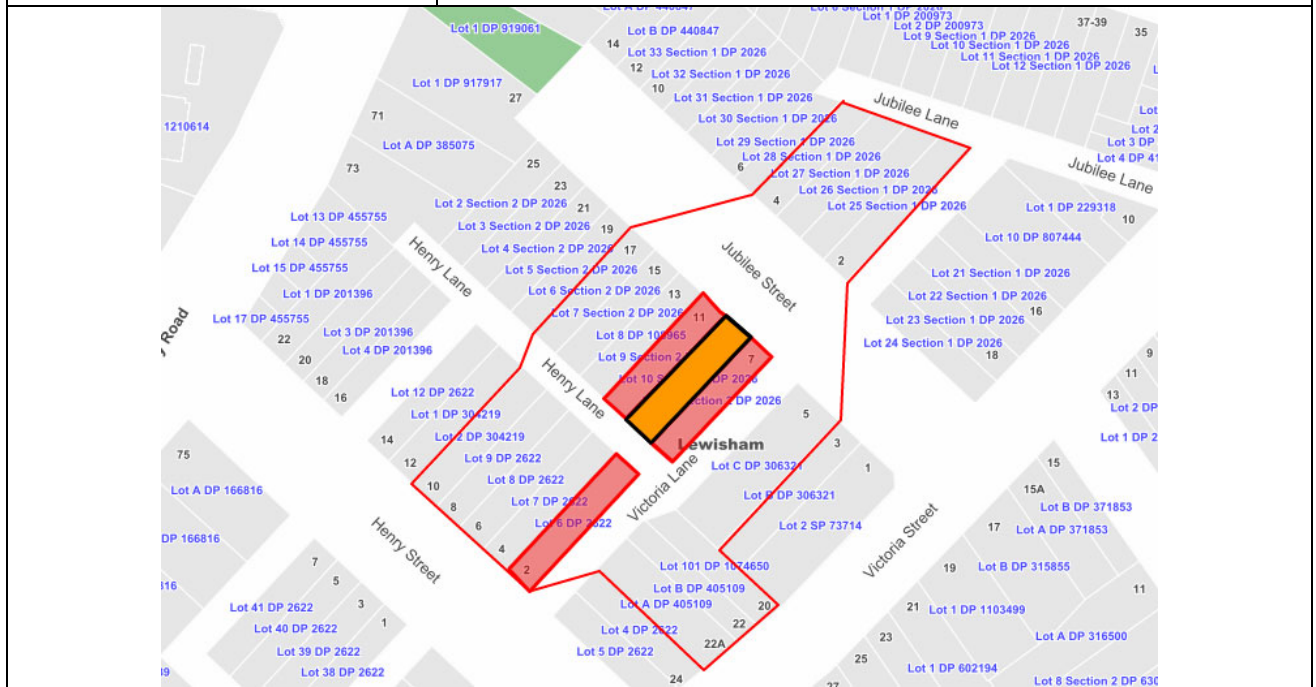




DEVELOPMENT ASSESSMENT REPORT

| | |
|---|--|
| Application No. | REV/2020/0031 |
| Address | 9 Jubilee Street LEWISHAM NSW 2049 |
| Proposal | S8.2 Review Application of previous refusal of DA/2020/0584 for alterations and additions to a garage including the construction of a rooftop deck |
| Date of Lodgement | 9 December 2020 |
| Applicant | Outlook Planning And Development |
| Owner | Mr David A Elliott Mrs Michelle A Elliott |
| Number of Submissions | 3 Objections |
| Value of works | \$45,000.00 |
| Reason for determination at Planning Panel | S8.2 Review where recommendation is to uphold previous refusal |
| Main Issues | Visual privacy Built form and character |
| Recommendation | Refusal |
| Attachment A | Plans of proposed development |
| Attachment B | Draft Conditions of consent (In the event the development is approved) |
| Attachment C | DA Report for DA/2020/0584 |



LOCALITY MAP

| | | | | |
|---------------|--|------------|--|-----|
| Subject Site | | Objectors | | ↑ N |
| Notified Area | | Supporters | | |

1. Executive Summary

This report is an assessment of the application submitted to Council under Section 8.2 of the *Environmental Planning and Assessment Act 1979* to review the refusal of DA/2020/0584 for alterations and additions to a garage including the construction of a rooftop deck at 9 Jubilee Street LEWISHAM NSW 2049. The application was notified to surrounding properties and 3 submissions were received in response to the notification.

Development Application No. DA/2020/0584 seeking consent for alterations and additions to a garage including the construction of a rooftop deck was refused by Council under staff delegation on 8 October 2020 for the following reasons:

1. The development is inconsistent with the aims within Clause 1.2 of the Marrickville Local Environmental Plan 2011 in that the proposal does not promote a high standard of design.
2. The development is contrary to the relevant objectives and controls within Part 2.6 of the Marrickville Development Control Plan 2011 in that the roof top deck would result in adverse visual and acoustic privacy impacts to neighbouring properties.
3. The development is contrary to the relevant objectives and controls within Part 4.1 of the Marrickville Development Control Plan 2011 in the following manner;
 - a) The scale of the structure and limited building setbacks will result in adverse visual bulk impacts to neighbouring properties,
 - b) The scale of the development is inconsistent with the character of Henry Lane, and
 - c) The increase in site coverage and further reduction in landscaping is an overdevelopment of the site and resulting in excessive site coverage.

A copy of the assessment report for DA/2020/0584 is included in Attachment C in this report.

The main issues that have arisen from the current 8.2 review application include:

- Visual Privacy; and
- Built Form and Character.

As detailed within this report, the impacts resultant from the garage and rooftop deck on neighbouring properties are considered adverse and as such, the proposal is deemed unsupportable. Therefore, the application is recommended for refusal.

2. Proposal

This application seeks consent under Section 8.2 of *Environmental Planning and Assessment Act 1979* to review the refusal of DA/2020/0584 for alterations and additions to a garage including the construction of a rooftop deck at 9 Jubilee Street, Lewisham. Specifically, the following works are proposed:

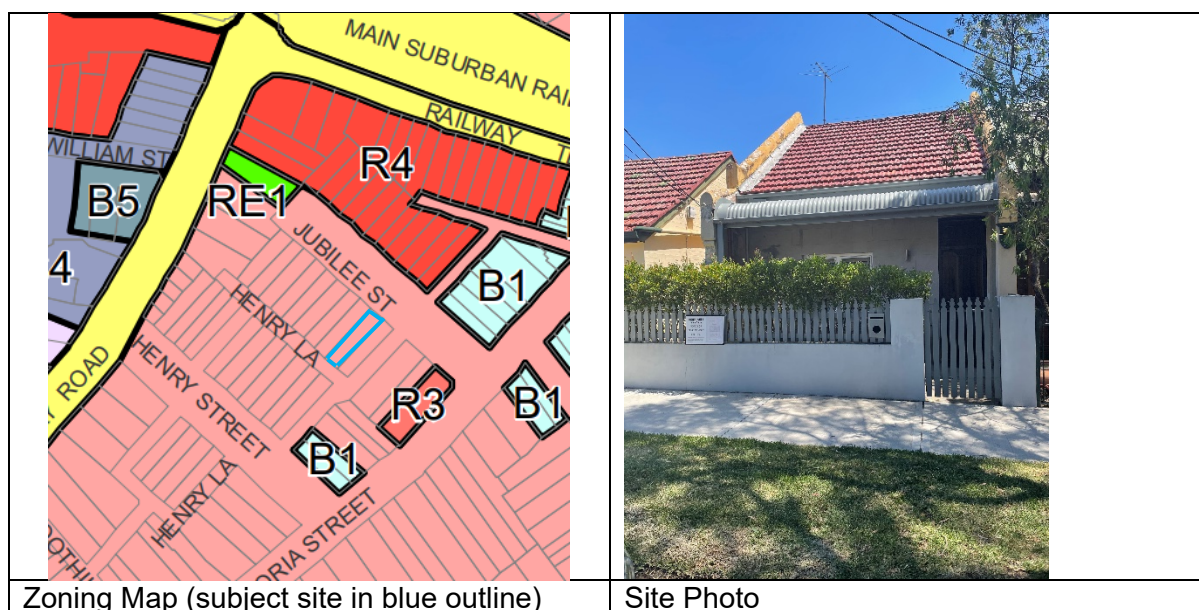
- Partial demolition of the existing garage and steps in the rear yard;
- Addition to the northern corner of the existing garage;
- Construction of a timber deck on top of the garage;
- Construction of 1.8 metre high privacy screening on the south eastern, south western and north western elevations of the deck;
- Construction of a 2.4 metre acoustic wall on the north western elevation.

3. Site Description

The subject site is located on the south western side of Jubilee Street, between Victoria and Old Canterbury Road. The site consists of 1 allotment and is rectangular in shape with a total area of 167 sqm and is legally described as Lot 10, Section 2, Deposited Plan 2026.

The site has a frontage to Jubilee Street of 6.095 metres and a secondary frontage of approximate 6.095 metres to Victoria Lane. The site falls in a south westerly direction by approximately 1.6 metres.

The site supports a single storey dwelling and a single storey garage at the rear of the site. The adjoining properties support single storey dwellings.



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 | Decision & Date |
|--------------|---|--|
| DA/2020/0584 | Alterations and additions to a garage including the construction of a rooftop deck | Refused - 8 October 2020 |
| DA201800111 | To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house and construct a rooftop deck above the garage at the rear of the site | Deferred Commencement – 31 July 2018 The deferred commencement condition is reproduced below: 1. The proposed window in the south eastern elevation of the gable wall on the first floor shall be deleted. 2. The front dormer window shall be designed in accordance with Figure 8 of Part 4.1.8 of the Marrickville |

| | | |
|--|--|---|
| | | Development Control Plan 2011 [Victorian dormer]. 3. No changes are permitted to the garage with the exception of the removal of the window on the eastern elevation and replacement with a door. Plans shall illustrate the following; <ul style="list-style-type: none"> a) The first floor timber deck above the garage shall be deleted. b) The ground floor extension of the garage shall be deleted. |
|--|--|---|

Surrounding properties

| Application & Address | Proposal | Decision & Date |
|-----------------------------------|---|-----------------------------|
| DA/2021/0074 13 Jubilee Street | To demolish part of the premises and carry out ground floor alterations and additions to a dwelling house | Currently under assessment |
| DA201300335 25 Jubilee Street | To demolish part of the premises and carry out ground floor alterations and additions to a dwelling house; install a dormer window in the rear roof plane to service the existing attic; install solar panels; and erect boundary fencing | Approved – 14 November 2013 |
| DA201600277 6 Henry Street | To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house | Approved – 30 August 2016 |

4(b) Application history

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

| Date | Discussion / Letter / Additional Information |
|-------------------------------------|---|
| 9 December 2020 | Application lodged |
| 22 December 2020 to 28 January 2021 | Application notified |
| 3 February 2021 | Applicant advised the application could not be supported. |

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 (EPI)

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

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(b) Marrickville Local Environment Plan 2011 (MLEP 2011)

The application was assessed against the following relevant clauses of the *Marrickville LEP 2011* (MLEP 2011).

| Control | Proposed | Compliance |
|---|--|------------|
| Clause 1.2 Aims of Plan | The proposal is considered inconsistent with the relevant aims of the plan as follows: <ul style="list-style-type: none"> The design of the proposal is not considered to be of a high standard and results in adverse impacts on the private and public domain. | No |
| Clause 1.8A Savings Provisions relating to Development Applications | During the assessment of the application MLEP 2011 was amended. The amendments are not relevant to this application. | Yes |
| Clause 2.3 Zone objectives and Land Use Table <i>R2 Low Density Residential</i> | The proposal satisfies the clause as follows: <ul style="list-style-type: none"> The application proposes alterations to a semi-detached dwelling house. Semi-detached dwelling houses are permissible with consent in the R2 Low Density Residential zone. | Yes |
| Clause 2.7 Demolition requires development consent | The proposal satisfies the clause as follows: <ul style="list-style-type: none"> Demolition works are proposed, which are permissible with consent; and Standard conditions should be imposed on any consent granted to manage impacts which may arise during demolition. | Yes |
| Clause 4.3 Height of building (max. 9.5m) | The application proposes a compliant building height of 4.4m. | Yes |
| Clause 4.4 Floor space ratio (max. 1: 1 (167sqm)) | The application proposes a compliant floor space ratio of 0.70:1 (118sqm). The floor space ratio has been calculated based on the existing structures on the site however if DA201800111 were to be activated and constructed, the development would result in a floor space ratio of 0.94:1 (156.6sqm) and maintain compliance with this clause. | Yes |
| Clause 4.5 Calculation of floor space ratio and site area | The site area and floor space ratio for the proposal has been calculated in accordance with the clause. | Yes |

5(c) 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 following provides an assessment against the relevant amended provisions contained in the Draft IWLEP 2020:

| Control | Proposed | Compliance |
|----------------------------|---|------------|
| Clause 1.2 Aims of Plan | The proposal is inconsistent with the relevant aims of the plan, in particular Clause 2(j) as it is considered that the application will have an adverse impact on surrounding residential amenity. | No |

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.

| Part of MDCP 2011 | Compliance |
|--|---------------------|
| 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 2.10 – Parking | Yes |
| Part 2.18 – Landscaping and Open Space | 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 9.5 – Lewisham South Strategic Context | Yes |

The following provides discussion of the relevant issues:

(i) Part 2.6 Acoustic and Visual Privacy

Part 2.6 of MDCP 2011 contains the following objectives and controls relevant to the development:

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.

O3 To ensure new development does not unreasonably impact on the amenity of residential and other sensitive land uses by way of noise or vibration.

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;...*

The proposed development includes constructing a roof top deck above the garage on the site that has an area of approximately 30sqm. It is considered that the proposed deck will result in adverse visual privacy impacts for adjoining properties and is therefore inconsistent with the above mentioned objectives and controls for the following reasons:

- The deck will be elevated above adjoining areas of open space and given the minimal side setbacks as well as the small lot sizes of surrounding sites and the subject site, the proposal does not provide adequate separation to minimise overlooking and noise impacts;

- The proposed elevated deck is of a size and location that will result in it being used as the principal area of open space, for long periods and for entertainment; and as such will result in adverse overlooking impacts and further exacerbate any overlooking given its elevated position;
- The proposal provides a 1 metre high balustrade on the eastern elevation which is inadequate to mitigate privacy impacts and the proposal will result in overlooking to adjoining areas of open space and to adjoining windows;
- The privacy measures proposed which include a 1.8 metre high privacy screening from the floor level of the deck and a 2.1 metre high acoustic wall are not considered appropriate privacy measures due to the visual bulk impacts they create as discussed below.

Given the above the proposal will result in adverse visual and acoustic privacy impacts and as such the proposal is inconsistent with the objectives and controls contained in Part 2.6 of MDCP 2011.

(ii) Part 4.1 – Low Density Residential Development

Part 4.1 of MDCP 2011 contains the following objectives and controls relating to built form and character that are relevant to the development.

O8 To ensure development in streetscapes with a visual cohesiveness and an identifiable uniformity in bulk, scale and height complements that uniformity.

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

O13 To ensure adequate separation between buildings for visual and acoustic privacy, solar access and air circulation.

O16 To ensure that new development and alterations and additions to existing dwellings result in site coverage which allows adequate provision for uses such as outdoor recreation, footpaths, deep soil tree planting, other landscaping, off-street car parking (where appropriate), waste management, clothes drying and stormwater management.

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

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

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*

C10 Attached dwellings, dwelling houses and semi-detached dwellings.

ii. *Side setback must be determined in accordance with the following table:*

| <i>Width of Lot</i> | <i>Minimum setback from side boundaries</i> |
|---------------------------|---|
| <i>Less than 8 metres</i> | <i>At Council's discretion Visual impact, solar access to adjoining dwellings and street context determine ultimate setback</i> |

The proposed development includes a garage with rooftop deck that will have wall heights of approximately 4.4 metres and nil setbacks to the side and rear boundaries. The proposed development is considered to be of a form and scale that will result in adverse impacts for surrounding properties and inconsistency with above mentioned controls for the following reasons:

- The proposed garage structure is out of character and scale with other rear lane structures along Henry Lane which is generally characterised by single storey garage structures;
- The proposed garage structure is dominant when compared to other rear lane structures due to the wall heights proposed as well as the minimal setbacks from the boundaries;
- The minimal side setbacks proposed and the height of the proposed structure result in adverse visual bulk for the adjoining properties as there will be high blank walls adjoining their private open space, particularly for no 11 Jubilee Street.
- The proposal includes increasing the site coverage of the site and as such minimises the potential to provide deep soil planting and landscaping.
- While privacy measures have been included to minimise overlooking, these privacy measures add to the overall bulk of the development and result in adverse visual bulk impacts for neighbouring properties.

Given the above, the proposal results in adverse impacts due to its built form and is inconsistent with the objectives and controls contained in Par 4.1 of MDCP 2011.

5(e) Section 8.2 Review

DA/2020/0584 was determined 8 October 2020. As such in accordance with Section 8.5 of the *EP&A Act 1979* the review application must be finalised by 7 October 2020.

As outlined above against an assessment of the relevant EPIs and MDCP 2011, the proposal does not comply with the relevant objectives and controls relating to acoustic and visual privacy and built form and character which was found to be the case under the assessment of DA/2020/0584.

As the application has been made under Section 8.2 provisions of the *EP&A Act 1979*, a review against the reasons for refusal issued under the original determination is provided below.

1. *The development is inconsistent with the aims within Clause 1.2 of the Marrickville Local Environmental Plan 2011 in that the proposal does not promote a high standard of design.*

The proposal includes an elevated deck that will result in adverse privacy impacts for neighbouring properties. While privacy measures have been incorporated into the development, these privacy measures will result in adverse visual bulk for neighbouring properties and result in a development that is out of character with the locality.

Therefore, the measures proposed to address matters relating to privacy result in cumulative visual impacts on neighbouring properties resulting a development that is not considered to be of a high standard of design.

2. *The development is contrary to the relevant objectives and controls within Part 2.6 of the Marrickville Development Control Plan 2011 in that the roof top deck would result in adverse visual and acoustic privacy impacts to neighbouring properties.*

The proposal includes an elevated deck above the garage that measures approximately 30sqm in area. Given the elevated nature of the deck it has the potential to result in overlooking to adjoining areas of private open space. Further, given the size of the deck it lends itself to be used for entertainment purposes for extended periods of time.

The proposal has included measures to minimise privacy impacts including privacy screens on the side and rear elevations and an acoustic wall on the north western side elevation. While privacy measures are proposed, these are not considered adequate to fully mitigate privacy concerns as there is still the ability for overlooking to private open space and windows of adjoining properties from the north eastern elevation of the deck as no privacy measures are proposed on this elevation. In addition, the privacy measures are considered to result in adverse visual bulk for neighbouring properties and the laneway as discussed elsewhere in this report.

3. *The development is contrary to the relevant objectives and controls within Part 4.1 of the Marrickville Development Control Plan 2011 in the following manner;*

- a) *the scale of the structure and limited building setbacks will result in adverse visual bulk impacts to neighbouring properties,*
- b) *the scale of the development is inconsistent with the character of Henry Lane, and*
- c) *the increase in site coverage and further reduction in landscaping is an overdevelopment of the site and resulting in excessive site coverage.*

Development adjoining Henry Lane at the rear of the site is largely characterised by single storey parking structures. While it is acknowledged that there are some two storey developments in surrounding streets, these do not adjoin the Henry lane and the bulk of nearby two storey developments is not located adjoining the rear lane. Therefore, the proposed garage structure is not consistent with other rear lane structures, dominant within the laneway and therefore results in adverse visual bulk for adjoining properties.

The proposal includes providing privacy screening and an acoustic wall on the side and rear elevations of the elevated deck to minimise privacy impacts. The privacy measures are considered to result in adverse visual bulk impacts for adjoining properties due to the overall height of the proposal and the minimal side setbacks proposed. While a portion of the wall on the north western elevation adjoining 11 Jubilee is setback 500mm from the side boundaries, due to the constrained size of the lots and density of the area this setback is not considered adequate to minimise privacy and visual bulk impacts.

The proposal also includes increasing the site coverage and the documentation submitted with the application details that the garage is being increased to allow for a double garage. MDCP 2011 has a minimum requirement of one parking space with no maximum car parking requirement. Given the constrained size of site as well as the increase to the size of the garage and site coverage, the ability to provide landscaping on the site has been reduced. In addition, the garage dimensions cannot accommodate two parking spaces that meet minimum dimensions under the AS/NZS 2890.1:2004 for off-street car parking. Therefore, it is considered that given that limited opportunity is provided for landscaping, the site coverage and increase to the garage is not acceptable.

5(f) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in terms of visual privacy and visual bulk for the reasons discussed throughout this report.

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

The review application has not demonstrated that the site can adequately accommodate the design without resulting in adverse impact on the adjoining properties and therefore it is considered that the site is unsuitable to accommodate the proposed development.

5(h) Any submissions

The application was notified in accordance with the Inner West Council Community Engagement Framework for a period of 14 days to surrounding properties. Three (3) submissions were received in response to the initial notification.

The following issues raised in submissions have been discussed in this report:

- Privacy impacts – see Section 5(d)(i) of this report.
- The increase in visual bulk from the development – See 5(d)(ii) of this report.

5(i) The Public Interest

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

The proposal is contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal section and issues raised in those referrals have been considered throughout this assessment.

- Development Engineering.

7. Conclusion

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

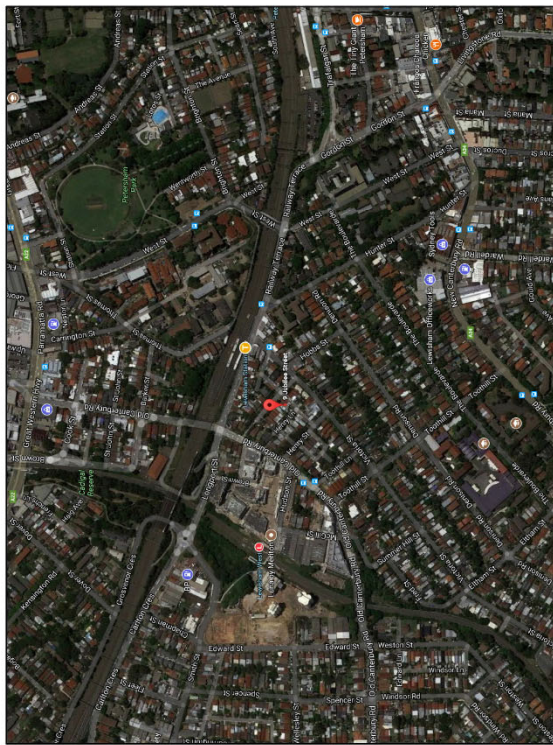
The development would result in significant impacts on the amenity of the adjoining properties and the locality in terms of privacy and visual bulk and the proposal is not considered to be in the public interest.

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

8. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, under s8.2 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. REV/2020/0031 for Review of the refusal of DA/2020/0584 for alterations and additions to a garage including the construction of a rooftop deck at 9 Jubilee Street LEWISHAM NSW 2049 for the following reasons:
1. The development is inconsistent with the aims within Clause 1.2 of the Marrickville Local Environmental Plan 2011 as the proposal does not promote a high standard of design, pursuant to Section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979.
 2. The development is inconsistent with the aims within Clause 1.2 of the Draft Inner West Local Environmental Plan 2020 as the proposal has adverse impacts on residential amenity, pursuant to Section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979.
 3. The development is contrary to the relevant objectives and controls within Marrickville Development Control Plan 2011, pursuant to Section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979 for the following reasons:
 - a. The development is contrary to the relevant objectives and controls within Part 2.6 of the Marrickville Development Control Plan 2011 as the roof top deck would result in adverse visual and acoustic privacy impacts to neighbouring properties.
 - b. The development is contrary to the relevant objectives and controls within Part 4.1 of the Marrickville Development Control Plan 2011 for the following reasons:
 - The scale of the structure and limited building setbacks will result in adverse visual bulk impacts to neighbouring properties,
 - The scale of the development is inconsistent with the character of Henry Lane, and
 - The increase in site coverage and reduction in landscaping is an overdevelopment of the site and results in excessive site coverage.

Attachment A – Plans of Proposed Development



SITE LOCATION

DRAWINGS LIST

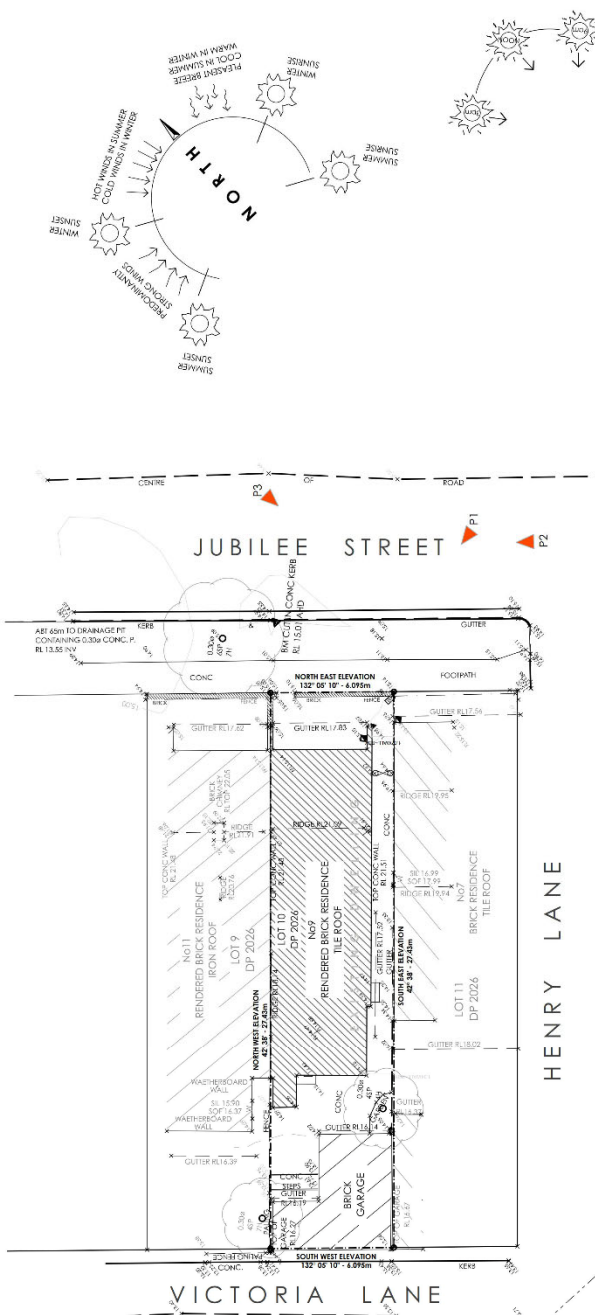
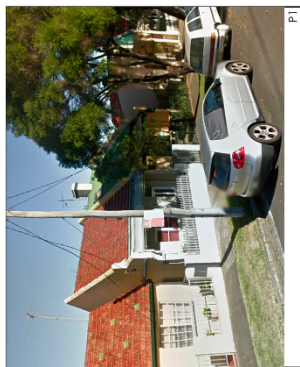
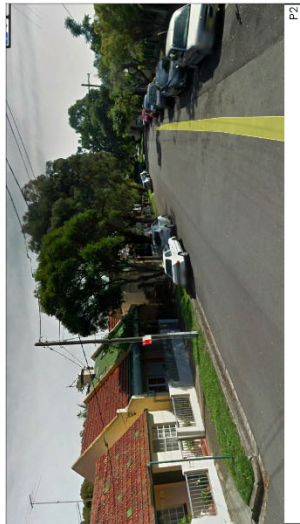
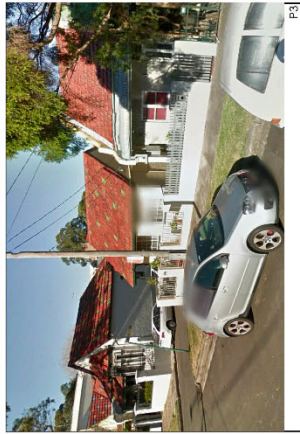
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|-------------|----------------------------------|
| 00 | SURVEY PLAN |
| 01 | COVER PAGE |
| 02 | SITE ANALYSIS PLAN |
| 03 | SITE & LANDSCAPE PLAN |
| 04 | EXISTING GROUND FLOOR PLAN |
| 05 | GROUND FLOOR DEMOLITION PLAN |
| 06 | PROPOSED GROUND FLOOR PLAN |
| 07 | PROPOSED FIRST FLOOR PLAN |
| 08 | ELEVATIONS NE & SW |
| 09 | SOUTH EAST ELEVATION |
| 10 | NORTH WEST ELEVATION |
| 11 | SECTION AA, BB & CC |
| 12 | SHADOWS ON 21ST JUNE @ 9 AM |
| 13 | SHADOWS ON 21ST JUNE @ 12 NOON |
| 14 | SHADOWS ON 21ST JUNE @ 3 PM |
| 15 | STORMWATER DRAINAGE CONCEPT PLAN |
| 16 | SOIL & WATER MANAGEMENT PLAN |
| 17 | FINISHES SCHEDULE |
| 18 | NOTIFICATION PLAN |
| 19 | GENERAL NOTES |

PROJECT DETAILS

| | |
|---------|---|
| OWNER/S | DAVID ELLIOTT MICHELLE ELLIOTT |
| ADDRESS | 9 JUBILEE STREET LEWISHAM NSW 2049 |
| PROJECT | ALTERATIONS AND ADDITIONS TO EXISTING GARAGE |
| Rev 02 | |
| DATE | Tuesday, 10 OCTOBER 2020 |

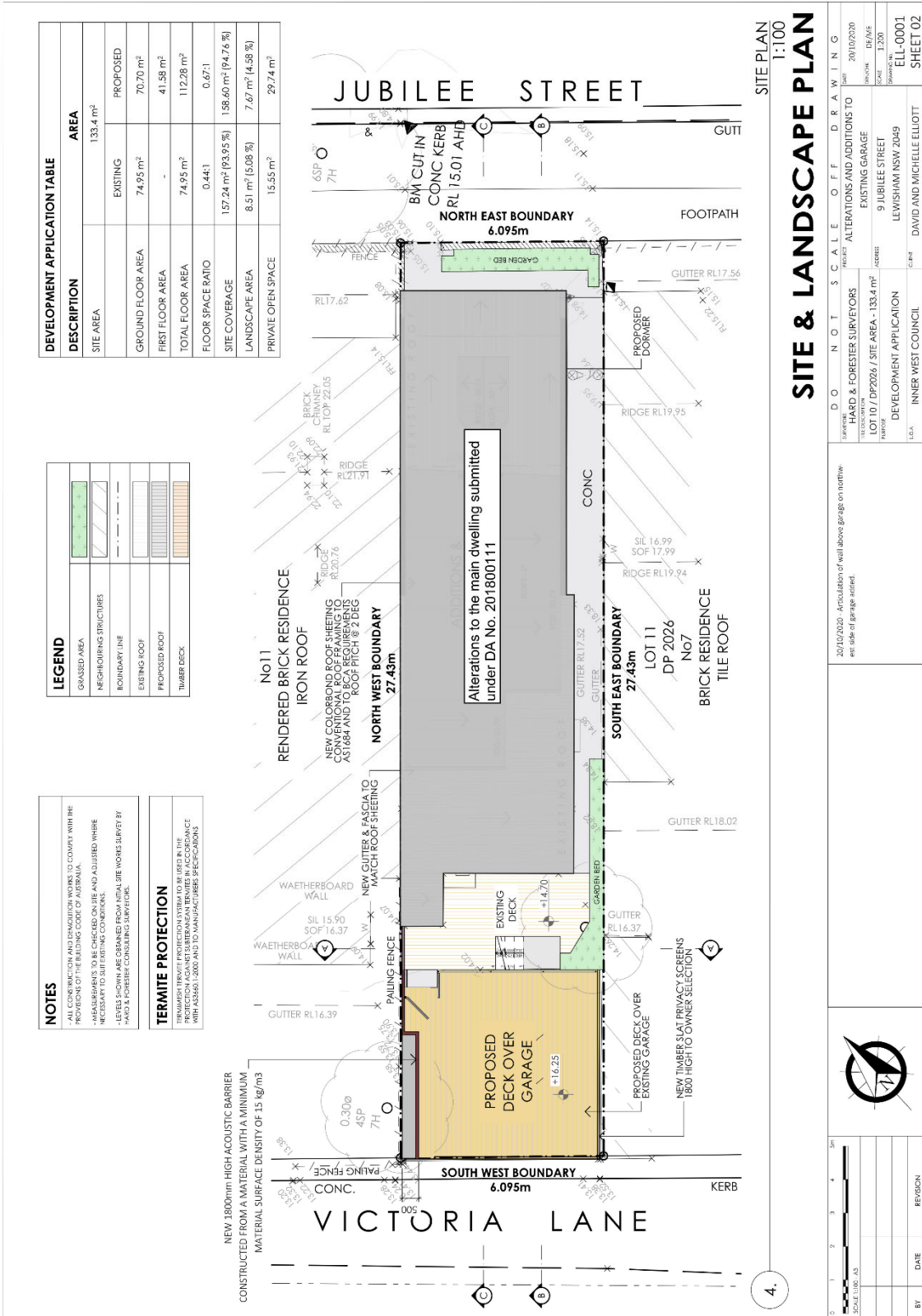
DEVELOPMENT APPLICATION

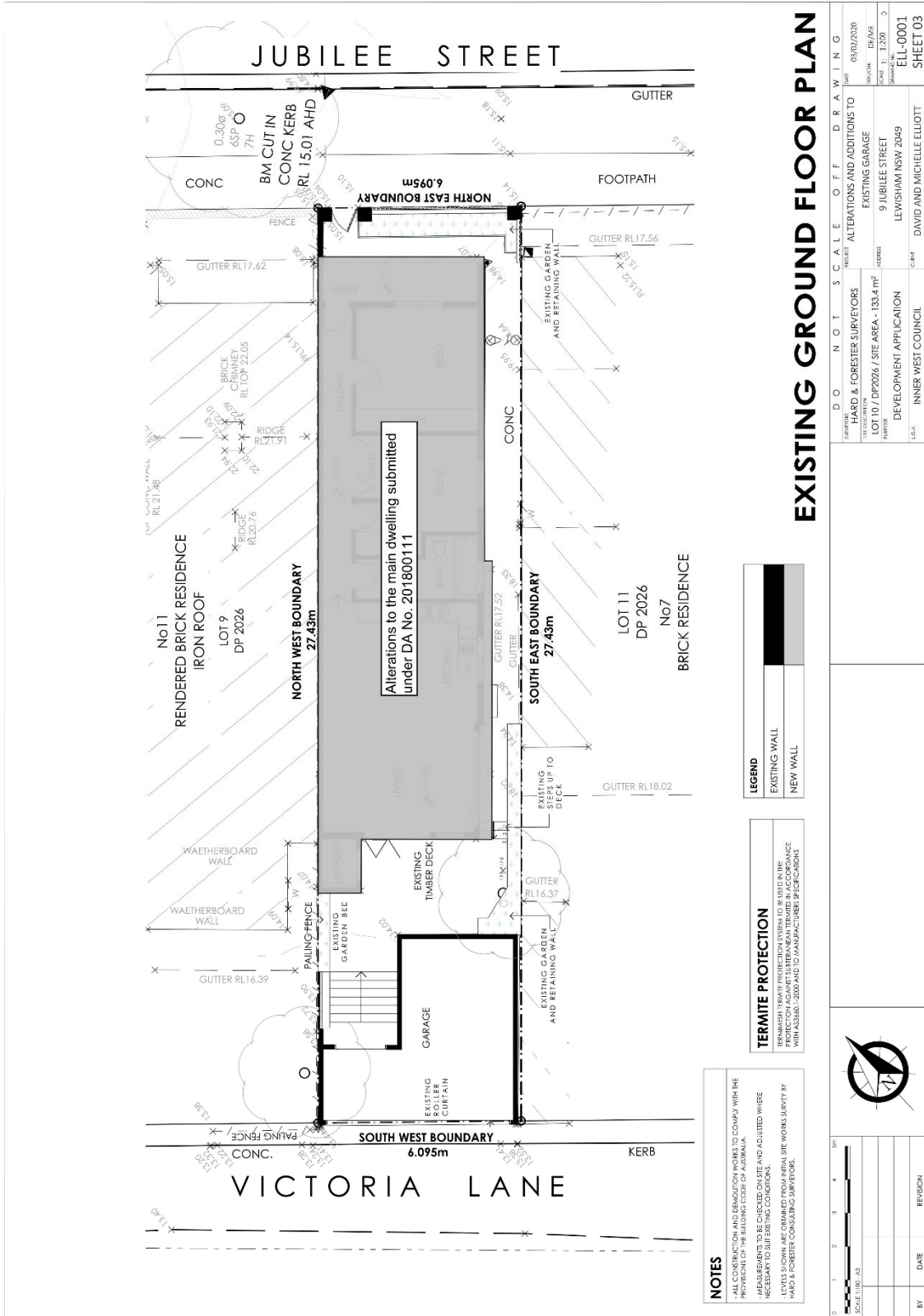
INNER WEST COUNCIL



SITE ANALYSIS PLAN

| | |
|--|---|
| D O N O T S C A L E O F F D R A W I N G | |
| SURVEYOR HARD & FORESTER SURVEYORS | PROJECT ALTERATIONS AND ADDITIONS TO EXISTING GARAGE |
| TELELOCATION LOT 10 / DP2026 / SITE AREA - 133.4 m ² | DATE 03/07/2020 |
| PARCELS DEVELOPMENT APPLICATION | ADDRESS 9 JUBILEE STREET |
| L.S.A. INNER WEST COUNCIL | CLIENT LEWISHAM NSW 2049 |
| BY DATE | REVISION DAVID AND MICHELLE ELLIOTT |
| DRAWING NO. ELL-0001 | |
| SHEET NO. SHEET 01 | |





EXISTING GROUND FLOOR PLAN

| | | | | | |
|--|--|--------------------|--|----------------------------|--|
| DRAWING TITLE | | SCALE | | DATE | |
| ALTERATIONS AND ADDITIONS TO EXISTING GARAGE | | 1:200 | | 03/07/2020 | |
| PROJECT | | CLIENT | | DRAWN BY | |
| LOT 11 / DP2026 / SITE AREA - 133.4 m ² | | INNER WEST COUNCIL | | DAVID AND MICHELLE ELLIOTT | |
| ADDRESS | | CITY | | SHEET NO. | |
| 9 JUBILEE STREET | | LEWISSHAM NSW 2049 | | ELL-0001 | |
| PROJECT DEVELOPMENT APPLICATION | | DRAWING NO. | | SHEET OF | |
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LEGEND

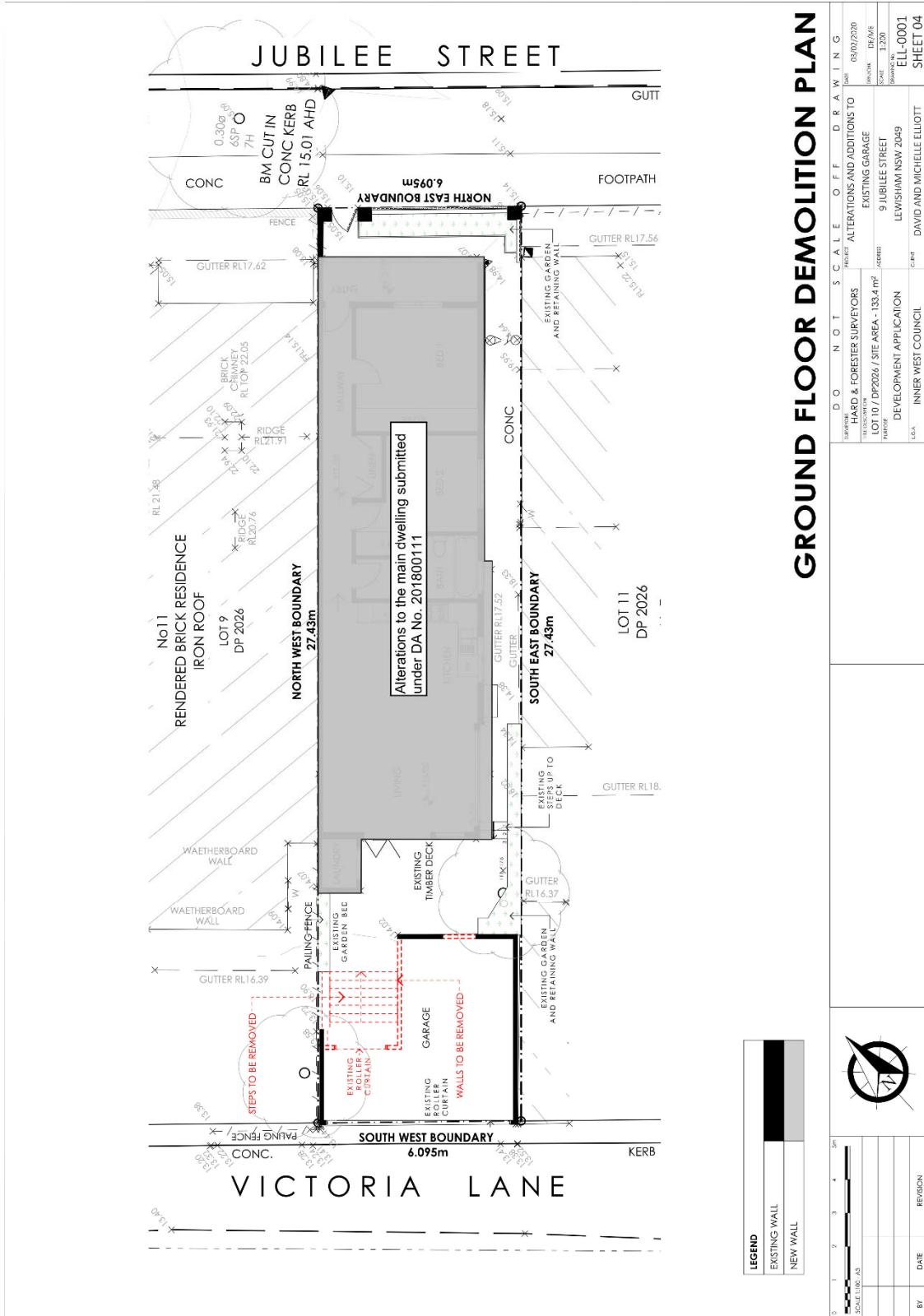
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|--|---------------|
| | EXISTING WALL |
| | NEW WALL |

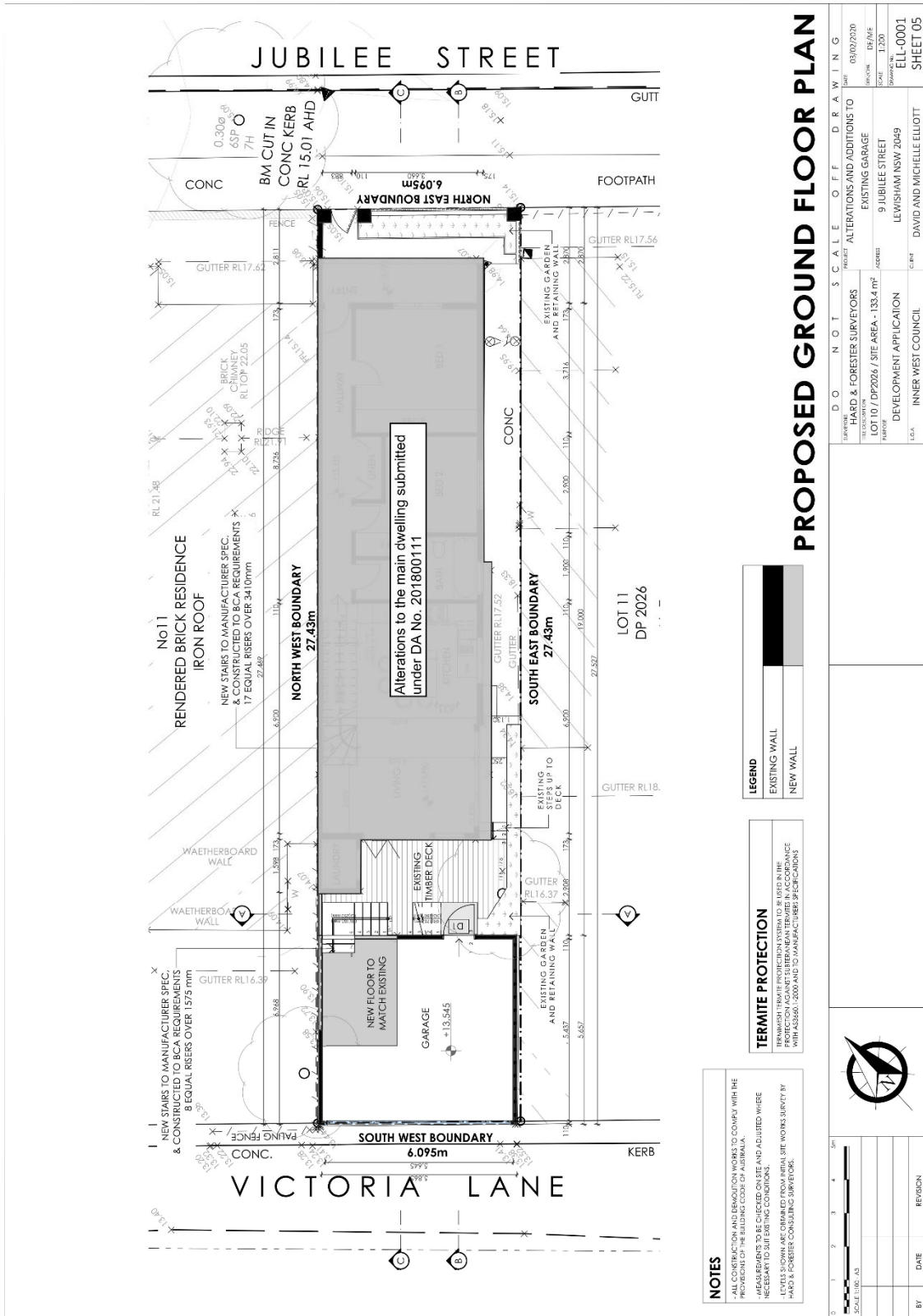
TERMITE PROTECTION
 TERMITES ARE PROTECTED TO REFER TO THE PROTECTION AGAINST TERMITES NEAR TERMITE IN ACCORDANCE WITH ASS360:15000 AND TO MANUFACTURE SPECIFICATIONS

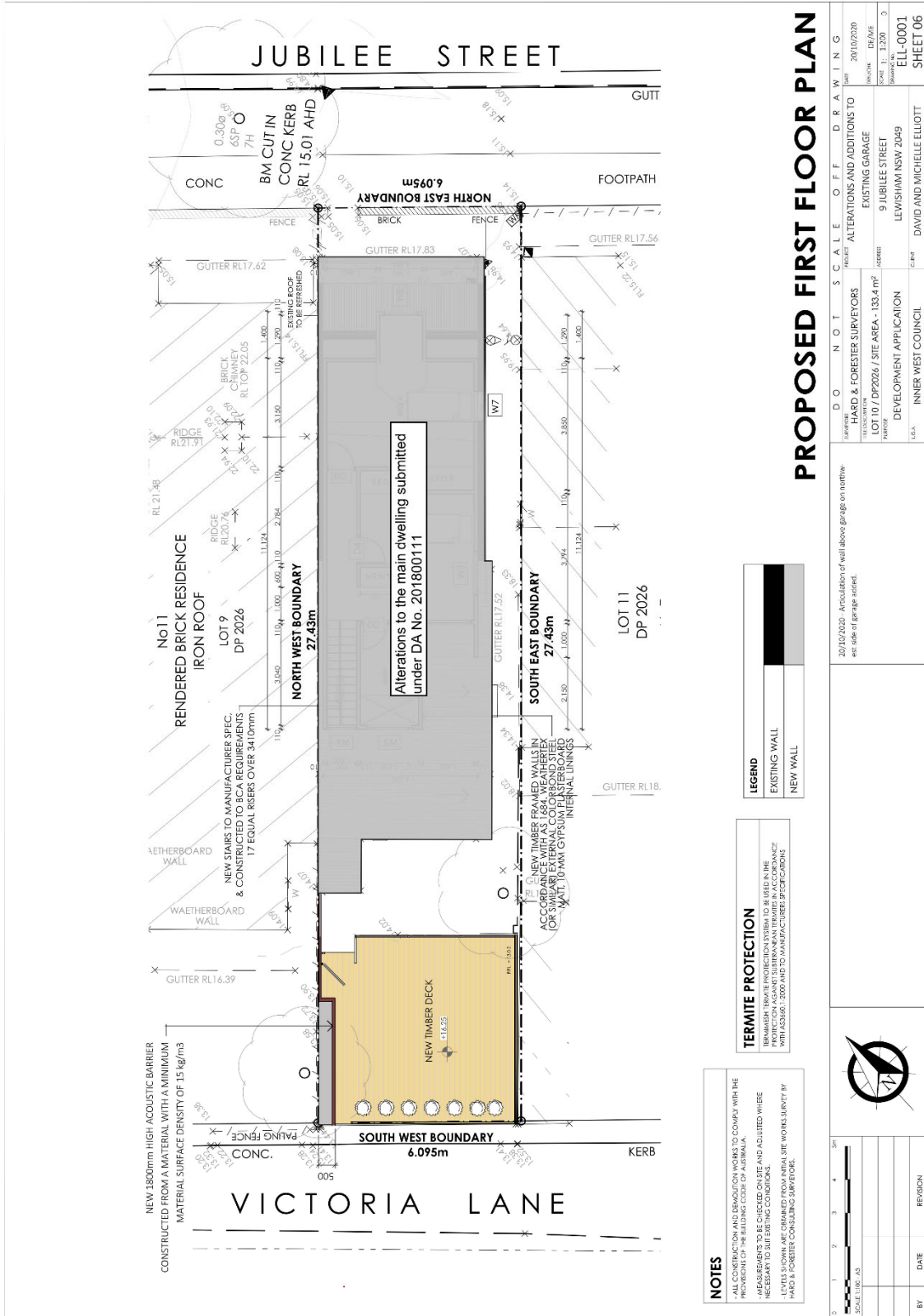
NOTES
 - ALL CONSTRUCTION AND DEMOLITION WORKS TO COMPLY WITH THE PROVISIONS OF THE BUILDING CODE OF AUSTRALIA.
 - REQUIREMENTS TO BE CHECKED ON SITE AND ADJUSTED WHERE NECESSARY TO SUIT EXISTING CONDITIONS.
 - LEVELS SHOWN ARE OBTAINED FROM AERIAL SITE WORKS SURVEY BY HARDY & FORESTER CONSULTING SURVEYORS

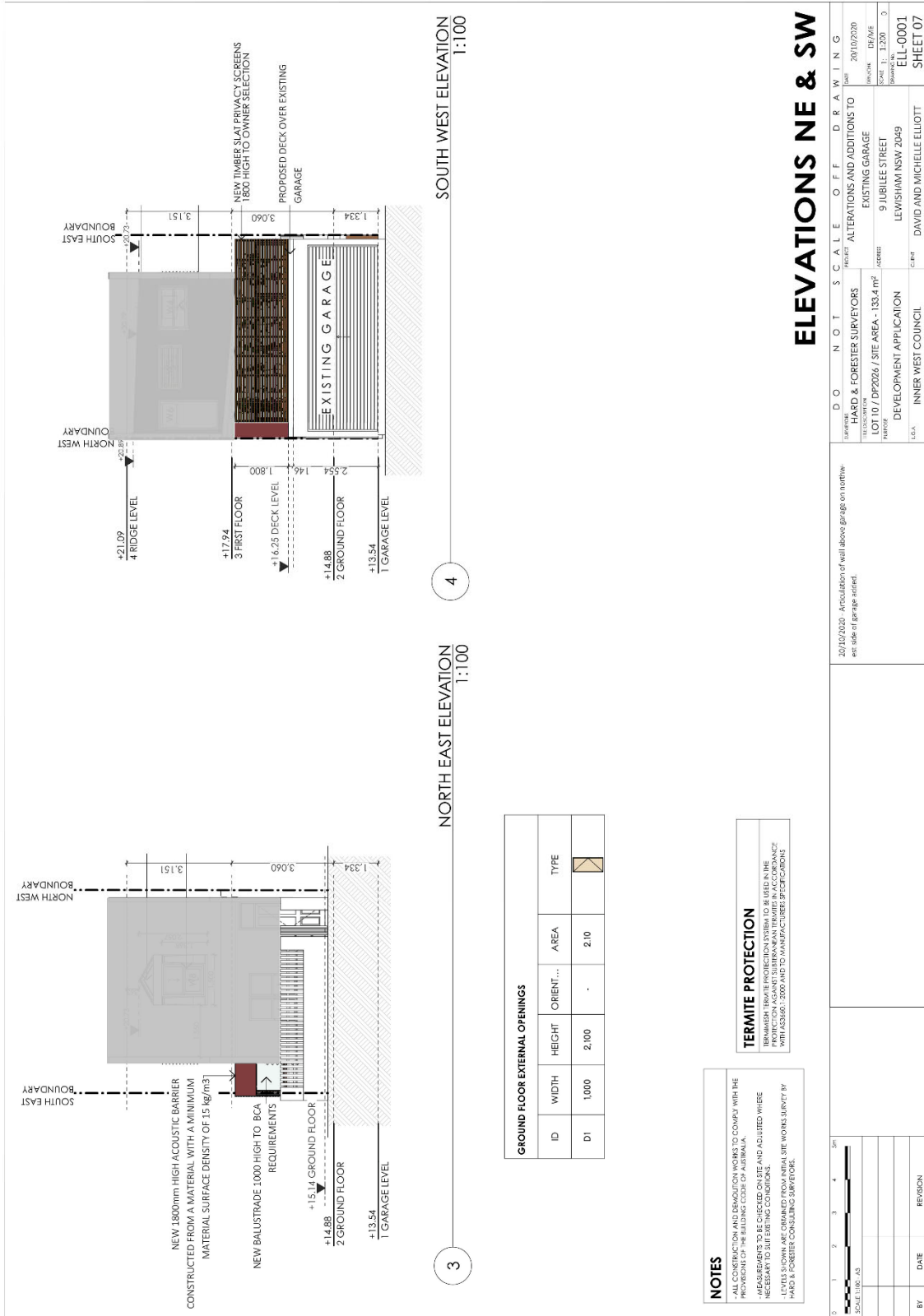


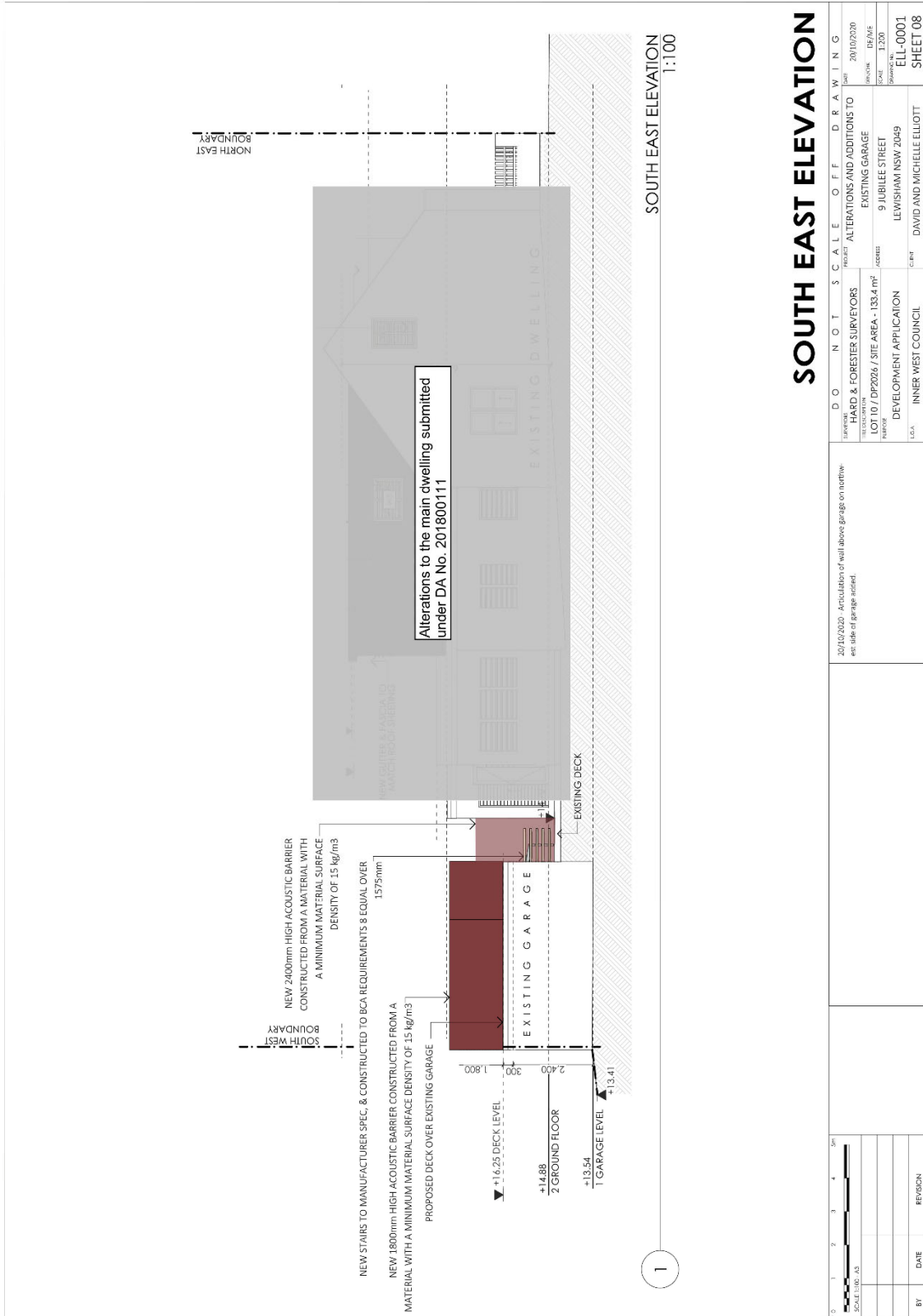
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| SCALE 1:200 (AS) | | | | | |
| BY | DATE | REVISION | | | |

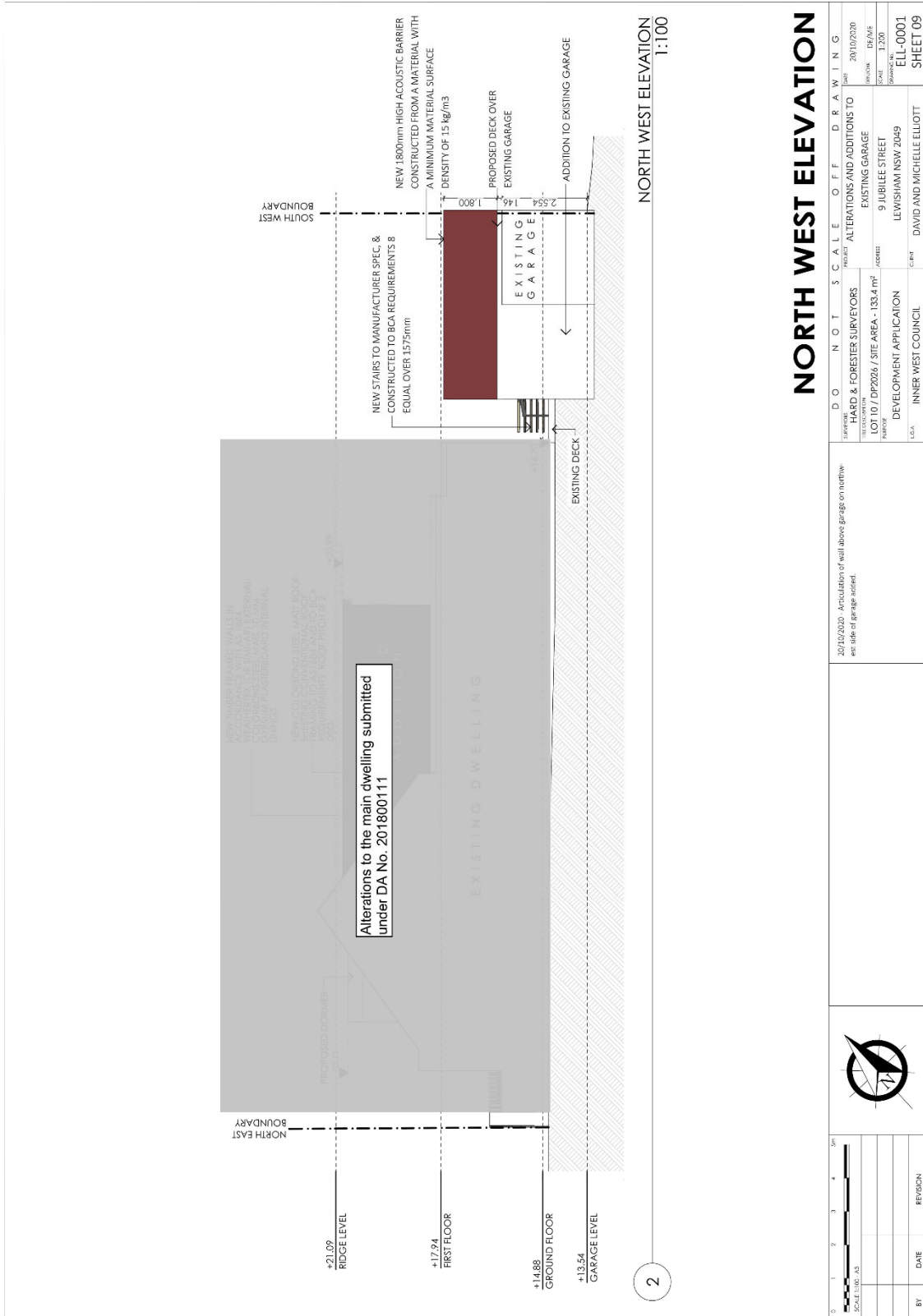


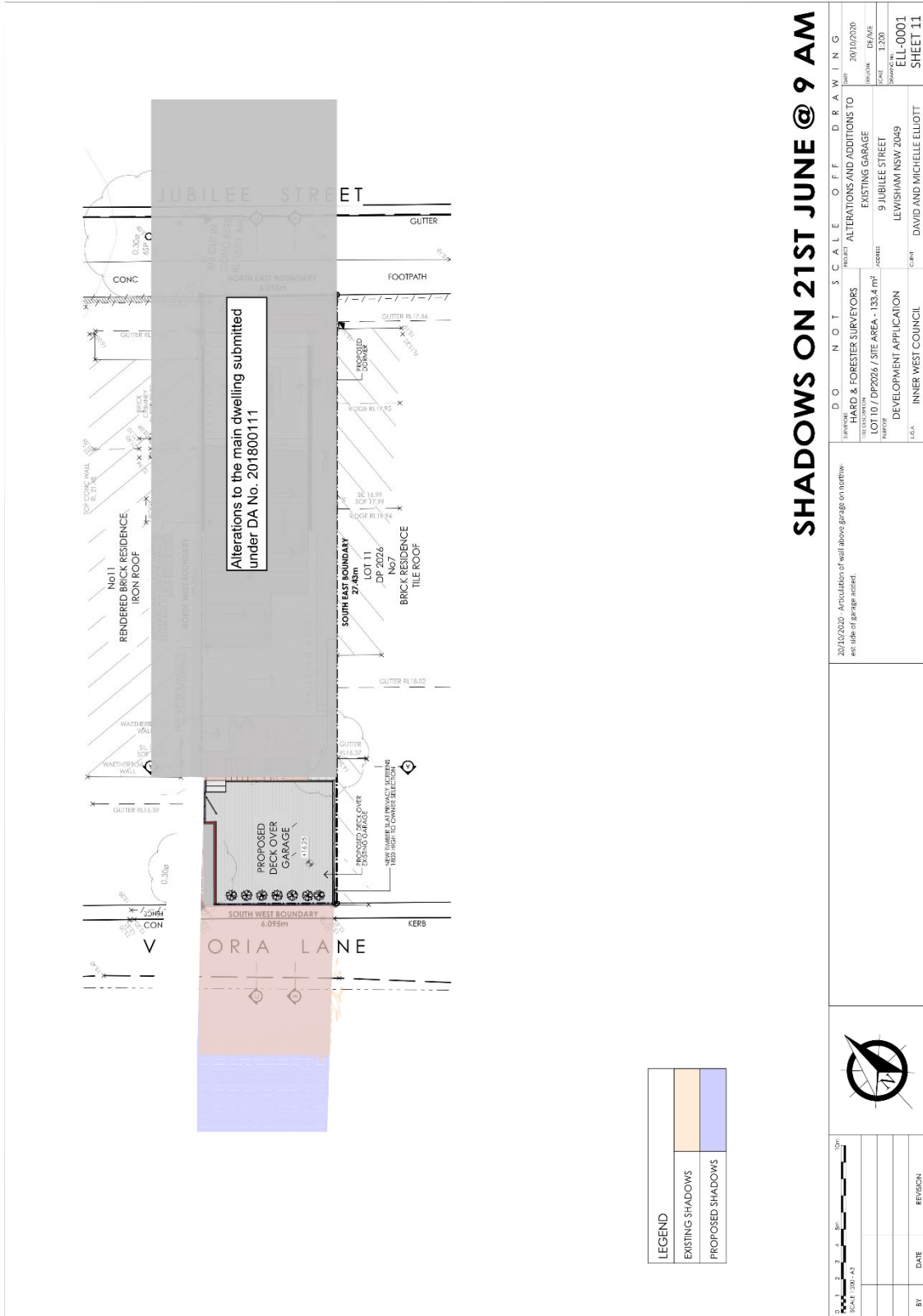






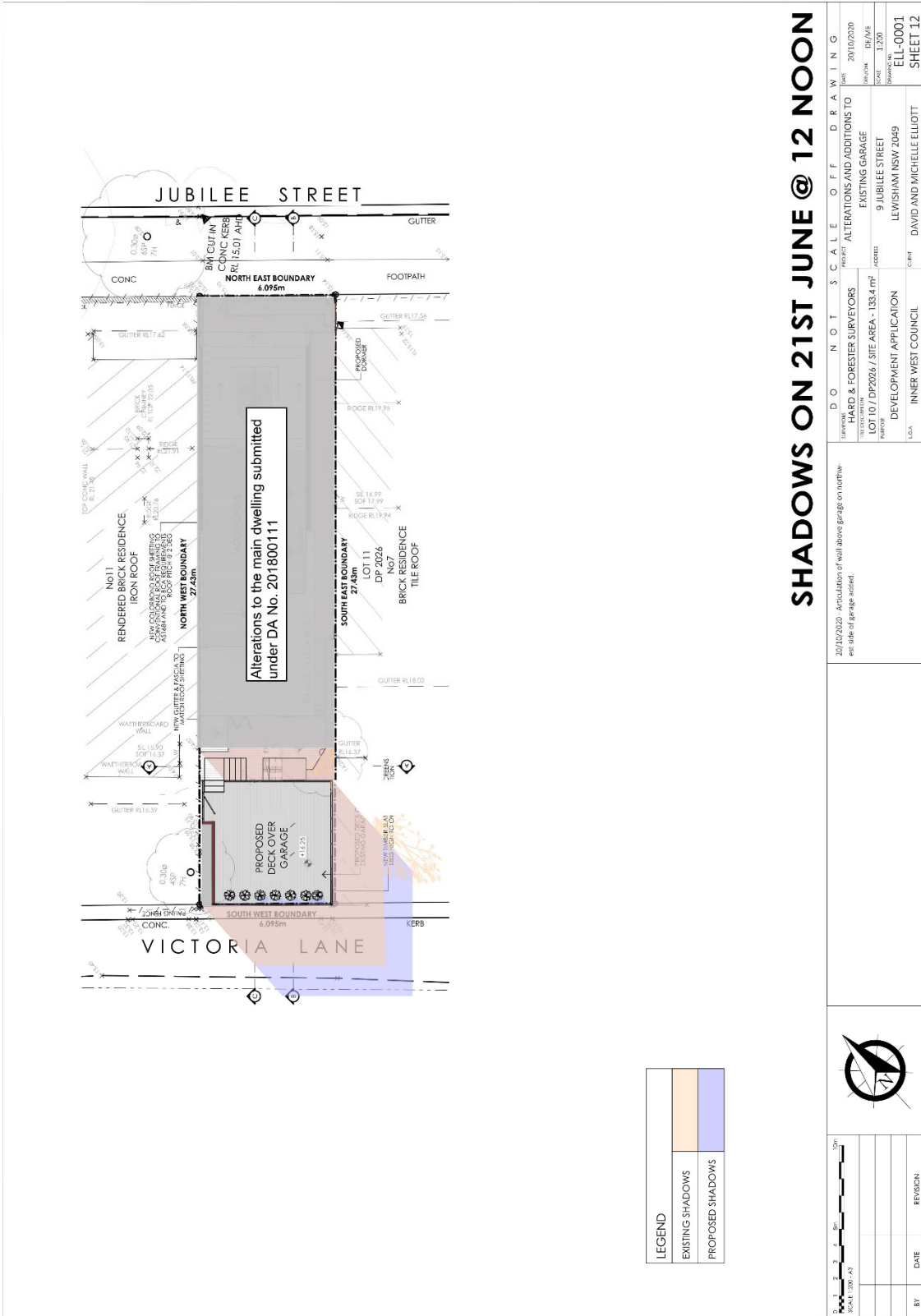






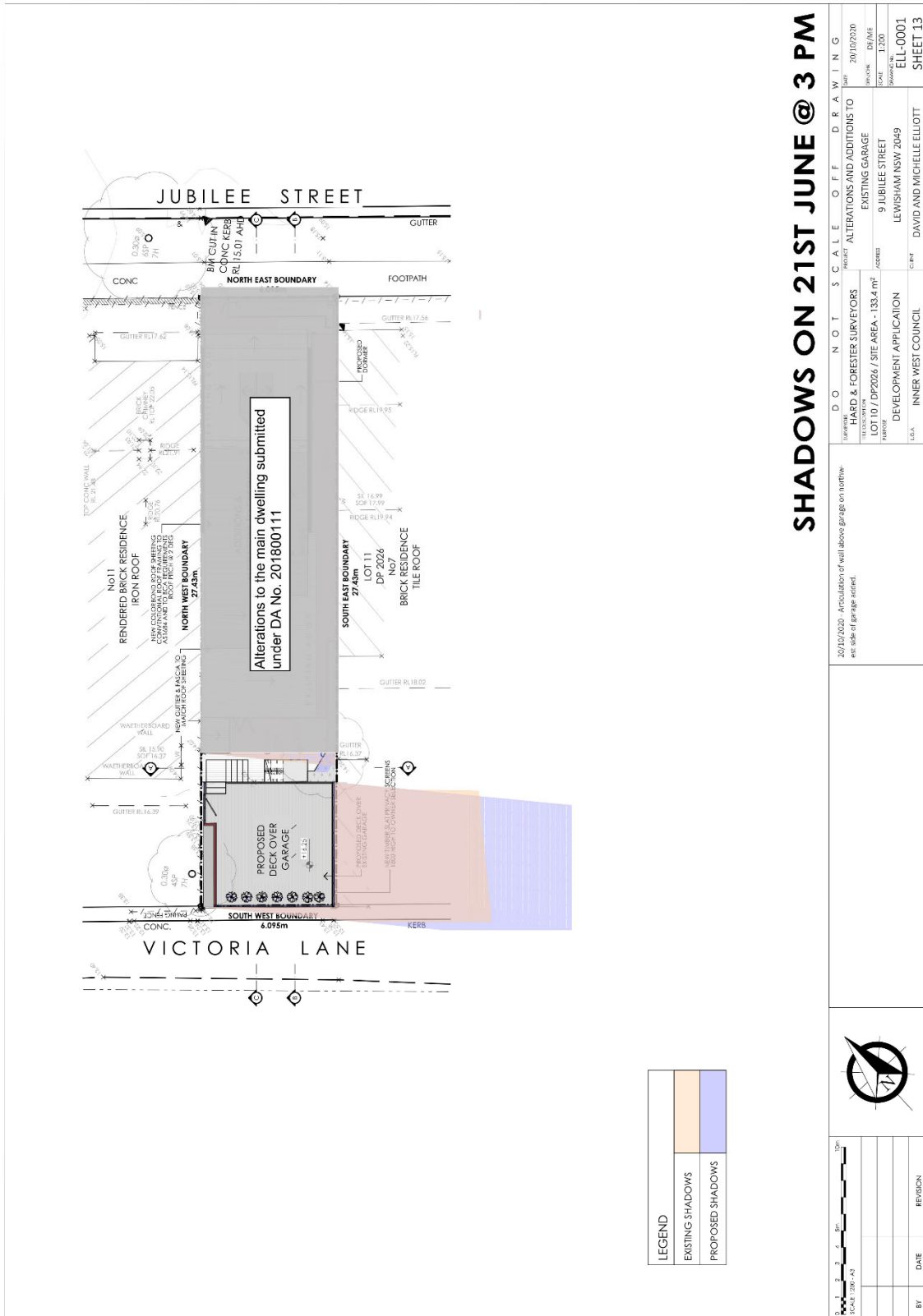
SHADOWS ON 21ST JUNE @ 9 AM

| | |
|--|---|
| 20/10/2020 - Articulation of wall above garage on north/west side of garage added. | |
| DRAFT NOT SCALE DRAWING | PROJECT: ALTERATIONS AND ADDITIONS TO EXISTING GARAGE |
| SURVEYOR: HARD & FORESTER SURVEYORS | DATE: 20/10/2020 |
| TITLE: LOT 10 / DP2026 / SITE AREA - 133.4 m² | ADDRESS: 9 JUBILEE STREET |
| PROJECT: DEVELOPMENT APPLICATION | STATE: NSW |
| CLIENT: INNER WEST COUNCIL | CLIENT: DAVID AND MICHELLE ELLIOTT |
| DRAWING NO: ELL-0001 | SHEET: SHEET 11 |



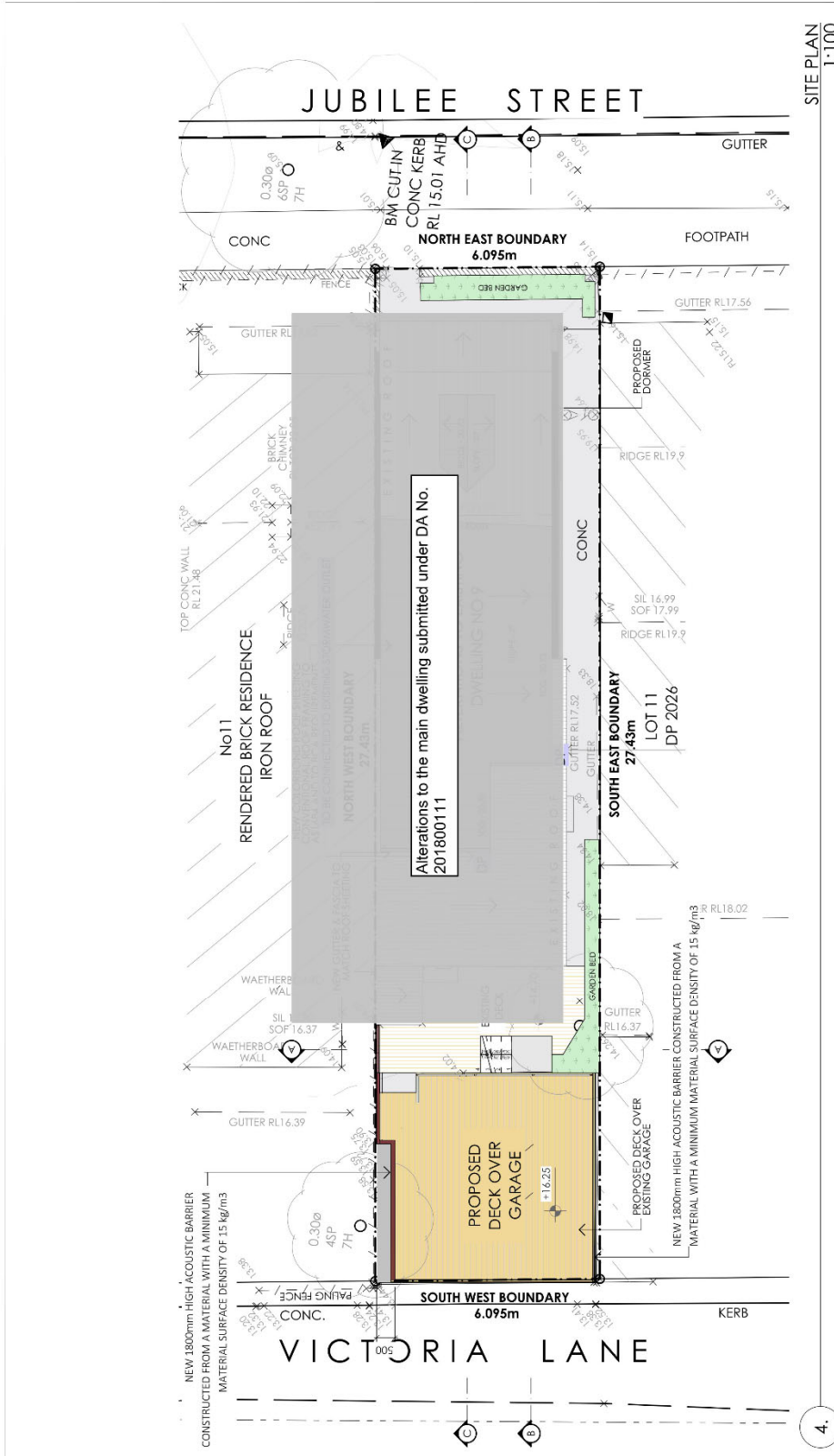
SHADOWS ON 21ST JUNE @ 12 NOON

| | | | |
|---|--|--|--|
| <p>20/10/2020 - Attenuation of wall above garage on north/west side of garage finished.</p> | | <p>DO NOT SCALE OFF DRAWING</p> | |
| <p>DATE: 20/10/2020 SCALE: 1:200</p> | | <p>PROJECT: ALTERATIONS AND ADDITIONS TO EXISTING GARAGE ADDRESS: 9 JUBILEE STREET LEWISHAM NSW 2049</p> | |
| <p>CLIENT: DAVID AND MICHELLE ELLIOTT</p> | | <p>PROJECT NO: ELL-0001 SHEET NO: SHEET 12</p> | |
| <p>DATE: _____</p> | | <p>REVISION: _____</p> | |



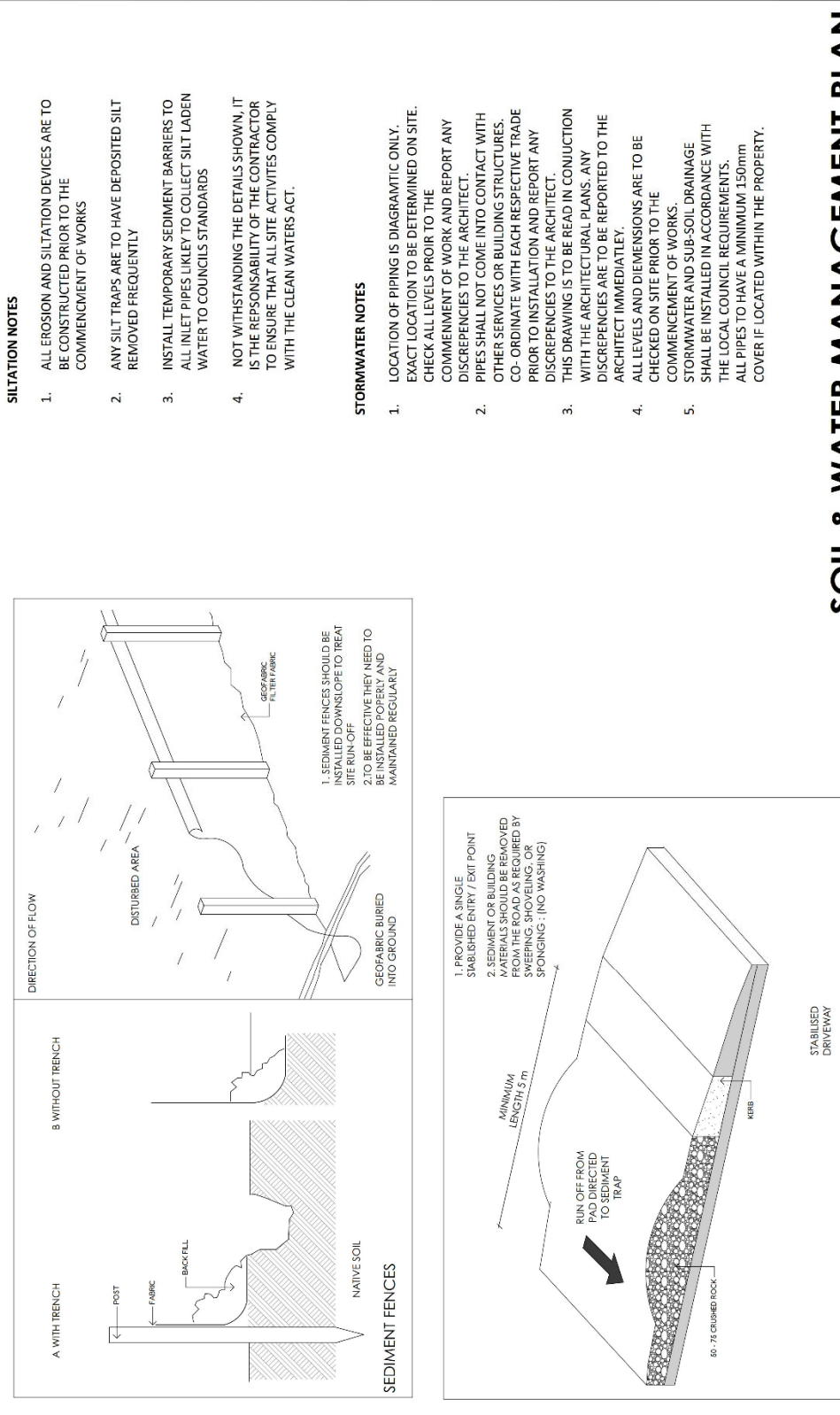
SHADOWS ON 21ST JUNE @ 3 PM

| | |
|--|---|
| <p>20/10/2020 - Articulation of wall above garage on north/west side of garage finished.</p> | |
| <p>DO NOT SCALE OFF DRAWING</p> | |
| <p>Project No. 201800111</p> | <p>Project Name: ALTERATIONS AND ADDITIONS TO EXISTING GARAGE</p> |
| <p>Site Area - 133.4 m²</p> | <p>Address: 9 JUBILEE STREET</p> |
| <p>Client: LEWISHAM NSW 2049</p> | <p>Designer: DAVID AND MICHELLE ELLIOTT</p> |
| <p>Scale: 1:200</p> | <p>Drawing No. ELL-0001</p> |
| <p>Inner West Council</p> | <p>Sheet No. SHEET 13</p> |



STORMWATER DRAINAGE CONCEPT PLAN

| | |
|---|--|
| <p>20/10/2020 - Articulation of wall above garage on north/east side of garage added.</p> | |
| <p>20/10/2020 - Alterations and additions to existing garage</p> | |
| <p>DATE: 20/10/2020</p> | <p>PROJECT: ALTERATIONS AND ADDITIONS TO EXISTING GARAGE</p> |
| <p>SCALE: 1:200</p> | <p>ADDRESS: 9 JUBILEE STREET</p> |
| <p>PROJECT: DEVELOPMENT APPLICATION</p> | <p>CLIENT: LEWISHAM NSW 2049</p> |
| <p>SCALE: 1:100</p> | <p>DESIGNER: ELL-0001</p> |
| <p>DATE: 20/10/2020</p> | <p>CLIENT: DAVID AND MICHELLE ELLIOTT</p> |
| <p>BY: _____</p> | <p>DATE: _____</p> |
| <p>DATE: _____</p> | <p>REVISION: _____</p> |



SILTATION NOTES

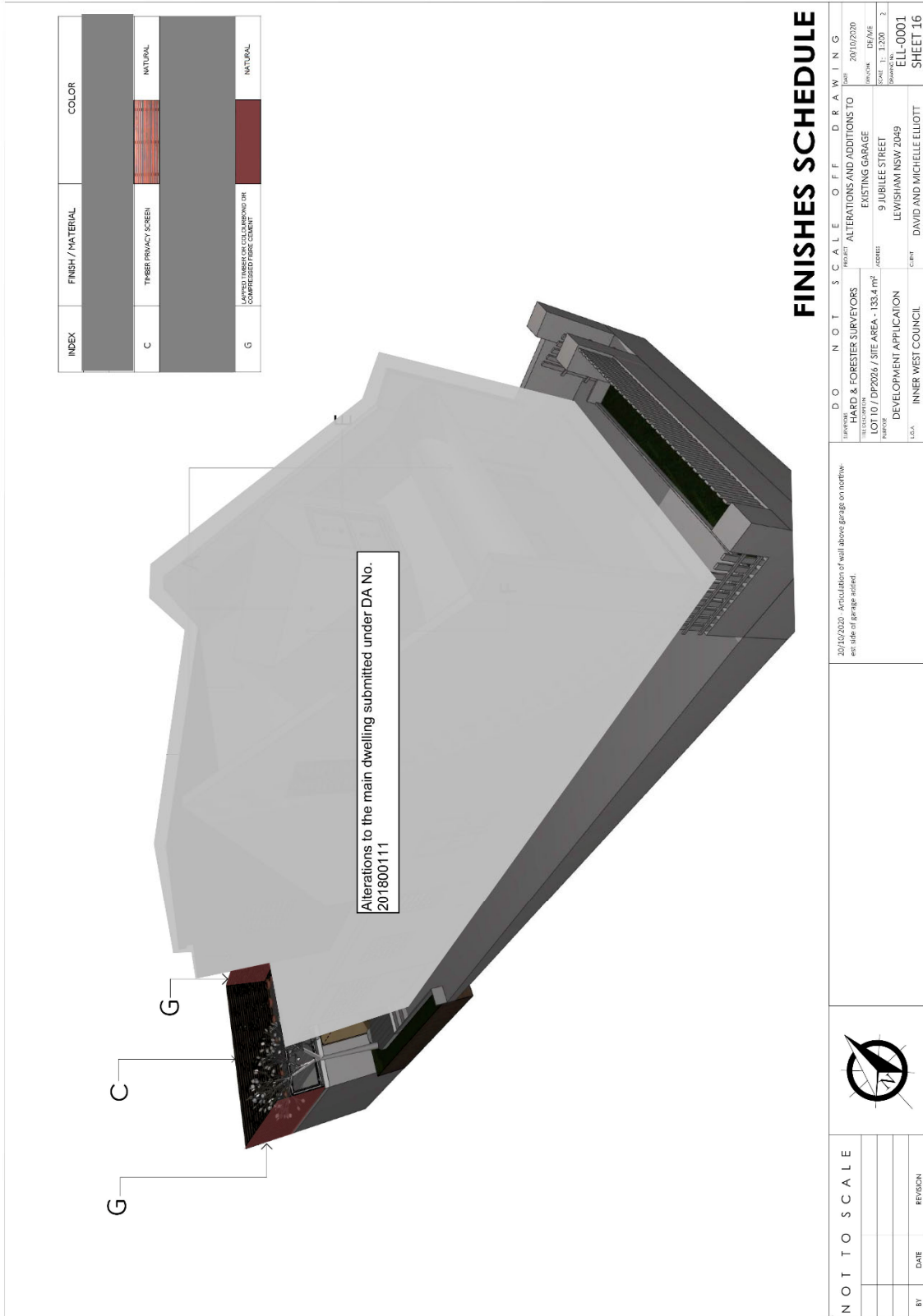
1. ALL EROSION AND SILTATION DEVICES ARE TO BE CONSTRUCTED PRIOR TO THE COMMENCEMENT OF WORKS
2. ANY SILT TRAPS ARE TO HAVE DEPOSITED SILT REMOVED FREQUENTLY
3. INSTALL TEMPORARY SEDIMENT BARRIERS TO ALL INLET PIPES LIKELY TO COLLECT SILT LADEN WATER TO COUNCILS STANDARDS
4. NOT WITHSTANDING THE DETAILS SHOWN, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ALL SITE ACTIVITIES COMPLY WITH THE CLEAN WATERS ACT.

STORMWATER NOTES

1. LOCATION OF PIPING IS DIAGRAMATIC ONLY. EXACT LOCATION TO BE DETERMINED ON SITE. CHECK ALL LEVELS PRIOR TO THE COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES TO THE ARCHITECT.
2. PIPES SHALL NOT COME INTO CONTACT WITH OTHER SERVICES OR BUILDING STRUCTURES. CO-ORDINATE WITH EACH RESPECTIVE TRADE PRIOR TO INSTALLATION AND REPORT ANY DISCREPANCIES TO THE ARCHITECT.
3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL PLANS. ANY DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT IMMEDIATELY.
4. ALL LEVELS AND DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORKS
5. STORMWATER AND SUB-SOIL DRAINAGE SHALL BE INSTALLED IN ACCORDANCE WITH THE LOCAL COUNCIL REQUIREMENTS. ALL PIPES TO HAVE A MINIMUM 150mm COVER IF LOCATED WITHIN THE PROPERTY.

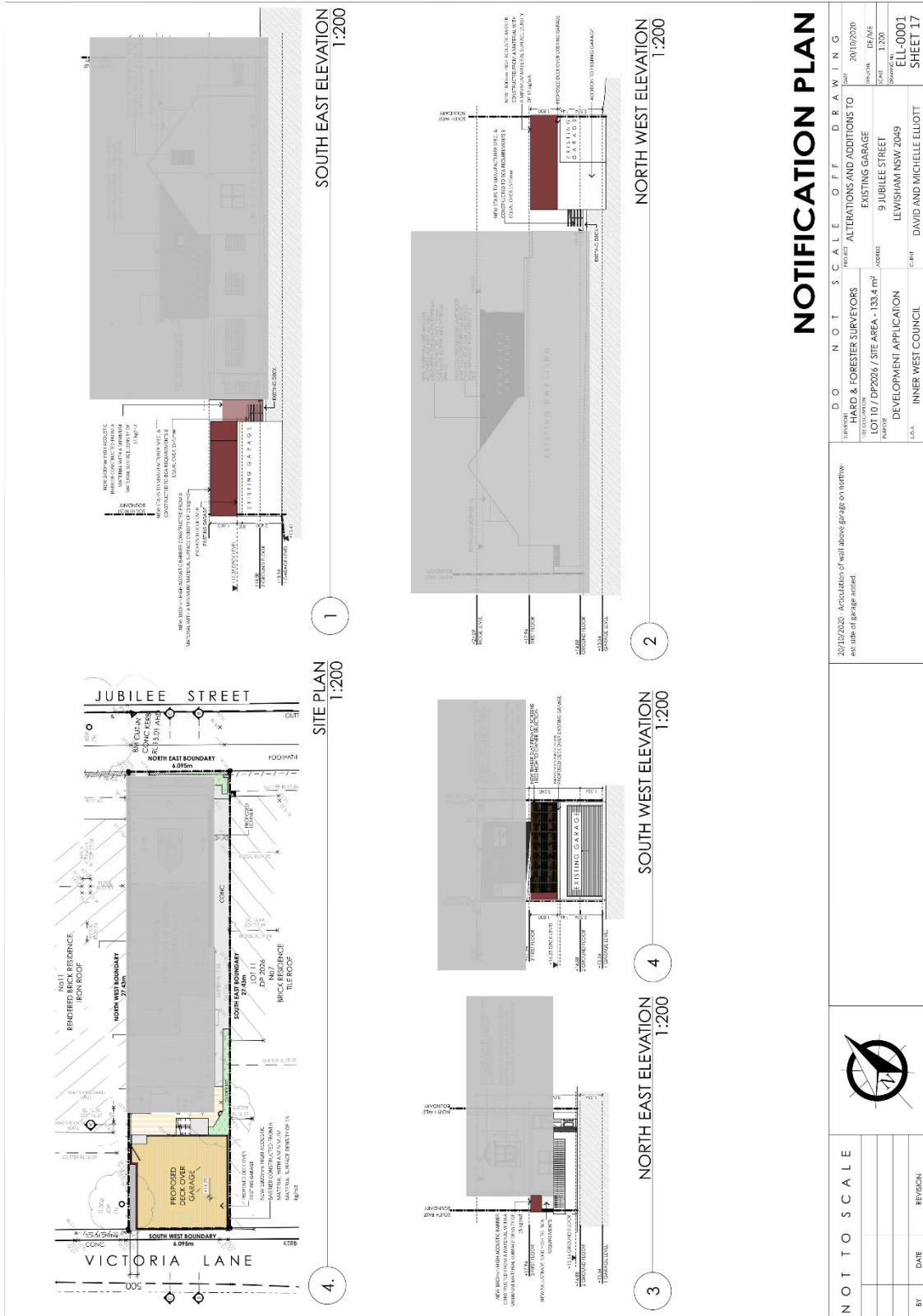
SOIL & WATER MANAGEMENT PLAN

| | | | |
|--------------|----------|--------------------------|---|
| NOT TO SCALE | | DO NOT SCALE OFF DRAWING | |
| DATE | REVISION | DATE | REVISION |
| BY | | PROJECT | ALTERATIONS AND ADDITIONS TO EXISTING GARAGE |
| | | TELELOCATION | 9 JUBILEE STREET |
| | | PARCELS | LOT 10 / DP2029 / SITE AREA - 133.4 m ² / AREA |
| | | SCALE | 1:200 |
| | | DEVELOPMENT APPLICATION | LEWISHAM NSW 2049 |
| | | CITY | INNER WEST COUNCIL |
| | | CLIENT | DAVID AND MICHELLE ELLIOTT |
| | | DRAWING NO. | ELL-0001 |
| | | SHEET | SHEET 15 |



FINISHES SCHEDULE

| | | | |
|---|------|---|--|
| NOT TO SCALE | | DO NOT SCALE OFF DRAWING | |
| BY | DATE | REVISION | |
| | | | |
| 20/10/2020 - Articulation of wall above garage on north-west side of garage added. | | 20/10/2020 - Alterations and additions to existing garage | |
| SURVEYOR: HARD & FORESTER SURVEYORS TELELOCATION: LOT 10 / DP2026 / SITE AREA - 133.4 m ² PARCELS: 9 JUBILEE STREET LOCALITY: LEWISHAM NSW 2049 LOCAL GOVT: INNER WEST COUNCIL | | PROJECT: ALTERATIONS AND ADDITIONS TO EXISTING GARAGE DRAWING NO: ELL-0001 SHEET 16 | |



NOTIFICATION PLAN

| | | | |
|--|--|---|--|
| NOT TO SCALE | | D O N O T S C A L E O F F D R A W I N G | |
| BY | | DATE | |
| REVISION | | REVISION | |
| 20/10/2020 - Articulation of wall above garage on northern side of garage added. | | PROJECT: ALTERATIONS AND ADDITIONS TO EXISTING GARAGE SITE: 9 JUBILEE STREET CLIENT: LEWISHAM NSW 2049 ARCHITECT: DAVID AND MICHELLE ELLIOTT DRAWING NO: ELL-0001 SHEET 17 | |

RESIDENTIAL BUILDING SPECIFICATION – GENERAL NOTES

1. SITE PREPARATION

1.1. GEOTECHNICAL INVESTIGATION... THE ENGINEER WILL CERTIFY... UNLESS OTHERWISE SPECIFIED.

2. EXCAVATIONS, FOUNDATIONS AND FOOTINGS

2.1 SITE PREPARATION (BCA 3.2.2)... BUILDINGS SHALL BE CLEANED AND REMOVED.

3. CONCRETE

3.1 TENSILE RISK MANAGEMENT (BCA 3.1.1)... PRIOR TO THE COMMENCEMENT OF WORKS.

4. DRAINAGE AND WASTE WATER/SEWAGE TREATMENT

4.1 GENERAL (BCA PART 3.1.2)... ALL DRAINAGE WORK SHALL BE CARRIED OUT BY A LICENSED DRAINER.

5. BRICKLAYING/MASONRY (BCA PART 3.3)

5.1 MASONRY UNITS... SHALL COMPLY WITH AS 3900... REQUIREMENTS OF AS 3900.

6. CARPENTRY (BCA PART 3.4)

6.1 TIMBER GENERALLY... REFER TO THE SCHEDULE FOR SPECIES, GRADE AND DURABILITY TO BE USED.

7. FLOORING

7.1 FLOORING... ALL FITTED FLOORS REQUIRE A 12MM EXPANSION GAP BETWEEN THE FLOOR AND THE WALLS.

8. ROOFING

8.1 ROOFING... ROOF TRUSSES SHALL BE FABRICATED IN ACCORDANCE WITH DESIGNS PREPARED BY A PRACTISING STRUCTURAL ENGINEER.

9. GLAZING

9.1 GLAZING... GLAZING SHALL BE INSTALLED IN ACCORDANCE WITH AS 1884.

4. DRAINAGE AND WASTE WATER/SEWAGE TREATMENT

4.1 GENERAL (BCA PART 3.1.2)... ALL DRAINAGE WORK SHALL BE CARRIED OUT BY A LICENSED DRAINER.

5. BRICKLAYING/MASONRY (BCA PART 3.3)

5.1 MASONRY UNITS... SHALL COMPLY WITH AS 3900... REQUIREMENTS OF AS 3900.

6. CARPENTRY (BCA PART 3.4)

6.1 TIMBER GENERALLY... REFER TO THE SCHEDULE FOR SPECIES, GRADE AND DURABILITY TO BE USED.

7. FLOORING

7.1 FLOORING... ALL FITTED FLOORS REQUIRE A 12MM EXPANSION GAP BETWEEN THE FLOOR AND THE WALLS.

8. ROOFING

8.1 ROOFING... ROOF TRUSSES SHALL BE FABRICATED IN ACCORDANCE WITH DESIGNS PREPARED BY A PRACTISING STRUCTURAL ENGINEER.

9. GLAZING

9.1 GLAZING... GLAZING SHALL BE INSTALLED IN ACCORDANCE WITH AS 1884.

10. PARTITIONS/FLOORING

10.1 PARTITIONS/FLOORING... PARTICIPATING FLOORINGS SHALL BE LAID AND FINED IN ACCORDANCE WITH AS 1860.2.

11. WALLS

11.1 WALLS... WALLS SHALL BE DESIGNED AND CONSTRUCTED TO RESIST THE APPLIED LOADS.

12. ROOF TRUSSES

12.1 ROOF TRUSSES... ROOF TRUSSES SHALL BE FABRICATED IN ACCORDANCE WITH DESIGNS PREPARED BY A PRACTISING STRUCTURAL ENGINEER.

13. ROOF BRACING

13.1 ROOF BRACING... PROVIDE ROOF BRACING IN ACCORDANCE WITH TRUS MANUFACTURER'S DETAIL AND SECTION 6 OF AS 1884.

14. ACCESS TO ROOF SPACE

14.1 ACCESS TO ROOF SPACE... WHERE THE SPACE BETWEEN THE ROOF AND CEILING EXCEEDS 200MM IN ANY ONE PLACE, PROVIDE ACCESS FOR A MANHOLE.

15. VERANDAH POSTS

15.1 VERANDAH POSTS... VERANDAH POSTS SHALL BE FABRICATED IN ACCORDANCE WITH TRUS MANUFACTURER'S DETAIL AND SECTION 6 OF AS 1884.

16. LEAVES SORT

16.1 LEAVES SORT... LEAVES SHALL BE SORTED AND SUPPORTED TO PREVENT OVERHANG.

GENERAL NOTES

Table with project details: PROJECT: ALTERATIONS AND ADDITIONS TO EXISTING GARAGE, ADDRESS: 9 JUBILEE STREET, CLIENT: DAVID AND MICHELLE ELLIOTT, SHEET 18 OF 18.

Attachment B – Draft Conditions (in the event of approval)

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 |
|-------------------------------------|------------------------------|--------------------|--------------------|
| Sheet 01 | Site Analysis Plan | 3 February 2020 | |
| Sheet 02 | Site & Landscape Plan | 20 October 2020 | |
| Sheet 03 | Existing Ground Floor Plan | 3 February 2020 | |
| Sheet 04 | Ground Floor Demolition Plan | 3 February 2020 | |
| Sheet 05 | Proposed Ground Floor Plan | 3 February 2020 | |
| Sheet 06 | Proposed First Floor Plan | 20 October 2020 | |
| Sheet 07 | Elevations NE & SW | 20 October 2020 | |
| Sheet 08 | South East Elevation | 20 October 2020 | |
| Sheet 09 | North West Elevation | 20 October 2020 | |
| Sheet 10 | Section BB & CC | 20 October 2020 | |
| Sheet 16 | Finishes Schedule | 20 October 2020 | |

As amended by the conditions of consent.

FEES

2. Security Deposit - Custom

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

| | |
|--------------------------|----------------|
| Security Deposit: | Min \$2,209.00 |
| 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 initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

3. 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.

GENERAL CONDITIONS

4. Boundary Alignment Levels

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

5. 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.

6. 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.

7. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

8. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

9. Hoardings

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

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

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

10. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties at 7 Jubilee Street and 11 Jubilee Street to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

11. 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.

12. 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

13. Stormwater Drainage System – Minor Developments (OSD is not required)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

1. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road;
2. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
3. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
4. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
5. As there is no overland flow/flood path available from the rear and setback at the southern boundary to the rear laneway frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
 - a. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
 - b. The maximum water level over the sag pit shall not be less than 150 mm below the floor level or damp course of the building; and
 - c. The maximum water level over the sag pit shall not be less than 150 mm below the floor level or damp course of the building; and
 - d. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
6. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
7. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
8. New pipelines within the footpath area that are to discharge to the kerb and gutter must be a sewer grade uPVC pipe with a maximum diameter of 100 mm;
9. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
10. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;

14. Parking Facilities - Domestic

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard

AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

1. The garage slab or driveway must rise within the property to be 170 mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;
2. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
3. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centre line of the road carriageway must be provided, demonstrating compliance with the above requirements;
4. The garage/carport/parking space must have minimum clear internal dimensions of 5400 mm x 3000 mm (length x width) and a door opening width of 3000 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;
5. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;
6. Details of the No Stopping and No Parking signage relocation;
7. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004;

15. Alignment Levels – Rear Lane

The internal vehicle hardstand area shall be redesigned such that the level at the boundary shall match the invert level of the adjacent gutter plus 110 mm at both sides of the vehicle entry. This will require the internal garage slab or hard stand area to be adjusted locally at the boundary to ensure that it matches the above Alignment Levels. Amended plans shall be submitted to and approved by Council before the issue of the Construction Certificate.

The garage slab or driveway must then rise within the property to be 170 mm above the adjacent road gutter level. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.

Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.

16. Dilapidation Report – Pre-Development – Minor

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

17. 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.

18. 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**19. 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.

20. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE

21. No Encroachments

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

22. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

23. Light Duty Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that a light duty concrete vehicle crossing(s), in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" have been constructed at the vehicular access locations.

24. Parking Signoff – Minor Developments

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

25. No Weep Holes

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that any weep holes to Council road or footpath resulting from the building works have been removed.

ADVISORY NOTES**Permits**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in

accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

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

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

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

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.

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

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 Corporation | Payments 131441 www.lspc.nsw.gov.au |
| NSW Food Authority | 1300 552 406 |

| | |
|---|--|
| NSW Government | www.foodnotify.nsw.gov.au 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. |
| REASONS FOR REFUSAL | |

Attachment C- DA Report for DA/2020/0584



Development Assessment Report

| | | | |
|---------------------------|--|-----------------------|-------------------------------------|
| Application No: | DA/2020/0584 | Applicant: | Outlook Planning And Development |
| Date of lodgement: | 27 July 2020 | Cost of works: | \$45,000.00 |
| Assessing Officer: | Andrew Newman | Peer Reviewer: | Ruba Osman |
| Subject Site: | 9 Jubilee Street LEWISHAM NSW 2049 | | |
| Proposal: | Alterations and additions to a garage including the construction of a rooftop deck | | |



1. Synopsis

This report concerns an application for alterations and additions to a garage including the construction of a rooftop deck. The application was notified in accordance with Council's Notification Policy and 2 submissions were received in response to the initial notification.

The proposal is generally contrary to the applicable objectives and controls within the Marrickville Local Development Plan 2011 and the Marrickville Development Control Plan 2011. The proposal would result in significant impact on the streetscape and the amenity of the adjoining premises and is not acceptable.

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

2. Description of Proposal

The application seeks development consent for alterations and additions to a garage including the construction of a rooftop deck.

Specifically the following works/uses are proposed:

- Extensions to the existing single garage at the rear to create a double garage.
- Construction of a 31sqm roof top deck above the garage including 1.8 metres high screening to 3 sides of the deck.

3. Site and Surrounding Development

The subject site is located on the southern side of Jubilee Street, close to the intersection of Victoria Street. The site area is approximately 133.4sqm with a primary frontage to Jubilee Street and access to Henry Lane at the rear. An existing single storey dwelling is located on the site. Surrounding land uses are predominantly single storey dwelling houses.



Location plan



Site photo

4. Development History

Previous relevant building and development applications submitted to Council for the subject site include:

| Date | Proposal | Decision |
|-----------------------------------|---|--|
| 1 February 2016 (PDA201500135) | To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house and erect a deck over the existing garage | Advice Provided |
| 31 July 2018 (DA201800111) | To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house and construct a rooftop deck above the garage | Deferred Commencement Active on 20 March 2020 |

It is noted that the deferred commencement conditions of DA201800111 required the deletion of the proposed roof top deck above the garage, citing privacy concerns.

5. Application History

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

| Date | Major Interactions |
|----------------|--|
| 24 August 2020 | Council wrote to the applicant raising the following concerns: |

| | |
|-------------------|--|
| | <ul style="list-style-type: none"> • The size of the roof top deck would result in acoustic privacy impacts. • The screening need to try and address privacy concerns results in visual bulk and streetscape impacts. • The proposal further reduces the private open space of the site, given the unsupportable nature of the roof top deck. |
| 18 September 2020 | Council wrote to the applicant advising the 21 timeframe to provide additional information and address the concerns raised had passed and no additional information had been forthcoming. Council advised on extension of time could be granted. |
| 21 September 2020 | The applicant submitted a written document responding to the points raised on 24 August 2020 with an understanding that amended plans would be forthcoming within a few days. At the time of writing this report in early October, no amended plans have been provided. |

6. Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act 1979).

A. State Environmental Planning Policies

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

- *State Environmental Planning Policy No. 55 – Remediation of Land*

(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.

B. Marrickville Local Environmental Plan 2011

The site is zoned R2 Low Density Residential under the *Marrickville Local Environmental Plan 2011 (MLEP 2011)*. The *MLEP 2011* defines the development as a dwelling house.

The development is permitted with consent within the land use table. The development is / is not consistent with the objectives of the R2 Low Density Residential zone.

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

| Control | Proposed | Compliance |
|---|--|----------------------------|
| Clause 1.2 Aims of Plan | The design of the proposal is not considered to be of a high standard given the adverse impact to the private and public domain as a result of amenity impacts to neighbouring properties and poor streetscape outcomes. | No |
| Clause 2.7 Demolition requires development consent | The proposal satisfies the clause as follows: <ul style="list-style-type: none"> • Demolition works are proposed, which are permissible with consent; and • Standard conditions are recommended to manage impacts which may arise during demolition. | Yes, subject to conditions |
| Clause 4.3 Height of building (max. 9.5m) | The application proposes a compliant building height of 4.3m. | Yes |
| Clause 4.4 Floor space ratio (max. 1.1:1 (146.7m ²)) | The application proposes a compliant floor space ratio of 0.67:1 (158.6m ²). | Yes |
| Clause 6.2 Earthworks | The application is considered to adequately satisfy this clause in that the proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability. | |

C. 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 amended Aims of Plan under Clause 1.2. These aims are very similar to the existing aims of MLEP 2011. In particular, aim (i) seeks *“to achieve a high-quality urban form and open space in the public and private domain by ensuring new development exhibits architectural and urban design excellence”*. The proposal is considered to be contrary to the aims of Draft IWLEP 2020 in that the design of the rooftop deck and garage will result in adverse amenity impacts to neighbouring properties and is inconsistent with the character of the laneway.

The development is considered unacceptable having regard to the provisions of the Draft IWLEP 2020.

D. Marrickville Development Control Plan 2011

The proposal has been assessed against the relevant provisions of the Marrickville Development Control Plan 2011 (MDCP 2011).

(i) Part 2.6 – Acoustic and Visual Privacy

Part 2.6 of MDCP 2011 contains objectives and controls relating to acoustic and visual privacy. The proposed roof top deck is likely to result in unacceptable visual and acoustic privacy impacts to neighbouring residents. It is noted that the application was accompanied with an Acoustic Assessment which provided various screening options to try and address acoustic privacy impacts. However, the plans do not appear consistent with any of the four options presented in the report, with the design being a mixture of different elements of the different options. As such, the effectiveness of the acoustic barriers at limiting acoustic impacts to a reasonable level is questioned.

The development is considered contrary to the objectives and controls within Part 2.6 for the following reasons:

- The large size of the 31sqm elevated deck lends itself to a high use area and/or an area for entertaining which adjoins neighbouring areas of private open space and is likely to result in adverse acoustic and visual privacy impacts as a result, contrary to Objective 2 and Controls 2(ii), 3(i) and 3(ii).
- The small and narrow lot size combined with the proposed nil side and rear boundary setbacks results in the roof top deck having very minimal separation from neighbouring areas of private open space and rear windows serving living areas, resulting in adverse acoustic and visual privacy impacts to neighbouring

- properties, contrary to Objectives 1 and 2.
- The proposal does not include any screening to north-eastern elevation of the deck facing the dwelling house on the site, resulting in the potential for visual privacy impacts to the rear facing windows and private open space areas of neighbouring properties, contrary to Objectives 1 and 2 and Control 3(i).
- The screening proposed to the side and rear elevations results in adverse visual bulk impacts to neighbouring properties and the effectiveness of these barriers in reducing or mitigating acoustic privacy impacts is unclear.

Given the above, the development is likely to result in adverse acoustic and visual privacy impacts to neighbouring properties and does not comply with the relevant objectives and controls. The excessive size of the deck, its elevated location and the limited ability to achieve separation from surrounding buildings and open space results in a development that does not achieve adequate privacy and is not suitable for the site. The application is recommended for refusal.

(ii) Part 4.1 – Low Density Residential Development

Part 4.1 of MDCP 2011 includes objectives and controls relating to a number of matters such as streetscape, built form, building setbacks, loft structures above garages, landscaping, open space and site coverage.

The screening required to try and address privacy concerns adds significant bulk and scale to the proposed garage and results in excessively high wall heights of over 4 metres to both neighbouring properties and the laneway. This results in visual bulk impacts to the neighbouring properties as well as streetscape/laneway impacts by introducing a structure that is not consistent with the character of the laneway.

Additionally, given the small lot size the level of site coverage is high and landscaping is limited and this proposal decreases that further.

The development is considered contrary to the relevant objectives and controls within Part 4.1 of MDCP 2011 for the following reasons:

- The lack of any side boundary setbacks results in significant visual bulk to the private open space of neighbouring properties, particularly 11 Jubilee Street, with effectively a solid wall of over 4 metres presenting to the small area of private open

space, resulting in unacceptable visual bulk impacts contrary to Objective 13 and Controls 8(v) and 10(ii).

- The excessive height of the structure (being 4.3 metres) as a result of the screening is inconsistent with the character of Henry Lane which is characterised by generally single storey garage structures that present little to no visual bulk impacts to neighbouring property’s private open space or the laneway and as such the proposal is contrary to Objectives 8 and 10 and Controls 8(ii), 31(ii), 31(iii) and 31(iv).
- The expansion of the garage results in the loss of the existing garden bed at the north-western side boundary, which is part of the sites very minimal landscaping, and does not provide the opportunity for any meaningful replacement landscaping, contrary to Objective 16.
- The proposal represents a very high site coverage of over 90% and it is considered that the alteration and additions to the garage result in a site coverage that is generally greater than neighbouring development and does not allow for the provision of meaningful landscaping, contrary to Objective 16.

Given the above, the development likely to result in visual bulk, landscaping and streetscape impacts and does not comply with the relevant objectives and controls. The application is recommended for refusal.

E. Referrals

(i) Internal Referrals

The application was referred to the following internal referral bodies:

| Referral body | Comments |
|------------------------------|--|
| Engineering | No objections raised. |
| Environmental Health Officer | Concerns raised about the lack of consistency of the design with the options presented in the acoustic report. |

F. Notification and Advertising

The application was advertised, an on-site notice was displayed on the property, and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. 2 submissions were received raising the following concerns which have already been discussed throughout the main body of this report:

- (i) Visual and Acoustic Privacy.
- (ii) Visual Bulk Impacts.
- (iii) Streetscape, Bulk and Scale.
- (iv) Landscaping and Site Coverage.

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

| Concern | Comment |
|--|---|
| Statement of Environmental Effects (SEE) | Concern was raised that the SEE submitted made statement that the submitter did not agree with. While the SEE is a tool for assessment, Council does not take all comments made at face value and undertakes a full assessment of the application against the planning controls to determine the suitability of the proposal. |

G. The Likely Impacts

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have significant adverse environmental, social or economic impacts upon the locality.

H. The Suitability of the Site for the Development

The proposal is considered to be out of character with the surrounding area and result in adverse amenity impacts to neighbouring properties and the roof top deck is considered not suitable for the site.

I. 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.

7. Conclusion

The proposal is generally contrary to the applicable objectives and controls within the

Marrickville Local Development Plan 2011 and the Marrickville Development Control Plan 2011. The proposal would result in significant impact on the streetscape and the amenity of the adjoining premises and is not acceptable.

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

