ONGOING USE

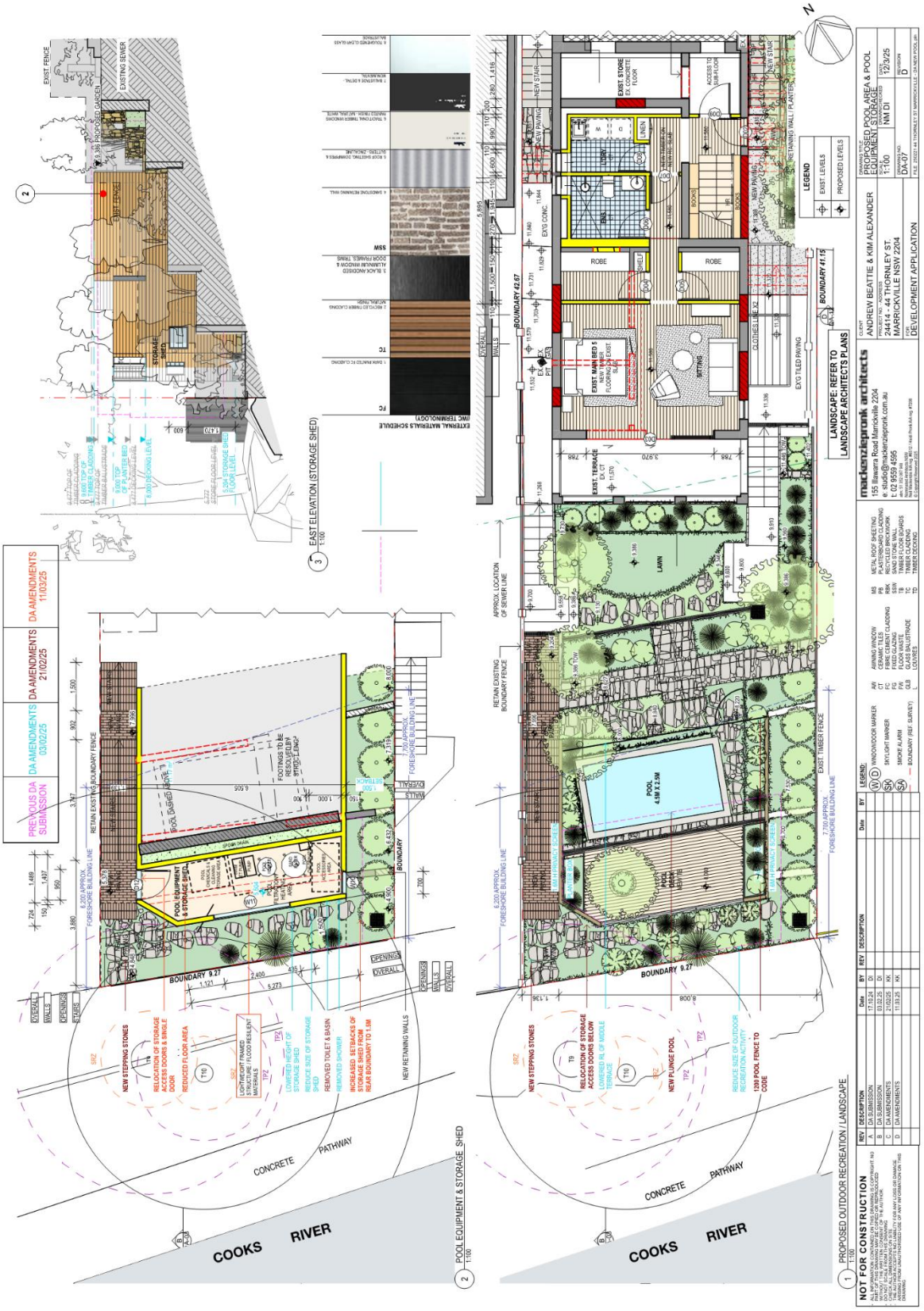
	Condition
51.	**Tree Establishment**
	If any of the trees planted as a part of this consent are found dead or dying before they reach dimensions where they are subject to the Tree Management Development Control Plan (DCP) they must be replaced in accordance with the relevant conditions. Reason: To protect and retain trees.

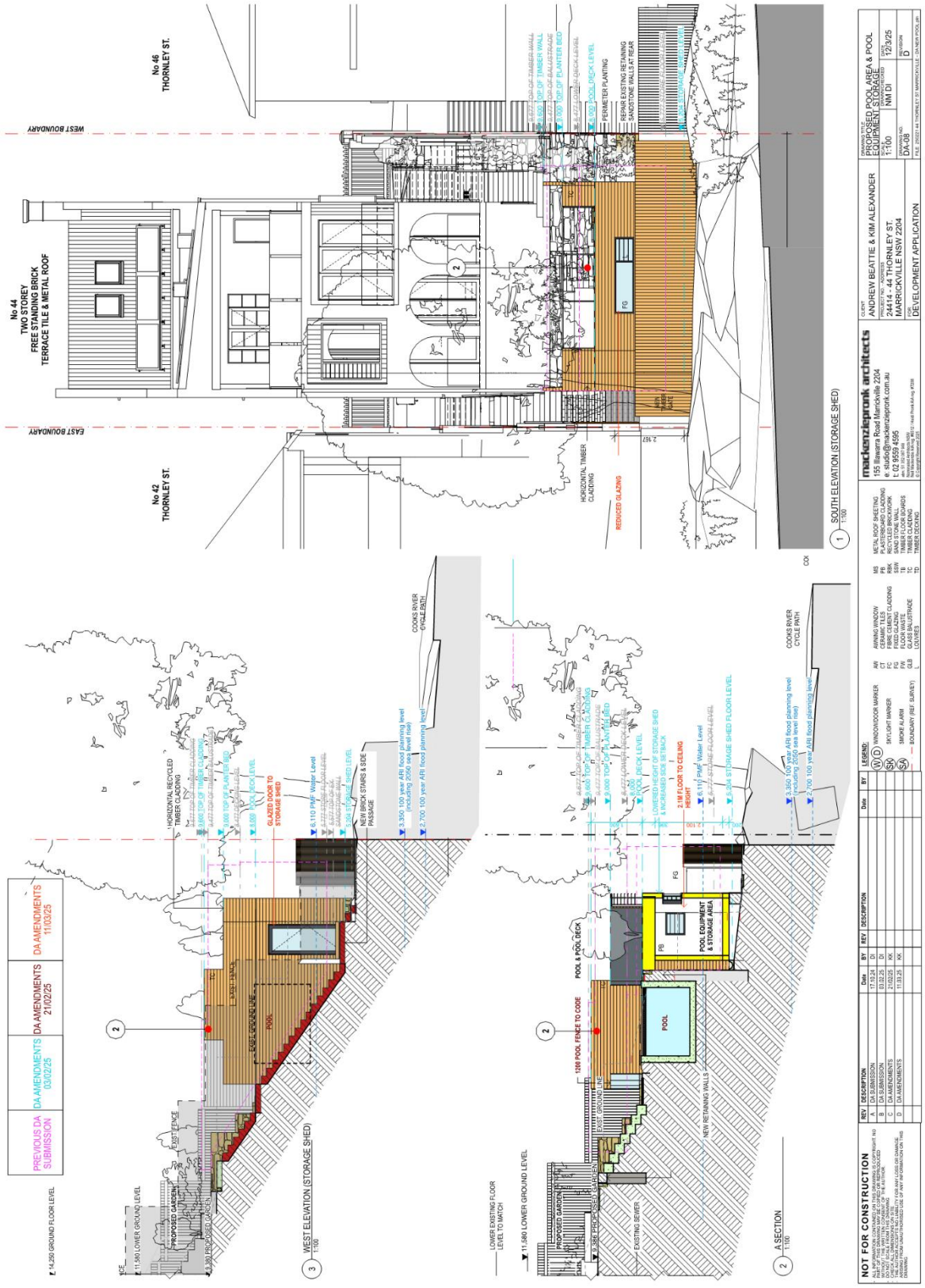
Attachment B – Plans of Proposed Development

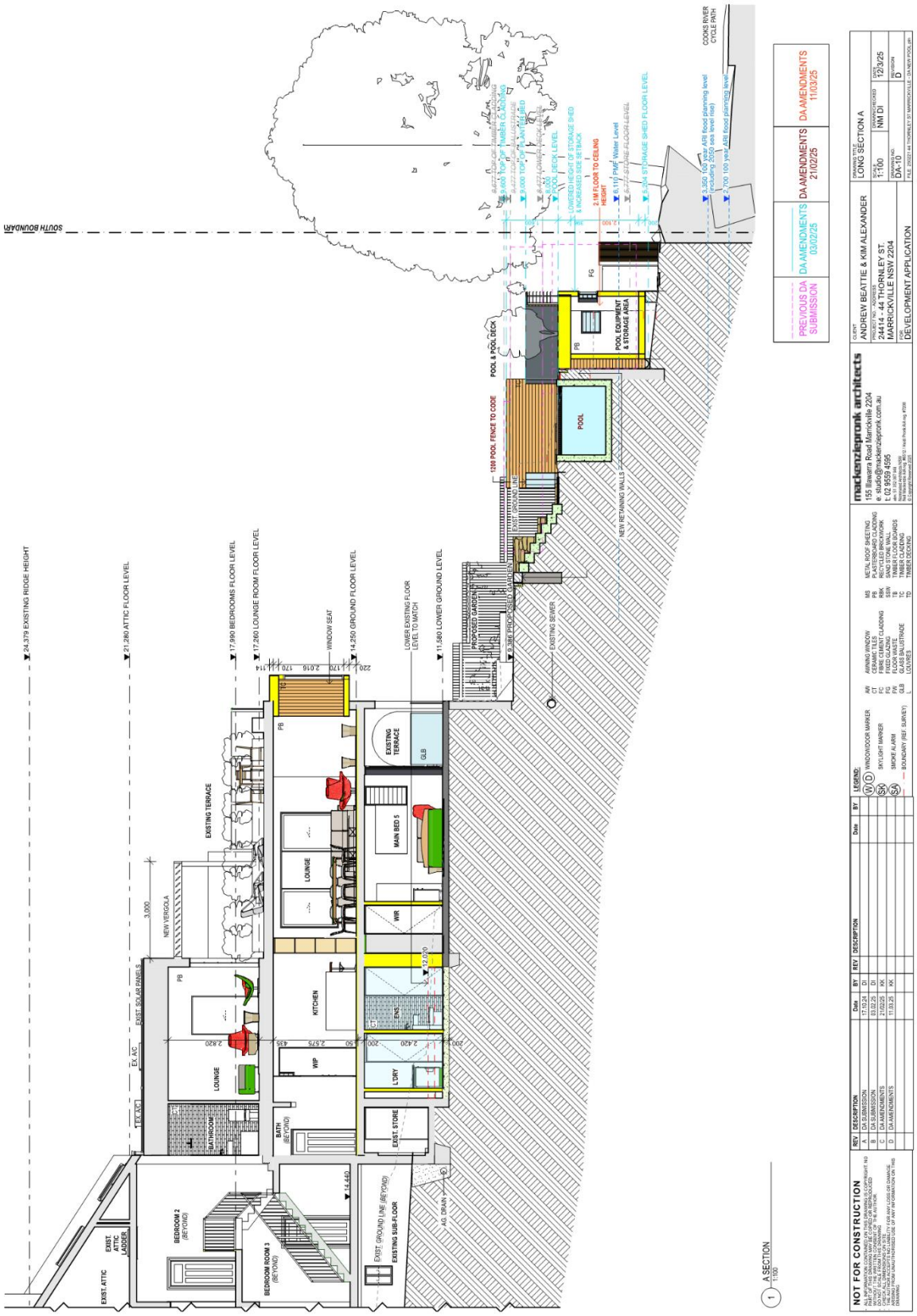

DEMOLITION NOTES:
ALL DEMOLITION WORK MUST BE CARRIED OUT IN ACCORDANCE WITH THE FOLLOWING:
a) COMPLIANCE WITH THE REQUIREMENTS OF AUSTRALIAN STANDARDS AS 2601 - THE DEMOLITION OF STRUCTURES, IN ADDITION TO HEALTH AND SAFETY OF THE PUBLIC, HEALTH AND SAFETY OF THE SITE PERSONNEL, PROTECTION OF ADJOINING BUILDINGS AND PROTECTION OF THE IMMEDIATE ENVIRONMENT;
b) ALL WORKS INVOLVING THE DEMOLITION, REMOVAL, TRANSPORT AND DISPOSAL OF MATERIAL CONTAINING ASBESTOS MUST BE CARRIED OUT BY SUITABLY QUALIFIED PERSONS IN ACCORDANCE WITH THE WORKCOVER AUTHORITY OF NSW GUIDELINES AND ALL REQUIREMENTS OF THE WORKCOVER AUTHORITY OF NSW AND THE DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE AND WATER;
c) ALL BUILDING MATERIALS ARISING FROM THE DEMOLITION MUST BE DISPOSED OF IN AN APPROVED MANNER IN ACCORDANCE WITH PART 2.21 OF MARRICKVILLE DEVELOPMENT CONTROL PLAN 2011 - SITE FACILITIES AND WASTE MANAGEMENT AND ANY APPLICABLE REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE AND WATER;
d) SANITARY DRAINAGE, STORMWATER DRAINAGE, WATER, ELECTRICITY AND TELECOMMUNICATIONS MUST BE DISCONNECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE RESPONSIBLE AUTHORITIES;
e) THE GENERATION OF DUST AND NOISE ON THE SITE MUST BE CONTROLLED;
f) THE SITE MUST BE SECURED TO PROHIBIT UNAUTHORISED ENTRY;
g) SUITABLE PROVISION MUST BE MADE TO CLEAN THE WHEELS AND BODIES OF ALL VEHICLES LEAVING THE SITE TO PREVENT TRACKING OF DEBRIS AND SOIL ONTO THE PUBLIC WAY;
h) ALL TRUCKS AND VEHICLES ASSOCIATED WITH THE DEMOLITION, INCLUDING THOSE DELIVERING OR REMOVING MATERIAL FROM THE SITE, MUST HAVE ACCESS TO THE SITE DURING WORK HOURS NOMINATED BY COUNCIL AND ALL LOADS MUST BE COVERED;
i) ALL VEHICLES TAKING MATERIALS FROM SITE MUST BE LOADED WHOLLY WITHIN THE PROPERTY UNLESS OTHERWISE PERMITTED BY COUNCIL;
j) NO WASTE COLLECTION BINS, SPOIL EXCAVATION OR DEMOLITION MATERIAL FROM THE SITE MUST BE DEPOSITED ON THE PUBLIC ROAD, FOOTPATH, PUBLIC PLACE OR COUNCIL OWNED PROPERTY WITHOUT THE APPROVAL OF COUNCIL; AND
k) THE PERSON ACTING ON THIS CONSENT MUST ENSURE THAT ALL CONTRACTORS AND SUB-CONTRACTORS ASSOCIATED WITH THE DEMOLITION ARE FULLY AWARE OF THESE REQUIREMENTS.
RETAIN AND CLEAN BRICKS FOR REUSE IF ECONOMIC
DEMOLITION LEGEND
AREA TO BE DEMOLISHED
EXISTING WALLS
EXTERNAL AREAS TO BE REMOVED
EXISTING TREE TO BE REMOVED
THORNLEY STREET
1 ATTIC 1:200
2 FIRST FLOOR 1:200
3 GROUND FLOOR 1:200
4 LOWER GROUND 1:200
NOT FOR CONSTRUCTION
REV DESCRIPTION Date BY
A DA SUBMISSION 17.10.24 DI
B DA SUBMISSION 03.02.25 DI
C DA AMENDMENTS 17.03.25 KK
D DA AMENDMENTS 11.03.25 KK
LEGEND:
WINDOW/DOOR MARKER
SKYLIGHT MARKER
SMOKE ALARM
BOUNDARY (REF. SURVEY)
AW AWNING WINDOW
CT CERAMIC TILES
FC FIBRE CEMENT CLADDING
FG FIXED GLAZING
FW FLOOR WASTE
GS GALVANISED STRAINER LOUVRES
MS METAL ROOF SHEETING
PB PLASTERBOARD CLADDING
RW RECYCLED WORK
SBW SAND STONE WALL
TB TIMBER FLOOR BOARDS
TC TIMBER CLADDING
TD TIMBER DECKING
mackenzieprunk architects
155 Illawarra Road Marrickville 2204
e studio@mackenzieprunk.com.au
t 02 9559 4595
ABN 31 001 081 766
nsw.arb 5106 | vic.arb 18 | Nicol Prunk Arb Reg 6708
© copyright Mackenzie Prunk 2025
CLIENT
ANDREW BEATTIE & KIM ALEXANDER
PROJECT No. A2025-03
144 & 146 THORNLEY ST.
MARRICKVILLE NSW 2204
FOR
DEVELOPMENT APPLICATION
DRAWING TITLE
DEMOLITION PLANS + SITE MANAGEMENT
SCALE
1:200
DRAWN BY
NM DI
CHECKED
KK
DATE
12/03/25
DRAWING NO.
DA-04
REVISION
D
FILE: 2025-03 A4 THORNLEY ST MARRICKVILLE - DA NEW.PDZ

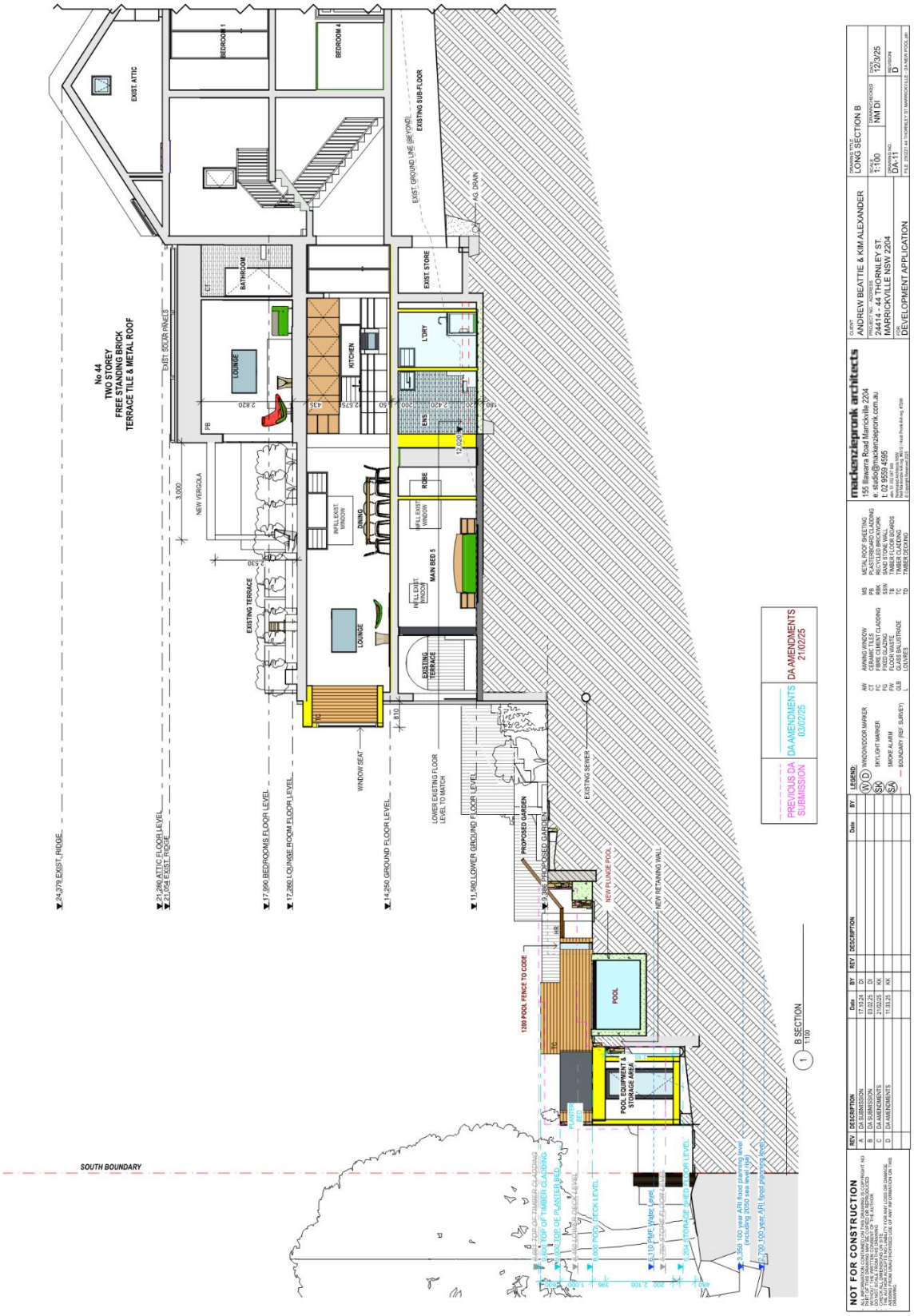

THORNLEY STREET
No 42 THORNLEY ST. TWO STOREY BRICK HOUSE TILED ROOF
No 44 TWO STOREY FREE STANDING BRICK TERRACE TILE & METAL ROOF - LOT 32 SEC 10 DP 1142 - SITE AREA: 383.2m²
No 46 THORNLEY ST. TWO STOREY BRICK HOUSE TILED ROOF
BOUNDARY 42.67
BOUNDARY 41.15
BOUNDARY 9.145
GARDEN
LAWN
BALCONY
LOUNGE
DINING
KITCHEN
BEDROOM 4
BEDROOM 3
HALLWAY
LOT 32 SEC 10 DP 1142 383.2m²
EXIST. STORE
EXIST. MAIN BED 5
EXIST. TERRACE
SITING
LANDSCAPE: REFER TO LANDSCAPE ARCHITECTS PLANS
LEGEND
EXIST. LEVELS
PROPOSED LEVELS
mackenziepronk architects
155 Illawarra Road Marrickville 2204
e studio@mackenziepronk.com.au
t 02 9559 4595
ANDREW BEATTIE & KIM ALEXANDER
44 & 46 THORNLEY ST.
MARRICKVILLE NSW 2204
DEVELOPMENT APPLICATION
PROPOSED LOWER GROUND & GROUND FLOOR
DA-05
NOT FOR CONSTRUCTION
PROPOSED GROUND FLOOR 1:100
PROPOSED LOWER GROUND 1:100

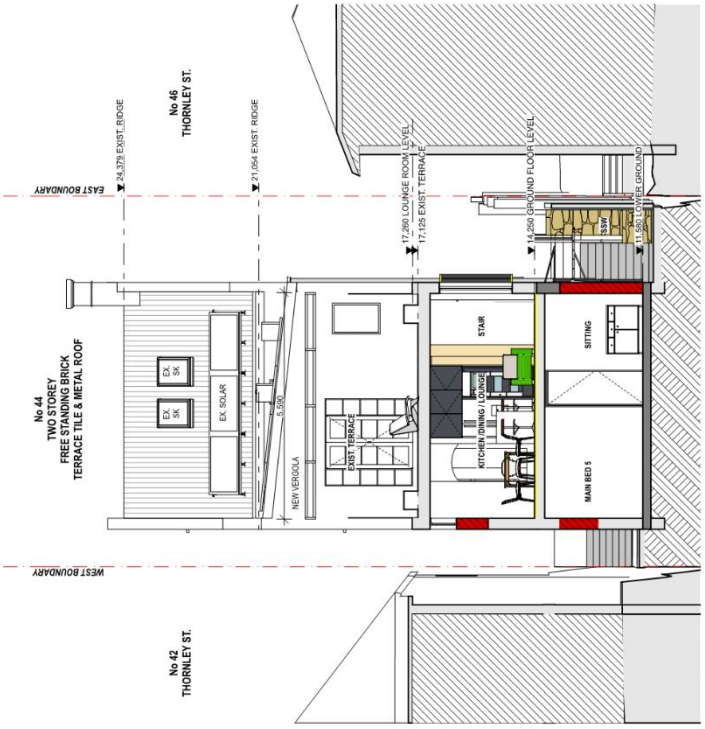

THORNLEY STREET
BOUNDARY 9.145
No 42 THORNLEY ST. TWO STOREY BRICK HOUSE TILED ROOF
No 46 THORNLEY ST. TWO STOREY BRICK HOUSE TILED ROOF
No 48 THORNLEY ST. TWO STOREY BRICK HOUSE TILED ROOF
BOUNDARY 42.67
BOUNDARY 41.15
NO MAJOR WORKS TO ROOF / ATTIC
STORE
EXIST. ATTIC
RIDGE LINE
EXIST. PULLDOWN LADDER
NEW WINDOW
EXIST. SOLAR
EXIST. A/C
NEW PERGOLA
EXISTING TERRACE
No 44 TWO STOREY FREE STANDING BRICK TERRACE TILE & METAL ROOF - LOT 32 SEC 10 DP 1142 - SITE AREA: 383.2m²
No 44 TWO STOREY BRICK COTTAGE TILE & METAL ROOF LOT 32 SEC 10 DP 1142 SITE AREA: 383.2m²
BALCONY
BEDROOM 1
BEDROOM 2
ROBE
BATH
STUDY
LOUNGE
TV
REPLACE EXIST. WINDOW TO NEW
NEW WINDOWS
LEGEND
EXIST LEVELS
PROPOSED LEVELS
2 PROPOSED ATTIC 1:100
1 PROPOSED FIRST FLOOR 1:100
NOT FOR CONSTRUCTION
REV DESCRIPTION Date BY
A DA SUBMISSION 17.10.24 DI
B DA SUBMISSION 03.02.25 DI
C DA AMENDMENTS 25.02.25 KK
D DA AMENDMENTS 11.03.25 KK
CLIENT ANDREW BEATTIE & KIM ALEXANDER
PROJECT No. 4CRTHRNLEY
PROJECT ADDRESS 44 & 46 THORNLEY ST. MARRICKVILLE NSW 2204
FOR DEVELOPMENT APPLICATION
DRAWING TITLE PROPOSED FIRST FLOOR & ATTIC
SCALE 1:100
DRAWN BY NM DI
DATE 12/3/25
DRAWING NO. DA-06
REVISION D
mackenzieprunk architects
155 Illawarra Road Marrickville 2204
e studio@mackenzieprunk.com.au
t 02 9559 4595
nsw arb 5011 qld arb 1086
ACN 151 229 788 ABN 51 151 229 788
© copyright reserved 2011


PREVIOUS DA SUBMISSION
DA AMENDMENTS 03/02/25
DA AMENDMENTS 21/02/25
DA AMENDMENTS 11/03/25
NOT FOR CONSTRUCTION
1 PROPOSED OUTDOOR RECREATION / LANDSCAPE 1:100
2 POOL EQUIPMENT & STORAGE SHED 1:100
3 EAST ELEVATION (STORAGE SHED) 1:100
EXTERNAL MATERIALS SCHEDULE
COOKS RIVER
CONCRETE PATHWAY
BOUNDARY 9.27
BOUNDARY 42.67
BOUNDARY 41.15
POOL 4.5M X 2.5M
LAWN
EXIST. TERRACE
EXIST STORE EX CONCRETE FLOOR
ROBE
LANDSCAPE: REFER TO LANDSCAPE ARCHITECTS PLANS
LEGEND
EXIST LEVELS
PROPOSED LEVELS
mackenzieprok architects
155 Illawarra Road Marrickville 2204
t. 02 9559 4595
ANDREW BEATTIE & KIM ALEXANDER
244 & 244A ALEXANDRINE ST.
MARRICKVILLE NSW 2204
DEVELOPMENT APPLICATION
PROPOSED POOL AREA & POOL EQUIPMENT STORAGE
DA-07
NM DI
D

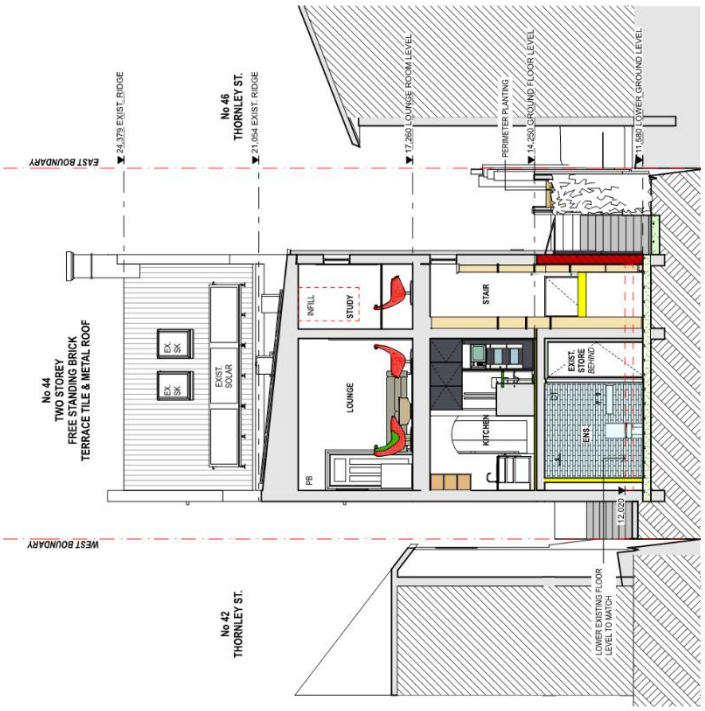

No 44
TWO STOREY
FREE STANDING BRICK
TERRACE TILE & METAL ROOF
No 46
THORNLEY ST.
No 42
THORNLEY ST.
WEST BOUNDARY
EAST BOUNDARY
HORIZONTAL TIMBER CLADDING
REDUCED GLAZING
PERIMETER PLANTING
REPAIR EXISTING RETAINING SANDSTONE WALLS AT REAR
1 SOUTH ELEVATION (STORAGE SHED)
1:100
PREVIOUS DA SUBMISSION
DA AMENDMENTS 03/02/25
DA AMENDMENTS 21/02/25
DA AMENDMENTS 11/03/25
HORIZONTAL RECYCLED TIMBER CLADDING
GLAZED DOOR TO STORAGE SHED
NEW BRICK STAIRS & SIDE PASSAGE
COOKS RIVER CYCLE PATH
3 WEST ELEVATION (STORAGE SHED)
1:100
1200 POOL FENCE TO CODE
POOL & POOL DECK
POOL EQUIPMENT & STORAGE AREA
2.140 FLOOR TO CEILING HEIGHT
NEW RETAINING WALLS
EXISTING SEWER
LOWER EXISTING FLOOR LEVEL TO MATCH
2 A SECTION
1:100
NOT FOR CONSTRUCTION
REV DESCRIPTION DATE BY
A DA SUBMISSION 17.10.24 DI
B DA SUBMISSION 03.02.25 DI
C DA AMENDMENTS 21.02.25 KK
D DA AMENDMENTS 11.03.25 KK
LEGEND:
WINDOW/DOOR MARKER
SKYLIGHT MARKER
SMOKE ALARM
BOUNDARY (REF. SURVEY)
AW AWNING WINDOW
CT CERAMIC TILES
FC FIBRE CEMENT CLADDING
FG FIXED GLAZING
FW FLOOR WASTE
GL GLASS LOUVRE STORAGE LOUVRES
MS METAL ROOF SHEETING
PB PLASTERBOARD CLADDING
RW RENDERED WALL
SBW SAND STONE WALL
TB TIMBER FLOOR BOARDS
TC TIMBER CLADDING
TD TIMBER DECKING
mackenzieprunk architects
155 Illawarra Road Marrickville 2204
e studio@mackenzieprunk.com.au
t 02 9559 4595
CLIENT
ANDREW BEATTIE & KIM ALEXANDER
PROJECT
44 & 44A THORNLEY ST.
MARRICKVILLE NSW 2204
FOR
DEVELOPMENT APPLICATION
DRAWING TITLE
PROPOSED POOL AREA & POOL EQUIPMENT STORAGE
SCALE
1:100
DRAWN
NM DI
DATE
12/3/25
DRAWING NO.
DA-08
REVISION
D


SOUTH BOUNDARY
24.379 EXISTING RIDGE HEIGHT
21.280 ATTIC FLOOR LEVEL
17.990 BEDROOMS FLOOR LEVEL
17.260 LOUNGE ROOM FLOOR LEVEL
14.250 GROUND FLOOR LEVEL
11.580 LOWER GROUND LEVEL
EXISTING TERRACE
NEW VERGOLA
3,000
EXIST. SOLAR PANELS
EX.A/C
T.EX.A/C
LOUNGE
BATHROOM
BEDROOM 2 (BEYOND)
EXIST. ATTIC
EXIST. ATTIC LADDER
BEDROOM ROOM 3 (BEYOND)
BATH (BEYOND)
KITCHEN
WIP
LOUNGE
WINDOW SEAT
LOWER EXISTING FLOOR LEVEL TO MATCH
EXISTING TERRACE
MAIN BED 5
WIR
INS.
L'DRY
EXIST. STORE
EXIST. GROUND LINE (BEYOND)
EXISTING SUB-FLOOR
AG. DRAIN
PROPOSED GARDEN
EXISTING SEWER
EXIST. DRAINAGE LINE
NEW RETAINING WALLS
1200 POOL FENCE TO CODE
POOL & POOL DECK
POOL
POOL EQUIPMENT & STORAGE AREA
2.1M FLOOR TO CEILING HEIGHT
Water Level
POOL DECK LEVEL
LOWER LEVEL OF STORAGE SHED & INCREASED SIDE SETBACK
5.204 STORAGE SHED FLOOR LEVEL
COONS RIVER CYCLE PATH
PREVIOUS DA SUBMISSION
DA AMENDMENTS 03/02/25
DA AMENDMENTS 21/02/25
DA AMENDMENTS 11/03/25
A SECTION 1:100
NOT FOR CONSTRUCTION
mackenzieprunk architects
155 Illawarra Road Marrickville 2204
e: studio@mackenzieprunk.com.au
t: 02 9559 4595
ANDREW BEATTIE & KIM ALEXANDER
24 & 44 A ATTORNLEY ST.
MARRICKVILLE NSW 2204
DEVELOPMENT APPLICATION
LONG SECTION A
DA-10
NM DI
1:100
12/3/25
D


No 44
TWO STOREY
FREE STANDING BRICK
TERRACE TILE & METAL ROOF
EXIST. ATTIC
BEDROOM 1
BEDROOM 4
EXISTING SUB-FLOOR
EXIST. GROUND LINE (BEYOND)
AG. DRAIN
EXIST. SOLAR PANELS
BATHROOM
EXIST. STORE
LOUNGE
KITCHEN
L'DRY
ENS
ROBE
DINING
MAN BED 5
INFILL EXIST. WINDOW
EXISTING TERRACE
NEW VERGOLA
WINDOW SEAT
LOWER EXISTING FLOOR LEVEL TO MATCH
PROPOSED GARDEN
EXISTING SEWER
NEW PLUNGE POOL
NEW RETAINING WALL
1200 POOL FENCE TO CODE
POOL
POOL EQUIP.NENT & STORAGE AREA
PLANTER
SOUTH BOUNDARY
24,379 EXIST. RIDGE
21,280 ATTIC FLOOR LEVEL
21,054 EXIST. RIDGE
17,890 BEDROOMS FLOOR LEVEL
17,280 LOUNGE ROOM FLOOR LEVEL
14,250 GROUND FLOOR LEVEL
11,580 LOWER GROUND FLOOR LEVEL
9,350 PROPOSED GARDEN
8,110 RMF Water Level
7,000 POOL DECK LEVEL
6,350 100 year ARI flood planning level (excluding 2050 sea level rise)
6,200 100 year ARI flood planning level
B SECTION
1:100
PREVIOUS DA SUBMISSION
DA AMENDMENTS 03/02/25
DA AMENDMENTS 21/02/25
NOT FOR CONSTRUCTION
DESCRIPTION
LEGEND:
WINDOW/DOOR MARKER
SKYLIGHT MARKER
SMOKE ALARM
BOUNDARY (REF. SURVEY)
AWNING WINDOW
FIXED GLAZING
FLOOR WASTE
GALVANISED STORAGE LOUVRES
METAL ROOF SHEETING
PLASTERBOARD CLADDING
RENDERED CLADDING
SAND STONE WALL
TIMBER FLOOR BOARDS
TIMBER CLADDING
TIMBER DECKING
mackenzieprunk architects
155 Illawarra Road Marrickville 2204
e studio@mackenzieprunk.com.au
t 02 9559 4595
ANDREW BEATTIE & KIM ALEXANDER
44-46 ARTHUR RIPLEY ST.
MARRICKVILLE NSW 2204
DEVELOPMENT APPLICATION
LONG SECTION B
DA-11
D



1 D SECTION
1:100



2 C SECTION
1:100

NOT FOR CONSTRUCTION

ALL INFORMATION CONTAINED ON THIS DRAWING IS COPYRIGHT AND MUST NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF THE AUTHOR.
DO NOT SCALE DRAWINGS.
CHECK ALL DIMENSIONS ON SITE.
REPORT ALL ERRORS OR OMISSIONS TO THE AUTHOR.
THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS.
THE AUTHOR WILL NOT BE LIABLE FOR ANY LOSS OR DAMAGE, WHATSOEVER, ARISING FROM UNAUTHORISED USE OF ANY INFORMATION ON THIS DRAWING.

REV	DESCRIPTION	Date	BY	REV	DESCRIPTION	Date	BY
A	DA SUBMISSION	17.10.24	DI				
B	DA SUBMISSION	03.02.25	DI				
C	DA AMENDMENTS	12.02.25	DI				
D	DA AMENDMENTS	11.03.25	KK				

LEGEND:

- W D WINDOW/DOOR MARKER
- SK SKYLIGHT MARKER
- SA SMOKE ALARM
- BOUNDARY (REF. SURVEY)

AW	AWNING WINDOW
CT	CERAMIC TILES
FC	FIBRE CEMENT CLADDING
FG	FIXED GLAZING
FW	FLOOR WASTE
GA	GALVANISED LOUVRE/STORAGE LOUVRES
MS	METAL ROOF SHEETING
PB	PLASTERBOARD CLADDING
RW	RAINWATER GOODS
SSW	SAND STONE WALL
TB	TIMBER FLOOR BOARDS
TC	TIMBER CLADDING
TD	TIMBER DECKING

mackenzieprunk architects
155 Illawarra Road Marrickville 2204
e studio@mackenzieprunk.com.au
t 02 9559 4595
www.m-p.com.au
Nominated Architects: Ian Mackenzie 5877 Kristi Prunk 6361

CLIENT
ANDREW BEATTIE & KIM ALEXANDER

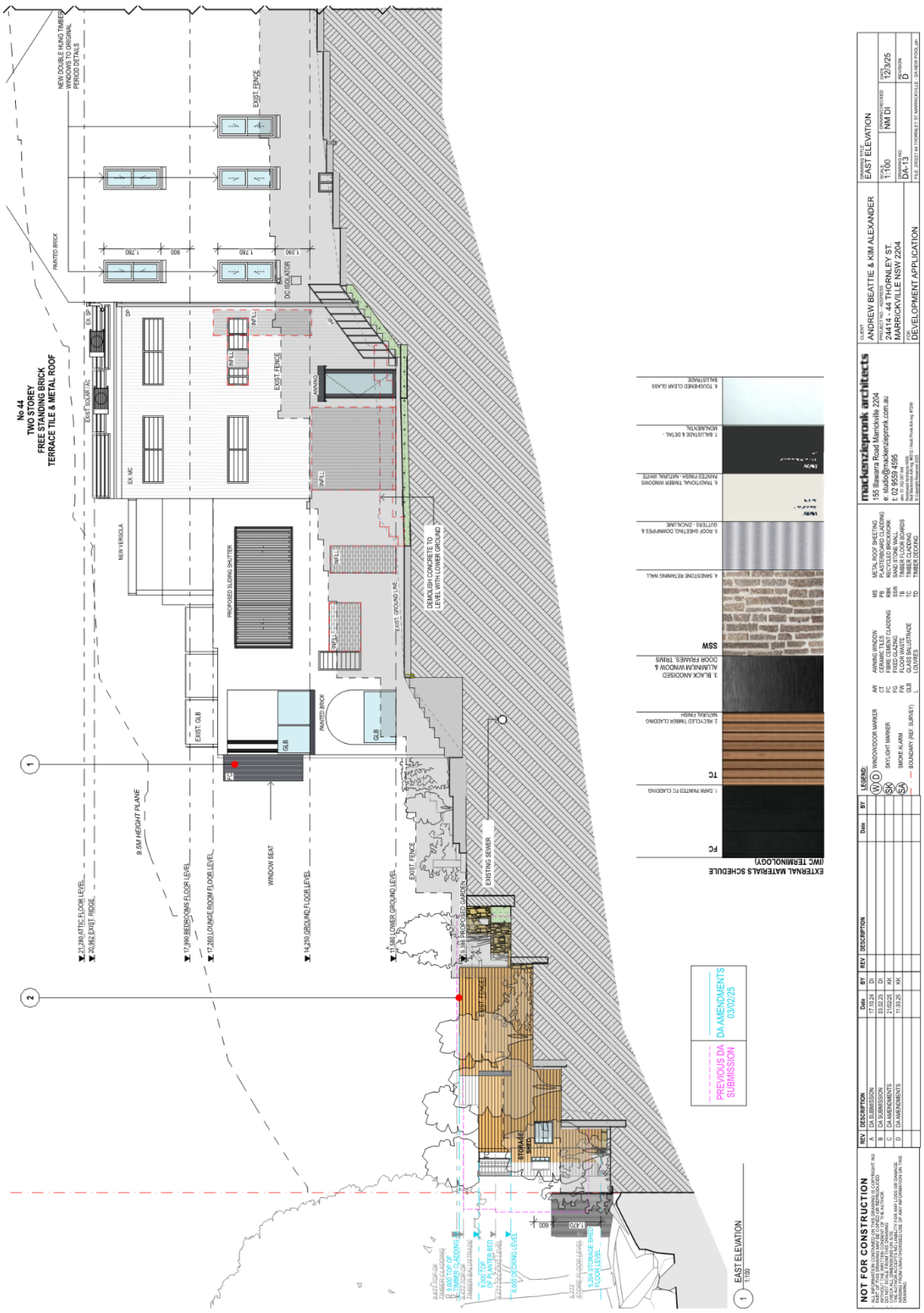
PROJECT No. 4-2-2103
44 & 46 THORNLEY ST.
MARRICKVILLE NSW 2204

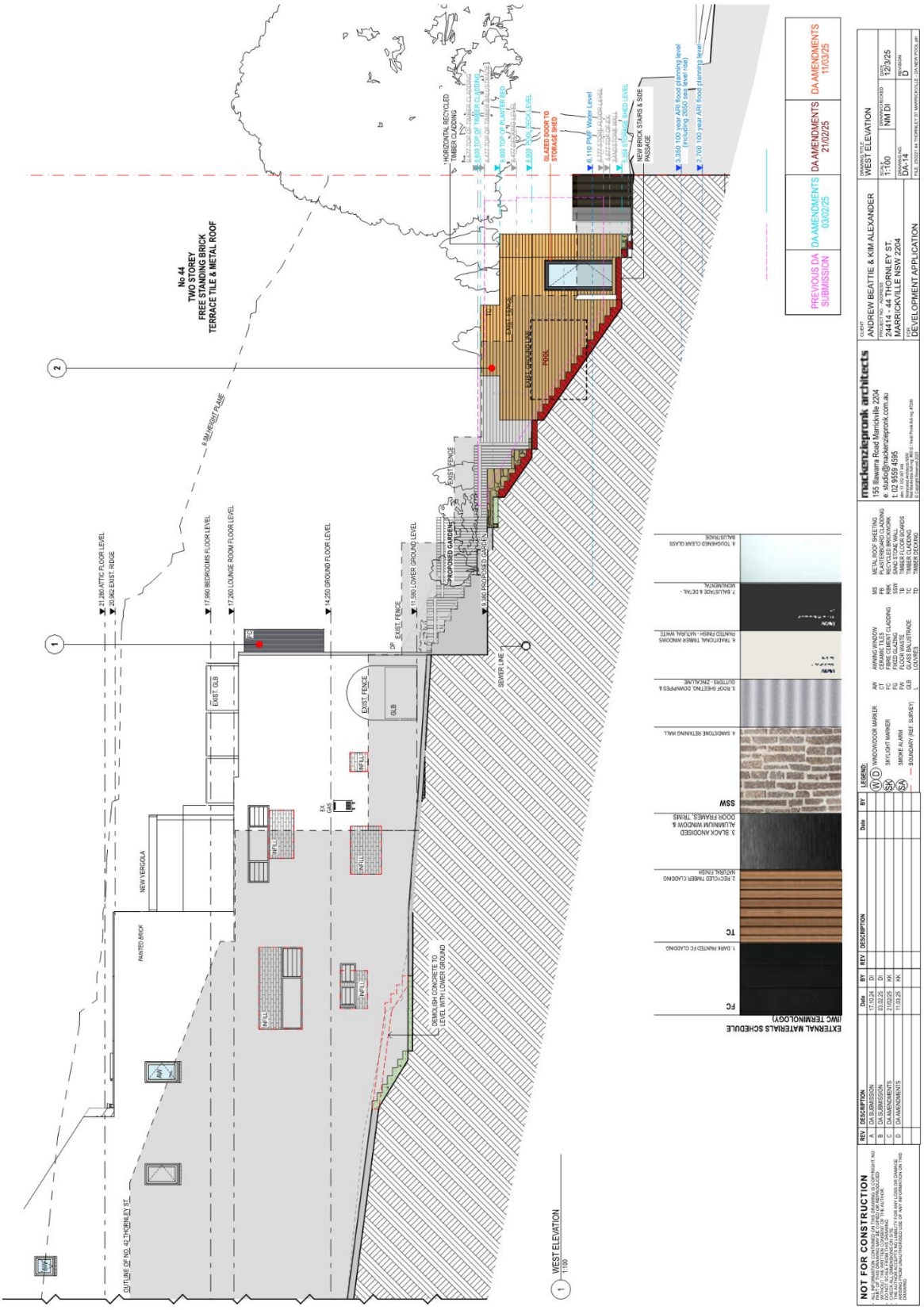
FOR
DEVELOPMENT APPLICATION

DRAWING TITLE
CROSS SECTIONS C & D

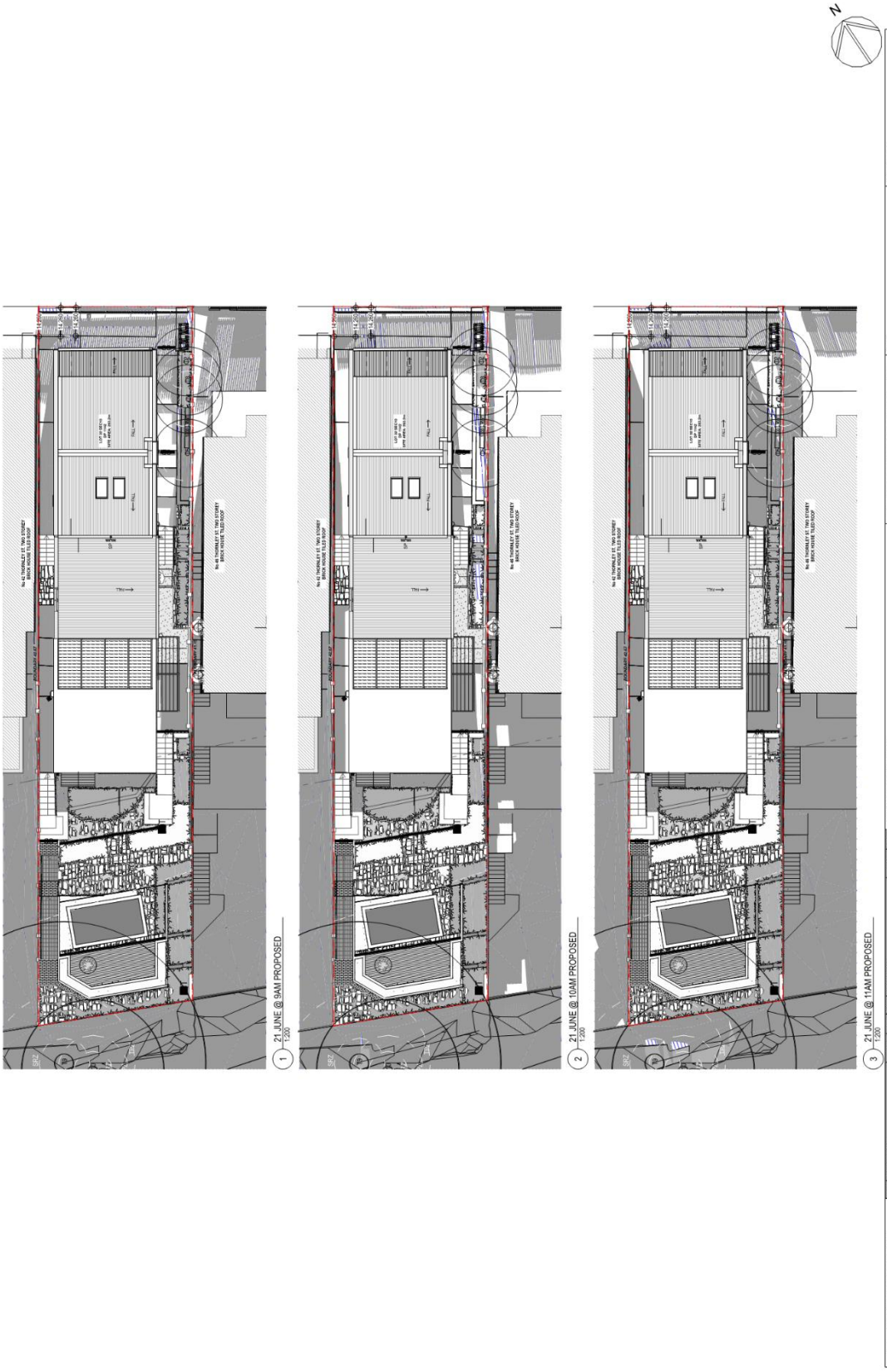
SCALE @ A1 1:100	DRAWN / CHECKED NM / DI
DRAWING NO. DA-12	12/3/25
	REVISION D

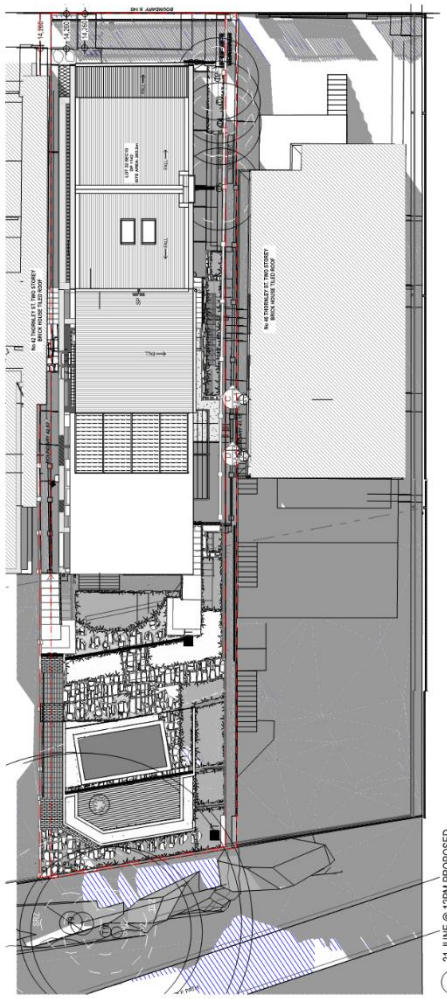
FILE: 250221 44 THORNLEY ST MARRICKVILLE - DA NEW POOL.dwg

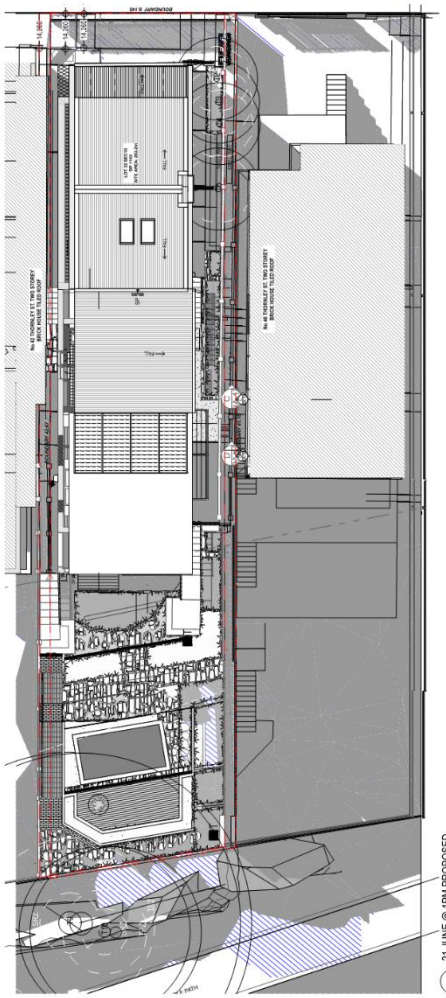

No 44
TWO STOREY
FREE STANDING BRICK
TERRACE TILE & METAL ROOF
NEW DOUBLE HUNG TIMBER WINDOWS TO ORIGINAL PERIOD DETAILS
PAINTED BRICK
EXIST FENCE
DC ISOLATOR
EX. SP
EXIST SKLIGHT
EX. WC
NEW VERSOLA
PROPOSED SLIDING SHUTTER
EXIST GLB
WINDOW SEAT
9.5M HEIGHT PLANE
DEMOLISH CONCRETE TO LEVEL WITH LOWER GROUND
EXIST GROUND LINE
EXISTING SEWER
PROPOSED GARDEN
STORAGE SHED
EAST ELEVATION
1:100
PREVIOUS DA SUBMISSION
DA AMENDMENTS 03/02/25
EXTERNAL MATERIALS SCHEDULE
FC
TC
SSW
NOT FOR CONSTRUCTION
LEGEND:
DEVELOPMENT APPLICATION
ANDREW BEATTIE & KIM ALEXANDER
244 & 44 THORNLEY ST.
MARRICKVILLE NSW 2204
EAST ELEVATION
DA-13
mackenzieprink architects
155 Illawarra Road Marrickville 2204
e studio@mackenzieprink.com.au
t 02 9559 4595


No 44
TWO STOREY
FREE STANDING BRICK
TERRACE TILE & METAL ROOF
8.5M HEIGHT PLANE
21.280 ATTIC FLOOR LEVEL
20.962 EXIST. RIDGE
17.590 BEDROOMS FLOOR LEVEL
17.280 LOUNGE ROOM FLOOR LEVEL
14.250 GROUND FLOOR LEVEL
11.580 LOWER GROUND LEVEL
8.380 PROPOSED GARDEN
EXIST. FENCE
EXIST. GLB
NEW VERGOLA
PAINTED BRICK
OUTLINE OF NO. 42 THORNLEY ST.
SEWER LINE
EX GAS
INFILL
SWM SH CONCRETE TO LEVEL WITH LOWER GROUND
HORIZONTAL RECYCLED TIMBER CLADDING
GLAZED DOOR TO STORAGE AREA
NEW BRICK STAIRS & SIDE PASSAGE
POOL
EXIST. GROUND LVL
6.110 PWF Water Level
3.350 100 year ARI flood planning level (including 2050 sea level rise)
2.700 100 year ARI flood planning level
WEST ELEVATION
1:100
EXTERNAL MATERIALS SCHEDULE
(IWC TERMINOLOGY)
FC
TC
SSW
1 DARK PAINTED FC CLADDING
2 RECYCLED TIMBER CLADDING NATURAL FINISH
3 BLACK ANODISED ALUMINIUM WINDOW & DOOR FRAMES, TRIMS
4 SANDSTONE RETAINING WALL
5 ROOF SHEETING, DOWNPIPES & GUTTERS - ZINCALUME
6 TRADITIONAL TIMBER WINDOWS PAINTED FINISH - NATURAL WHITE
7 BALUSTRADE & DETAIL - MONUMENTAL
8 TOUCHWOOD CLEAR GLASS BALUSTRADE
PREVIOUS DA SUBMISSION 03/02/25
DA AMENDMENTS 21/02/25
DA AMENDMENTS 11/03/25
mackenzieprink architects
155 Illawarra Road Marrickville 2204
e studio@mackenzieprink.com.au
t 02 9559 4595
ANDREW BEATTIE & KIM ALEXANDER
44 & 44A THORNLEY ST.
MARRICKVILLE NSW 2204
DEVELOPMENT APPLICATION
DA-14
NOT FOR CONSTRUCTION
REV DESCRIPTION Date BY
A DA SUBMISSION 17.02.24 DI
B DA SUBMISSION 03.02.25 DI
C DA AMENDMENTS 12.02.25 KK
D DA AMENDMENTS 11.03.25 KK
LEGEND:
WINDOW/DOOR MARKER
SKYLIGHT MARKER
SMOKE ALARM
BOUNDARY (REF. SURVEY)
AW AWNING WINDOW
CT CERAMIC TILES
EC EXTERNAL CLADDING
FG FIXED GLAZING
FW FLOOR WASTE
GL GLASS LOUVRE
MS METAL ROOF SHEETING
PB PLASTERBOARD CLADDING
RW RAINWATER TANK
SSW SAND STONE WALL
TB TIMBER FLOOR BOARDS
TC TIMBER CLADDING
TD TIMBER DECKING
1:100
DA-14
D

No 44
TWO STOREY
FREE STANDING BRICK
TERRACE TILE & METAL ROOF
No 46
THORNLEY ST.
No 42
THORNLEY ST.
EAST BOUNDARY
WEST BOUNDARY
24.379 EXISTING RIDGE HEIGHT
17.190 FIRST FLOOR LEVEL
14.440 GROUND FLOOR LEVEL
EX. ELEC. METER
EX. GAS
NO PROPOSED WORKS TO EXIST FACADE AND FENCE
2 NORTH ELEVATION 1:100
EXTERNAL MATERIALS SCHEDULE (IWC TERMINOLOGY)
FC
1. DARK PAINTED FC CLADDING
TC
2. RECYCLED TIMBER CLADDING NATURAL FINISH
SSW
3. BLACK ANODISED ALUMINIUM WINDOW & DOOR FRAMES, TRIMS
4. SANDSTONE RETAINING WALL
5. ROOF SHEETING, DOWNPIPES & GUTTERS - ZINCALUME
6. TRADITIONAL TIMBER WINDOWS PAINTED FINISH - NATURAL WHITE
7. BALUSTRADE & DETAIL - NON-MINERAL
8. TOUGHENED CLEAR GLASS BALUSTRADE
24.379 EXISTING RIDGE HEIGHT
20.962 EXISTING RIDGE HEIGHT
17.190 LOUNGE ROOM LEVEL
14.250 GROUND FLOOR LEVEL
11.500 LOWER GROUND LEVEL
REPLACE UP-STAND WALL WITH NEW GLASS BALUSTRADE
NEW POWDERCOAT WINDOWS TO REPLACE EXISTING
EX. SOLAR PANELS
EX. SK
EXIST. TERRACE
BALCONY
GARDEN
NEW VERGOLA
WINDOW SEAT
1 SOUTH ELEVATION 1:100
NOT FOR CONSTRUCTION
REV DESCRIPTION Date BY
A DA SUBMISSION 17.10.24 DI
B DA SUBMISSION 03.02.25 DI
C DA AMENDMENTS 03.06.25 KK
D DA AMENDMENTS 11.03.25 KK
REV DESCRIPTION Date BY
LEGEND:
WINDOW/DOOR MARKER
SKYLIGHT MARKER
SMOKE ALARM
BOUNDARY (REF. SURVEY)
AW AWNING WINDOW
CT CERAMIC TILES
EC EXTERNAL CLADDING
FG FIXED GLAZING
FW FLOOR WASTE
GB GALVANISED BALUSTRADE
L LOUVRES
MS METAL ROOF SHEETING
PB PLASTERBOARD CLADDING
RW RENDERED BRICKWORK
SSW SAND STONE WALL
TB TIMBER FLOOR BOARDS
TC TIMBER CLADDING
TD TIMBER DECKING
mackenzieprunk architects
155 Illawarra Road Marrickville 2204
e studio@mackenzieprunk.com.au
t 02 9559 4595
nsw reg 5101 arch
ACN 151 207 598
Nominated Architect: Ian Mackenzie 5101 Hoad Rnd Adv reg 6708
CLIENT
ANDREW BEATTIE & KIM ALEXANDER
PROJECT No. 4-ACTHO
244 & 44 A THORNLEY ST.
MARRICKVILLE NSW 2204
FOR
DEVELOPMENT APPLICATION
DRAWING TITLE
NORTH & SOUTH ELEVATIONS
SCALE 1:100
DRAWN/CHECKED NM / DI
DATE 12/3/25
DRAWING NO. DA-15
REVISION D
FILE: 250223 44 THORNLEY ST MARRICKVILLE - DA-NEW POOL.dwg


1 21 JUNE @ 9AM PROPOSED
1:200
2 21 JUNE @ 10AM PROPOSED
1:200
3 21 JUNE @ 11AM PROPOSED
1:200
NOT FOR CONSTRUCTION
REV DESCRIPTION Date BY
A DA SUBMISSION 17.10.24 DI
B DA SUBMISSION 03.02.25 DI
C DA AMENDMENTS 12.03.25 NM
D DA AMENDMENTS 11.03.25 KA
SHADOW DIAGRAMS LEGEND
EXISTING SHADOWS
NEW SHADOWS
mackenzieprunk architects
155 Illawarra Road Marrickville 2204
e studio@mackenzieprunk.com.au
t 02 9559 4595
CLIENT
ANDREW BEATTIE & KIM ALEXANDER
PROJECT
244 & 44 ATTWORNLEY ST.
MARRICKVILLE NSW 2204
FOR
DEVELOPMENT APPLICATION
DRAWING TITLE
21 JUNE SHADOWS
SCALE
1:200
DRAWN BY
NM
CHECKED BY
DI
1.03.25
DRAWING NO.
DA-16
REVISION
D





NOT FOR CONSTRUCTION

ALL INFORMATION CONTAINED ON THIS DRAWING IS COPYRIGHT AND MUST NOT BE REPRODUCED OR COPIED WITHOUT THE WRITTEN PERMISSION OF THE AUTHOR.
DO NOT SCALE THIS DRAWING.
CHECK ALL DIMENSIONS ON SITE.
ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE SPECIFIED.
THE AUTHOR WILL NOT BE HELD LIABLE FOR ANY LOSS OR DAMAGE, DIRECT OR INDIRECT, RESULTING FROM UNAUTHORISED USE OF ANY INFORMATION ON THIS DRAWING.

REV	DESCRIPTION	Date	BY
A	DA SUBMISSION	17.10.24	DI
B	DA SUBMISSION	03.02.25	DI
C	DA AMENDMENTS	11.03.25	KN
D	DA AMENDMENTS	11.03.25	KN

REV	DESCRIPTION	Date	BY

SHADOW DIAGRAMS LEGEND

EXISTING SHADOWS

NEW SHADOWS

mackenzieprunk architects
155 Illawarra Road Marrickville 2204
e studio@mackenzieprunk.com.au
t 02 9559 4595
www.mapa.com.au
Nominated Architect Ian Mackenzie 6101 Hadi Prunk 6414 reg. 6708
ID Designer Alexander 3311

CLIENT
ANDREW BEATTIE & KIM ALEXANDER

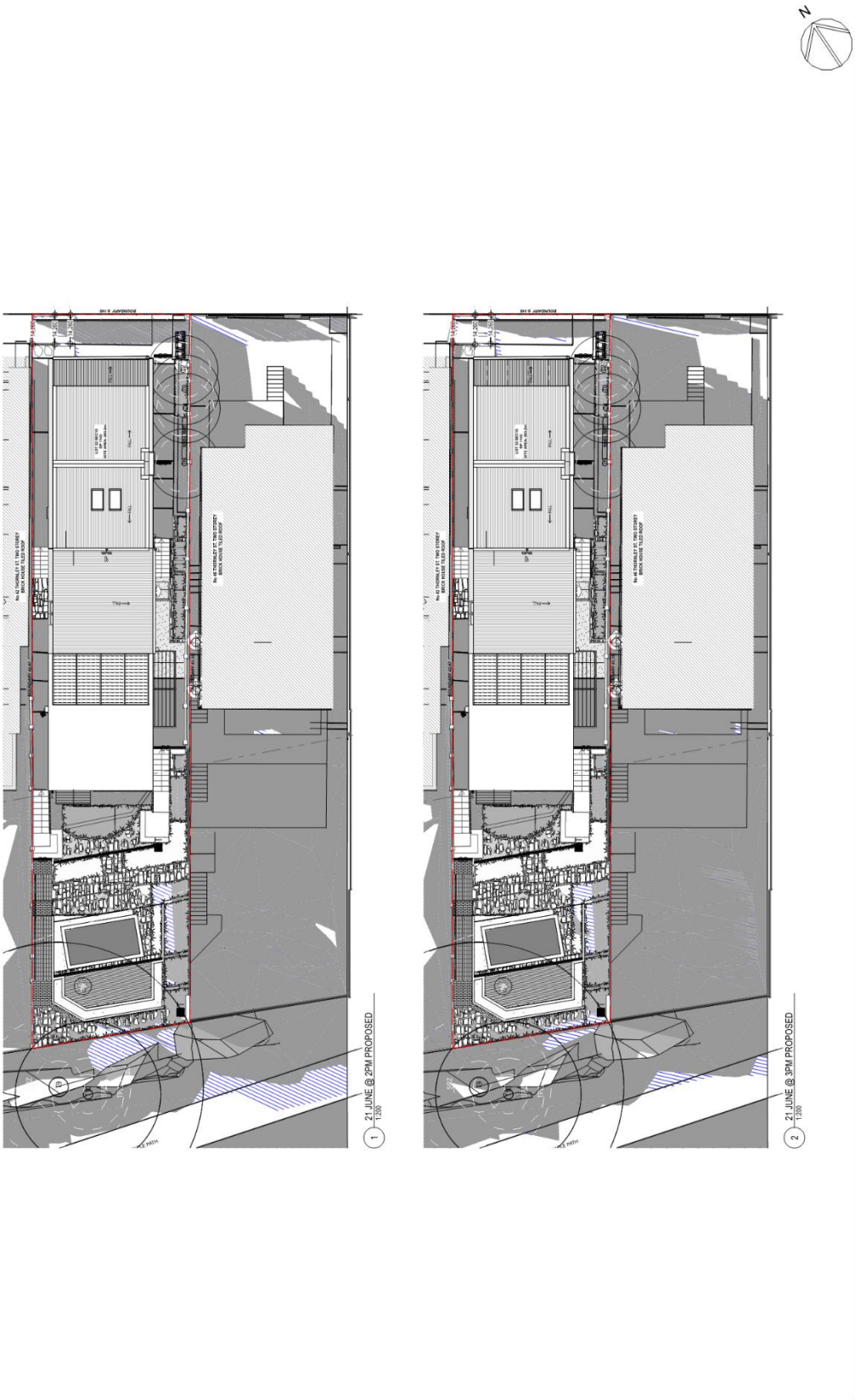
PROJECT No. A3270
244 & 44 ALFRED ORNLEY ST.
MARRICKVILLE NSW 2204

FOR
DEVELOPMENT APPLICATION

DRAWING TITLE
21 JUNE SHADOWS

SCALE	DRAWN / CHECKED	DATE
1:200	NM / DI	12/3/25
DRAWING NO. DA-17		REVISION D

FILE: 250221 44 THORNLEY ST MARRICKVILLE - DA NEW POOL.dwg


1 21 JUNE @ 2PM PROPOSED
1:200
2 21 JUNE @ 3PM PROPOSED
1:200
N
mackenzieprunk architects
155 Illawarra Road Marrickville 2204
e studio@mackenzieprunk.com.au
t 02 9559 4595
CLIENT
ANDREW BEATTIE & KIM ALEXANDER
PROJECT No. A2207003
244 & 44 ALFRED ORNLEY ST.
MARRICKVILLE NSW 2204
FOR
DEVELOPMENT APPLICATION
DRAWING TITLE
21 JUNE SHADOWS
SCALE
1:200
DRAWN BY
NM
CHECKED
DI
DATE
12/3/25
DRAWING NO.
DA-18
REVISION
D
NOT FOR CONSTRUCTION
SHADOW DIAGRAMS LEGEND
EXISTING SHADOWS
NEW SHADOWS
REV DESCRIPTION Date BY
A DA SUBMISSION 17.10.24 DI
B DA SUBMISSION 03.02.25 DI
C DA AMENDMENTS 20.02.25 NM
D DA AMENDMENTS 11.03.25 NM

Attachment C – Section 4.6 Exception to Development Standards

Re 44 Thornley Street Marrickville

Clause 4.6 Submission - Exception to development standards (floor space ratio)

The existing FSR of 0.69:1.0 already exceeds the standard of 0.6:1.

The additional floor area is: the **new pool equipment and storage area** which will have an area of 10.64m2 (an additional 2.7% of floor area) There is no increase in the house footprint as all work to the house is within the existing envelope

Criteria

Clause 4.6 allows consent to be granted for development that would contravene a development standard if the applicant has made a written request seeking to justify the contravention and addressed the matters required to be addressed by subclause (3); that is

(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard and the consent authority is satisfied that

(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and the concurrence of the Director-General has been obtained.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The 5 matters to consider are whether:

1. *The objectives of the development standard are achieved notwithstanding non-compliance with standard.*
2. *The objective is not relevant to the development.*
3. *The objective would be defeated or thwarted if compliance was required.*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard.*
5. *The zoning of the land is unreasonable or inappropriate.*

FSR
Site Area – 379.4m2 by DP (~~383.20m2~~ area by calculation)
Max Allowed FSR - 0.6 : 1.0 **227.64m2** ~~(229.92m2)~~
Proposed FSR - 0.72 : 1.0 **271.5m2** ~~(271.97m2)~~
Variation above allowed FSR– 19.27% or **43.86m2** ~~(42.05m2)~~ / (10.64m2 additional space above existing =2.7%)

These 5 matters are discussed below.

mackenzie pronk architects
www.mackenziepronk.com.au
155 Illawarra Rd Marrickville NSW 2204
Ph: (02) 95594595 ABN 51352087948
Nominated Architect Heidi Pronk (NSW Reg. No. 7208)
Nominated Architect Neil Mackenzie(NSW Reg. No. 6512)

Document Set ID: 40307649
Version: 1, Version Date: 27/03/2025

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The objectives of the FSR development standard are

(a) to establish a maximum floor space ratio to enable appropriate development density,

(b) to ensure development density reflects its locality,

(c) to provide an appropriate transition between development of different densities,

(d) to minimise adverse impacts on local amenity,

(e) to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.

These objectives are achieved despite the non-compliance with the numerical control because:

- The existing building already exceeds the development standard. This is not an indication that the existing building is an over development of the site or an inappropriate density. The sloping topography enables the existing house to have 3 storeys, resulting in a relatively high FSR on a relatively small footprint.
- The development density does not change to the street frontage – the existing Victorian terrace is retained, reflecting its locality.
- The increase in the built area (new pool equipment and storage area) at the rear of the site is set in from the boundaries, will not add to the building volume or unduly to the overall massing of the proposal.
- The tree canopy is proposed to be increased

Consequently, the proposal achieves the desired future character for the building.

2. *The objective is not relevant to the development*. - This contention is not relied upon.

3. *The objective would be defeated or thwarted if compliance was required*. - This contention is not relied upon.

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard*. - This contention is not relied upon.

5. *The zoning of the land is unreasonable or inappropriate*. - This contention is not relied upon.
Compliance with the development standard is unreasonable or unnecessary in the circumstances because

- The existing building already exceeds the development standard
- The additional floor area is a modest increase that does not add any unsuitable building bulk or built form.
- The proposal does not have any amenity impact on adjoining properties.

Are there sufficient environmental planning grounds to justify contravening the development standard?

The cases referred to above have established that the environmental planning grounds must be particular to the circumstances of the proposed development on its site. The following environmental planning grounds are relevant:

There are no impacts from the form and size of the new pool equipment and storage area on neighbouring properties or from the public domain.

mackenzie pronk architects
www.mackenziepronk.com.au
155 Illawarra Rd Marrickville NSW 2204
Ph: (02) 95594595 ABN 51352087948
Nominated Architect Heidi Pronk (NSW Reg. No. 7208)
Nominated Architect Neil Mackenzie(NSW Reg. No. 6512)

Document Set ID: 40307649
Version: 1, Version Date: 27/03/2025

Will the proposed development be in the public interest because it is consistent with the objectives of the development standard?

The objectives of the FSR standard have been addressed above. The proposal achieves those objectives. Further, strict compliance is considered to be unreasonable in the circumstances.

Will the proposed development be in the public interest because it is consistent with the objectives of the zone?

The objectives for development within the R2 Low Density residential zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents* - NA
- *To provide residential development that maintains the character of built and natural features in the surrounding area.*

The proposal is consistent with these objectives because:

The work proposed will adapt the existing Victorian Terrace to meet current housing needs in a low density residential environment.

The renovation will maintain the low density scale of the building. An FSR of 0.72:1.0 is still a low density FSR while maintaining the character of built and natural features in the surrounding area.

Additional Environmental Planning Grounds

SEPP (Resilience and Hazards) 2021 - Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards 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. It has had continual use as a single dwelling.

SEPP (Sustainable Buildings) 2022 : Chapter 2 Standards for residential development – BASIX

The application is accompanied by a BASIX Certificate (lodged within 3 months of the date of the lodgement of this application) in compliance with the *EPA Regulation 2021.*

SEPP (Biodiversity and Conservation) 2021 - Chapter 2 Vegetation in non-rural areas

The *Biodiversity and Conservation SEPP* requires consideration for the protection and/or removal of vegetation and gives effect to the local tree preservation provisions of Part 2.20 of the MDCP 2011.

mackenzie pronk architects
www.mackenziepronk.com.au
155 Illawarra Rd Marrickville NSW 2204
Ph: (02) 95594595 ABN 51352087948
Nominated Architect Heidi Pronk (NSW Reg. No. 7208)
Nominated Architect Neil Mackenzie(NSW Reg. No. 6512)

Document Set ID: 40307649
Version: 1, Version Date: 27/03/2025

The application seeks the removal of three (3) Trees: (1) Callistemon sp.(Bottlebrush) & 2 x Citrus sp.(Mandarin) located in the rear garden. The application is supported by an Arboricultural Impact Assessment (AIA) prepared by ARBORLOGIX, dated 8 August 2024, which identifies these trees as Tree (6, 7 & 8).

Tree 6 – identified as low value due to small size and easily replaced with plantings

Tree 7 – low retention value due to exempt species type

Tree 8 – low retention value due to exempt species type

These trees are proposed to be replaced as per the landscape plans by Melissa Wilson Landscape Architects dated 18.06.24, in accordance with the Biodiversity and Conservation SEPP and part 2 of the MLEP 2011.

Concurrence of the Director-General

The concurrence of the Director-General may be assumed by Council. Council must also consider:

1. *(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
2. *(b) the public benefit of maintaining the development standard*

Any matter of significance for State or regional environmental planning –

There are no matters of significance for State or regional environmental planning

Public interest - The proposal is considered to be neutral in terms of the public interest.

Neil Mackenzie 21/03/25

NSW Registered Architect #6512 and Nominated Architect Mackenzie Pronk Architects

mackenzie pronk architects
www.mackenziepronk.com.au
155 Illawarra Rd Marrickville NSW 2204
Ph: (02) 95594595 ABN 51352087948
Nominated Architect Heidi Pronk (NSW Reg. No. 7208)
Nominated Architect Neil Mackenzie(NSW Reg. No. 6512)

Document Set ID: 40307649
Version: 1, Version Date: 27/03/2025