



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201600515
Address	17 Morton Avenue, Lewisham
Proposal	To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house and create a roof terrace
Date of Lodgement	11 October 2016
Applicant	Timothy Morgan
Owner	Timothy Ross Morgan and Victoria Catherine Morgan
Number of Submissions	3 submissions received during the initial notification period. 2 submissions (including 1 submission in support) from the notification period of amended plans.
Value of works	\$352,000
Reason for determination at Planning Panel	The extent of departure from the FSR development standard exceeds staff delegation.
Main Issues	Floor Space Ratio
Recommendation	Approval subject to conditions



Subject Site:		Objectors:	
Notified Area:			

1. Executive Summary

This report is an assessment of an application submitted to Council to demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house and create a roof terrace.

The main issues that have arisen from the application include:

- The existing building exceeds the permitted FSR on the site by approximately 11.2sqm or 7.4% under Clause 4.4 of Marrickville Local Environmental Plan 2011 (MLEP 2011). The application proposes ground and first floor additions which increases the FSR exceedance to 29.77sqm or 20%.

The original plans submitted with the application on 11 October 2016 were notified in accordance with Council's notification policy and 3 submissions were received. During the assessment of the application, amended documentation was submitted to address concerns raised by Council officers. The amended plans required re-notification in accordance with Council's notification policy and 2 submissions were received.

A written request in relation to the contravention to the floor space ratio development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 was submitted with the application. The proposal is considered to be a good design outcome for the site and the Clause 4.6 Objection demonstrates that there are sufficient environmental planning grounds in the particular circumstances of the case to justify the FSR departure. The Clause 4.6 Objection demonstrates that compliance with the FSR development standard is unreasonable and unnecessary.

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

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the amended development are considered to be acceptable given the context of the site and the desired future character of the precinct. The application is suitable for approval subject to the imposition of appropriate conditions.

2. Proposal

Approval is sought to demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house and create a roof terrace. The proposal includes the following works:

Ground Floor

- Demolition of internal walls to create passageways between internal living areas;
- Provision of sliding doors to the rear courtyard;
- Construction of a bin storage area at the southern end of the dwelling house;
- Provision of an in ground pool and pervious pavers within the rear courtyard;
- Construction of a carport at the rear of the site;
- New Kitchen and WC;

- Reconstruction of stairs and provision of a stair void; and
- Widening of existing window on the north elevation (within the study room) and east elevation (kitchen).

First Floor

- Removal of internal walls and reconfigured internal layout and provision of a new laundry area;
- Extension of the first floor level at the rear of the building to create a bathroom and ensuite; and
- Reconstruction of stairs and provision of a stair void.

Terrace Level

- Provision of an open deck with area with a covered kitchenette and solar panels above;
- Construction of a stair pavilion; and
- Provision of planter boxes, raised garden and timber privacy screens.

3. Site Description

The site is located on the southern side of Morton Avenue, between Gould Avenue and New Canterbury Road. The site consists of a single allotment and is generally rectangular shaped with a total area of 150.9 m² and is legally described as Lot A in Deposited Plan 437420.

The site has a frontage to Morton Avenue of 11.779 metres to Morton Street and a secondary frontage of 12.954 metres to Gould Avenue. The site contains an existing 2 storey dwelling house within a former Victorian corner shop building.

The wider local context comprises of predominantly single storey detached/semi-detached period dwelling houses and a number of 2 storey dwelling houses. To the immediate west of the site on 15 Morton Avenue is a single storey dwelling house and to the immediate south of the site on 66 Gould Avenue is a 2 storey dwelling house.

4. Background

4(a) Application history

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

Date	Discussion / Letter/ Additional Information
9 December 2016	<p>Council requested the following additional information and amended plans to address the following:</p> <ul style="list-style-type: none"> • The third storey addition is out of character with the predominantly single storey streetscape on Gould and Morton Avenues and is to be deleted. An open deck will be considered by Council, subject to addressing overlooking to

	<p>the private open space of 66 Gould Avenue;</p> <ul style="list-style-type: none"> • Submit a Clause 4.6 Objection under MLEP 2011 to address the FSR variation to the development standard; • More detailed drawings of the schedule of windows, colours, materials and finishes are required; • The external elevations of the first floor extension should comprise of contemporary finishes which provide a sympathetic contrast to the existing elevations rather than 'copying' the materials and finishes of the original building; and • Clarification of the height of the fencing is required.
20 January 2017	The applicant submitted a Clause 4.6 objection statement pursuant to MLEP 2011.
14 February 2017	The applicant submitted amended architectural plans and amended BASIX Certificate.
22 February 2017	The applicant was requested to delete the roof canopies on the terrace level and private open space of the site as this would result in unnecessary bulk/scale on the roof and reduce direct and ambient solar access to the private open spaces of the site. An amended colours and materials schedule for the terrace level privacy screen was also requested.
2 March 2017	The applicant submitted amended architectural plans to address Council Officer's comments from 9 December 2016 and 22 February 2017. This assessment report is based on the amended plans submitted to Council on 2 March 2017.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C 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

The following provides further discussion of the relevant issues:

5(a)(v) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements. Appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the development.

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

Marrickville Local Environment Plan 2011 (MLEP 2011)

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.3 – Height
- Clause 4.4 – Floor Space Ratio
- Clause 4.6 – Exceptions to Development Standards

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

Standard	Proposal	% of non - compliance	Compliance
Floor Space Ratio Required: 1.0:1 150.9sqm	1.2:1 180.67sqm	20%	No
Height of Building Required: 9.5 metres	9.2 metres	N/A	Yes

The following provides further discussion of the relevant issues:

(ix) Aims of the Plan (Clause 1.2)

The application is consistent with the aims of Clause 1.2 of MLEP 2011 in that the development promotes a high standard of design in the private and public domain. The application creates more direct internal access between living areas and provides more generous and open internal living areas whilst increasing the usability and amenity of the outdoor spaces within the ground and terrace levels of the site.

Contemporary materials, colours and finishes are used for the rear ground and first floor additions which complement the period façade of the building. The development preserves the predominant period features of the former Victorian corner shop building, including the external walls, roof parapet, windows and ‘Rosella’ business signage on the western elevation.

The development meets BASIX requirements and is oriented to maximise natural solar access and air ventilation for the private open spaces and living areas of the

development and therefore meets the principles of ecologically sustainable development.

The application is satisfactory having regard to the aims of the Plan under Clause 1.2 of MLEP 2011.

(x) Clause 2.3 - Land Use Table and Zone Objectives

The site 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 Marrickville Local Environmental Plan 2011.

(xi) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition works are included in the recommendation.

(xii) Height (Clause 4.3)

A maximum building height of 9.5 metres applies to the property as indicated on the Height of Buildings Map that accompanies MLEP 2011. The development has a height of approximately 9.2 metres, which complies with the height development standard.

(xiii) Floor Space Ratio (Clause 4.4)

Clause 4.4(2A) of MLEP 2011 specifies a maximum floor space ratio for a dwelling house on land labelled "F" on the Floor Space Ratio Map that is based on site area as follows:

Site area	Maximum floor space ratio
>150sqm but ≤200sqm	1.0:1

The property has a site area of 150.9sqm. The existing building contains a gross floor area of 162.1sqm and exceeds the permitted FSR on the site by 11.2sqm or 7.4% under Clause 4.4 of Marrickville Local Environmental Plan 2011 (MLEP 2011).

The application proposes minor ground and first floor extensions to accommodate a ground floor bin storage area and first floor bathroom and ensuite which results in a gross floor area of approximately 180.67sqm and an FSR variation of 29.77sqm or 20%.

A written request, in relation to the development's non-compliance with the FSR development standard in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011, was submitted with the application. The submission is discussed below under the heading "Exceptions to Development Standards (Clause 4.6)".

(xiv) Clause 4.6 Exceptions to Development Standards

A written request in relation to the contravention to the floor space ratio development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 was submitted with the application.

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

- Compliance would not result in a better outcome as it would necessitate the demolition of part of the existing building to reduce the gross floor area (as the building currently exceeds the control). This is contrary to environmentally sustainable development principles;
- Compliance would also result in a dwelling house with inferior amenity due to compromised room sizes and a reduction in bedrooms;
- The existing building has the character of an old corner shop. Its built form is clearly different to that of the surrounding residential development due to its history and background. However, it makes a contribution to the local character because it is different and represents part of the evolution of the area;
- The proposal will retain the distinctive character of the building as an old corner shop. The distinctive two storey facades, decorative parapets and footpath awning are typical of corner shop development;
- The proposal has been redesigned since lodgement to minimise environmental impacts on adjoining properties. The roof-stair access structure has been substantially minimised to reduce overshadowing;
- The first floor additions are very modest and infill an area over the existing ground floor of the building;
- The proposal will improve the amenity of the dwelling house whilst maintaining the character of the area and amenity of neighbouring residents. The site has distinctive characteristics, being an old corner shop, and the circumstances applying to the request to vary the development standard are specific to this site;
- *Chidiac v Mosman Council [2015] NSWLEC 1044* drew attention to the requirement in clause 4.6(b)(ii) of MLEP2011 and that it is necessary to demonstrate that the proposal will satisfy the objectives for the floor space ratio control and for the R2 Low Density Residential zone to demonstrate that the requirement that the proposal be in the public interest has been met. The proposal is consistent with the objectives of the zone in that it provides for the housing needs of the community within a low density residential environment;
- The proposal is consistent with the desired future character of the area under Marrickville Park and Morton Park - Precinct 12, pursuant to Part 9.12 of MDCP 2011.

The justification provided in the applicant's written submission is considered to be well founded and worthy of support. It is considered that there are sufficient environmental planning grounds as to why the FSR development standard should be varied in this particular circumstance based on the outcomes of planning law precedents such as those contained in *Wehbe v Pittwater Council [2007]*

NSWLEC827, Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90 and Moskovich v Waverley Council [2016].

As demonstrated in the assessment provided in this report, the additions and alterations to the building do not result in any adverse amenity impacts for residents of adjoining properties having regard to privacy, overshadowing and visual bulk, and the architectural form proposed responds appropriately to the existing period building by maintaining its existing architectural character and providing complementary and contemporary additions which are relatively minor in nature and visually subordinate to the period building when viewed from Morton Avenue and Gould Avenue. The alterations and additions improve the functionality and layout of the dwelling house by enabling more generous and interconnected internal and external living areas.

It is considered that the contravention of the development standard does not raise any matter of significance of State and regional environmental planning, and that there is no public benefit in maintaining the development standard for the proposed development in that compliance with the FSR development standard is unreasonable and unnecessary.

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 (MDCP 2011).

Part of MDCP 2011	Compliance
Part 2.6 - Acoustic and Visual Privacy	Yes
Part 2.7 - Solar Access and Overshadowing	No but acceptable – see below
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes
Part 2.11 – Fencing	Yes
Part 2.18 – Landscaping and Open Spaces	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 4.1 – Low Density Residential Development	Yes
Part 9 – Strategic Context (Marrickville and Morton Park Planning Precinct)	Yes

The following provides discussion of the relevant issues:

(x) Acoustic and Visual Privacy (Part 2.6)

Part 2.6 of MDCP 2011 contains objectives and controls relating to acoustic and visual privacy. The following section assesses the privacy impacts of the development on the surrounding locality.

Terrace Level

As detailed previously, an open deck is proposed on the third level of the building. There are no adverse privacy impacts to surrounding development resulting from the provision of a terrace level on the building for the following reasons:

- Overlooking impacts from the terrace level to 66 Gould Avenue (located south of the site) were considered. The application proposes to extend the existing parapet wall along the southern elevation of the deck with a height of approximately 1.2 metres from the finished floor level of the deck. The application proposes planter boxes of the same depth behind the parapet wall with vegetation of approximately 900 millimetres high above the parapet wall. Therefore, a total height of 2.1 metres of wall and vegetation screening (being a combination of the parapet wall and vegetation) are proposed along the southern elevation of the deck. These privacy measures are considered adequate to offset overlooking to the private open space of 66 Gould Avenue;
- The application also proposes adjustable, pivot vertical timber privacy louvers of approximately 2.2 metres in height from the finished floor level of the deck behind the kitchenette to further offset overlooking onto the private open space of 66 Gould Avenue; and
- The remaining vistas from the terrace level to the west, north and east of the site are oriented toward the front yards and the streetscape of Morton Avenue and Gould Avenue which are not considered to present visual privacy issues.

First Floor Windows

The application proposes 2 bathroom/ensuite windows (W04 and W05) on the first floor, southern and western elevations of the development. Both windows do not directly overlook any neighbouring windows or private open spaces of adjoining sites and are assessed to be acceptable having regard to visual privacy impacts. The remaining first floor windows of the building are existing windows and will therefore not result in any additional visual privacy impacts on the surrounding locality.

Ground floor windows

The application proposes a ground floor bathroom window on the south elevation of the building. Any privacy concerns from the neighbours at 66 Gould Avenue are addressed by the proposed 1.8 metre high boundary fence separating the 2 properties.

The enlargement of the ground floor windows (W01 and W02) on the eastern and northern elevations will not create any additional privacy impacts to neighbouring development as they are oriented toward the Morton Avenue and Gould Avenue. The remaining windows of the building are existing windows and will therefore result in any additional visual privacy impacts to the surrounding locality.

Acoustic Privacy

As the development is for single residential dwelling house within a residential area, any noise emanating from the development is not generally expected to be unreasonably excessive.

In view of the above assessment, the application is acceptable regarding visual and acoustic privacy under Part 2.6 of MDCP 2011.

(xi) Solar Access and Overshadowing (Part 2.7)

Overshadowing

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties. The shadow diagrams illustrate the following:

- 66 Gould Avenue is located to the immediate south of the site. The original shadow diagrams submitted with the application on 11 October 2016 illustrated the shadows cast by the development from the originally proposed third level bar/dining structure. The shadow diagrams indicated that private open space of 66 Gould Avenue is already completely overshadowed by the existing building for the entire period between 9:00am and 3:00pm on 21 June and that there were no significant additional shadowing impacts to the private open space of 66 Gould Avenue during this period from the third storey addition;
- Amended plans submitted with the application on 2 March 2017 delete the third storey addition (to address bulk/streetscape concerns as discussed previously) for an open terrace deck with the provision of a light weight stair and roof canopy and extended parapet wall. Given the reduction in bulk and scale of the alterations and additions, and for the reasons discussed above, the development is unlikely to result in additional adverse overshadowing impacts to 66 Gould Avenue;
- 15 Morton Avenue is located to the south west of the site. The existing building casts shadows over the dwelling house and private open space of the site during the morning period between approximately 9:00am and 12:00pm on 21 June. Overshadowing impacts from the parapet wall, light-weight stair and roof canopies on the terrace level will therefore be negligible with regard to overshadowing in June; and
- The remaining existing shadows cast by the building partially falls over Gould Avenue between approximately 12:00pm and 3:00pm on 21 June.

Accordingly, the adverse overshadowing impacts to the windows and private open spaces of 15 Morton Avenue and 66 Gould Avenue are existing non-compliances under MDCP 2011 due to the existing built form of the site and geographical constraints of the neighbouring sites (being located to the south/south west of the respective development) and are therefore acceptable.

In view of the above, the development is considered reasonable having regard to overshadowing under MDCP 2011.

Solar Access

The alterations and additions to the dwelling house have been designed in an energy efficient manner for the following reasons:

- At least one habitable room has a window having an area not less than 15% of the floor area of the room, positioned within 30 degrees east and 20 degrees west of true north and will allow for direct sunlight for at least two hours over a minimum of 50% of the glazed surface between 9:00am and 3:00pm on 21 June; and
- The private open space, being the rooftop terrace, will receive a minimum two hours of direct sunlight over 50% of its finished surface between 9.00am and 3.00pm on 21 June. The applicant submitted amended plans on 14 June which provided a retractable roof for the terrace level and a fixed roof over the private open space of the site. The applicant was requested to remove the roofing to increase ambient and direct solar access over the private open spaces of the site. Amended plans to such effect were submitted on 2 March 2017.

The proposal results in the addition of private open space on the rooftop which maximises direct solar access from the north between 9:00am and 3:00pm on 21 June as direct solar access to the existing ground level private open space is negligible during this period.

In view of the above, the development complies with the solar access objectives and controls under Part 2.7 of MDCP 2011.

(i) Community Safety (Part 2.9)

The development is reasonable having regard to community safety for the following reasons:

- The principal entrance to the dwelling house is visible from the street; and
- The dwelling house has been designed to overlook the street.

Given the above the development is reasonable having regard to the objectives and controls relating to community safety as contained in MDCP 2011.

(ii) Parking (Part 2.10)

Part 2.10 of MDCP 2011 requires one car parking space be provided for the development.

An existing single car space with a vehicular crossing from Gould Avenue is located at the rear of the site. A carport is proposed over the existing car space with a maximum height of approximately 3.5 metres from the ground floor level. The application was referred to Council's Development Engineer who raised no objection to the proposal, subject to conditions of consent which are included in the recommendation. The proposal therefore complies with this requirement.

(iii) Fencing (Part 2.11)

The application proposes to replace the existing rear, southern boundary fence with a masonry fence of approximately 1.8 metres in height adjoining 66 Gould Avenue. The height and material of the boundary fence complies with the objectives and controls of Part 2.11 of MDCP 2011. A condition is included in the recommendation for compliance with the *Dividing Fences Act 1991* to ensure cooperation between neighbours regarding fencing matters.

(iv) Landscaping and Open Spaces (Part 2.18)

The application complies with the private open space objectives and controls stipulated in Part 2.18 of MDCP 2011 in that:

- Approximately 104sqm of private open space (30sqm on the ground level and 74sqm on the roof terrace) is proposed, with no dimension less than 3 metres. This exceeds the minimum requirement of 45sqm for the site; and
- 100% of the private open space at ground level is to consist of pervious pavers. The application proposes raised gardens on the terrace level to increase permeability to the site.

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

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application.

(i) Good Urban Design Practice (Part 4.1.4)

The original plans submitted with the application on 11 October 2016 proposed a third storey addition containing a bar/lounge area. The application was referred to Council's Heritage and Urban Design Advisor who did not support the proposal in that it would be excessive in bulk/scale and out of character with the predominantly single storey streetscape.

The amended plans submitted on 2 March 2017 deletes the third storey addition and provides a roof terrace with a light weight kitchenette roof and stair canopy with a maximum height of approximately 2.5 metres from the finished floor level of the terrace. The amended development will appear subordinate to the period building when viewed from the surrounding streetscape and maintains the character of the locality.

The development maintains the existing character of the building, including the external walls, roof parapet front Gould and Morton Avenue, windows and 'Rosella' business sign on the western elevation of the building.

Accordingly, the development complies with the objectives and controls relating to good urban design contained in MDCP 2011.

(ii) Streetscape and Design (Part 4.1.5)

The development satisfies the streetscape and design controls outlined in MDCP 2011 in that:

- The development complements the uniformity and visual cohesiveness of the bulk, scale and height of the existing streetscape;
- The proposal is a contemporary design that complements and the character of the area;
- The dwelling house addresses the principal street frontage and is orientated to complement the existing pattern of development found in the street; and
- The architectural treatment of the façade interprets and translates positive characteristics in the locality.

(iii) Floor Space Ratio and Height (Part 4.1.6.1)

The development satisfies the floor space ratio and height controls outlined in MDCP 2011 in that:

- The height complies with the height standard under MLEP 2011;
- The bulk and relative mass of development is acceptable for the street and adjoining dwellings in terms of overshadowing and privacy, streetscape (bulk and scale), building setbacks, parking and landscape requirements, significant trees on site and lot size, shape and topography;
- The development does not unreasonably impact on the existing views of adjacent properties and maintains a reasonable level of view sharing;
- The development is of a scale and form that enhances the character and quality of the streetscape;
- The alterations and additions to the period building do not detract from the individual character and appearance of the dwelling being added to and the wider streetscape character; and
- The development allows adequate provision to be made on site for infiltration of stormwater, landscaping and areas of private open space for outdoor recreation.

(iv) Building Setbacks (Part 4.1.6.2)

Front Setback

The existing front façade (north elevation) of the building is built to the zero lot line of the site's northern boundary and will not be modified as part of this application.

Side Setback

The proposal maintains the existing ground and first floor setbacks of the building as listed below:

- Setback to eastern boundary (ground and first floor)- zero lot line; and
- Setback to western boundary (ground and first floor)- zero lot line to 350 millimetres

The development satisfies the side setback control outlined in MDCP 2011 in that:

- The proposal ensures adequate separation between buildings for visual and acoustic privacy, solar access and air circulation;
- The proposal preserves the building's existing setback character;
- The proposal does not create an unreasonable impact upon adjoining properties in relation to overshadowing and visual bulk; and
- The proposal is satisfactory in relation to the street context.

Rear Setback

The rear (southern) façade of the ground and first floor of the development contains a 2.4 metre to 4.2 metre rear setback to the site's southern boundary. The rear boundary setback is reasonable for the following reasons:

- The proposal will not create adverse impacts on the amenity of adjoining properties in relation to overshadowing and visual bulk;
- The proposal maintains adequate open space;
- The proposal ensures adequate separation between buildings for visual and acoustic privacy, solar access and air circulation; and
- The proposal integrates new development with the established setback character of the street and maintains established gardens, trees and vegetation networks.

(v) Site Coverage (Part 4.1.6.3)

The proposal:

- Results in a site coverage that is generally consistent with the existing character of neighbouring dwellings such as 66 Gould Avenue; and
- Allows adequate provision for uses such as outdoor recreation, footpaths, other landscaping, off-street parking, waste management, clothes drying and stormwater management.

The development is reasonable having regard to the objectives and controls relating to site coverage contained in MDCP 2011.

(vi) Car Parking (Part 4.1.7)

The development satisfies the car parking controls outlined in MDCP 2011 in that the maintenance of the single car space at the rear of the site:

- Conveniently and safely serve all users;
- Enables efficient use of a car space, including adequate manoeuvrability for vehicles between the site and the street;
- The carport does not dominate or detract from the appearance of the existing dwelling or new development and the streetscape;
- Is compatible in scale, form, materials and finishes with the associated dwelling or development on the site;
- Utilises an existing vehicular crossing thereby not reducing availability of kerbside parking; and
- Has minimal impact on existing fences and garden areas that contribute to the setting of the associated dwelling and the character of the streetscape.

(vii) Design of carports (Part 4.1.7)

The development satisfies the carport controls outlined in MDCP 2011 in that the carport:

- Is a single carport;
- The height of the carport is approximately 3.4 metres from the ground level. The roof of the carport aligns with the ceiling level of the ground floor extension. The height of the carport will not dominate or detract from the

building or streetscape being located to the rear of the building. The carport will not be visually out of context with the existing carport on 66 Gould Avenue, where the ridge height of the carport (containing a tapered roof) is higher than the roof of the proposed carport;

- The carport is of a simple posted design, not over-elaborate in its detailing and colour selection and does not dominate or detract from the existing building;
- Has a flat roof; and
- Does not adversely impact on the amenity of the neighbouring property.

(viii) Additional Controls for Period Dwellings (Part 4.1.11)

The original plans submitted with the application on 11 October 2016 were referred to Council's Heritage and Urban Design Advisor who provided the following comments:

- The additional bulk at Level 2 to accommodate a lounge room/bar is questionable and highly contestable;
- The built form in the surrounding area is predominantly single-storey, and thus the proposed three-storey element would be at odds with the predominant character of the area; and
- Whilst a roof terrace could be supported, the built element should be removed or, as a minimum, significantly reduced in size (by at least 50%) and be located much further away from the Gould Avenue Elevation, Council's preference, however, is for the provision of a small built element at Level 2 to accommodate the stairs to the rooftop and a small, lightweight and well-designed canopy to accommodate a kitchenette/BBQ and provide some shade.

As discussed previously in the report, the applicant submitted amended plans on 14 February 2017 which deleted the third storey bar/living area and provided the third level terrace with a light weight stair and roof canopy for the kitchenette. The plans included a retractable roof over the terrace level, which was unacceptable in that it would add unnecessary bulk to the roof space when viewed from the street. Further amended plans were submitted to Council on 2 March 2017 which deleted the retractable roof over the terrace. A condition is included in the recommendation requiring the retention of the existing painted 'Rosella' business signage on the western elevation of the building.

In view of the above, the development is acceptable having regard to the period dwelling objectives and controls under MDCP 2011.

Details, materials and colour schemes for period buildings (Section 4.1.12)

The original plans submitted with the application were referred to Council's Heritage and Urban Design Advisor who provided the following comments of the proposal:

- Minor changes to two window openings on the Ground Floor (North and East Elevation) is supportable provided that the applicant provides detailed drawings of the new windows, including detailed description of finishes to match the existing windows (timber frame, panes of glass, muntins, etc.);
- The proposed new walls on Level 1 to accommodate a bathroom/laundry (East, South and West Elevations) could be supported provided that the new

walls consist of high quality metal cladding or high quality timber cladding. Rendered and painted walls are not supported. The new walls and windows should read as a contemporary addition and should not try to copy the original building, creating a sympathetic contrast between old and new. A detailed specification of the cladding (colour, type/brand and material) and detailed drawings illustrating the juxtaposition between the existing wall (including façade mouldings) and new wall should be provided. Likewise, it is best if the new window openings are contemporarily designed;

- A detailed description of the colour scheme for the existing façade and new built elements should be provided. The colour scheme should highlight architectural features (walls, mouldings, trims, pillars, window frames, entry door, etc.). Face-brick pillars shall not be painted. Black/white/grey combination to be avoided as it does not reflect the colours used in the era when the corner shop was built.

The applicant submitted the following information on 2 March 2017 to satisfy the recommendations above:

- Submission of a more detailed schedule of colours, materials and finishes for the windows and external facades, including a note that the existing painted external façade of the building is to be retained and aluminium framed windows are to be utilised; and
- Provision of contemporary metal, seam zinc cladding for the external walls of the first floor rear extension which complement and contrast the existing period façade.

The amended schedule of materials, colours and finishes was referred to Council's Heritage and Urban Design Advisor who supports the amended application. Accordingly, the application is satisfactory under Part 4.1.12 of MDCP 2011.

PART 9 – STRATEGIC CONTEXT

The property is located in the Marrickville and Morton Park Planning Precinct (Precinct 12) under Marrickville Development Control Plan 2011. The development satisfies the desired future character of the area in that:

- The period building is being sympathetically altered and restored; and
- The development preserves the predominantly low density residential character of the precinct.

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. 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

First Notification of original plans submitted with the application on 11 October 2016

The application was notified in accordance with Council's Notification policy for a period of 14 days to surrounding properties. A total of 3 submissions were received. The following issues raised in submissions have been discussed in this report:

- Overshadowing impacts from the construction of a roof top bar/living area (third storey addition) over 13 Morton Avenue and 66 Gould Avenue– see Section 5(c) of this report (Part 2.7 of MDCP 2011);
- The application exceeds the Height development standard under MLEP 2011– see Section 5(a)(ii) of this report (Clause 4.3 of MLEP 2011);
- The application exceeds the FSR development standard under MLEP 2011– see Section 5(a)(ii) of this report (Clauses 4.4 and 4.6 of MLEP 2011);
- Overlooking implications from the first floor windows (southern elevation) of the development to 66 Gould Avenue – see Section 5(c) of this report (Part 2.6 of MDCP 2011); and
- Clarification of the new fence on the property boundary between 17 Morton Avenue and 66 Gould Avenue – See Section 5(c) of this report (Part 2.11 of MDCP 2011)

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

- (i) The Land Survey submitted with the application (total Surveying Solutions, dated 13 May 2016) incorrectly shows No. 13 and 15 Morton Avenue as a two storey residence as it is only 1 storey. This has resulted in incorrect assumptions about streetscape impacts, visual amenity and shadowing implications.

Comment:

The Land Survey does not show the development on 13 Morton Avenue. The discrepancy on the Land Survey is noted and it is confirmed that the dwelling house on 15 Morton Avenue is single storey. As noted in the main body of the report, Council did not support the third storey addition primarily as it was out of character with the predominantly single storey streetscape. The amended plans submitted on 2 March 2017 deletes the third storey addition and is acceptable having regard to the streetscape context. As discussed in Section 5(c) of this report (Section 5(c), Part 2.7 and Part 4 of MDCP 2011), the application is acceptable having regard to overshadowing and visual impacts to the streetscape.

- (ii) The impact of the demolition works and provision of an indoor pool on the stability of the dwelling house of 15 Morton Avenue.

Comment:

The indoor pool was relocated to the rear private open space of the site with the amended plans submitted to Council on 2 March 2017 (and is now an outdoor pool). In order to manage any potential impacts to the structural stability of the dwelling house on No. 15 Morton Avenue, a condition is included in the recommendation to protect neighbouring properties during excavation/site works.

Second Notification of the amended plans submitted with the application on 2 March 2017

The amended plans submitted with the application on 2 March 2017 were notified in accordance with Council's Notification policy for a period of 14 days to surrounding properties. A total of 2 submissions (including 1 submission in support) was received raising the following concerns which have been discussed in this report:

- The application exceeds the FSR development standard under MLEP 2011— see Section 5(a)(ii) of this report (Clauses 4.4 and 4.6 of MLEP 2011);
- Overshadowing impacts from the construction of roof terrace over 66 Gould Avenue— see Section 5(c) of this report (Part 2.7 of MDCP 2011);
- Overlooking implications from the first floor windows (southern elevation) of the development to 66 Gould Avenue, particularly a request for frosted windows on the first floor— see Section 5(c) of this report (Part 2.6 of MDCP 2011);
- The overall height and scale of the development and whether it fits in with the character of the area- these topics have been discussed in Section 5(a)(ii) of this report (Clause 4.3 of MLEP 2011) and Section 5(c) of this report (Part 4.1.4 *Good Urban Design Practice*, Part 4.1.5 *Streetscape and Design* and Part 4.1.11 *Additional Controls for Period Dwellings*).

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

- (i) Difficulty in viewing the amended plans and understanding them

Comment:

The objector was contacted by Council officers on 20 March 2017 to explain the proposal in detail and was instructed on how to view the amended plans. The objector stated verbally that they understood the proposal and was satisfied that their objections have been addressed under the proposed amendments.

- (ii) Support of the application subject to protection of property from damage during site works

Comment:

A submission supported the application subject to the submitter's property (15 Morton Avenue) being protected during site works from damage, which has been addressed in the previous summary of the submissions under '*First Notification of original plans submitted with the application on 11 October 2016*'. A condition is included in the recommendation for the applicant to undertake a dilapidation report on 15 Morton Avenue to ameliorate any potential damage to the property during site works.

5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. The proposal is not contrary to the public interest.

6 Referrals**6(a) Internal**

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Heritage and Urban Design Advisor
- Development Engineer

7. Section 94 Contributions

A Section 94A levy of \$3,525 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 Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

That Council, as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: 201600515 to demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house and create a roof terrace subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

- A. THAT the development application to demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house and create a roof terrace be **APPROVED** subject to the following conditions:

GENERAL

1. 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
DA00 Revision M	Site Plan + Cover Page	28 February 2017	SSD Studio	02 March 2017
DA02 Revision I	Ground Floor Plan	28 February 2017	SSD Studio	02 March 2017
DA03 Revision I	First Floor Plan	28 February 2017	SSD Studio	02 March 2017
DA04 Revision N	Roof Terrace Plan	28 February 2017	SSD Studio	02 March 2017
DA05 Revision M	Roof Plan	28 February 2017	SSD Studio	02 March 2017
DA06 Revision I	North Elevation	28 February 2017	SSD Studio	02 March 2017
DA07 Revision I	East Elevation	28 February 2017	SSD Studio	02 March 2017
DA08 Revision M	West Elevation	28 February 2017	SSD Studio	02 March 2017
DA10 Revision M	Section AA	28 February 2017	SSD Studio	02 March 2017
DA11 Revision M	Section BB	28 February 2017	SSD Studio	02 March 2017
DA12 Revision M	Section CC	28 February 2017	SSD Studio	02 March 2017
DA30 Revision A	Section AA - Detail	28 February 2017	SSD Studio	02 March 2017
A257298_02	BASIX Certificate	14 February 2017	NSW Planning and Environment	14 February 2017

and details submitted to Council on 11 October 2016, 20 January 2016, 14 February 2016 and 2 March 2017 with the application for development consent and as amended by the following conditions.

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

3. The premises must be used exclusively as dwelling houses and multi dwelling housing and not be adapted for use as a backpackers' accommodation, serviced apartments or a boarding house and must not be used for any industrial or commercial purpose.
4. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).
5. The 'Rosella' painted signage on the western elevation of the building must be maintained.
Reason: To protect a significant historical feature of the building.

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).

6. 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.
7. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
8. 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 before work commences. Facilities must be located so that they will not cause a nuisance.
9. 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 include colour photographs and is to be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the property owner of the identified property, before work commences, on the buildings on the adjoining property at 15 Morton Avenue, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner 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.
Reason: To catalogue the condition of the adjoining property for future reference in the event that any damage is caused during work on site.
10. 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, before work commences.

11. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign is to be maintained at all times until all work has been completed. The sign must include:
 - a) 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'.
12. Sediment control devices must be installed before the commencement of any work and must be maintained in proper working order to prevent sediment discharge from the construction site.
13. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. 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 works as noted in Council's adopted fees and charges.

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.

14. Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (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/levy_information/?levy_information/levy_calculator.stm

Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

15. A levy of \$3,525 has been assessed as the contribution for the development under Section 94A 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 94A 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 94A 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 94A 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. DC001829)

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.

Reason: To ensure that the approved development makes a contribution towards the provision, extension or augmentation of public amenities and public services in the area.

16. 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 before the issue of a Construction Certificate.

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).

17. Sediment control devices must be constructed and maintained in proper working order to prevent sediment discharge from the construction site. Sediment control plans and specifications complying with the 'Urban Erosion and Sediment Control' Handbook, published by the NSW Department of Conservation and Land Management (CALM) must be submitted to the Principal Certifying Authority before the issue of a Construction Certificate.
18. Before the issue of a Construction Certificate the owner or builder must sign a written undertaking that they must be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

SITE WORKS

19. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
20. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
21. 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'.
22. 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;
 - prior to pouring any in-situ reinforced concrete building element;
 - prior to covering of the framework for any floor, wall, roof or other building element;
 - 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.
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 stage inspections are:
- a) 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 filling the pool with water a satisfactory inspection of the swimming pool barrier must be carried out; and
 - d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations, the Swimming Pools Act and the National Construction Code (Building Code of Australia).

24. 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;
 - 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 '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;
 - 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 the tracking of debris and soil onto the public way;
 - h) 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;
 - i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
 - j) 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
 - 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.
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:
- a) protect and support the adjoining premises from possible damage from the excavation;

- b) 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 before works continue 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 before work commences.

- 26. 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.
Reason: To provide protection to the public place.
- 27. 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 structures will not encroach on the allotment boundaries.
Reason: To ensure all works are contained within the boundaries of the allotment.
- 28. The person acting on this consent must comply with the requirements of the Dividing Fences Act in respect to the alterations and additions to the boundary fences.
Reason: To ensure that the provisions of this Act are observed.
- 29. All roof and surface stormwater from the site and 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 must be discharged to a Council controlled stormwater drainage system in accordance with the requirements of Council's Stormwater and On Site Detention Code.
- 30. Any pool pump backwash/pump-out system must be connected to the Sydney Water's drainage system in accordance with the requirements of Sydney Water.
Reason: To ensure waste and excess water will be properly disposed of.
- 31. A warning notice containing the words '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL**', together with details of resuscitation techniques set out in accordance with the relevant provisions of the document entitled "Cardio Pulmonary Resuscitation" published by the Australian Resuscitation Council must be erected and maintained in an appropriate position in the vicinity of the swimming pool in accordance with Clause 17 of the Swimming Pool Act 1992 and Swimming Pool Regulation 1992.
Reason: To ensure the required notices are provided in the vicinity of the swimming pool.
- 32. Noise emitted from the operation of any pool filtration and pump system must not give rise to:
 - a) transmission of unacceptable vibration to any place of different occupancy;
 - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment

Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW)

Reason: To prevent a nuisance occurring to adjoining properties.

33. Noise emitted from the operation of any swimming pool filtration and pump must not be audible within a habitable room of any other residential premises:
- before 8.00am or after 8.00pm on any Sunday or Public Holiday, or
 - before 7.00am or after 8.00pm on any other day.

Reason: To comply with the Protection of the Environment Operations (Noise Control) Regulation 2008 and to prevent a nuisance occurring to adjoining properties.

34. The swimming pool must be fully enclosed at all times and the fences enclosing the swimming pool are to be maintained in good repair with the gate providing access to the swimming pool being child-proof and self-locking at all times. The fencing is to be completed and comply with the fencing requirements of Part 3.9.3 of the National Construction Code (Building Code of Australia), the Swimming Pool Act 1992 and Swimming Pool Regulation 1992 before filling the swimming pool.

Reason: To maintain a physical barrier from the remainder of the premises and any place (whether public or private) adjacent to or adjoining the premises.

BEFORE OCCUPATION OF THE BUILDING

35. You must obtain an Occupation Certificate from your PCA before you occupy or use the 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;
- Copies of any documents that were lodged with the Occupation Certificate application;
- A copy of Occupation Certificate, if it was issued;
- A copy of the record of all critical stage inspections and any other inspection required by the PCA;
- A copy of any missed inspections;
- A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

36. 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).

37. 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.

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

38. 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 before the issue of the Occupation Certificate. Works must be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

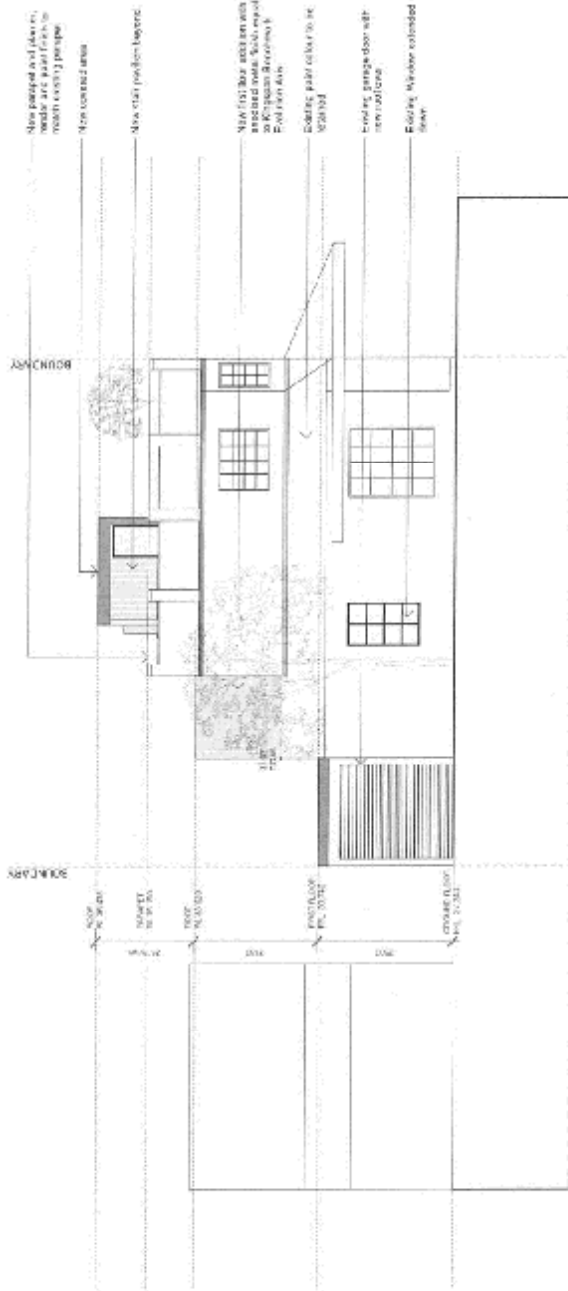
ADVISORY NOTES

- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

BASIX Information	☎ 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 131441 www.lspc.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	☎ 131 555 www.environment.nsw.gov.au
Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

- B. THAT** those persons who lodged a submission in respect to the proposal be advised of the Council's determination of the application.
- C. 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: 17 Morton Avenue, LEWISHAM
Applicant: Timothy Morgan
Proposal: To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house and create a roof terrace
Determination: Approval subject to conditions
DA No: 201600515
Lot and DP: Lot A in Deposited Plan 437420.
Category of Development: 1: Residential – a&a
Environmental Planning Instrument: Marrickville Local Environmental Plan 2011
Zoning of Land: R2 - Low Density Residential
Development Standard(s) varied: Clause 4.4 – Floor Space Ratio
Justification of variation: Strict compliance with the Building Height and FSR development standard is unnecessary; The additional FSR does not contribute to additional adverse impacts on adjacent development; and The development is compatible with the bulk/scale and overall character of the area.
Extent of variation: FSR: 20%
Concurring Authority: Council under assumed concurrence of the Secretary Department of Planning and Environment
Date of Determination:



01 First Elevation

Notes: 1. All work to be completed in accordance with the relevant Australian Standards. 2. All work to be completed in accordance with the relevant Australian Standards. 3. All work to be completed in accordance with the relevant Australian Standards. 4. All work to be completed in accordance with the relevant Australian Standards.

Project Name	17 Merton Avenue Lewissham
Address and Address	17 Merton Avenue Lewissham
Client	King & Im/Keegan
Architect	SSD
Scale	1:100
Date	10/01/2016
Drawn by	SSD
Checked by	SSD
Project No.	17 Merton Avenue
Sheet No.	01
Scale	1:100
Date	10/01/2016
Drawn by	SSD
Checked by	SSD



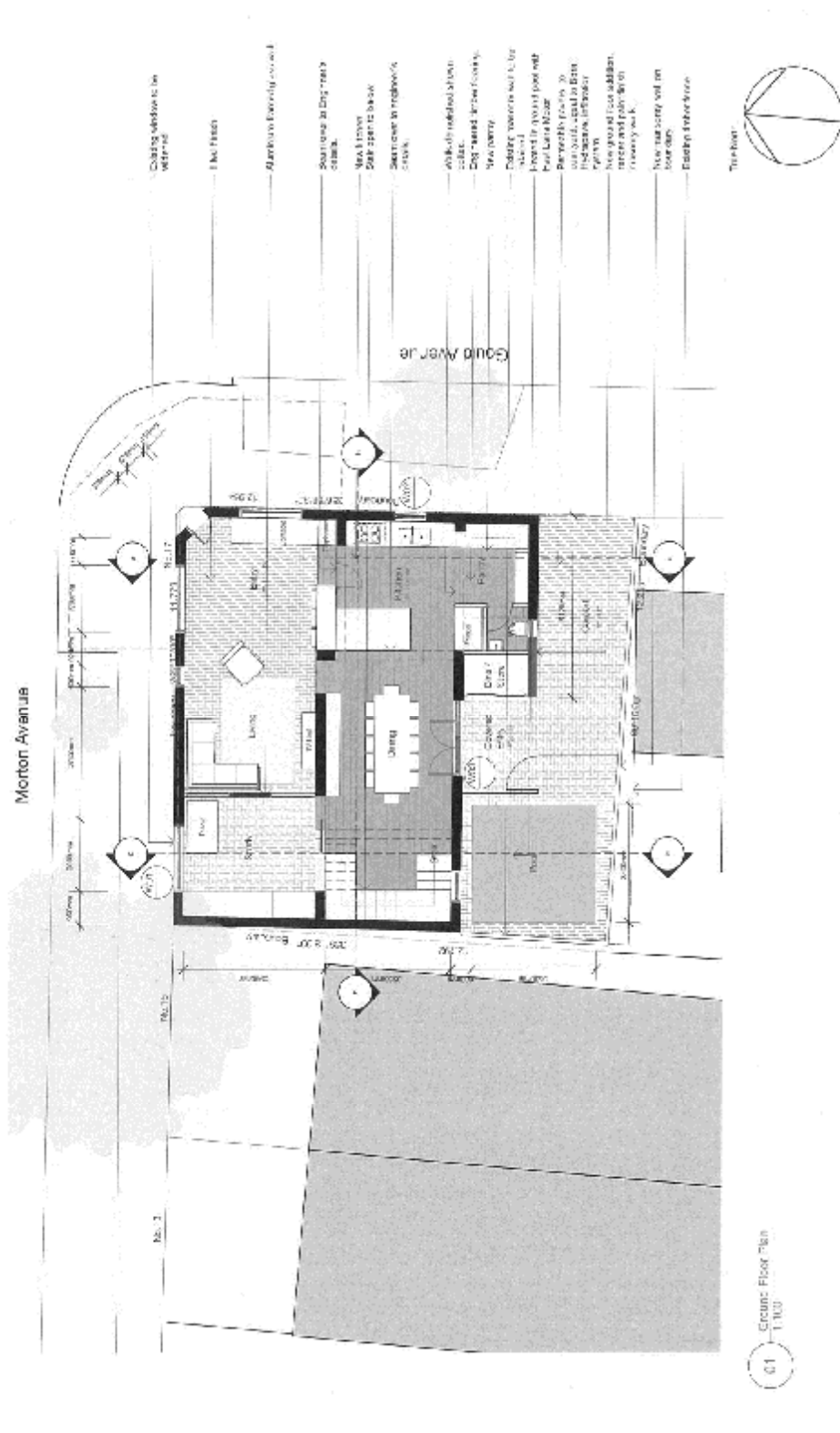
1 View from Southbound Ave.



2 View from Corner of South Ave and Merton Ave

17 Merton Avenue
 Lewis/Helm
 Architectural Services

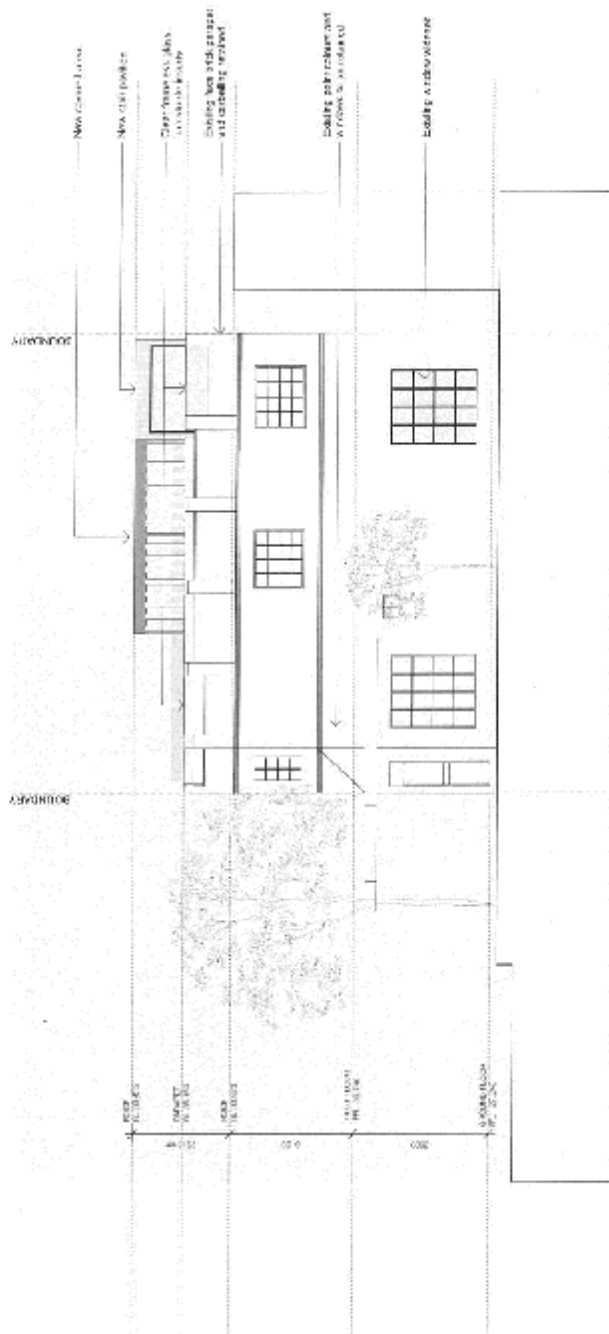
Project Name: 17 Merton Avenue
 Project No: 17/2016
 Applicant: [Redacted]
 Project Manager: [Redacted]
 Date: 17/02/2016
 Status: [Redacted]
 Contact: [Redacted]



01 Ground Floor Plan
1:100

PLAN
 17 Merton Avenue, Lewisaham, NSW 2147
 17 Merton Avenue, Lewisaham, NSW 2147
 17 Merton Avenue, Lewisaham, NSW 2147

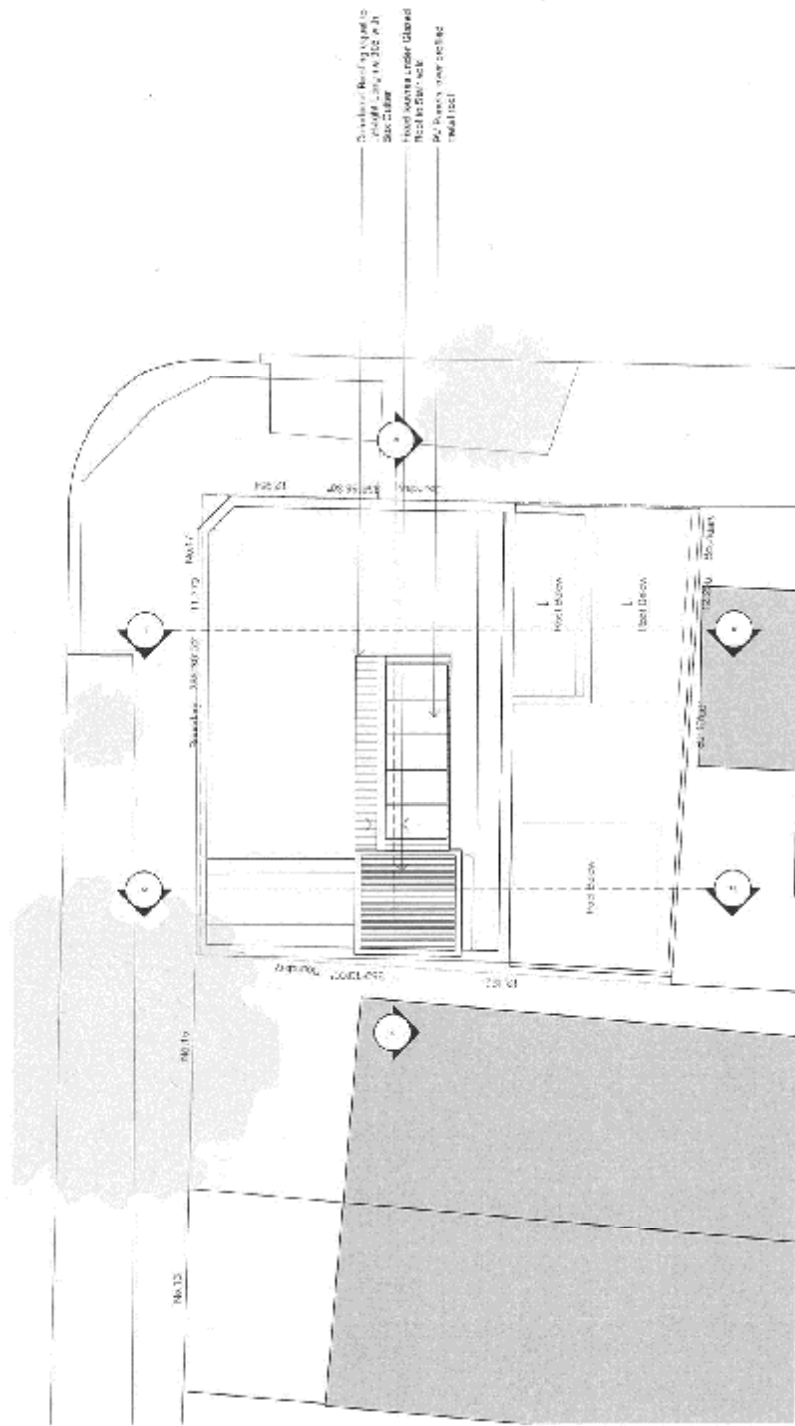
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17 Merton Avenue Lewisaham A. V. V. & J. M. V.	17 Merton Avenue Lewisaham A. V. V. & J. M. V.	17 Merton Avenue Lewisaham A. V. V. & J. M. V.	17 Merton Avenue Lewisaham A. V. V. & J. M. V.
17 Merton Avenue Lewisaham A. V. V. & J. M. V.	17 Merton Avenue Lewisaham A. V. V. & J. M. V.	17 Merton Avenue Lewisaham A. V. V. & J. M. V.	17 Merton Avenue Lewisaham A. V. V. & J. M. V.
17 Merton Avenue Lewisaham A. V. V. & J. M. V.	17 Merton Avenue Lewisaham A. V. V. & J. M. V.	17 Merton Avenue Lewisaham A. V. V. & J. M. V.	17 Merton Avenue Lewisaham A. V. V. & J. M. V.



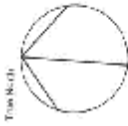
01 North Elevation
1:00

NOTES:
1. All work to be done in accordance with the relevant Australian Standards, unless otherwise specified.
2. All work to be done in accordance with the relevant Australian Standards, unless otherwise specified.
3. All work to be done in accordance with the relevant Australian Standards, unless otherwise specified.

<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>
<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>
<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>
<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>	<p>17 Merton Avenue Lewisham Also known as Ash & Co</p>



Roofs are to be finished to
internal levels, as per PCA
Spec. Unless
Height markers, under cleared
Roof to be 50% slope
PC/Concrete over 100mm
insulation

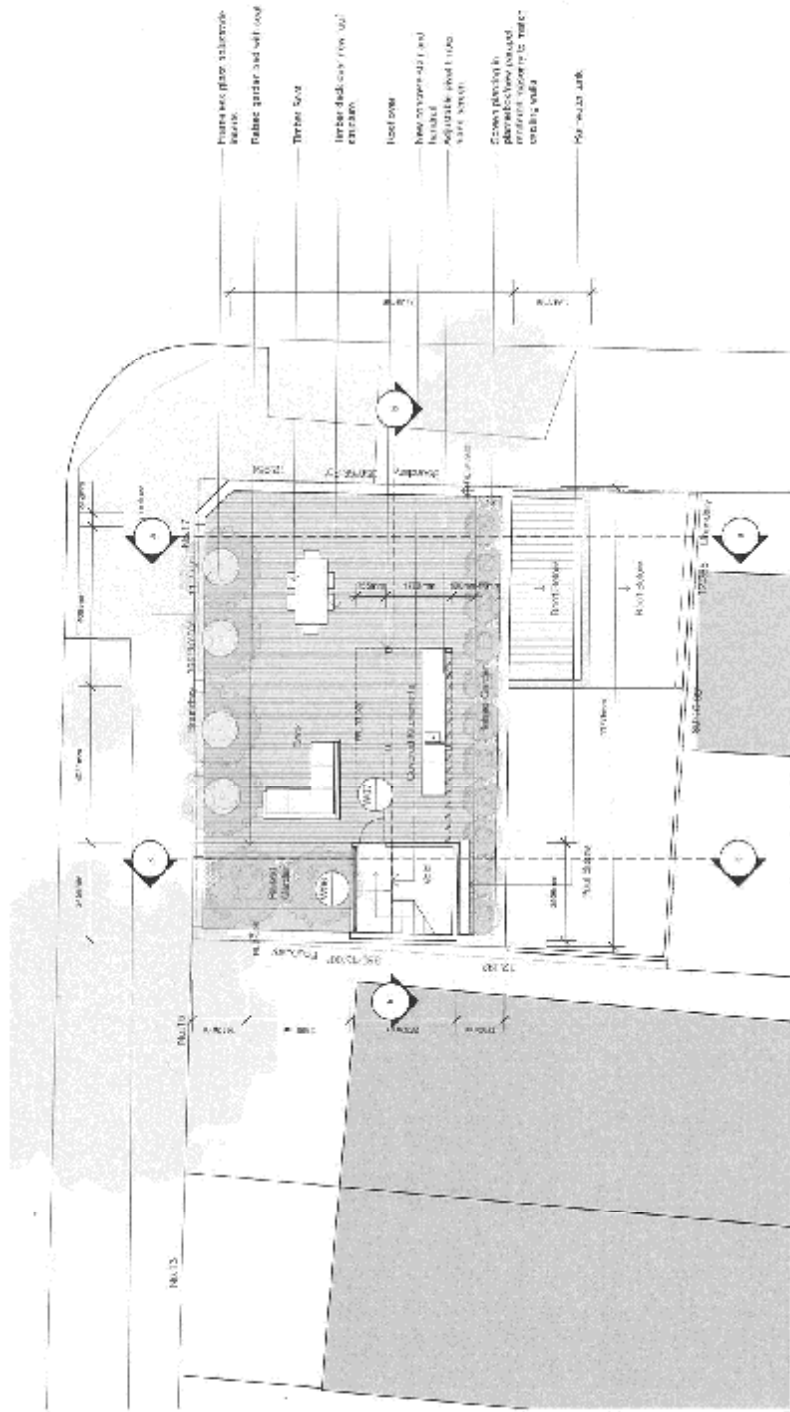


17 Morton Avenue
Lewis/Ham
Apt 2/1777A
Prop. S. E. Mason

01 Roof Plan
1:100

Project Name	17 Morton Avenue
Project Address	Lewis/Ham
Prop. S. E. Mason	Apt 2/1777A
Scale	1:100
Author	SSD
Check	SSD
Drawn	SSD
Client	DA-00 -MPS
Date	17/07/2019

17/07/2019 10:28:15 AM
17/07/2019 10:28:15 AM
17/07/2019 10:28:15 AM
17/07/2019 10:28:15 AM
17/07/2019 10:28:15 AM



- Frame floor structure
- Frame girders and wall load
- Truss Deck
- Truss deck over roof
- Load zone
- Beam supports (2) and
- Adjustable steel (1) and
- Adjustable steel (1) and
- Columns placed in
- planned column layout
- to meet code requirements
- 50' x 12.5' deck

01 Floor Terrace Plan

17 Morton Avenue
 Lewisham
 American and Viking

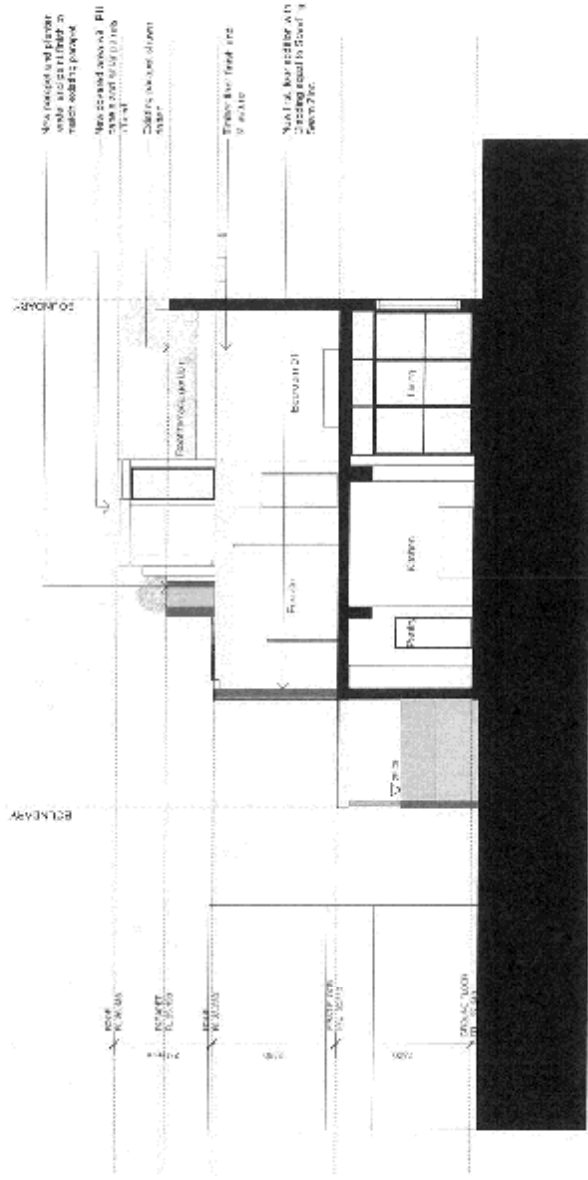
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 11/06/2016 11:06:16 AM
 11/06/2016 11:06:16 AM

17 Morton Avenue
 Lewisham
 American and Viking

11/06/2016 11:06:16 AM
 11/06/2016 11:06:16 AM
 11/06/2016 11:06:16 AM
 11/06/2016 11:06:16 AM

17 Morton Avenue
 Lewisham
 American and Viking

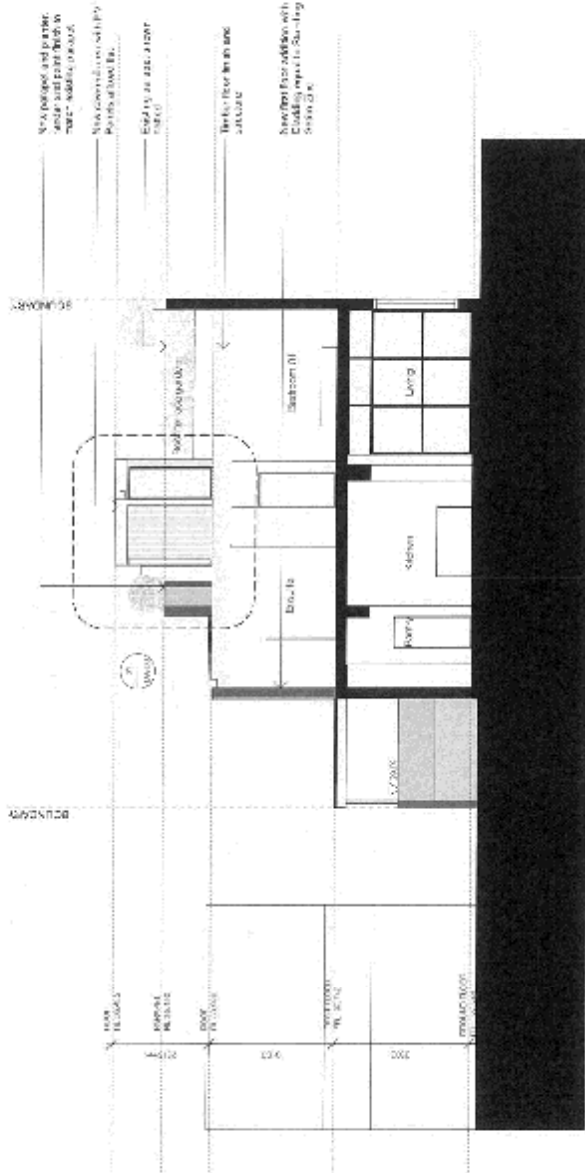
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 11/06/2016 11:06:16 AM
 11/06/2016 11:06:16 AM



01 Section 68
1:100

NOTE: This drawing is a preliminary design and is subject to change without notice. It is not to be used for construction purposes. All dimensions are in millimeters unless otherwise stated. All work to be done in accordance with the Building Code of Australia (BCA) and the Building Code of Australia (BCA) and the Building Code of Australia (BCA).

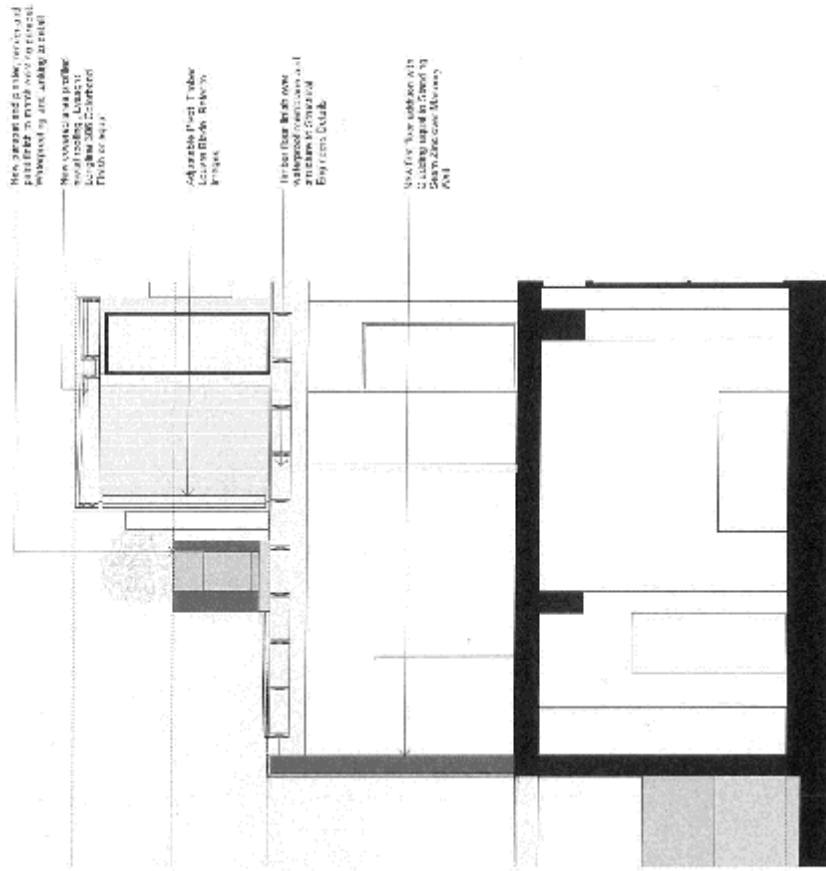
<p>DATE: 10/10/2017 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT NO: [Number]</p>	<p>PROJECT NO: [Number]</p>	<p>PROJECT NAME: 17 Merton Avenue Lewissham Newcastle NSW 2308</p>	<p>CLIENT: [Name]</p>	<p>SCALE: 1:100</p>	<p>DATE: 10/10/2017</p>
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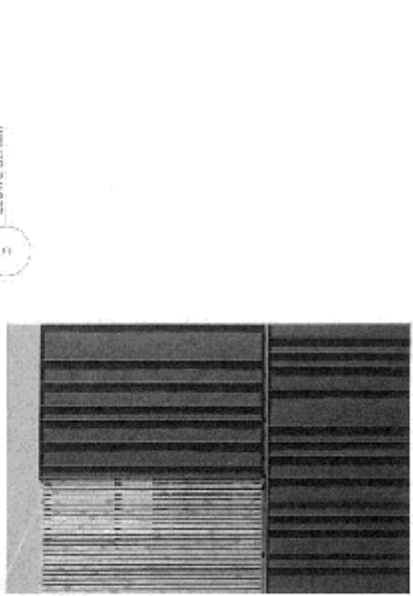
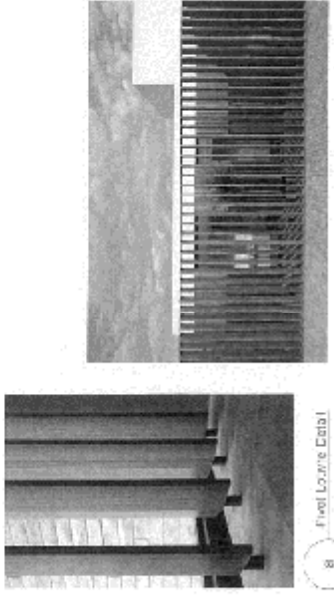
31 Section A-E
1:100

17 Morton Avenue
Lewissham

<p>17 Morton Avenue Lewissham</p> <p>Travis Tim Mynne Architect and Allied Professionals</p>	<p>17 Morton Avenue Lewissham</p> <p>Travis Tim Mynne Architect and Allied Professionals</p>	<p>17 Morton Avenue Lewissham</p> <p>Travis Tim Mynne Architect and Allied Professionals</p>	<p>17 Morton Avenue Lewissham</p> <p>Travis Tim Mynne Architect and Allied Professionals</p>	<p>17 Morton Avenue Lewissham</p> <p>Travis Tim Mynne Architect and Allied Professionals</p>
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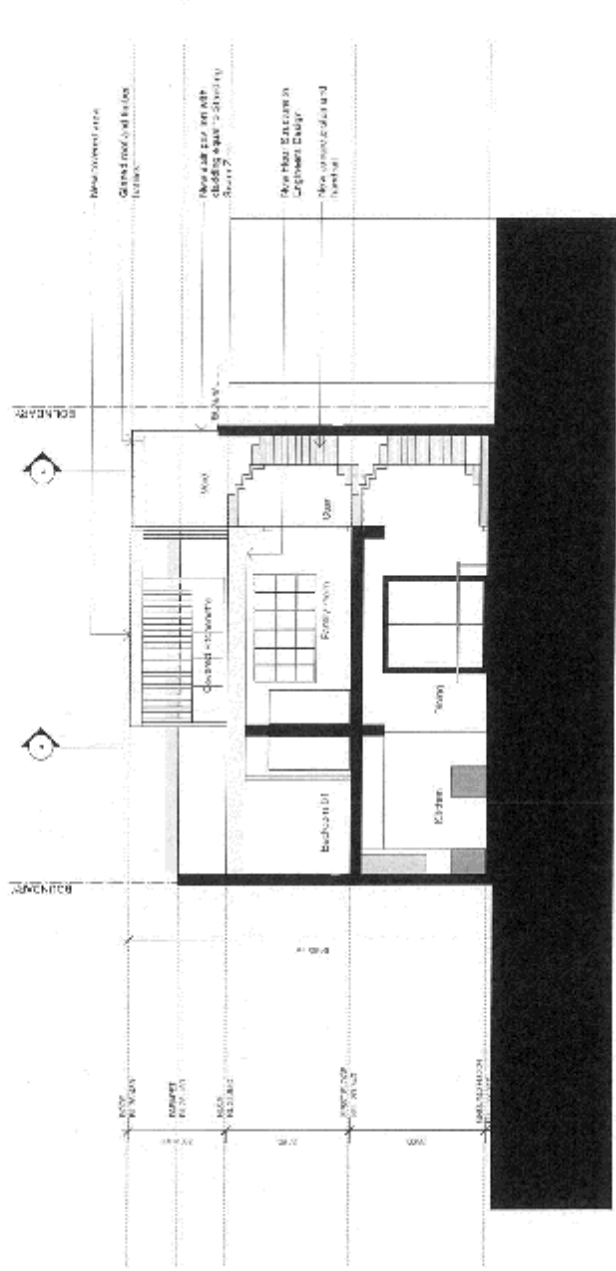
01 Section 03 - Detail



02 Vertical Wood Cladding, Timber Screening

1. The drawings are prepared for the purpose of providing a visual representation of the proposed development and do not constitute a contract. The drawings are subject to change without notice. The drawings are prepared in accordance with the Australian Standards AS/NZS 1546:2011 and AS/NZS 1547:2011. The drawings are prepared in accordance with the Australian Standards AS/NZS 1546:2011 and AS/NZS 1547:2011. The drawings are prepared in accordance with the Australian Standards AS/NZS 1546:2011 and AS/NZS 1547:2011.

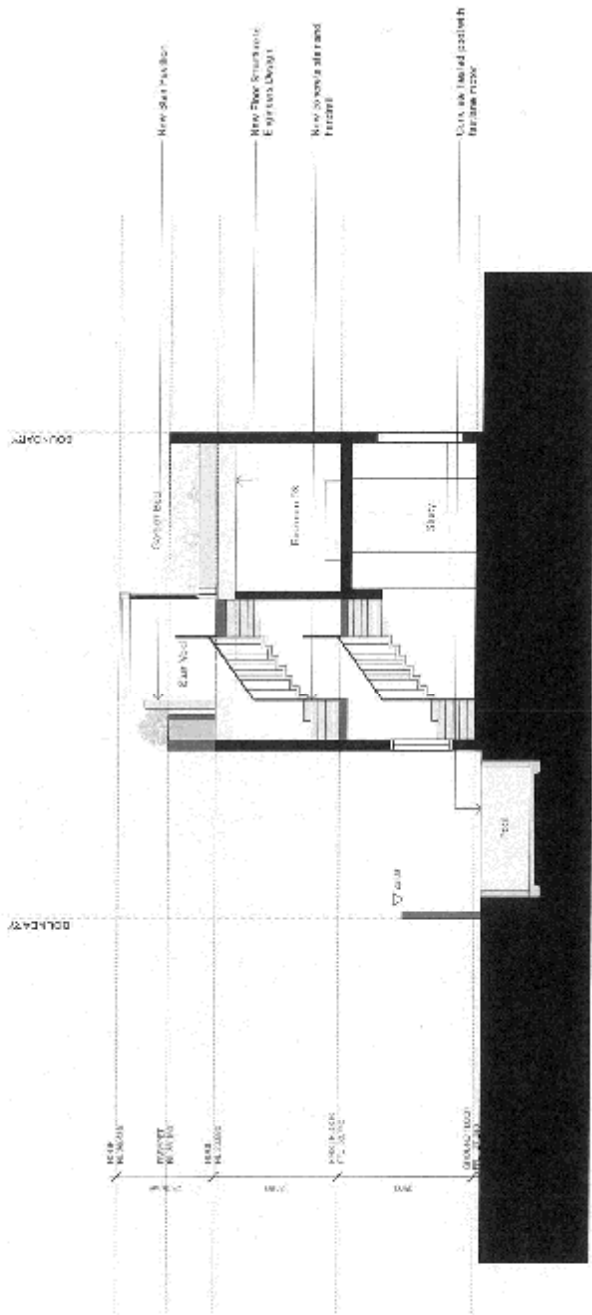
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<p>17 Merton Avenue Lewisham VIC 3207</p>	<p>17 Merton Avenue Lewisham VIC 3207</p>	<p>17 Merton Avenue Lewisham VIC 3207</p>	<p>17 Merton Avenue Lewisham VIC 3207</p>



01 Section 26
1:100

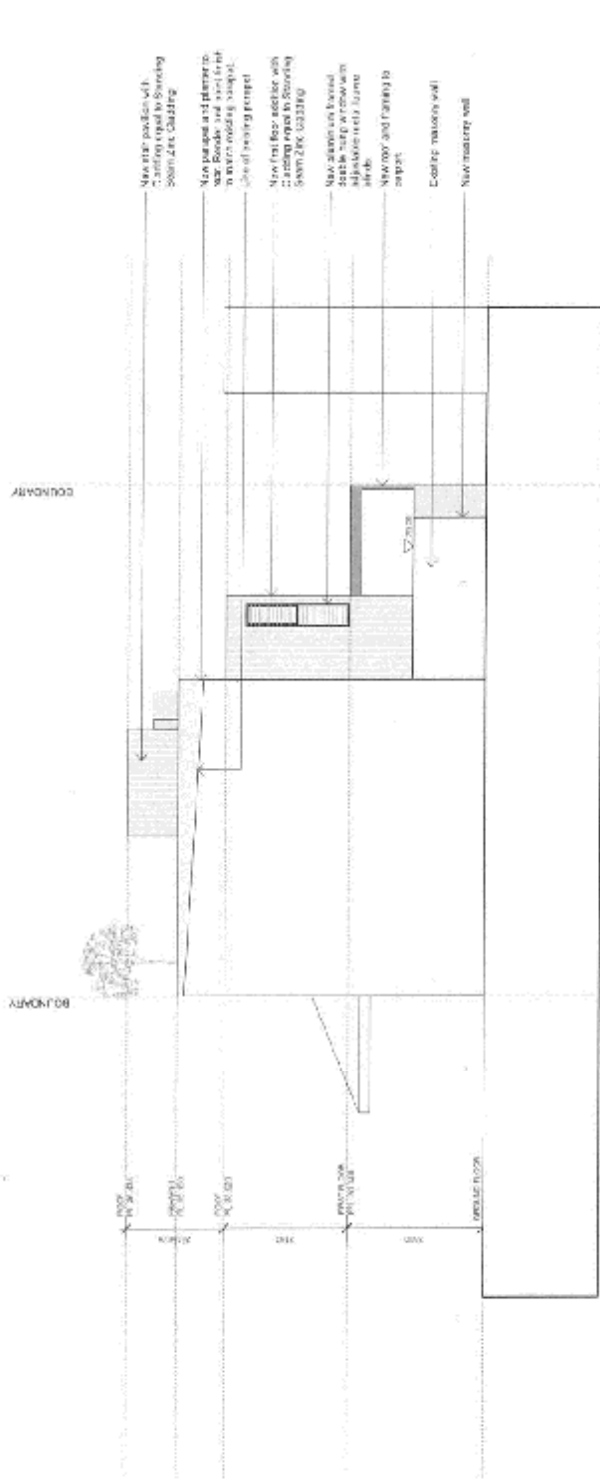
010
This drawing is the property of the architect and is not to be used for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in this drawing. The architect is not responsible for any delays or interruptions in the construction of the project. The architect is not responsible for any damage to the property or any other loss or injury. The architect is not responsible for any other matters.

Project Name: 17 Morton Avenue Lewis Ham Address: 17 Morton Avenue, Lewis Ham	
Client: 17 Morton Avenue Lewis Ham	Architect: SSSD
Date: 10/10/2017	Scale: 1:100
Drawing No: 01	Revision: 01
Drawing Title: Section 26	Drawing Date: 10/10/2017



17 Merton Avenue
Lewissham
47m x 11m x 4m

<p>Project Name: 17 Merton Avenue Lewissham</p> <p>Project No: 47m x 11m x 4m</p> <p>Architect: [Faded]</p> <p>Scale: 1:100</p>	<p>Client: [Faded]</p> <p>Address: 17 Merton Avenue Lewissham</p> <p>Project No: 47m x 11m x 4m</p> <p>Scale: 1:100</p>	<p>SSD</p> <p>100 12 7011</p> <p>100 12 7011</p>
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01 West Elevation
1:100

This drawing is the property of ssd and is not to be used for any other purpose without the written consent of ssd. The information herein is for the use of the client only and is not to be used for any other purpose. ssd is not responsible for any errors or omissions in this drawing. For further information, please contact ssd at 02 9550 1234.

Project Name	17 Morton Avenue Lewisham															
Architect	ssd															
Client	Tom & Tim Morgan															
Address	17 Morton Avenue Lewisham															
Scale	1:100															
Sheet	01 West Elevation															
Revision	<table border="1"> <tr> <th>Rev</th> <th>Description</th> <th>Date</th> </tr> <tr> <td>1</td> <td>Issue for tender</td> <td>12/12/2017</td> </tr> <tr> <td>2</td> <td>Issue for construction</td> <td>12/12/2017</td> </tr> <tr> <td>3</td> <td>Issue for construction</td> <td>12/12/2017</td> </tr> <tr> <td>4</td> <td>Issue for construction</td> <td>12/12/2017</td> </tr> </table>	Rev	Description	Date	1	Issue for tender	12/12/2017	2	Issue for construction	12/12/2017	3	Issue for construction	12/12/2017	4	Issue for construction	12/12/2017
Rev	Description	Date														
1	Issue for tender	12/12/2017														
2	Issue for construction	12/12/2017														
3	Issue for construction	12/12/2017														
4	Issue for construction	12/12/2017														

NOTES: