VINNER WEST COUNCIL

DEVELO	OPMENT ASSESSMENT REPORT		
Application No.	DA201700579		
Address	68 Railway Street, Petersham		
Proposal	To demolish part of the premises and carry out ground, first		
	and second floor alterations and additions to a dwelling		
	house and construct a new roller door with brick surrounds		
	and hardstand at the rear		
Date of Lodgement	23 November 2017. Additional information submitted on 24		
	January 2018 and 19 February 2018		
Applicant	Brad Inwood Architects		
Owners	MVB Pty Ltd (Mark Bortolussi, Director)		
Number of Submissions	Nil		
Value of works	\$200,000		
Reason for determination			
at Planning Panel	development standard		
Main Issues	Height of building, Heritage Conservation (dormer window)		
Recommendation	Consent subject to conditions		
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UP 4 Bin 100 56 54 52 50 48 46 144 45 Subject Site:	7 5 3 1 66 55 7 5 3 1 70 70 70 GION LANE 26 24 22 52 16 14 12 0 8 64 2 240 28 36 64 42 2 20 16 14 12 0 8 6 4 2 240 28 36 64 42 2 20 16 14 12 0 8 6 4 2		

1. Executive Summary

This report concerns an application to demolish part of the premises and carry out ground, first and second floor alterations and additions to a dwelling house and construct a new roller door with brick surrounds and hardstand at the rear. The application was notified in accordance with Council's Notification Policy and no submissions were received.

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011) with the exception of the height of building development standard. The development amounts to a height departure of 1.6m or 18%. The existing development currently exceeds the height of building development standard with the existing chimney being 11.3m in height. The written submission under Clause 4.6 of MLEP 2011 in relation to the height departure that accompanied the application is considered to be well founded and worthy of support.

The development is located within the Petersham North Heritage Conservation Area-HCA 3. Council's Heritage and Urban Design Advisor notes that the proposal is contrary to Council's heritage controls, which is primarily due to the proposed street facing dormer window. The dormer is identified as being uncharacteristic to the period dwelling and historically not associated with the terrace and group of terrace houses.

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

The application is suitable for approval subject to the imposition of appropriate terms and conditions including a condition that the front dormer window be deleted.

2. Proposal

Approval is sought to demolish part of the premises and carry out ground, first and second floor alterations and additions to a dwelling house and construct a new roller door with brick surrounds and hardstand at the rear.

3. Site Description

The site is known as 68 Railway Street, and is located on the western side of Railway Street, between Brighton Street and Terminus Street, Petersham. A laneway adjoins the site along its rear boundary. The site comprises Lot B in Deposited Plan 439797 and is approximately 111.9 square metres in area.

The site contains a two storey dwelling. The surrounding streetscape consists mainly of single and two storey dwelling houses. The site is adjoined by 66 Railway Street which contains a two storey dwelling house and 70 Railway Street which contains a two storey plus attic dwelling house.

4. Background

4(a) Neighbouring development history

Determination No. 201300199, dated 12 July 2013, approved an application to carry out alterations and additions to install a roof on the existing ground floor deck and install a front dormer and rear skillion dormer to allow the existing attic to be used for habitable purposes at 70 Railway Street, being the neighbouring property of the subject site.

4(b) Application history

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

Date		Discussion / Letter/ Additional Information
15	February	Amended plans submitted with Clause 4.6 variation request and
2018		justification for front dormer.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.14 of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Marrickville Local Environmental Plan 2011; and
- Marrickville Development Control Plan 2011.

The following sections provide further discussion of the relevant issues:

5(a)(ii) Marrickville Local Environment Plan 2011 (MLEP 2011)

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

- (i) Clause 2.3 Land Use Table and Zone Objectives
- (ii) Clause 2.7 Demolition
- (iii) Clause 4.3 Height of Buildings
- (iv) Clause 4.4 Floor Space Ratio
- (v) Clause 4.6 Exceptions to Development Standards
- (vi) Clause 5.10 Heritage Conservation
- (vii) Clause 6.2 Earthworks
- (viii) Clause 6.5 Development in areas subject to Aircraft Noise

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

Standard (maximum)	Proposal	% of non- compliance	Complies
Floor Space Ratio Permitted: 1.1:1	1:1	N/A	Yes
Height of Building Permitted: 9.5 metres	11.1 metres	1.6 metres or 18%	No

The following provides further discussion of the relevant issues:

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

The property is zoned R2 - Low Density Residential under the provisions of MLEP 2011. The development is permissible with Council's consent under the zoning provisions applying to the land. The development is acceptable having regard to the objectives for development in the zone under MLEP 2011.

(ii) <u>Height (Clause 4.3)</u>

The site is located in an area where the maximum height of buildings is 9.5 metres as indicated on the Height of Buildings Map that accompanies MLEP 2011. The development has a height of approximately 11.1 metres, which does not comply with the height development standard. The proposal exceeds the maximum permissible building height by 1.6 metres or 18%.

A written request, in relation to the development's non-compliance with the building height development standard in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011 was submitted with the application.

(iii) Exceptions to Development Standards (Clause 4.6)

As detailed above, the development exceeds the maximum height of building development standard prescribed under Clause 4.3 of MLEP 2011. A written request in relation to the contravention to the building height development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 was submitted with the application.

A maximum building height of 9.5 metres applies the site MLEP 2011. The proposed development has a maximum building height of 11.1 metres which does not comply with the height development standard.



Image 1: Non-compliance with building height standard

The applicant considers compliance with the development standard to be unreasonable and unnecessary for the following reasons:

"The proposed height is similar to heights of some other buildings in the near vicinity;

Council has recently approved dwellings of similar height;

The two adjoining dwellings at 66 and 70 Railway Street Petersham are the same height as the proposed works;

The proposed works have negligible impact on the adjoining properties, by way of overshadowing or privacy;

All new works are set under the existing ridge;

All new works are generally set within the exiting built form;

The dormer window is set within the existing dwelling and is in keeping with the traditional detailing, form of the building, and the character of the streetscape."

The Clause 4.6 written request is assessed as acceptable and worthy of support. The existing development already exceeds the maximum height of building development standard and the height departure of 1.6m or 18% is associated with the introduction of dormers.

The contravention of the development standard does not raise any matter of significance for State and regional environmental planning, and that there is no public benefit in maintaining the development standard for the development.

Notwithstanding, it is noted that the front dormer is not supported on heritage grounds and is recommended to be deleted as a proposed condition of consent.

(iv) <u>Heritage Conservation (Clause 5.10)</u>

The property is located within a Heritage Conservation Area under MLEP 2011 (Heritage Conservation Area C3 – Petersham North). The Heritage Impact Statement submitted with the application satisfactorily addresses the relevant heritage conservation provisions contained in Clause 5.10 of MLEP 2011.

The application was referred to Council's Heritage and Urban Design Advisor who provided the following comments:

"The proposal is generally sympathetic to the existing qualities and characteristics of the existing terrace and terrace group and proposes reasonably sympathetic alterations and additions to the rear. The proposal does however propose a street facing dormer, which is uncharacteristic and historically not associated with the terrace and group. The proposed street facing dormer is also inconsistent with MDCP 2011 Part 8.3.2.6 C22.

It is recognized the neighbouring property at no. 70 has a front dormer however this is an anomaly amongst an otherwise highly consistent terrace group. The predominant and identifiable uniformity of the group is one of intact street facing roof forms as presented to Railway Street. The terraces are a group of five dwellings, four of which do not have dormers. No. 70 is at the end of the row with a dormer that is not only uncharacteristic of the group, but is also disproportionate in size establishing an undesirable precedent that ideally should not be repeated.

Furthermore, the introduction of a street facing dormer poses no real benefit to the attic level. Ample amenity including cross ventilation and daylight is available to the attic level via the rear dormer, and little floor area and head height is gained by its introduction that is otherwise provided by the rear dormer.

For the above reasons the proposed dormer is not supported."

The front dormer is not supported on heritage grounds and is recommended to be deleted as a proposed condition of consent.

Subject to the above the proposal is considered acceptable with regard to Clause 5.10 of MLEP and Part 8 of MDCP 2011.

(v) Earthworks (Clause 6.2)

The earthworks proposed are for a smaller scale residential development and as such are reasonable having regard to Clause 6.2 of MLEP 2011.

(vi) <u>Development in areas subject to Aircraft Noise (Clause 6.5)</u>

The property is located within the 20-25 Australian Noise Exposure Forecast (2033) Contour. The development would need to be noise attenuated in accordance with AS2021:2015. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2015. The report contains recommendations to be incorporated into the development in order to mitigate acoustic impacts. Conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

5(c) Development Control Plans

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

Part	Compliance
Part 2.6 Visual and Acoustic Privacy	Yes – See below
Part 2.7 Solar Access and Overshadowing	Yes – See below

Part 2.10 Parking	Yes
Part 2.18 Landscaping and Open Spaces	No – See below
Part 2.21 Site Facilities and Waste Management	Yes
Part 2.25 Stormwater Management	Yes
Part 4.1.4 Good Urban Design Practice	Yes
Part 4.1.5 Streetscape and Design	Yes
Part 4.1.6.1 Floor Space Ratio and Height	Yes, noting that the variation to the height of building development standard is supported
Part 4.1.6.2 Building Setbacks	Yes
Part 4.1.6.3 Site Coverage	Yes
Part 4.1.8 Dormer Windows	Yes, subject to the deletion of front dormer
Part 4.1.11 Additional Controls for Period Dwellings	Yes, subject to the deletion of front dormer
Part 4.1.2 Details, materials and colour schemes for period buildings	Yes, subject to the deletion of front dormer
Part 8 Heritage	Yes, subject to the deletion of front dormer
Part 9 Strategic Context	Yes, subject to the deletion of front dormer

The following provides discussion of the relevant issues:

PART 2 – Generic Provisions

(i) <u>Acoustic and Visual Privacy (Part 2.6)</u>

The layout and design of the development ensures that the visual and acoustic privacy currently enjoyed by residents of adjoining residential properties are protected. In particular:

- The elevated terrace at the rear includes 1.8m privacy screening to both sides; and
- A 1.6m high screen prevents overlooking from the attic windows of the rear dormer.

The development maintains adequate levels of acoustic and visual privacy for the surrounding residential properties and ensures an adequate level of acoustic and visual privacy for future occupants of the development.

Given the above the development is reasonable having regard to the objectives and controls relating to visual and acoustic privacy as contained in MDCP 2011.

(ii) Solar Access and Overshadowing (Part 2.7)

The applicant submitted June shadow diagrams with the application. The shadow diagrams indicate:

- A window in the first floor of 70 Railway Street is impacted upon, however this is not a living room;
- Two hours solar access is not currently available to the open Space of No. 70 Railway Street due to boundary fencing shadows cast across the property;
- Setting aside the boundary fencing shadow, the proposal has minimal additional overshadowing of the open space of No. 70 Railway Street and would allow for 50% of the private open space to receive a minimum of 2 hours of solar access.

The shadow diagrams indicate that the proposal is of negligible impact, with new shadowing generally falling within existing shadows. The proposal includes the construction of a modest ground floor addition and attic, at the rear a roller door and hardstand parking space is proposed with no structures. The proposal is considered consistent within the streetscape, rear building alignment and bulk and scale and as a result the overshadowing impacts resulting are acceptable.

(iii) Landscaping and Open Spaces (Part 2.18)

Open Space

A minimum of 45sqm of open space is required and the proposed development provides 40sqm of open space. While varying from the subject control, the level of private open space is considered reasonable given the small size of the site and noting that it compares favourably to the level of open space provided on adjoining properties.

Landscaping

The proposal results in approximately 13sqm of pervious landscaping which does not constitute the required '50% of the required open space as pervious'. Notwithstanding the level of soft/pervious landscaping is considered reasonable given the small size of the site.

A condition is included in the recommendation requiring amended plans to be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate, demonstrating that that the areas indicated in the colour green on the approved ground plan consist of soft/pervious landscaping.

5(d) The Likely Impacts

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

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

The site is zoned R2 Low Density Residential under MLEP 2011. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's Notification Policy. No submissions were received.

5(g) The Public Interest

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

The development is consistent with the aims, and design parameters contained in MLEP 2011 and MDCP 2011 and other relevant Environmental Planning Instruments. As discussed throughout this report, the front dormer is unsupportable and the provision soft, pervious landscaping to the open space is required.

6 Referrals

6(a) Internal

The application was referred to Council's Heritage and Urban Design Advisor and issues raised in the referral reply have been discussed in Section 5 above.

7. Section 7.12 Levy

A Section 7.12 levy of \$1,000 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014 and a condition requiring the above levy to be paid has been included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in MLEP 2011 and MDCP 2011 with the exception that the proposal exceeds the maximum height of building development standard and the front dormer does not result in a good heritage outcome for the Petersham Heritage Conservation Area.

The application is suitable for approval subject to the imposition of appropriate terms and conditions including a condition that the front dormer window be deleted.

9. Recommendation

- A. The variation to Clause 4.3 Height of Buildings of Marrickville Local Environmental Plan 2011 be supported under the provisions of Clause 4.6 exceptions to development standards.
- B. That Council, as the consent authority pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. 201700003 to demolish part of the premises and carry out ground, first and second floor alterations and additions to a dwelling house and construct a new roller door with brick surrounds and hardstand at the rear subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

GENERAL

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
0909-03	Site Analysis	22/05/17	Brad Inwood	19/02/18
0909-03	Ground Floor	22/05/17	Brad Inwood	19/02/18
0909-04	First Floor	22/05/17	Brad Inwood	19/02/18
0909-05	Attic Floor	22/05/17	Brad Inwood	19/02/18
0909-06	Roof Plan	22/05/17	Brad Inwood	19/02/18
0909-10	North	22/05/17	Brad Inwood	19/02/18
0909-07	South	22/05/17	Brad Inwood	19/02/18
0909-09	East	22/05/17	Brad Inwood	19/02/18
0909-08	West	22/05/17	Brad Inwood	19/02/18
0909-11	Section	22/05/17	Brad Inwood	19/02/18
0909-12	Rear Roller Door and Levels	22/05/17	Brad Inwood	19/02/18
0909-13	Site Management	22/05/17	Brad Inwood	19/02/18
0909-14	Erosion and Sediment Control	22/05/17	Brad Inwood	19/02/18
D001	Drainage Plan	14/11/17	CW Consultants	23/11/17
0909-23	Colours and Materials	22/11/17	Brad Inwood	19/02/18
628794	Aircraft Noise Assessment	15/11/17	Central West Acoustic Services	19/02/18
A296990 05	BASIX Certificate	17/11/17	Brad Inwood	19/02/18

and details submitted to Council on 23 November 2017, 24 January 2018 and 19 February 2018 with the application for development consent as amended by the following conditions. <u>Reason</u>: To confirm the details of the application submitted by the applicant.

- Where any plans and/or information forming part of a Construction Certificate issued in relation to this consent are inconsistent with:
 - a) the plans and/or information approved under this consent; or
 - b) any relevant requirements of this consent,

the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.

Reason: To ensure the development is carried out in accordance with this Determination:

- The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
 <u>Reason</u>: To ensure that the development is adequately serviced.
- All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).

<u>Reason</u>: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of Interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the National Construction Code (Building Code of Australia).

- No work must commence until:
 - a) A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
 - b) A minimum of 2 days written notice given to Council of the intention to commence work.

<u>Reason</u>: To comply with the provisions of the Environmental Planning and Assessment Act.

 A Construction Certificate must be obtained <u>before commencing building work</u>. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

 Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet <u>before work commences</u>.

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

<u>Reason:</u> To ensure that sufficient and appropriate sanitary facilities are provided on the site.

8. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and are to be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining properties at 66 Railway Street and 70 Railway Street, if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

<u>Reason:</u> To catalogue the condition of the adjoining properties for future reference in the event that any damage is caused during work on site.

 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, <u>before</u> work commences.

Reason: To secure the area of the site works maintaining public safety.

 A rigid and durable sign must be erected in a prominent position on the site. <u>before work</u> <u>commences</u>. The sign is to be maintained at all times until all work has been completed. The sign must include:

The name, address and telephone number of the PCA;

- b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
- c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
- <u>Reason</u>: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.
- Sediment control devices must be installed <u>before the commencement of any work</u> and must be maintained in proper working order to prevent sediment discharge from the construction site.

<u>Reason</u>: To prevent soil erosion and sedimentation of Council's stormwater drainage system.

12. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit must be obtained from Council <u>before the carrying out of any works in public roads or Council controlled lands</u>. Restorations must be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings as provided for in Council's adopted fees and charges.

Reason: To ensure that all restoration works are in accordance with Council's Code.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue a Construction Certificate.

- Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction <u>before the issue of a Construction</u> <u>Certificate</u>. (The required payment can be made at the Council Offices).
 - NOTE: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation. http://www.lspc.nsw.gov.au/lovy_information/?iovy_information/lovy_calculator.stm

- <u>Reason:</u> To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.
- A levy of \$1,000 has been assessed as the contribution for the development under Section 7.12 of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 7.12 Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 7.12 levy (as adjusted) must be paid to the Council in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card* before the issue of a Construction Certificate. Under Marrickville Section 94/94A Contributions Plan 2014 payment of Section 7.12 levies CANNOT be made by Personal Cheque or Company Cheque.

*NB A 1% credit card transaction fee applies to all credit card transactions.

(LEVY PAYMENT REFERENCE NO. DC002190)

- NOTE: Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.
- <u>Reason</u>: To ensure that the approved development makes a contribution towards the provision, extension or augmentation of public amenities and public services in the area.
- Plans fully reflecting the selected commitments listed in BASIX Certificate submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction <u>before the issue of a Construction Certificate</u>.
 - NOTE: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate issued no earlier than 3 months before the date of lodgement of the application for the Construction Certificate. (Refer to Clause 6A of Schedule 1 to the Regulation).
 - Reason: To ensure that the BASIX commitments are incorporated into the development.
- Prior to the issue of a Construction Certificate, amended plans must be submitted to the Principal Certifying Authorities satisfaction indicating the following design changes:
 - The deletion of the front dormer window with the front roof plane to remain unchanged; and
 - (ii) The areas identified with the colour green on the approved ground floor plan consisting of soft/pervious landscaping (i.e. grass, shrubs and trees) with the details of such landscaping being clearly indicated on the amended plans.
 - <u>Reason</u>: To ensure the development retains an acceptable amount of soft landscaping and the proposed development does not have a negative impact on the heritage conservation area.
- 17. The existing building must be upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke detection systems in accordance with details to be submitted to the Certifying Authority's satisfaction <u>before the issue of a Construction Certificate</u>.

Reason: To ensure the building is suitable for the proposed use.

18. <u>Prior to the commencement of demolition works or before the issue of a Construction Certificate (whichever occurs first)</u>, a security deposit and inspection fee must be 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 (FOOT)	\$2100.00
Inspection fee (FOOTI)	\$225.00

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

The inspection fee is required for 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 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.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

<u>Reason</u>: To ensure that all damages arising from the building works are repaired at no cost to Council.

 Plans fully reflecting the selected commitments listed in the Aircraft Noise Assessment Report must be submitted to the Certifying Authority's satisfaction <u>before the issue of a</u> <u>Construction Certificate</u>.

Reason: To reduce noise levels within the development from aircraft.

SITE WORKS

- Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
 - a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
 - 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
 - at no time on Sundays or public holidays.

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

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

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

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

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

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

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

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

<u>Reason</u>: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

 The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.

Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

22. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'.

<u>Reason</u>: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

- 23. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:
 - after excavation for, and prior to the placement of, any footings;
 - b) prior to pouring any in-situ reinforced concrete building element;
 - c) prior to covering of the framework for any floor, wall, roof or other building element;
 - d) prior to covering waterproofing in any wet areas;
 - e) prior to covering any stormwater drainage connections, and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
 - <u>Reason:</u> To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the National Construction Code (Building Code of Australia).
- All demolition work must be carried out in accordance with the following:
 - a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
 - 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 'Worksafe Code of Practice for Removal of Asbestos' and the 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;
 - 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 the tracking of debris and soil onto the public way;

- all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
- all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- no waste collection skips, 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
- the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

<u>Reason</u>: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

- 25. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:
 - protect and support the adjoining premises from possible damage from the excavation;
 - where necessary, underpin the adjoining premises to prevent any such damage.
 Where the proposed underpinning works are not "exempt development", all required consents shall be obtained prior to the required works commencing; and
 - c) at least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA <u>before works continue</u> on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received shall be forwarded to the PCA <u>before work</u> <u>commences</u>.

- <u>Reason</u>: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.
- 26. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.

Reason: To provide for adequate site drainage.

- If the proposed work is likely to cause obstruction of the public place and/or is likely to endanger users of the public place, a suitable hoarding or fence approved by Council must be erected between the work site and the public place.
 <u>Reason</u>: To provide protection to the public place.
- A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.
 Present To account of the concrete of the allotment.

Reason: To ensure all works are contained within the boundaries of the allotment.

The development must not encroach on the allotment boundaries and in the absence of 29 owners consent from the adjoining property owners must not rely on the party wall for vertical or lateral support.

To ensure the building works are contained within the allotment boundaries. Reason:

- The person acting on this consent must comply with the requirements of the Dividing Fences 30 Act in respect to the alterations and additions to the boundary fences. To ensure that the provisions of this Act are observed. Reason:
- 31. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers

To ensure dust and other particles are not blown from vehicles associated with Reason: the use.

BEFORE OCCUPATION OF THE BUILDING

- You must obtain an Occupation Certificate from your PCA before you occupy or use the 32. building. The PCA must notify the Council of the determination of the Occupation Certificate. and forward the following documents to Council within 2 days of the date of the Certificate being determined:
 - A copy of the determination; a)
 - Copies of any documents that were lodged with the Occupation Certificate application; b) c)A copy of Occupation Certificate, if it was issued;
 - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA:
 - e) A copy of any missed inspections;
 - A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
 - To comply with the provisions of the Environmental Planning and Assessment Reason: Regulations.
- 33. The landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved plan, and must be maintained at all times to Council's satisfaction.

To ensure adequate landscaping is maintained. Reason:

The Certifying Authority must be satisfied that each of the commitments listed in Aircraft Noise Assessment Report required by this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate). Reason:

To ensure that all of the commitments associated with Aircraft Noise Assessment Report have been fulfilled.

35. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).

To ensure that all of the BASIX commitments have been fulfilled and to comply Reason: with the requirements under Section 154B of the Environmental Planning and Assessment Regulations 2000.

35. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.

To ensure compliance with the requirements under Section 154C of the Reason: Environmental Planning and Assessment Regulations 2000.

37. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development must be completed <u>before</u> the issue of an Occupation Certificate. Works must be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-'Roadworks Specifications'. <u>Reason</u>: To ensure that the person acting on this consent completes all required work.

ADVISORY NOTES

- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- Buildings built or painted before 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 before occupation of the room or building.
- Contact "Dial Before You Dig" before commencing any building activity on the site.

Useful Contacts

BASIX Information

Department of Fair Trading

www.basix.nsw.gov.au

 13 32 20

 www.fairtrading.nsw.gov.au

 Enquiries relating to Owner Builder Permits and

1300 650 908 weekdays 2:00pm - 5:00pm

Dial Before You Dig

1100 www.dialbeforeyoudig.com.au

Home Warranty Insurance.

9841 8660

and Construction'

Landcom

Long Service Payments 🖀 131441 Corporation www.lspc.nsw.gov.au

NSW Government

www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.

To purchase copies of Volume One of 'Soils

NSW Office of Environment and 2 131 555 Heritage www.environr

Sydney Water

www.environment.nsw.gov.au

13.20.92 www.sydneywater.com.au Waste Service - SITA Environmental Solutions

1300 651 116 www.wastesorvice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS)

WorkCover Authority of NSW

www.waterrating.gov.au

13 10 50

www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

B. THAT the Department of Planning and Environment be advised, as part of the quarterly review of the monitoring of Clause 4.6 of Marrickville Local Environmental Plan 2011 – Exceptions to Development Standards, that Council has agreed to the variation of the following development standard:

Premises: Applicant: Proposal:

Determination: DA No: Lot and DP: Category of Development: Environmental Planning Instrument: Zoning of Land: Development Standard(s) varied: Justification of variation: 68 Railway Street Petersham Brad Inwood Architects To demolish part of the premises and carry out ground, first and second floor alterations and additions to a dwelling house and construct a new roller door with brick surrounds and hardstand at the rear

Approval 201700579

Lot B in Deposited Plan 439797

1: Residential Alterations and Additions

Marrickville Local Environmental Plan 2011

R2 Low Density Residential

Height of Building

Strict compliance with the height development standard is unnecessary and unreasonable; the additional height does not contribute to adverse impacts on adjacent properties; and the existing maximum height of the dwelling house remains unchanged

Extent of variation: Concurring Authority:

Date of Determination:

1.6m (18%) Council under assumed concurrence of the Secretary Department of Planning and Environment



Attachment B – Plans of proposed development

33.87

























Attachment C – Clause 4.6 justification



	BRAD INWOOD ARCHITECT
1	. Development standard in question
	ermissible height 9.5m s per the Marrickville LEP 2011
P	roposed maximum height
2	. What is the underlying purpose of the standard?
T	he objectives of this clause as per the Marrickville LEP 2011 are as follows:
(a) to establish the maximum height of buildings,
	 b) to ensure building height is consistent with the desired future character of an rea,
	 to ensure buildings and public areas continue to receive satisfactory exposure to be sky and sunlight,
	 to nominate heights that will provide an appropriate transition in built form and and use intensity.
s	IMILAR HEIGHTS
	he proposed height is similar to heights of some other buildings in the near vicinity, specially those that have recently been approved by Council.
	he two adjoining dwellings at 66 and 70 Raliway Street Petersham are the same eight as the proposed works, as these are matching terraces houses.
p	he adjoin house at 70 Railway Street also has a matching rear skillion dormer to the roposed to 68 Railway Street. The form scale and mass of this existing skillion ormer is identical to the proposed dormer.
	277 TRAFALGAR ST P.O. BOX 442 PETERSHAM NSW 2 p.9590 4592 f.9690 4592 m.0403 874 071 blanchtack@opt.snet.com

BRAD INWOOD ARCHITECTS

Therefore even though the proposed works do not comply with the height controls, they do comply with the objectives of the height controls by ensuring dwellings have a similar or consistent height in the near vicinity.

NEGLIGIBLE IMPACT ON ADJOINING PROPERTIES

The proposed works have negligible impact on the adjoining properties.

Due to the site and its location/context, there is negligible overshadowing to the adjoining properties. This is mainly due to the area of the height non-compliance casting shadows in areas that are already in shadow

There is no loss of views or privacy concerns from the proposed works, as the rear skillion dormer is to be screened up to 1.6m.

Therefore even though the proposed works do not comply with the height controls, they do comply with objectives of the height control to ensure any proposed development have negligible impact to the adjoining properties and surrounding environment.

ALL WORKS UNDER EXISTING RIDGE

3

All new works are set under the existing ridge; therefore, the height of the building is not increased from the proposed new dormer and skillion dormer.

All new works are generally set within the exiting built form and do not increase the height of the building.

NEGLIGIBLE CHANGE TO THE FRONT ELEVATION

Apart from the front dormer window, there is no change to the building's presentation to Railway Street from the proposed works. The dormer window is also set within the existing dwelling and is in keeping with the traditional detailing, form of the building, and the character of the streetscape.

277 TRAFALGAR ST P.O. BOX 442 PETERSHAM NSW 2049 p.9590 4892 f.9590 4892 m.0403 874 071 blanch teorgophishet.com.au

BRAD INWOOD ARCHITECTS

ARCHITECTURE *PLANNING *INTERIORS

The proposed dormer does not result in any adverse effects to the building (or its height).

We have no hesitation in recommending that Council should consider giving consent to this development. If you have any queries or require any additional information, then please don't hesitate to contact me.

Yours faithfully,

Brad Inwood B(Arch) UNSW B(Urp)UNE AIA Chartered Architect 7108

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