




 DEVELOPMENT ASSESSMENT REPORT				
Application No.	DA/2020/0489			
Address	8 Richards Avenue MARRICKVILLE NSW 2204			
Proposal	Alterations and additions to existing dwelling			
Date of Lodgement	29 June 2020			
Applicant	Mr John Moshonis			
Owner	Mr Eddy Younan Mrs Jocelyn Younan			
Number of Submissions	One objection			
Value of works	\$80,000			
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%			
Main Issues	<ul style="list-style-type: none"> • Non-compliance with Clause 4.4 Floor space ratio, Request for variation to development standard Clause 4.6 not submitted • Visual bulk • Neighbouring amenity impacts (Privacy) 			
Recommendation	Refusal			
Attachment A	Reasons for refusal			
Attachment B	Draft conditions (if not refused)			
Attachment C	Plans of proposed development			
				
LOCALITY MAP				
Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling at 8 Richards Avenue, Marrickville.

The application was notified to surrounding properties and one submission was received.

The main issues that have arisen from the application include:

- Non-compliance with the maximum floor space ratio per Clause 4.4 of the MLEP 2011
- No Clause 4.6 submitted in respect of FSR variation
- Visual bulk
- Neighbouring amenity impacts (Privacy)

The non-compliance relating to the floor area is a result of the applicant not calculating the gross floor area in accordance with the definitions contained in the MLEP 2011; the stairs and the second (non-required) car space have been incorrectly excluded from the gross floor area total.

A formal written request for an exception to the development standard under Clause 4.6 of the MLEP 2011, was not submitted. Therefore, insufficient environmental planning grounds to justify a non-compliance with the development standard have been provided and the legal machinery to grant consent is not in place.

In addition, the proposal results in adverse amenity impacts (visual bulk and privacy) and is not in keeping with the low-density residential area. As a result, the application is recommended for refusal.

2. Proposal

The application involves alteration and additions to an existing dwelling house at 8 Richards Avenue, Marrickville. Specifically;

- Construction of a new third storey of approximately 19sqm;
- Construction of two dormer windows on the north east and south east side elevations;
- Increase building height to 9.5m;
- Minor internal alterations to the first floor to accommodate for the additional staircase; and
- Reconfiguration of first floor windows on the northeast elevation.

3. Site Description

The subject site is located on the north western side of Richard Street, between Holts Crescent and Premier Street, Marrickville. The site consists of one allotment and is of an L – Shape with a total area of 369.4 sqm and is legally described as Lot 1 DP 1116566.

The site has a frontage to Richards Street of 12 metres. The site supports a two storey detached dwelling. The adjoining properties support a one storey detached dwelling and a two storey detached dwelling.

The land is zoned R2 Low Density Residential as shown in the figure below.



Figure 1: Zoning map

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Determination
DA200600323.01	To adjust the common boundary between 8 and 10 Richards Avenue and erect a swimming pool in the rear yard	12/02/2007 Approved
DA200600323	To adjust the common boundary between 8 and 10 Richards Avenue and erect a swimming pool in the rear yard	01/09/2006 Refused
Building Approval No. 510/97	To adjust the common boundary between 8 and 10 Richards Avenue and erect a swimming pool in the rear yard	23/09/1997 Approved

4(b) Application history

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

Date	Discussion / Letter / Additional Information
29 June 2020	Lodged
9 July – 1 August 2020	Community consultation

24 July 2020	Council wrote to the applicant advising as follows; <ul style="list-style-type: none"> - The proposal exceeds the FSR development standard; - A Clause 4.6 must be submitted; - Notwithstanding, additional concerns regarding; <ul style="list-style-type: none"> o Solar access to the neighbouring property at 10 Richards Avenue o Privacy impacts from third floor windows o Dormer windows not being consistent with the street scape o Visual bulk of the three-storey appearance
13 July 2020	The applicant provided amended plans which reduced the proposed third floor from 50sqm to 19sqm and reduced overshadowing. However, the proposal still exceeds the FSR development standard and a Clause 4.6 was not submitted.

As per Councils Development Advisory and Assessment Policy, no further opportunities to submit amended plans were provided, and the current assessment is based on the amended plans/additional information provided by the applicant on the 13 July 2020.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. MDCP 2011 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with *SEPP 55*.

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

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

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

The application was assessed against the following relevant clauses of the MLEP 2011;

Control	Proposed	Compliance
Clause 1.2 Aims of Plan	By virtue of the excessive bulk and scale and adverse amenity impacts, the proposal is considered to be inconsistent with the following aims of the Plan; <i>(b) to increase residential and employment densities in appropriate locations near public transport while protecting residential amenity,</i> <i>(h) to promote a high standard of design in the private and public domain.</i>	No
Clause 2.3 Zone objectives and Land Use Table <i>R2 Low Density Residential</i>	Dwelling houses are permissible with consent within the zone. The development is consistent with the objectives of the R2 zone.	Yes
Clause 2.7 Demolition	The application seeks consent for demolition works. Council's standard conditions relating to demolition works are included in the recommendation.	Yes, subject to conditions
Clause 4.3 Height <i>(Max: 9.5m)</i>	The development has a compliant building height of approximately 9.5 metres.	Yes
Clause 4.4 Floor Space Ratio <i>(Max: 0.6:1 or 221.6 sqm)</i>	The development proposes a floor space area of 0.67:1 or 251 sqm. This is a non-compliance of 29.4 sqm or 13.2%.	No - See discussion below
Clause 4.5 Calculation of floor space ratio and site area	The site areas and floor space ratios for the proposal have been calculated in accordance with the clause.	Yes

(i) 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. The maximum floor space ratio (FSR) of 0.6:1 applies to the land as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The property has a site area of 369.4sqm. The existing dwelling has an FSR variation of 10.2sqm or 4.4%, which equates to an FSR of 0.62:1 and Gross floor Area (GFA) of 231.9sqm or 0.62:1.

The proposed development has a GFA of 251sqm which equates to a FSR of 0.67:1 on the 369.5sqm site which does not comply with the FSR development standard. The application was not accompanied by a written submission in relation to the contravention of the FSR development standard in accordance with Clause 4.6 of MLEP 2011.

The applicant contends that the proposed Floor Space Ratio does not exceed the development standard. It is noted that the calculations by the applicant differ from that calculated by Council. The applicant’s GFA calculations exclude the second car space, and stairs on level 2 and 3, that would constitute GFA (as defined).

Clause 4.6 Exceptions to Development Standards

As outlined above, the proposal exceeds the maximum floor space ratio development standard prescribed under Clause 4.4 of MLEP 2011 by 29.4sqm or 13.2%.

A written request has not been submitted to Council in accordance with Clause 4.6(3) of the Marrickville local environmental plan.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard needs to be assessed against the objectives and provisions of Clause 4.6 of the Marrickville local environmental plan.

The non-compliance with the FSR development standards results in a development that adds unnecessary bulk and scale to the adjoining properties and the 13.2% non-compliance results in a third floor which is uncharacteristic to the streetscape. Additionally, the proposal would result in a floor area of 19sqm for the third floor which results in a poor planning outcome both for the neighbouring properties in relation to visual bulk and also to the occupants of the site as the third floor would result in poor amenity due to the size of the third floor.

The proposed development is not consistent with the desired future character of the area and is not consistent with the bulk and scale of the adjoining properties and therefore is not supported.

Consequently, insufficient environmental planning grounds to justify a non-compliance with the development standard has been provided, and therefore the development is not in the public interest. As a result, the current proposal is recommended to the Panel for refusal.

5(b) Draft Environmental Planning Instruments

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

Draft Marrickville Local Environmental Plan 2011 (Amendment 4)

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*.

The amended provisions contained in the Draft LEP Amendment are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*.

The Draft IWLEP 2020 contains provisions for the amendments to the zone objectives of the zone R2 - Low Density Residential, as well as new objectives of Clause 4.4 Floor Space Ratio. Given the bulk and scale and amenity concerns raised in this report the proposal is considered to be inconsistent with the following draft objectives to the R2 zone;

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

5(d) Development Control Plans

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

MDCP 2011 Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.6 – Acoustic and Visual Privacy	No – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes
Part 2.11 – Fencing	Yes
Part 2.16 – Energy Efficiency	Yes
Part 2.18 – Landscaping and Open Space	Yes
Part 2.20 – Tree Management	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.25 – Stormwater Management	Yes
Part 4.1 – Low Density Residential Development	No – see discussion
Part 9 – Strategic Context	No – see discussion

The following provides discussion of the relevant issues:

Part 2.6 – Acoustic and Visual Privacy

The relevant objectives and controls are as follows:

O1 To ensure new development and alterations and additions to existing buildings provide adequate visual and acoustic privacy for the residents and users of surrounding buildings.

O2 To design and orientate new residential development and alterations and additions to existing residential buildings in such a way to ensure adequate acoustic and visual privacy for occupants

C3 Visual privacy

- i. Private open spaces of new residential development must be located and designed to offer a reasonable level of privacy for their users;*
- ii. Elevated external decks for dwelling houses must generally be less than 10m² in area and have a depth not greater than 1.5 metres so as to minimise privacy and noise impacts to surrounding dwellings;*
- iii. First floor windows and balconies of a building that adjoins a residential property must be located so as to face the front or rear of the building;*
 - iv. Where it is impractical to locate windows other than facing an adjoining residential building, the windows must be offset to avoid a direct view of windows in adjacent buildings;*
- iv. Where the visual privacy of adjacent residential properties is likely to be significantly affected from windows or balconies (by way of overlooking*

into the windows of habitable areas and private open spaces), one or more of the following measures must be applied:

- a. Fixed screens of a reasonable density (minimum 75% block out) to a minimum height of 1.6 metres from finished floor level must be fitted to balconies in a position suitable to alleviate loss of privacy;*
- b. Windows must have minimum sill height of 1.6 metres above finished floor level or fixed opaque glazing to any part of a window less than 1.6 metres above finished floor level; and*
- c. Screen planting or planter boxes in appropriate positions may supplement the above two provisions in maintaining privacy of adjoining premises.*

The proposed third storey includes dormer windows, with a sill height of 800mm and face the side boundaries. The proposed third floor windows fail to comply with C3, which require first floor windows and balconies to face the front or rear of the building, and/or the provision of privacy measures such as minimum sill heights of 1.6m, or fixed opaque glazing.

Given the windows service a third floor, the potential for overlooking is significant and unresolved by the design, and therefore the proposal fails to satisfy the relevant objectives.

Part 4.1 – Low Density Residential Development

Built form and character & Dormer Windows

The relevant objectives and controls are as follows:

O10 To ensure development is of a scale and form that enhances the character and quality of streetscapes.

C7 Maximum permissible FSR and height for any development must be consistent with the height and FSR standards prescribed on the Height of Buildings (HOB) and FSR Maps of MLEP 2011.

C8 Notwithstanding compliance with the numerical standards, applicants must demonstrate that the bulk and relative mass of development is acceptable for the street and adjoining dwellings in terms of:

- i. Overshadowing and privacy;*
- ii. Streetscape (bulk and scale);*
- iii. Building setbacks;*
- iv. Parking and landscape requirements;*
- v. Visual impact and impact on existing views (Council encourages view sharing between surrounding residences);*
- vi. Any significant trees on site; and*
- vii. Lot size, shape and topography.*

C40 The use of dormers in new buildings and major new additions shall be determined on merit. Most importantly the proportions of contemporary dormers shall be mindful of traditional models, and have solid cheeks, and no eaves.

C41 Dormers should not dominate the roof plane, or appear as a second storey.

C43 Do not use dormer windows where they are not suited to the architectural style of the building.

C51 New dormers on contemporary buildings must be consistent with the existing roof forms in the street.

The proposal includes a new third storey which is contrary to Control C7, as the entire third storey is in breach of the maximum permissible FSR. Notwithstanding the proposal has not demonstrated Control C8, in that the bulk and relative mass is acceptable for the street, given that the proposal fails to respect existing roof forms, and the predominately single and two storey streetscape.

The proposal includes two side-facing dormer windows to service the third storey. Control C40 allows the use of dormers in contemporary buildings to be determined on merit. Given their lateral expanse and direct presentation to the street, the proposed dormers are considered to dominate the roof plane and appear as a full third storey, contrary to Control C41. In accordance with Control C43, it is considered that dormer windows do not suit the architectural style of the building as they do not utilise existing roof space and create a complex roof form which is not sympathetic to the existing dwelling. Furthermore, contrary to C51, the use of dormers is considered inconsistent with the other existing roof forms in the street.

Therefore, it is considered the proposal does not enhance the character and quality of the streetscape, and fails to satisfy the relevant objective.

9.30 – Strategic Context

By virtue of the excessive bulk and scale and adverse amenity impacts, the proposal is considered to be inconsistent with the following Desired Future Character of the precinct;

- 3. To maintain distinctly single storey streetscapes that exist within the precinct.*
- 6. To preserve the predominantly low density residential character of the precinct.*
- 11. To ensure that new residential development responds to its setting and makes a positive contribution to the streetscape.*

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in terms of bulk and scale, and amenity.

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

It is considered that the proposal will have an adverse impact on the adjoining properties and the desired future character of the area and therefore it is considered that the site is unsuitable to accommodate the proposed development.

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to the surrounding properties. One submission was received, which raised the following issues already discussed in this report:

- The increase in visual bulk from the development – see Section 5 (d)
- Privacy implications from the new balcony – see Section 5 (d)

5(h) The Public Interest

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

The proposal is contrary to the public interest.

7. Referrals

No internal or external referrals applicable.

8. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are not payable for the proposal.

8. Conclusion

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

The development would result in adverse impacts in terms of bulk and scale and amenity and is not considered to be in the public interest.

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

9. Recommendation

- A. The applicant has not made a written request pursuant to Clause 4.6 of the *Marrickville Local Environmental Plan 2011* to vary the Floor Space Ratio development standard, despite the design including a gross floor area in excess of the maximum permissible Floor Space Ratio. The Panel is not able to approve the application, regardless of any merit it may exhibit.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2020/0489 for alterations and additions to existing dwelling at 8 Richards Avenue, Marrickville for the following reasons:

Attachment A – Reasons for Refusal

1. The proposed development is inconsistent and has not demonstrated compliance with the Marrickville Local Environmental Plan 2011, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
 - a. Clause 1.2 - Aims of Plan;
 - b. Clause 4.4 - Floor Space Ratio.
2. The applicant has not made a written request pursuant to Clause 4.6 of the Marrickville Local Environmental Plan 2011 to vary the Floor Space Ratio development standard, despite the design including a gross floor area in excess of the maximum permissible Floor Space Ratio.
3. The proposed development is inconsistent and has not demonstrated compliance with the Marrickville Development Control Plan 2011, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
 - a. Part 2.6 – Acoustic and Visual Privacy;
 - b. Part 4.1 – Low Density Residential Development; and
 - c. Part 9.30 – Strategic Context.
4. The proposed development is inconsistent and has not demonstrated compliance with the *Draft Inner West Local Environmental Plan 2020*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
 - a. Clause 3.2 - Zoning Objectives and Land Use Table
5. The proposal will result in adverse environmental impacts in the locality, pursuant to Section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979*.
6. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*.
7. The public submission raised valid grounds of objection and approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the *Environmental Planning and Assessment Act 1979*.

Attachment B - Draft conditions (if not refused)

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DRAWING No 20009/20 sheet 2	Ground floor plan	7 August 2020	JM
DRAWING No 20009/20 sheet 3	First floor plan	7 August 2020	JM
DRAWING No 20009/20 sheet 4	Proposed attic plan	7 August 2020	JM
DRAWING No 20009/20 sheet 5	Elevations and sections	7 August 2020	JM
DRAWING No 20009/20 sheet 6	Concept storm water plan	7 August 2020	JM

As amended by the conditions of consent.

FEES

2. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

3. Security Deposit - Standard

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

Security Deposit:	\$8,266.00 if development involves substantial demolition
Inspection Fee:	\$236.70

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

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

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

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

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

GENERAL CONDITIONS

4. Waste Management Plan

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

5. Erosion and Sediment Control

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

6. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

7. Advising Neighbors Prior to Excavation

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

8. Construction Fencing

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

PRIOR TO CONSTRUCTION CERTIFICATE

9. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above

requirements without result in demolition of elements marked on the approved plans for retention.

10. Sydney Water – Tap In

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

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

DURING DEMOLITION AND CONSTRUCTION

11. Construction Hours – Class 1 and 10

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

12. Stormwater Drainage System

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

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

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

ADVISORY NOTES

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent;
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

Noise

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.

Amenity Impacts General

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

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe.

Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

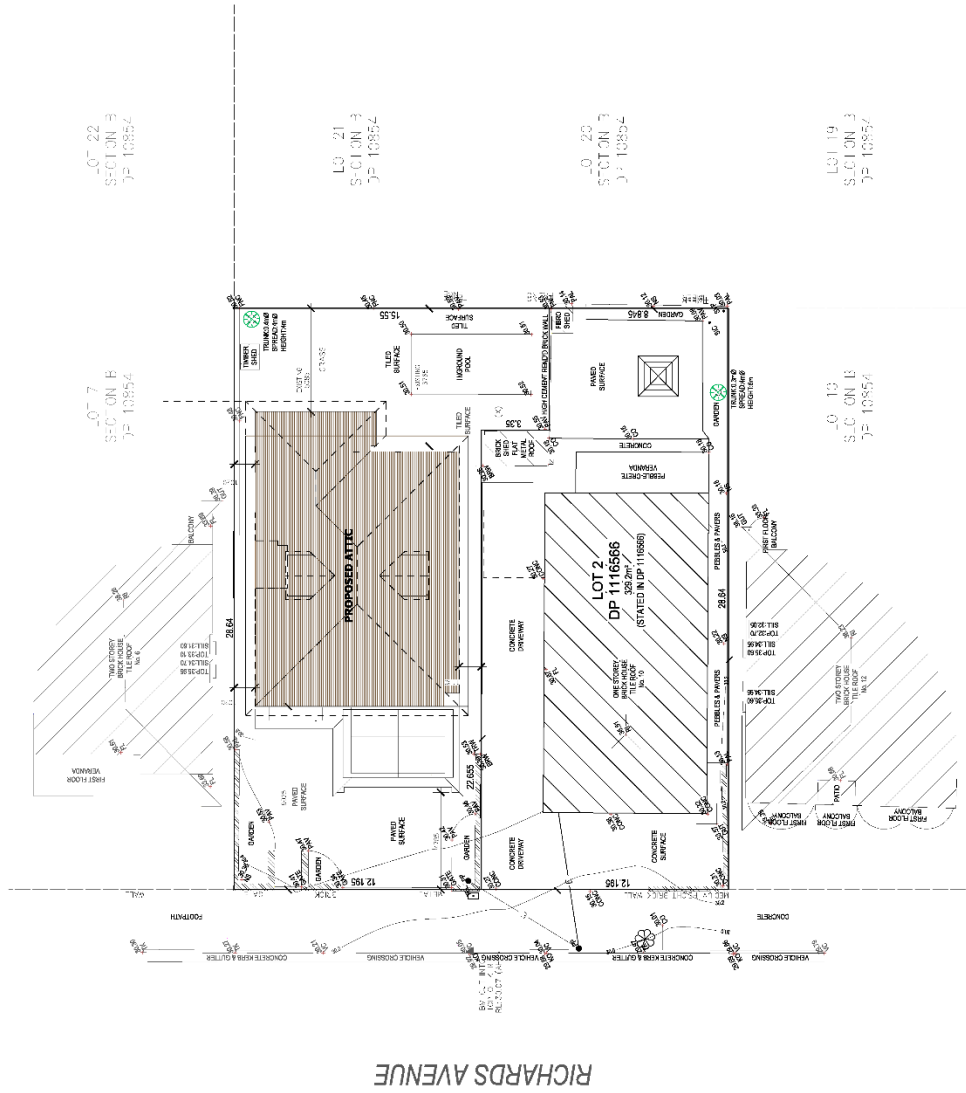
Dial before you dig

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

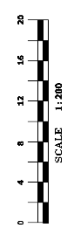
Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm 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 Prior to You Dig	1100 www.dialprior toyoudig.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 Food Authority	1300 552 406 www.foodnotify.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.

Attachment C - Plans of proposed development



SITE and ANALYSIS PLAN



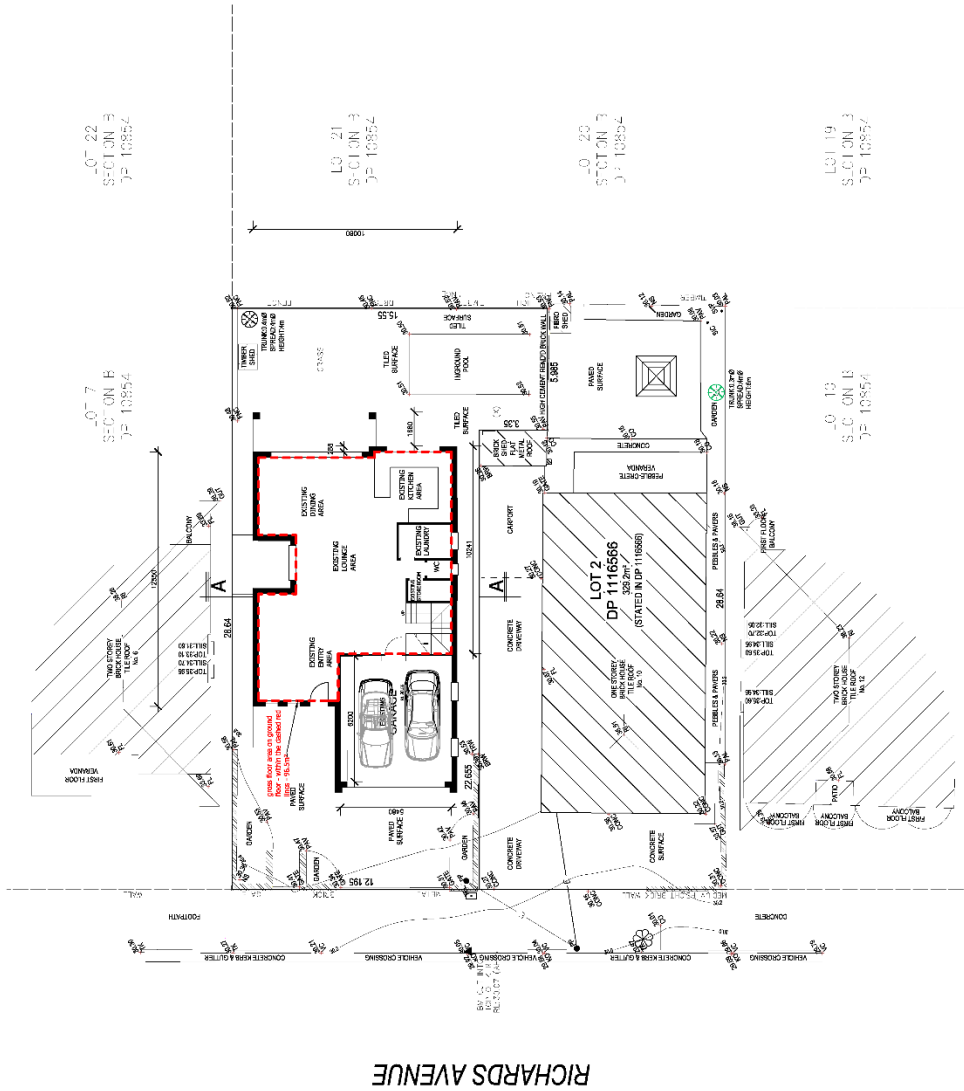
amendments - 7/08/20

M GROUPE
 101-103 Richard Avenue, Newcastle
 Newcastle NSW 2217
 Tel: 95238777
 Mob: 0411035824
 Email: john@mgroupe.com.au

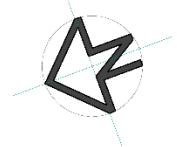
PROPOSED ALTERATIONS AND ADDITIONS
 At: No. 8 Richard Avenue, Newcastle
 DRAWN BY: JM SCALE 1:100
 DATE: June '20
 DRAWING No. 2009/20 SHEET: 1

Accredited Building Designer -
 Accreditation Number: 6316
 Designated with the Council of Australia
 Membership Number: 0961-07

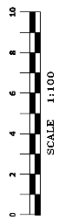
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RICHARDS AVENUE



GROUND FLOOR PLAN



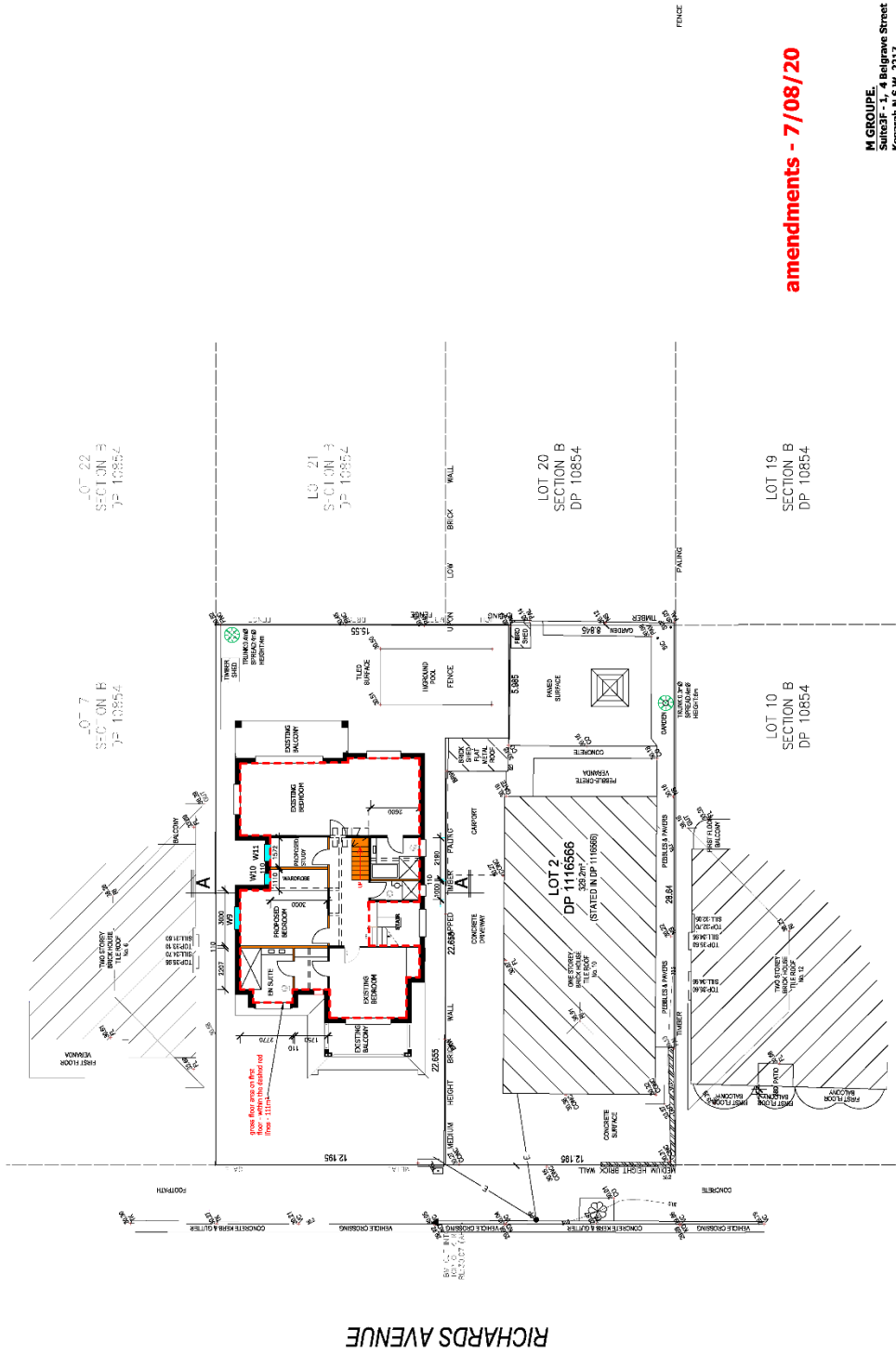
amendments - 7/08/20

M.GROUPE
 11 Redgrave Street
 Kingsford NSW 2217
 Tel: 95538777
 Mob: 0411035824
 Email: john@mgroupe.com.au

PROPOSED ALTERATIONS AND ADDITIONS
 At: No. 8 Richards Avenue, Marrickville
 DDAW/18/20 SCALE 1:100
 DATE: June 20 DRAWING No.:20069/20 SHEET : 2

Accredited Building Designer -
 NSW Building Professionals Board
 Accreditation Number: 6216
 Full Member, NSW Building Professionals Board
 Membership Number: 0561-07

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 PROJECT OR SITE. THIS DRAWING IS NOT VALID FOR ANY OTHER PROJECT OR SITE.
 NOT BE FOR SALE WITHOUT WRITTEN CONSENT. ASK FOR 020 952



amendments - 7/08/20

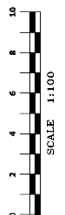
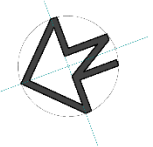
M.GROUPE
 11 Redgrave Street
 Kingsford NSW 2217
 Tel: 95538777
 Mob: 0411035824
 Email: john@mgroupe.com.au

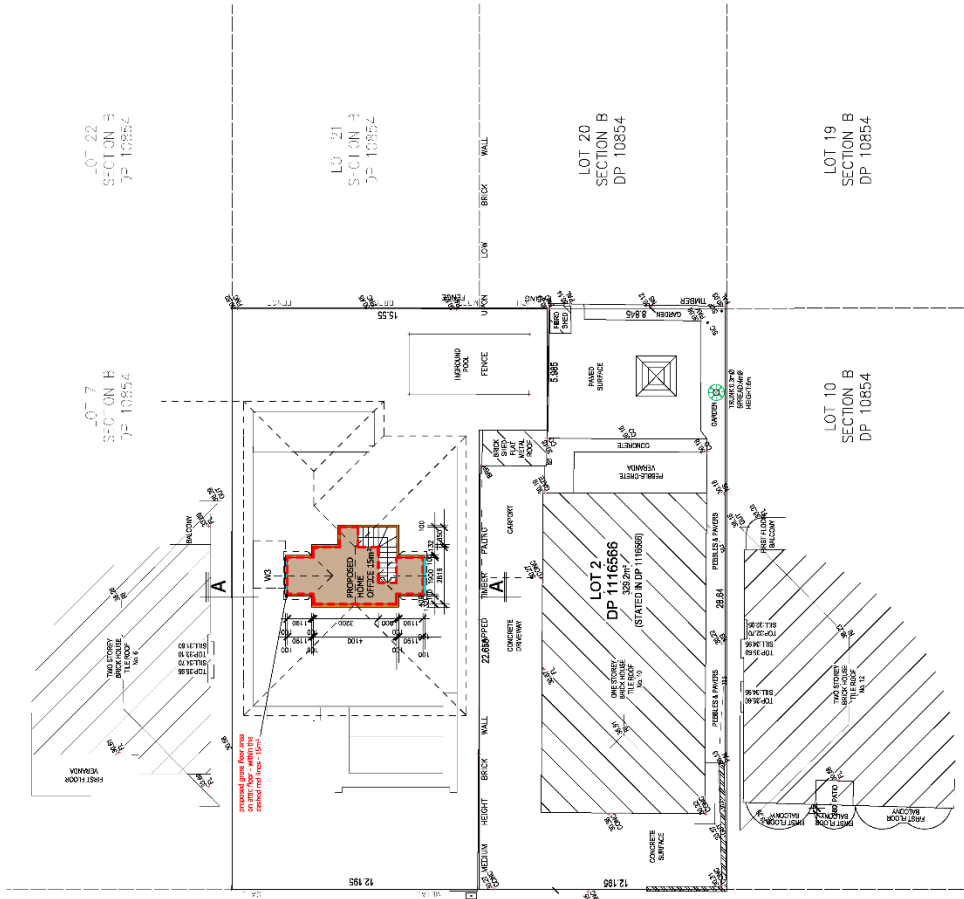
PROPOSED ALTERATIONS AND ADDITIONS
 At: No. 8 Richards Avenue, Marrickville
 DDAWV 897 JWS SCALE 1:100
 DATE: June 20 DRAWING No.:20069/20 SHEET : 3

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FIRST FLOOR PLAN





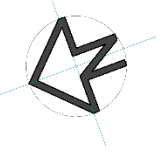
amendments - 7/08/20

M GROUPE
 14 Redgrave Street
 Kingsford NSW 2217
 Tel: 95538777
 Mob: 0411035824
 Email: john@mgroupe.com.au

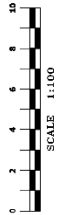
PROPOSED ALTERATIONS AND ADDITIONS
 At: No. 8 Richard Avenue, Marrickville
 DRAWN BY: John M. GROUPE
 DATE: June 20 SCALE 1:100
 DRAWING No.: 20069/20 SHEET - 4

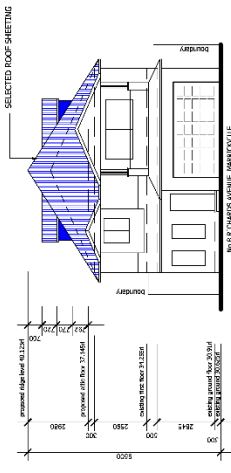
Accredited Building Designer -
 NSW Accredited Building Designer
 Accreditation Number: 6216
 Full Membership with the Building Professionals Board
 Membership Number: 0581-07

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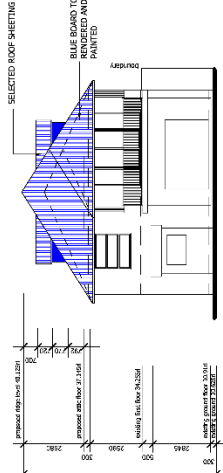


PROPOSED ATTIC FLOOR PLAN

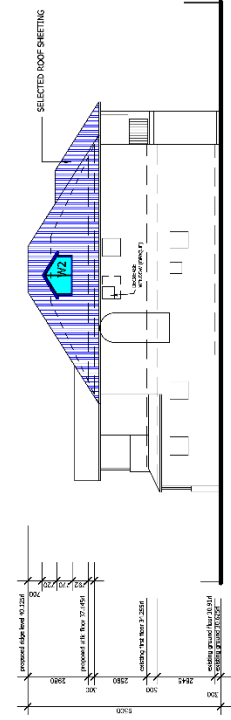




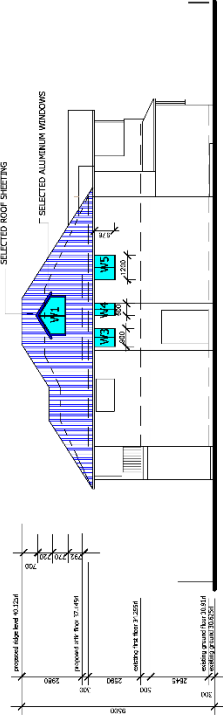
NORTH WEST ELEVATION
SCALE 1:100



SOUTH WEST ELEVATION
SCALE 1:100



NORTH EAST ELEVATION
SCALE 1:100



SOUTH EAST ELEVATION
SCALE 1:100

NOTES :

- 1. Builder to check all building and Boundary Dimensions Prior to Commencement of work so that the work can be carried out in accordance to Australian Authorities.
- 2. All Building work to comply with Australian building codes and Local Council Regulations.
- 3. Provide Termite Protection in Accordance with AS3660.1-1995 Requirements.
- 4. All Dimensions shown are Theoretical only and are subject to Site Measure during Construction.
- 5. Do not Scale of Drawings.
- 6. All work shall be provided where necessary to confirm Boundary Position in Accordance with Adjoining Properties and Services.
- 7. Wet area waterproofing shall comply with Part 3.9 of B.C.A.
- 8. All wall balustrades to comply with Part 3.9 of B.C.A.
- 9. Mechanical ventilation to all internal bathrooms and w.f.s shall comply with Part 3.9.5 of B.C.A.
- 10. All glazing to comply with Part 3.6 of B.C.A.
- 11. All glazing to comply with Part 3.6 of B.C.A.
- 12. W.C. doors to comply with Part 3.8.3.3 of the B.C.A. (Housing Provisions)

NOTES :

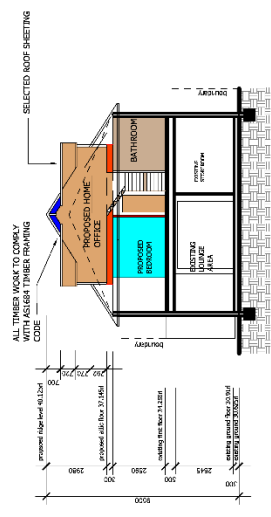
- 1. Builder to check all building and Boundary Dimensions Prior to Commencement of work so that the work can be carried out in accordance to Australian Authorities.
- 2. All Building work to comply with Australian building codes and Local Council Regulations.
- 3. Provide Termite Protection in Accordance with AS3660.1-1995 Requirements.
- 4. All Dimensions shown are Theoretical only and are subject to Site Measure during Construction.
- 5. Do not Scale of Drawings.
- 6. All work shall be provided where necessary to confirm Boundary Position in Accordance with Adjoining Properties and Services.
- 7. Wet area waterproofing shall comply with Part 3.9 of B.C.A.
- 8. All wall balustrades to comply with Part 3.9 of B.C.A.
- 9. Mechanical ventilation to all internal bathrooms and w.f.s shall comply with Part 3.9.5 of B.C.A.
- 10. All glazing to comply with Part 3.6 of B.C.A.
- 11. All glazing to comply with Part 3.6 of B.C.A.
- 12. W.C. doors to comply with Part 3.8.3.3 of the B.C.A. (Housing Provisions)

BASIS REQUIREMENTS

Additional Insulation Requirements	
Floor above existing dwelling or building	Additional insulation requirements (R-value)
external wall - Formed (unperforated), 150mm (min) GRC (or 100mm)	R1.25 (or R1.70 including construction)
external wall - Formed (perforated), 150mm (min) GRC (or 100mm)	R1.25 (or R1.70 including construction)

ALL NEW WINDOWS TO BE STANDARD ALUMINIUM SINGLE GLAZED WITH DOUBLE GLAZING UNLESS OTHERWISE SPECIFIED EXCEPT FOR WINDOWS TO BALCONY, VERANDAS AND WALL TO WALL EXTERNAL BALCONY/LAND (ALUMINIUM)

The product must also be in accordance with the above in the development plan (Basis of Design)

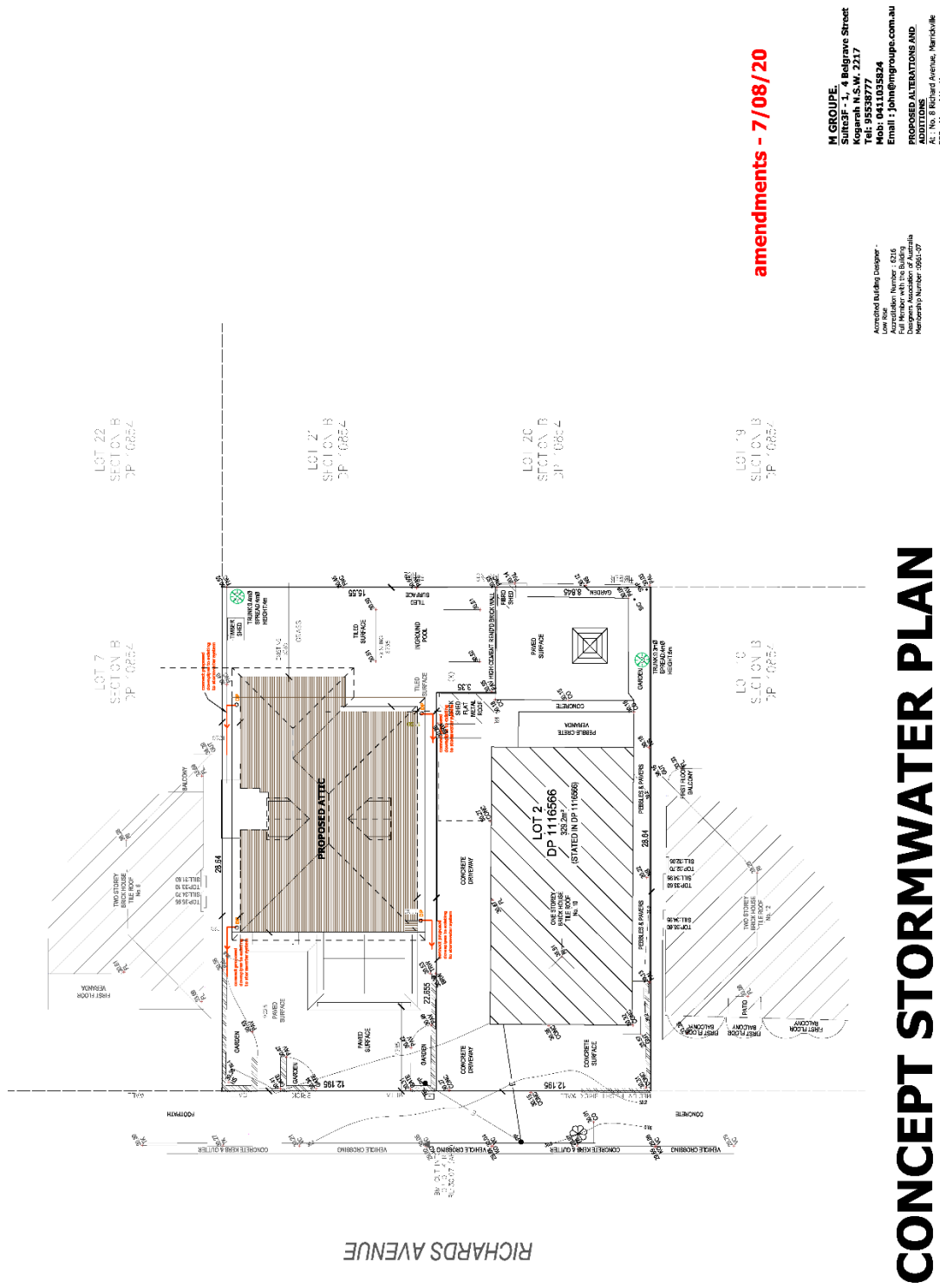


SECTION A-A
SCALE 1:100

LOT 1
DP 11165866
STRATTON ST 1118586
(STATED) DP 1118586
MORTGAGEE (MORTGAGEE) (MORTGAGEE)
MORTGAGEE (MORTGAGEE) (MORTGAGEE)
MORTGAGEE (MORTGAGEE) (MORTGAGEE)
MORTGAGEE (MORTGAGEE) (MORTGAGEE)

amendments - 7/08/20

M.GROUPE
1511-1517 Belgrave Street
Kew, VIC 3177
Tel: 955-89777
Email: john@mgroupes.com.au
MOB: 0411035824
PROPOSED ALTERATIONS AND ADDITIONS
At: No. 8 Richard Avenue, Merriville
NSW 2222
DRAWN BY: J.P. YOUNG
DATE: June 20
DRAWING No: 2009/20 SHEET: 5



amendments - 7/08/20

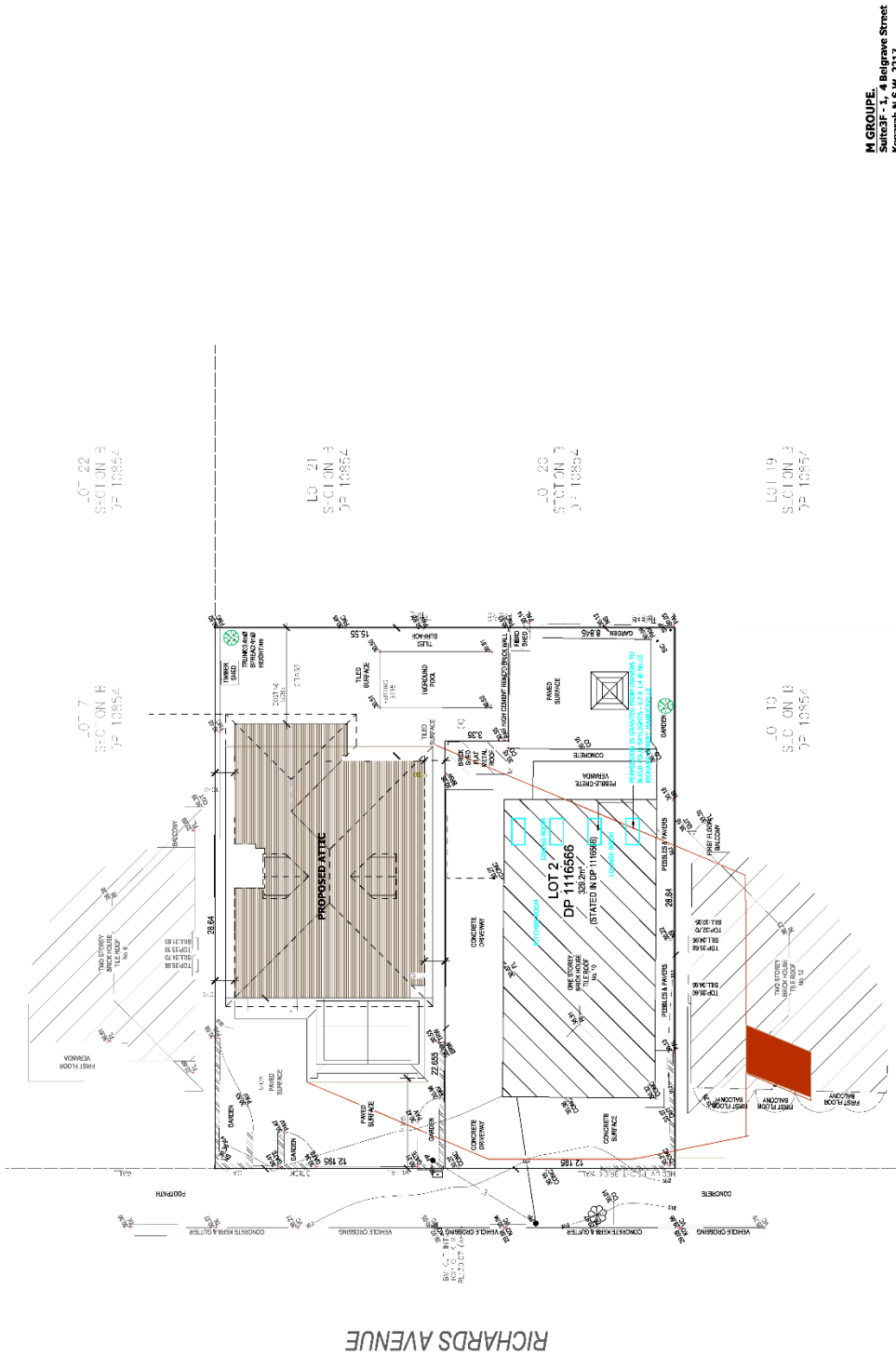
M GROUPE, Belgrave Street
 Surfer - 4/6, Mt. 2217
 Tel: 95538777
 Mob: 0411035824
 Email: john@mgroup.com.au

PROPOSED ALTERATIONS AND ADDITIONS
 A: No. 8 Richard Avenue, Marrickville
 DP 1116566
 DATE: June 20 SCALE 1:100
 DRAWING NO: 2009/20 SHEET: 6

Accredited Building Designer -
 Accreditation Number: 6216
 Full Member with 100% of my
 Design Services Registered with the
 Australian Institute of Building Designers
 Membership Number: 096107

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CONCEPT STORMWATER PLAN



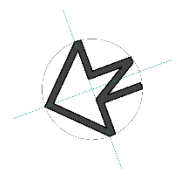
M.GROUPE
 11 Redgrave Street
 Kingsford NSW 2217
 Tel: 95538777
 Mob: 0411035824
 Email: john@mgroupe.com.au

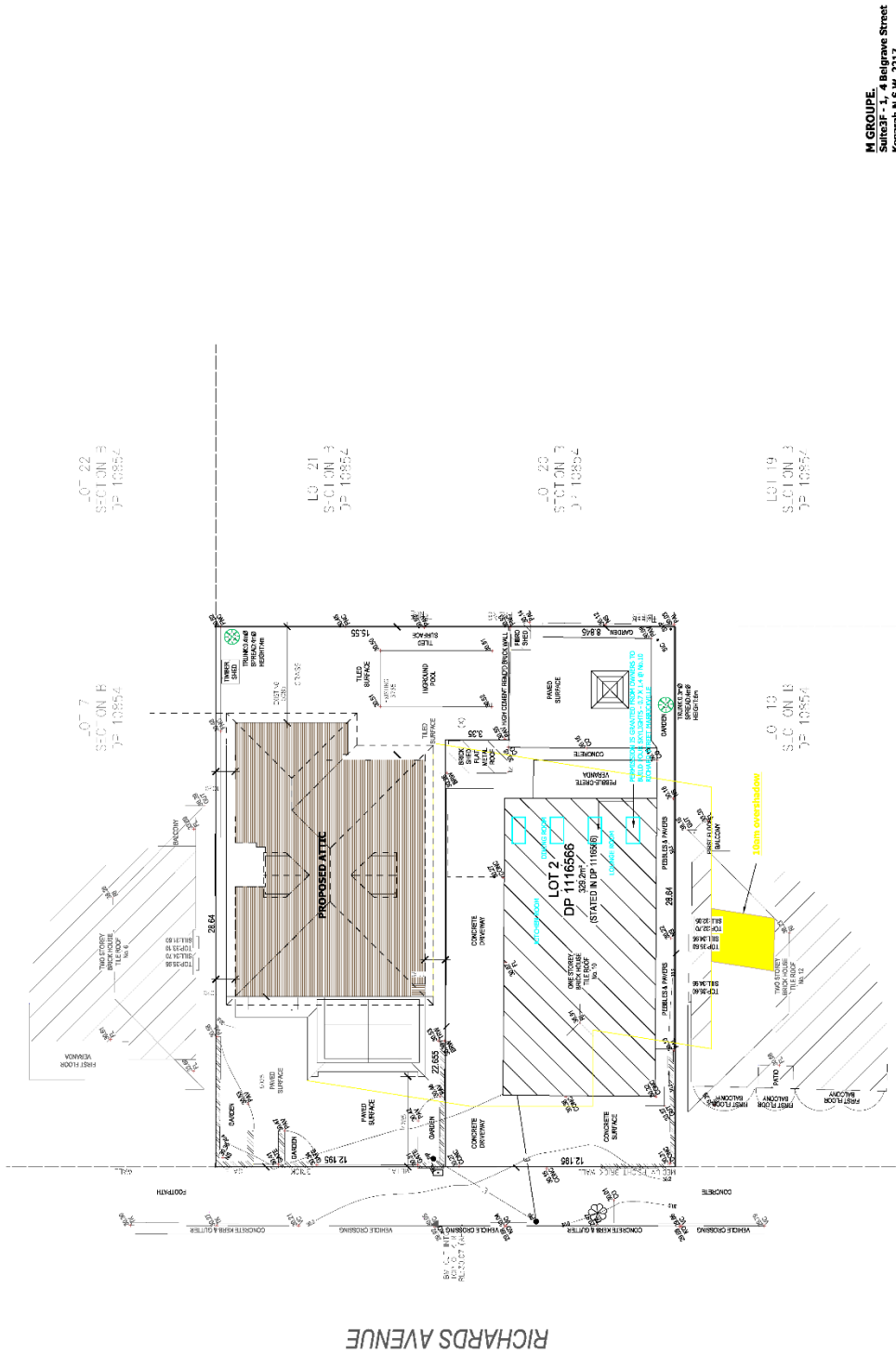
PROPOSED ALTERATIONS AND ADDITIONS
 At: No. 8 Richards Avenue, Marrickville
 DDAW/DP 110648
 DATE: June 20 SCALE 1:100
 DRAWING No. 20069/20 SHEET : 7

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 NSW Building Professionals Board
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 Certificate
 Membership Number: 0061-07

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OVERSHADOW LINES @ 9am JUNE 21





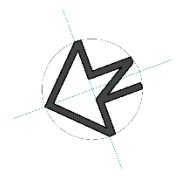
M.GROUPE
 1, Leed Rd, Graves Street
 Kingsford NSW 2217
 Tel: 95538977
 Mob: 0411035824
 Email: john@mgroupe.com.au

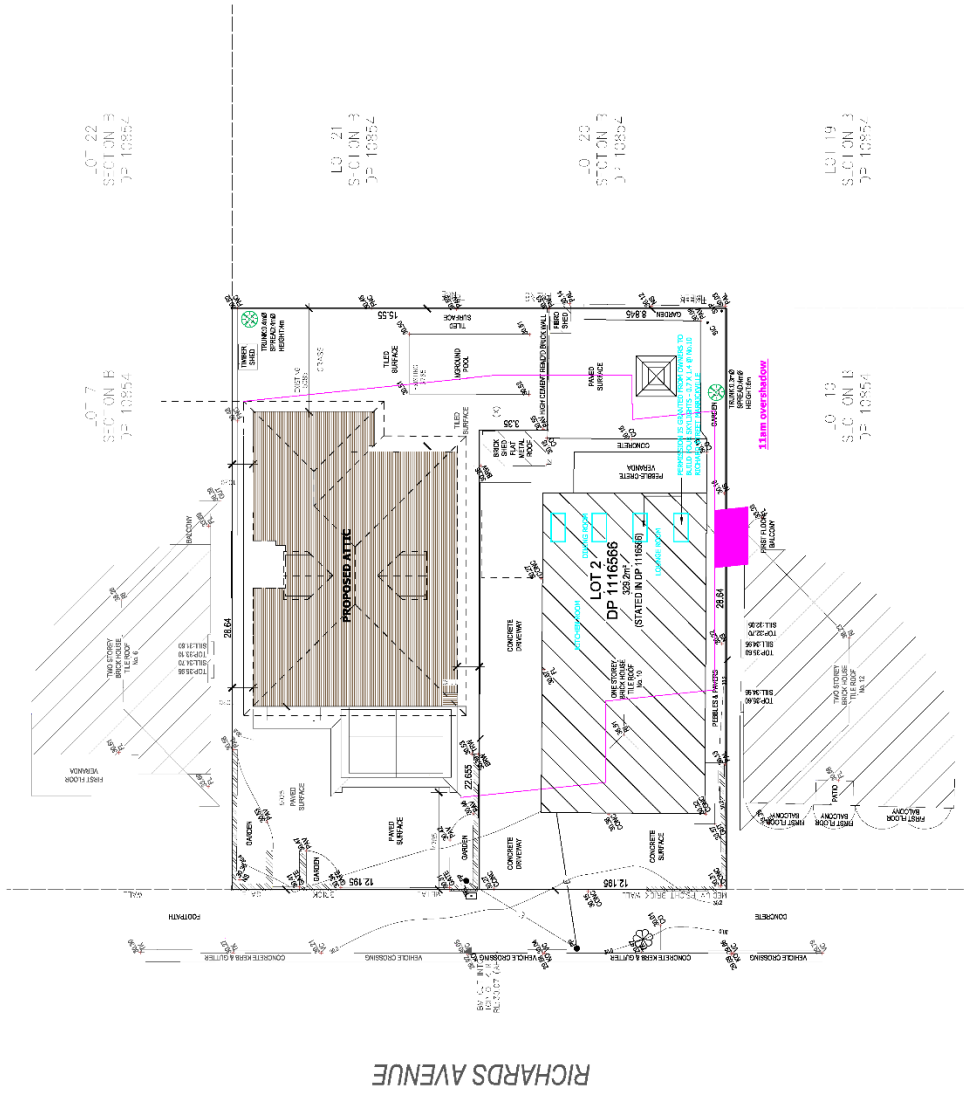
PROPOSED ALTERATIONS AND ADDITIONS
 At: 1, No. 8 Richards Avenue, Marrickville
 DRAWN BY: JMS SCALE: 1:100
 DATE: June 20 DRAWING No.: 20069/20 SHEET: 8

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 NSW Building Professionals Board
 Accreditation Number: 6316
 Full Member, NSW Building Professionals Board
 Membership Number: 0561-07

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OVERSHADOW LINES @ 10am JUNE 21





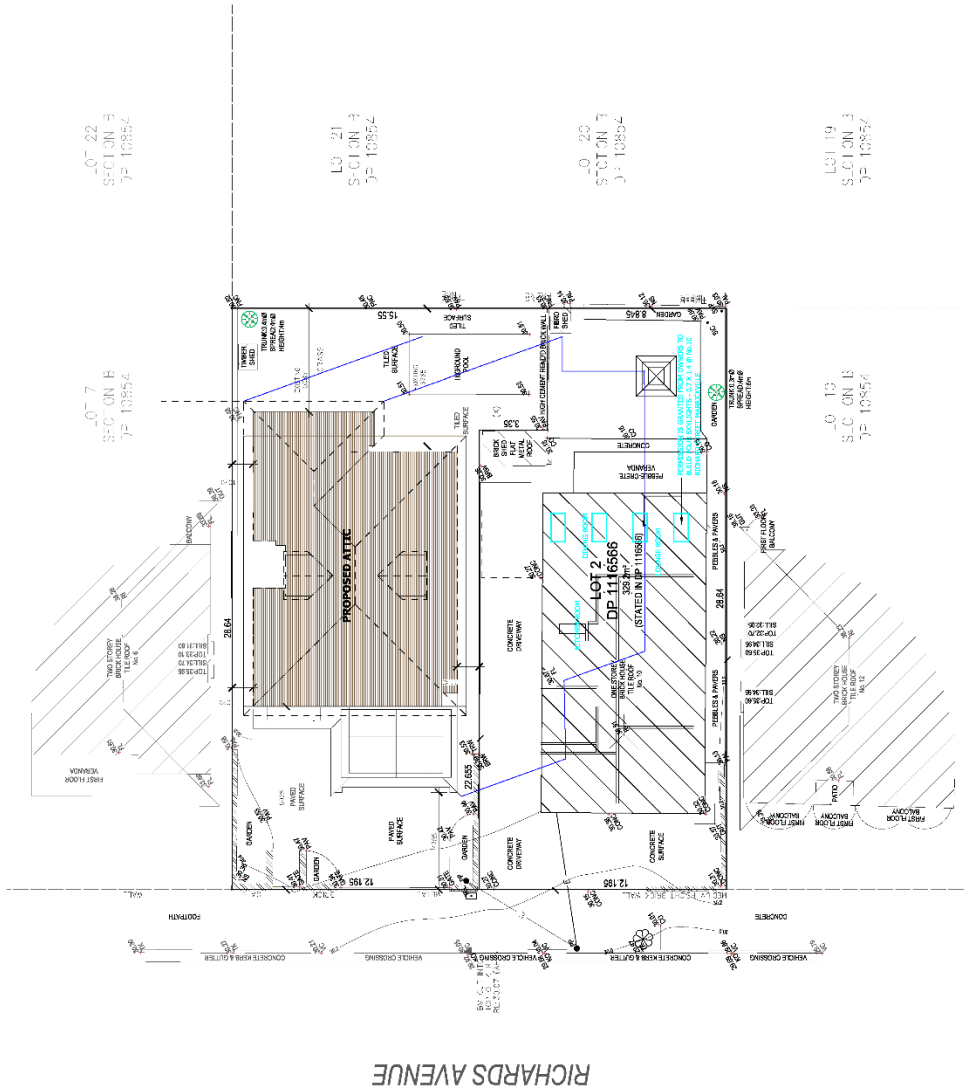
OVERSHADOW LINES @ 11am JUNE 21

M.GROUPE
 11 Redgrave Street
 Kingsford NSW 2217
 Tel: 95538777
 Mob: 0411035824
 Email: john@mgroupe.com.au

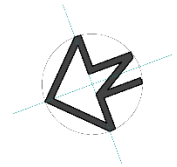
PROPOSED ALTERATIONS AND ADDITIONS
 At: No. 8 Richards Avenue, Marrickville
 Delineation DP 1116666
 DATE: June 20 SCALE 1:100
 DRAWING No. 20069/20 SHEET : 9

Accredited Building Designer -
 NSW Building Professionals Board
 Accreditation Number: 6316
 Full Member, NSW Building Professionals Board
 Membership Number: 0561-07

DATE DWT OF: 16/06/20. All legal dimensions refer to
 the original drawing. All dimensions are subject to
 the accuracy of the survey. The owner is responsible for the
 accuracy of the survey. This drawing is not to be used
 for any other purpose without written consent. LMK 16/06/20



RICHARDS AVENUE



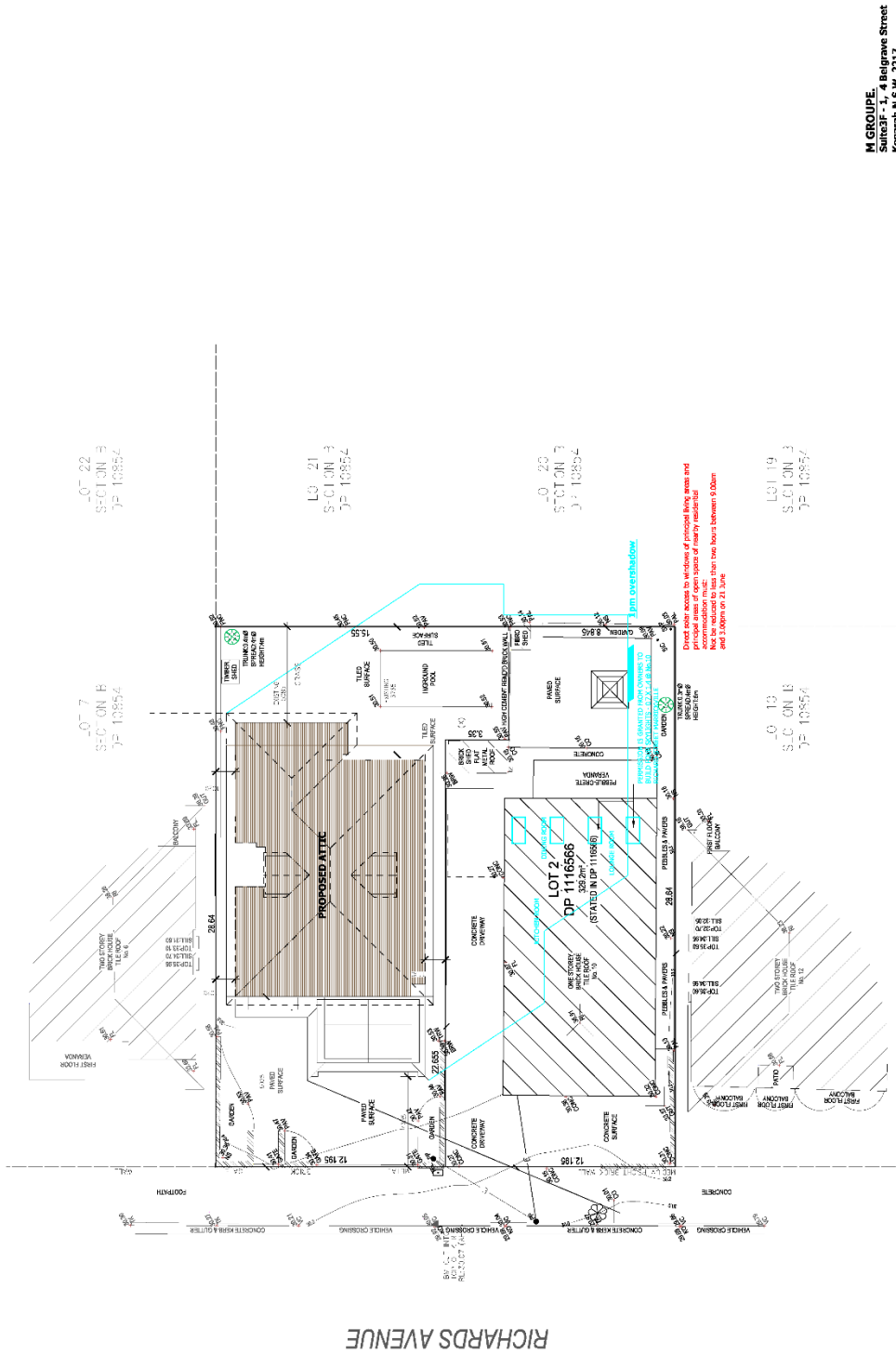
OVERSHADOW LINES @ 12noon JUNE 21

M GROUPE
 11 Redgrave Street
 Kingsford NSW 2217
 Tel: 95538777
 Mob: 0411035824
 Email: john@mgroup.com.au

PROPOSED ALTERATIONS AND ADDITIONS
 At: No. 8 Richards Avenue, Marrickville
 DRAWN BY JOHN M GROUPE
 DATE: June 20 SCALE 1:100
 DRAWING No. 20069/20 SHEET : 10

Accredited Building Designer -
 NSW Building Professionals Board
 Accreditation Number: 6316
 Full Member, NSW Building Professionals Board
 Membership Number: 0561-07

DATE OF ISSUE: 20/06/20
 SCALE: 1:100
 DRAWING NO.: 20069/20
 SHEET: 10



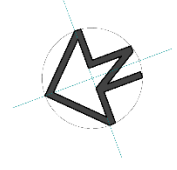
M GROUPE
 11 Redgrave Street
 Kingsford NSW 2217
 Tel: 95538777
 Mob: 0411035824
 Email: john@mgroup.com.au

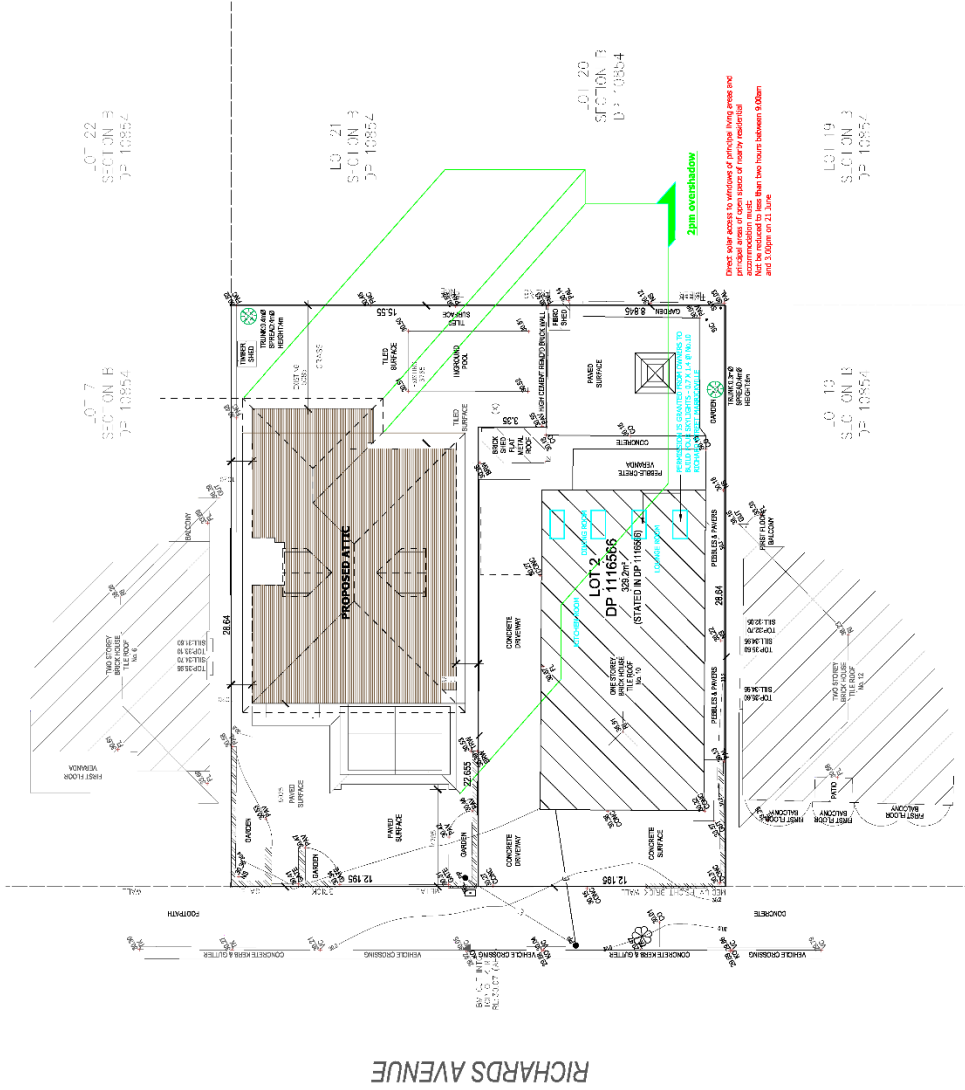
PROPOSED ALTERATIONS AND ADDITIONS
 At: No. 8 Richards Avenue, Marrickville
 DDAW/18/21 JUNE SCALE 1:100
 DATE: June 20 DRAWING No.:20069/20 SHEET : 11

Accredited Building Designer -
 Accredited Number: 6316
 Full Member of the Australian Building
 Control Practitioners Association
 Membership Number: 0061-07

DATE OF ISSUE: 18 June 2020
 DATE OF REVISION: 18 June 2020
 DRAWING No.: 20069/20 SHEET : 11

OVERSHADOW LINES @ 1pm JUNE 21





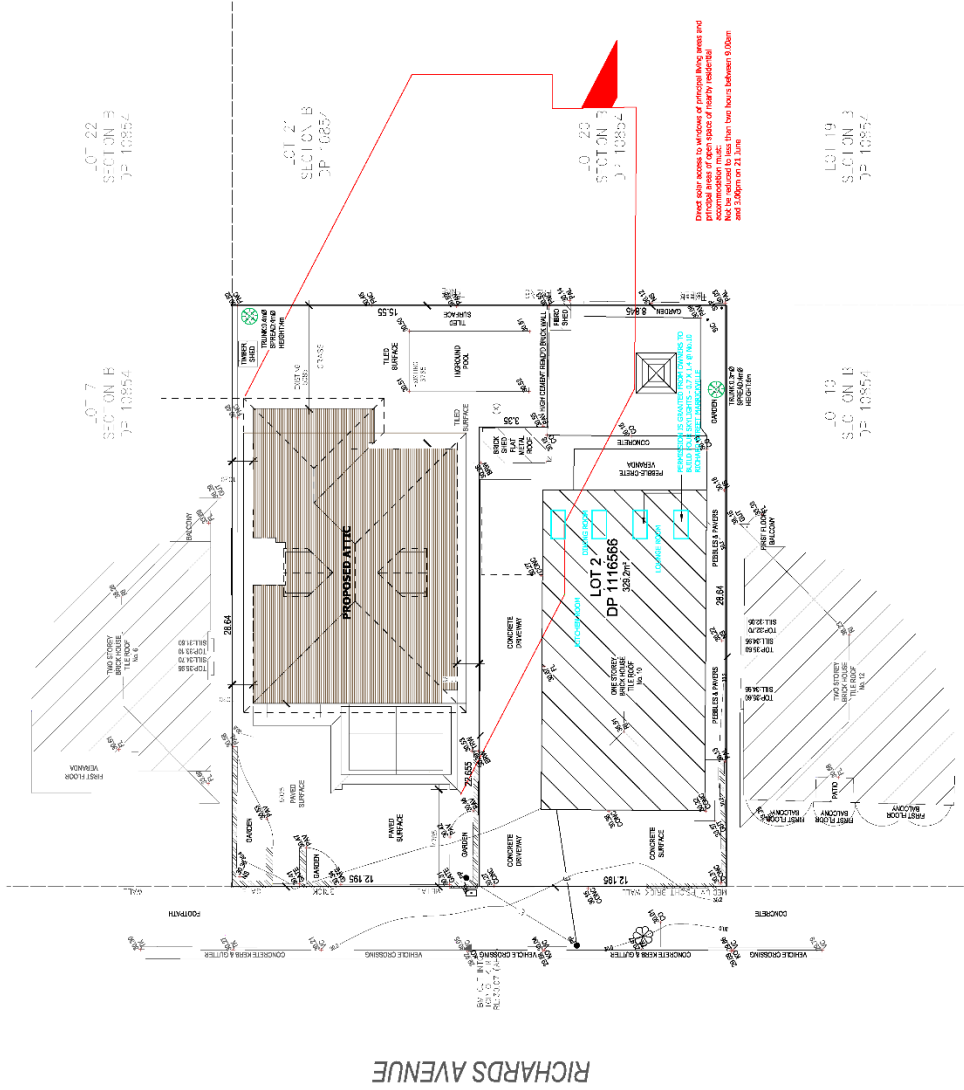
OVERSHADOW LINES @ 2pm JUNE 21

M GROUPE
Level 1, Redgrave Street
Kensington NSW 2217
Tel: 95538777
Mob: 0411035824
Email: john@mgroupe.com.au

PROPOSED ALTERATIONS AND ADDITIONS
At: No. 8 Richards Avenue, Marrickville
DRAWN BY JAY - SCALE 1:100
DATE: June 20
DRAWING No.:20069/20 SHEET : 12

Accredited Building Designer -
Accreditation Number: 6216
Full Membership with the Australian Building
Construction Practitioners Board
Membership Number: 0581-07

DATE OF THIS DRAWING: See Special provisions of Part 4
of the Act for details of the requirements for the
date of this drawing. The words "as shown" will not
be used without written consent. JLB 16/02/20



M GROUPE
 11 Redgrave Street
 Kingsford NSW 2217
 Tel: 95538977
 Mob: 0411035824
 Email: john@mgroup.com.au

PROPOSED ALTERATIONS AND ADDITIONS
 At: No. 8 Richards Avenue, Marrickville
 DP 108574; No. 219 Kingsford Road, Kingsford
 DP 11100
 DATE: June 20
 DRAWING No. 2006/20 SHEET : 13

Accredited Building Designer -
 Accredited Number: 6316
 Full Member, NSW Building Professionals
 Council
 Membership Number: 0561-07

DATE OF THIS DRAWING: See April drawings only. Not a
 final drawing. This drawing is for information only. It is
 not to be used without written consent. Ask the DDC RE

OVERSHADOW LINES @ 3pm JUNE 21

