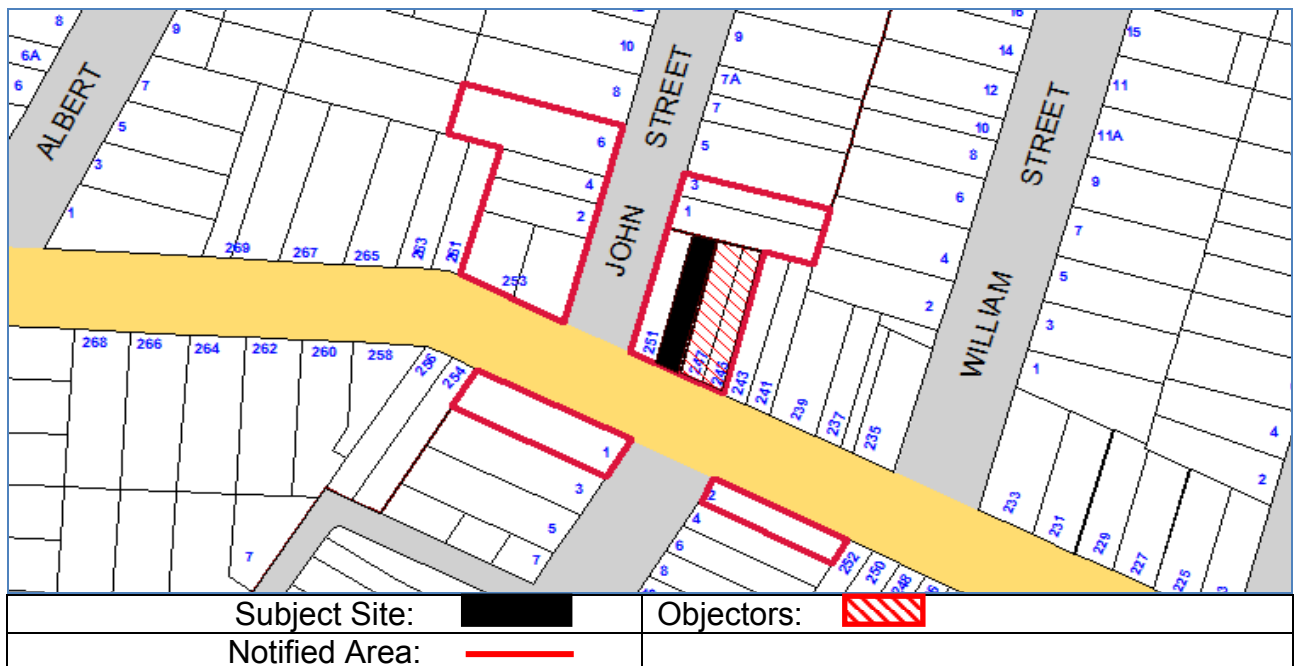




# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA201600489
<b>Address</b>	249 Addison Road, Marrickville
<b>Proposal</b>	To carry out ground and first floor alterations and additions to an existing mixed use premises including a change of use to a tutoring clinic, new shop front, signage plus strata subdivision into 2 lots
<b>Date of Lodgement</b>	22 September 2016
<b>Applicant</b>	MB Town Planning
<b>Owner</b>	DJ Shipway
<b>Number of Submissions</b>	2
<b>Value of works</b>	\$202,000
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation exceeds officers' delegation
<b>Main Issues</b>	FSR and heritage conservation
<b>Recommendation</b>	Deferred Commencement Consent



## 1. Executive Summary

This report is an assessment of the application to carry out ground and first floor alterations and additions to an existing mixed use premises (commercial and residential) including a change of use to a tutoring clinic, new shop front, signage and strata subdivision into 2 lots at 249 Addison Road, Marrickville«Primary\_Location». The application was notified to surrounding properties and two submissions were received.

The main issues that have arisen from the application include:

- Floor Space Ratio
- Heritage
- Parking, and
- Signage and Advertising Structures

During the assessment of the application, amended documentation was submitted to address concerns with equity of access and mobility, heritage conservation, privacy and construction methods. The amended plans did not require re-notification in accordance with Council's notification policy.

The proposal exceeds the Floor Space Ratio (FSR) development standard prescribed by Marrickville Local Environmental Plan (MLEP) 2011. The development amounts to an FSR departure of 36sqm or 24%. A written submission under Clause 4.6 of MLEP 2011 in relation to the FSR departure accompanied the application.

Subject to clarification of material details for the façade, the proposal is considered to be a good design outcome for the site. The Clause 4.6 Objection demonstrates that there are sufficient environmental planning grounds in the particular circumstances of the case to justify the FSR departure. The proposal generally complies with the aims, objectives and design parameters contained in MLEP 2011 and Marrickville Development Control Plan (MDCP) 2011.

The non-compliances are acceptable given the rationalised use outcome, reinstatement of the heritage façade and the provision of disabled access. The application is recommended for deferred commencement approval.

## 2. Proposal

Approval is sought to carry out ground and first floor alterations and additions to an existing mixed use premises including a change of use to a tutoring clinic, new shop front, signage and strata subdivision into 2 lots.

The proposal incorporates the extension of the ground floor by 2.7 metres with associated excavation, and the extension of the first floor by approximately 6 metres such that both ground and first floors are setback approximately 7 metres from the rear boundary.

The proposed building reconfiguration results in shop top housing (1 x dwelling) as opposed to the existing ground floor commercial premises, with an attached 3 bedroom dwelling located at both ground and first floors. The proposed reconfiguration provides access to both premises from Addison Road, as opposed to the existing commercial entry at the front and the existing dwelling at the rear. Strata subdivision into separate lots for the commercial and residential components is also proposed.

The proposed hours of operation for the tutoring facility are 7.00am to 9.00pm daily.

The proposal includes the replacement of existing business identification signage with new business identification signage within the proposed new shop front.

### 3. Site Description

The subject site is located on northern side of Addison Road, Marrickville between John Street and Park Road, Marrickville. The site has a frontage to Addison Road and the rear boundary is located adjacent a right-of-way. The site is generally rectangular shaped with a total area of 170.7m<sup>2</sup> and is legally described as Lot B in Deposited Plan 33371. The site is located within a heritage conservation area (HCA 19- Norwood Park Estate Conservation Area) under MLEP 2011, and located in the Newington Planning Precinct (Precinct 9) under MDCP 2011.

The following characteristics relate to the site:

- The Addison Road frontage is 5.63 metres in width;
- The rear (right-of-way) frontage is 5.17 metres in width;
- The depth of the allotment is between 32 metres and 37 metres; and
- The site slopes toward the south such that there is a 2.89 metres fall from rear to front.

The surrounding streetscape consists of a combination of commercial buildings and single and two storey dwelling houses. The site is adjoined by 247 and 251 Addison Road which contain two-storey terrace-style buildings, comprising commercial and residential components. The original frontages of both the subject site and 251 Addison Road have been altered, 247 Addison Road retains the original alcove form.

### 4. Background

#### 4(a) Site history

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

#### Subject Site

Application	Proposal	Decision & Date
B412/92	Construct a shop front	Approval 28 August 1992
D369/97	Erect and illuminated under awning sign	Approval 17 September 1997

#### 4(b) Application history

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

Date	Discussion / Letter/ Additional Information
7 December 2016	<p>Council requested the following additional information and amended plans:</p> <ul style="list-style-type: none"> <li>• Details of an accessible entrance to the commercial premises from Council's footpath;</li> <li>• Specific details of the shop-front reinstatement;</li> <li>• Clarification that the roof form and one of the side chimneys will be preserved and the roof sheeting replaced;</li> <li>• Details and drawings for the vertical garden wall;</li> <li>• Specification of the side and rear fence/gate.</li> <li>• The use of permeable paving to the car parking area;</li> <li>• Privacy treatment of windows in the eastern elevation; and</li> <li>• Details of compliance with National Construction Code.</li> </ul>

10 January 2017	Amended to address most of the additional information requirements. This assessment report is based on the amended plans submitted to Council on 10 January 2017.
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## 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

### 5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No 64 – Advertising and Signage
- 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. MLEP 2011 provides controls and guidelines for remediation works.

A search of Council's records did not reveal that the site has been used in the past for activities which would potentially contaminate the site. It is considered that the site will not require remediation in accordance with SEPP 55.

#### 5(a)(ii) State Environmental Planning Policy No. 64 - Advertising and Signage

The following is an assessment of the proposed development under the relevant controls contained in State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64).

SEPP 64 specifies aims and objectives and assessment criteria for signage as addressed below. Schedule 1 of SEPP 64 specifies assessment criteria for signage relating to character of the area, special areas, views and vistas, streetscape, setting or landscaping, site and building, illumination and safety. The proposed signage is considered satisfactory having regard to the assessment criteria contained in Schedule 1 of SEPP 64.

The application seeks consent for the erection of the following signage:

- 2 x window signs measuring approximately 1,445mm (width) by 1,000mm (height) fronting Addison Road (details of the sign wordings have not been specified);
- 1 x awning sign spanning the entire length of the façade and measuring approximately 400mm (height) fronting Addison Road (details of the sign wording have not been specified);
- An internally illuminated double sided under awning sign (details of the sign wording have not been specified).

The proposed signage is considered satisfactory having regard to the assessment criteria contained in Schedule 1 of SEPP 64. The issue of advertising signs is considered further in part 5(c) of this report.

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

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

### 5(a)(iv) Marrickville Local Environmental Plan 2011 (MLEP 2011)

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Land Use Table and Zone Objectives
- Clause 2.6 - Subdivision
- Clause 2.7 – Demolition
- Clause 4.3 – Height
- Clause 4.4 – Floor Space Ratio
- Clause 4.6 – Exceptions to Development Standards
- Clause 5.10 – Heritage
- Clause 6.1 – Acid Sulfate Soils
- Clause 6.2 – Earthworks
- Clause 6.5 – Development in areas subject to Aircraft Noise

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

Standard (maximum)	Proposal	% of non-compliance	Compliance
<b>Height</b> Required: 9.5m	7.7m	N/A	Yes
<b>Floor Space Ratio</b> Required: [0.85:1] [150m <sup>2</sup> ]	1.057:1 186m <sup>2</sup>	24% 36m <sup>2</sup>	No

The following provides further discussion of the relevant issues:

(i) Aims of the Plan (Clause 1.2)

The development is consistent with the aims of Clause 1.2 of MLEP 2011 in that the application supports 'the conservation and environmental heritage of Marrickville' (Aim (2)(g)). The development results an improved residential and employment arrangement while protecting residential amenity. Reinstatement of the period shop façade improves the cultural heritage of Marrickville, and the design outcome is considered appropriate for the private and public domain. The application is satisfactory having regard to the Aims of the Plan under Clause 1.2 of MLEP 2011.

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

The property is zoned B1 Neighbourhood Centre under the provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011). Shop top housing is permissible with Council's consent under the zoning provisions applying to the land.

Under MLEP 2011 shop top housing is defined as follows:

“**shop top housing** means one or more dwellings located above ground floor retail premises or business premises.”

The development is permissible with Council's consent under the zoning provisions applying to the land. The objectives of the B1 - Neighbourhood Centre zone are as follows:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To provide for housing attached to permissible non-residential uses in development of a type and scale compatible with the surrounding neighbourhood.*
- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*
- *To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.*

The development is considered acceptable having regard to the objectives of the B1 - Neighbourhood Centre zone.

(iii) Subdivision (Clause 2.6)

Clause 2.6 of MLEP 2011 states that land to which the Plan applies may be subdivided, but only with development consent. The application proposes the strata subdivision into 2 lots, the ground floor commercial premises comprising one lot and the first floor 3 bedroom dwelling comprising a separate lot. This matter is discussed in more detail in Section 5(c) of this report.

(iv) Demolition (Clause 2.7)

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

(v) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 0.85:1 applies to the land under MLEP 2011. The development has a gross floor area (GFA) of 186sqm which equates to a FSR of 1.057:1 on the 176sqm site, a departure of 36sqm or 24%, which does not comply with the FSR development standard.

Clause 4.6 Exceptions to Development Standards

As outlined above, the proposal results in a breach of the floor space ratio development standard specified in Clause 4.4 of MLEP 2011. Clause 4.6(2) specifies that Development consent may be granted for development even though the development would contravene a development standard. A written request in relation to the contravention to the FSR development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 was submitted with the application.

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

- The reconstructed shopfront is sympathetic to the significance of the conservation area and consistent with the desired future character for the area.

- The expansion and improvement of the commercial premises assists with the retention of commercial tenants, which is consistent with the zoning for business purposes.
- The expansion of the commercial premises addresses the existing innominate use (if defined simply as a “dwelling”), by creating “shop top housing”.
- Compliance with the FSR control would thwart the rationalised expansion of the commercial premises (with associated accessibility upgrades) with a reasonably sized dwelling.
- The development does not cause an unreasonable amenity impact to surrounding properties.
- Maintaining a 0.85:1 FSR is unreasonable and a poor planning outcome, given that a lot of such dimensions in surrounding residential area would be entitled to a density of 1:1.
- The proposal enhances the safety, amenity and convenience for locals, the tutoring service for local children promoting the social welfare of the community.
- The creation of “shop-top” housing with an expanded commercial component promotes and co-ordinates of the orderly and economic use and development of land.
- The removal of the carport and creation of a flexible use parking/courtyard enhances pedestrian access at the rear area of the site and maintains amenity for adjoining properties.

The justification provided in the applicant’s written submission is considered to be well founded and worthy of support. It is considered that there are sufficient environmental planning grounds as to why the FSR development standard should be varied in this particular circumstance based on the outcomes of planning law precedents such as those contained in *Wehbe v Pittwater Council [2007] NSWLEC827*, *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90* and *Moskovich v Waverley Council [2016]*.

The creation of shop-top housing is an improvement on the existing situation as it is consistent with the current zoning provisions. As demonstrated in the assessment provided in this report, the additional gross floor area does not result in any adverse amenity impacts for residents of adjoining properties and the architectural form proposed responds appropriately to the existing period building. The reconstructed shopfront is a desirable outcome for the conservation area and is consistent with the desired future character for the area. The proposal does not detract from the existing period building. The justification provided above is therefore considered well founded and worthy of support.

The granting of concurrence to the proposed variation of the development standard will not raise any issues of state or regional planning significance. The proposed variation to the development standard will not compromise the long term strategic outcomes of the planning controls to the extent that a negative public benefit will result. In this regard, there is no material public benefit to the enforcing of the development standards.

(vi) Heritage Conservation (Clause 5.10)

The site is located within a Heritage Conservation Area under MLEP 2011 (Heritage Conservation Area C19 - Norwood Park Estate Heritage Conservation Area). Retail Streetscapes are identified as contributing to the significance of Norwood Park Estate Heritage Conservation.

The Statement of Environmental Effects submitted with the application satisfactorily addresses the relevant heritage conservation provisions contained in Clause 5.10 of MLEP 2011. The application was referred to Council’s Heritage and Urban Design Advisor who provided comments regarding:

- materials and finishes,
- disabled access to the ground floor commercial premise;

- preservation of chimney and roof sheeting and vertical garden.

Amended plans submitted during the assessment process address the majority but not all of these matters. In particular, specific details of the material finishes to the façade are required to ensure the most appropriate outcome in terms of 'Retail Streetscape'. This matter is discussed in more detail in Section 5(c) of this report - Building Detail 5.1.4 MDCP 2011 and Desired Future Character 9.9.2 MDCP 2011 and deferred commencement conditions recommended by Council's Heritage and Urban Design Advisor relating to heritage improvements to the front façade, vertical garden wall and signage have been included in the recommendation.

(vii) Acid Sulfate Soils (Clause 6.1)

The site is identified as land being affected by Class 5 acid sulfate soils on the MLEP 2011 Acid Sulfate Soils Map.

Given the above and the elevated position of the site and its uphill location from the nearest water body and water table, it is highly unlikely that the proposed works will involve excavation at or below the groundwater level or involve works that could lower the ground water table. Consequently, a preliminary soil assessment is not warranted given the circumstances.

(viii) Development in areas subject to Aircraft Noise (Clause 6.5)

The land is located within the 20-25 Australian Noise Exposure Forecast (2033) Contour. The development is likely to be affected by aircraft noise. The carrying out of the development would likely result in an increase in the number of people affected by aircraft noise.

The development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. Conditions to address aircraft noise are included in the recommendation.

## 5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

## 5(c) Development Control Plans

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

Part of MDCP 2011	Compliance
2.6 – Acoustic and Visual Privacy	Yes
2.7 – Solar Access and Overshadowing	Yes
2.10 – Parking	No but acceptable- see below
2.12 – Signage and Advertising Structures	Conditioned to comply
2.18 – Landscaping and Open Spaces	Yes
2.21 – Site Facilities and Waste Management	Yes
3.3 Subdivision, Amalgamation and Movement Networks	Yes
5.1.3.3 – Massing and Setbacks	Yes
5.1.3.4 – Building Depth	Yes
5.1.4.2 – Active street frontage use and shopfront detail	Conditioned to comply
5.1.5.1 – Mixed use development	Yes



Part of MDCP 2011	Compliance
8.2.21 – Norwood Park Estate Conservation Area	Conditioned to comply
8.4.1.1- Setbacks	Yes
9.9.2 – Desired future character	Conditioned to comply

The following provides discussion of the relevant issues:

#### Part 2.6 Acoustic and Visual Privacy

The development complies with the above requirements for the following reasons:

- Sufficient separation between the existing dwellings and the proposed alterations and additions exist to maintain visual privacy for the occupants and surrounding properties.
- The layout and slope of the site at the rear is considered to ensure visual and acoustic privacy of the surrounding area;
- The 2 new windows in the side elevation are indicated with fixed and translucent glazing to a height of 1600mm above finished floor level;
- The landing and doors in the rear elevation do not directly overlook neighbouring private open spaces or windows of principal living areas; and
- With regard to acoustic privacy, the development is located within the 20-25 ANEF and adjacent to the railway line. Appropriate noise attenuation measures have been incorporated into the development. In addition, a condition is included in the recommendation that the use of any air-conditioning unit shall be appropriately soundproofed in accordance with Control C4.

In view of the above, the development satisfies the privacy objectives and controls of MDCP 2011.

#### Part 2.7 Solar Access and Overshadowing

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties and demonstrate that the development complies with Council's overshadowing controls, particularly Control C2. The shadow diagrams are considered to contain sufficient detail to enable a proper assessment of the proposal. Sunlight is retained to the open space of 247 Addison Road for greater than 2 hours during the winter solstice. Although a window on the side boundary of 247 Addison Road is shadowed between 1.00pm to 3.00pm, the affected room receives solar access from a separate window at the rear throughout the day.

Control C8 specifies that where site orientation permits, new buildings and additions must be sited and designed to maximise direct solar access to north-facing living areas and outdoor recreation areas. The plans and shadow diagrams submitted with the application illustrate that the development complies with Council's solar access controls. The living room has a window having an area not less than 15% of the floor area of the room, positioned within 30 degrees east and 20 degrees west of true north and allow for direct sunlight for at least two hours over a minimum of 50% of the glazed surface between 9.00am and 3.00pm on 21 June. Private open space receives a minimum two hours of direct sunlight over 50% of its finished surface between 9.00am and 3.00pm on 21 June.

Having regard to the above, the proposal is considered to be acceptable with Part 2.7 of MDCP 2011.

#### Part 2.10 Parking

Control C1 requires development to comply with the car parking rates detailed in Table 1.

The property is located in Parking Area 2 under Table 1. The following table summarises the car, bicycle and motorcycle parking requirements for the development:

Component	Control	Required	Proposed	Complies?
<b>Car Parking</b>				
Resident Car Parking	0.5 car parking spaces per 3 bedroom unit	1 x 3 bed unit = 0.5 spaces	1 space	Yes
Commercial Car Parking	1 space per 80sqm GFA for customers and staff	170.7sqm GFA = 2.125space	0 spaces	No
	<b>TOTAL:</b>	<b>3 spaces</b>		
<b>Bicycle Parking</b>				
Commercial Bicycle Parking - Staff	1 bicycle parking space per 300sqm GFA	186sqm GFA = 1 spaces	1 spaces	No

*Table 1: Car and Bicycle Parking Control Compliance Table*

As detailed above, the development does not comply with the car and bicycle parking requirements, as car parking space is not provided for the commercial premises. The existing commercial operation does not include a car parking space and the scope of the development is such that significant additional parking demand is not anticipated based on the requirements of Council's parking controls. The site is located in close proximity to regular public transport services on Addison Road and sufficient area exists for an informal bicycle space. The car parking space has been allocated to the dwelling so that the open space and the car parking space can be used interchangeably. It is noted that the small size of the site and the car parking access using a right of way presents a constraint on parking provision. A variation to the minimum parking requirement is considered reasonable in the circumstances.

#### Part 2.12 Signage and Advertising Structures

Part 2.12 of MDCP 2011 specifies Council's objectives and requirements for the erection and display of advertising signs. Those provisions are intended to protect the significant characteristics of retail/commercial strips, neighbourhoods, buildings, streetscapes, vistas and the skyline. The provisions include general controls for signage, prohibitions, preferred options for signage and size restrictions for signage.

As the site has a frontage of approximately 6 metres the total permissible advertising area under Control C18 is 4sqm. The two signs applied to the front glass have an area of 2.89m and the awning sign comprises an area of 2.30 metres, which results in 5.2 metres of total proposed area of signage.

As previously stated, the site is located within Norwood Park Estate Heritage Conservation Area, and the reinstated building has streetscape heritage value. Control C36 requires signage to respect and not detract from the residential amenity of an HCA which is predominately residential.

Having regard to the above, any consent granted should include a condition that the proposed signage arrangements be amended to result in a total advertising area, excluding the under awning sign, of 4sqm to the satisfaction of Council's Heritage and Urban Design Advisor.

### Part 2.18 Landscaping and Open Spaces

Control C26 for mixed use development requires each dwelling to have a private open space in the form of a deck or balcony accessible from the principal living area of the dwelling with a minimum area of 8sqm and a minimum width of 2 metres. The development proposes approximately 27sqm of yard, which includes a landing and pervious paving which also accommodates off-street parking. Having regard to the above, open space arrangements are considered to be acceptable.

A vertical garden is proposed within the open space. To facilitate in the sustained longevity of the vertical garden, details and drawings (including irrigation method) for the vertical garden wall should be prepared by a qualified landscape architect and approved by Council. This has been included as a deferred commencement condition of consent.

### Part 2.21 Site Facilities and Waste Management

A recycling and waste management plan (RWMP) has not prepared in accordance with Council's requirements should be submitted to the Principal Certifying Authority prior to the commencement of works. A condition to such effect has been included in the schedule of conditions.

Control C50 required adequate and accessible open air clothes drying facilities for all residential developments, which must be visually screened from the street and adjoining premises. Control C51 requires external clothes drying areas at the rate of 3.75m<sup>2</sup> per dwelling, with a minimum of 6 metres of clothes line for each dwelling.

The applicant states that the proposed residential use includes a flexible use courtyard that can be used for clothes drying (using a retractable clothes line) by the residents when not used for parking. It is evident that sufficient space and screening exists to enable provision of such a retractable clothes line meeting the requirements of Part 2.21 of MDCP 2011.

### Part 3.3 Subdivision, Amalgamation and Movement Networks

Part 3.3 of MDCP 2011 contains controls relating to strata title subdivision.

The application seeks approval to strata subdivide the development into 2 lots. The strata subdivision of the development is acceptable, as each strata lot will continue to have access to all facilities such as car parking spaces and waste facilities. Conditions are included in the recommendation regarding the strata subdivision for the proposal.

#### Part 5.1.3.3 Massing and Setbacks

The rear building envelope is contained within the combination of the rear boundary plane and a 45 degree sloping plane from a point 7.5 metres vertically above the lane ground level, measured at the rear boundary, and contains a maximum of two storeys on the rear most building plane. The proposed rear building envelope contributes positively to the visual amenity of the laneway by virtue of the sympathetic design, and openings facilitate activation of the rear laneway. As identified earlier in the report, the proposal complies with privacy and solar access controls and is supported.

#### Part 5.1.3.4 Building Depth

The first floor dwelling has a depth of 23.5 metres. Cross ventilation of the dwelling is facilitated via windows in northern, southern and eastern elevations. Solar access is available to internal areas of the dwelling such that the breach of the maximum building depth requirement by 1.5 metres is inconsequential in the circumstances. The proposal enables sufficient amenity for the reconfigured dwelling.

#### Part 5.1.4 Building Detail

##### (a) *Building Frontages (Part 5.1.4.1)*

The development generally satisfies the building frontage controls in that the reinstatement of the period shop-front results in a positive contribution to the character of the streetscape, the Newington Planning Precinct and the Norwood Park Estate Heritage Conservation Area. However, clarification of the following material details to the façade is required:

- Coloured glass, stained glass or transparent glazing for the transom lights.
- At least two colours/hues to the front façade to highlight architectural features.
- The two front windows to Level 1 replaced with timber-framed casement windows and transom windows to match the windows at 251 Addison Road.
- A detailed specification of the front door.
- Specification / photograph of the new windows and bi-fold door to the side and rear elevations (they should be painted timber-framed).

This matter addressed by the imposition of deferred commencement consent conditions.

#### Part 5.1.4.2 Active street frontage uses and shopfront design

Part 5.1.4.2 of MDCP 2011 includes the following applicable controls:

- C37** *Existing shopfronts that display high architectural or heritage value, where the building as a whole is considered to be a contributory building, must be retained and restored (as part of a substantial redevelopment).*
- C38** *Reconstruction of a shopfront to match the period of the building is only appropriate where there is reasonable evidence to establish the original design of the shopfront.*
- C43** *Shops must have floor levels that relate to the footpath level and, when adjacent to sloping footpaths, incorporate changes to the retail floor level, as a minimum, every 12 metres.*

The interface of the shop entry relates to the footpath level. Windows of the dwelling and the commercial premises overlook the street. The reinstatement of the original period building design raises the architectural and heritage value of the contributory building. As stated earlier in the report, specific details of the material finishes to the façade are required to facilitate appropriate reinstatement. This is the subject of deferred commencement conditions.

#### Part 8 Heritage

Part 8.2.21 applies to the Norwood Park Estate Conservation Area. Part 8.2.21.6 identifies the applicable conservation controls for Retail Streetscapes as being contained in Section 8.4

Control C7 of part 8.4.1.3 (setbacks) specifies:

- C7** *Existing patterns of building setback must be retained and matched by any new development within groups, generally resulting in buildings to be built to front and side boundaries.*

A resident submission states that the proposal does not comply with Control C7 of Part 8.4.1.3, due to inconsistency with the rear building alignments with associated impacts and poor precedent.

The development of the rear of the property is not considered to result in adverse impacts to the heritage value of the property or the greater area, primarily as the proposal is visible from

Addison Road and has minimal visibility from John Street. The proposal achieves a good heritage outcome, by the appropriate reinstatement of the front façade which is the visible and contributing component of the building to the Norwood Park Estate Heritage Conservation Area. Limiting the overall height of the development also maintains an appropriate setting and view. The proposal is therefore considered to comply with Control C7 of Part 8 of MDCP 2011.

### Part 9 Strategic Context

The property is located in the Newington Planning Precinct (Precinct 9) under MDCP 2011. The proposal is generally considered to comply with the relevant components of desired future character of specified in part 9.9.2 of MDCP 2011 for the following reasons:

- The proposal protects and preserves the identified period buildings within the precinct and encourages their sympathetic alteration or restoration;
- The proposal protects groups or runs of buildings which retain their original built form including roof forms, original detailing and finishes;
- The proposal protects significant streetscapes and/or public domain elements;
- The proposal preserves the predominantly low density residential character of the precinct; and
- The proposal protects the identified values of the Norwood Park Estate Heritage Conservation Area, including 'Retail Streetscapes' as required by Control C2.

As stated earlier in the report, specific details of the material finishes to the façade are required to facilitate appropriate reinstatement. This is the subject of deferred commencement conditions.

### 5(d) The Likely Impacts

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

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

The site is zoned B1 Neighbourhood Centre. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

### 5(f) Any submissions

The application was notified in accordance with Council's Notification Policy for a period of 14 days to surrounding properties. A total of 2 submissions were received.

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

- i. Unfounded arguments in Clause 4.6 variation request - see Part 5(a)(iv) of this report (Part 4.6 of MLEP 2011);
- ii. Privacy and overshadowing impacts – see Part 5(c) of this report (Part 2.6 and Part 2.7 of MDCP 2011);
- iii. Insufficient clothes drying facilities - see Part 5(c) of this report (Part 2.21 MDCP 2011);
- iv. Impacts associated with bulk, rear massing and building depth and mass - see Part 5(c) of this report (Part 5.1.3.3 of MDCP 2011); and
- v. Altered rear setback setting a precedent - see Part 5(c) of this report (Part 5.1.3.3 and Part 8 of MDCP 2011).

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

- (i) Unjustified FSR variation based on commercial viability, particularly as a business has been successfully operating for several years. The submission also contends that reconstruction of the shopfront and rationalising the use to shop-top housing is insufficient justification.

Comment:

One commercial premises and one residence currently exists and one commercial premises and one residence are retained. The proposal results in a more efficient and appropriate configuration resulting in the residential use being moved from the ground floor to upstairs and the commercial use being expanded. The proposal is considered to result in a suitable urban design outcome, and all of the matters raised under the heading of urban design have been considered in the body of the report. The FSR variation and the impacts of the proposal have been considered throughout the report. The justification provided for FSR is considered well founded and worthy of support.

- (ii) An existing unauthorised air-conditioning unit.

Comment:

The air conditioning unit does not form part of this application. The submission has been forwarded to Council's Monitoring Services Section to investigate the existing situation.

- (iii) Adverse impacts associated with hours of operation.

Comment:

This matter has been addressed by the imposition of a condition of consent restricting the hours for the commercial tenancy to between 7.00am to 7.00pm Monday to Saturday and no commercial use at any time on Sundays or public holidays.

- (iv) Overdevelopment of the site.

Comment:

The proposal is not considered to be an overdevelopment of the site. There is no increase in building height and the FSR has been justified and the variation is supported. Amended plans were submitted to in response to concerns equity of access and mobility, heritage conservation, privacy impacts. The amended plans result in an improved outcome and are of lesser impact than the advertised plans. The amended plans were therefore not required to be notified in accordance with Council's policy.

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act have been discussed in the report.

## 5(g) The Public Interest

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

The proposal is not considered contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Heritage and Urban Design Advisor
- Development Engineer
- Building Surveyor

### 6(b) External

The application was not referred to any external bodies.

## 7. Section 94 Contributions

Section 94 contributions are payable for the proposal. A Section 94A levy of \$2,020 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014 and a condition requiring the above levy to be paid has been included in the recommendation.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions.

## 9. Recommendation

That Council, as the consent authority pursuant to section 80 of the Environmental Planning and Assessment Act 1979, issue a **DEFERRED COMMENCEMENT CONSENT** to Development Application No: 201600489 for ground and first floor alterations and additions to an existing mixed use premises including a change of use to a tutoring clinic, new shop front, signage and strata subdivision into 2 lots «Description»at 249 Addison Road, Marrickville subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

- A. **THAT** the development application to carry out ground and first floor alterations and additions to an existing mixed use premises including a change of use to a tutoring clinic, new shop front, signage plus strata subdivision into 2 lots be **APPROVED** and a **DEFERRED COMMENCEMENT CONSENT** be issued subject to the following terms and conditions:

### PART A – DEFERRED COMMENCEMENT CONSENT

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

1. Amendments to the finishes to the front elevation, to be to the satisfaction of Council's Heritage and Urban Design Advisor, as follows:
  - a. Coloured glass, stained glass or transparent glazing for the transom lights.
  - b. At least two colours/hues to the front façade to highlight architectural features.
  - c. The two front windows to Level 1 replaced with timber-framed casement windows and transom windows to match the windows at 251 Addison Road.
  - d. A detailed specification of the front door.
  - e. Specification / photograph of the new windows and bi-fold door to the Side and Rear Elevations (they should be painted timber-framed).
2. Details and drawings (including irrigation method) for the vertical garden wall prepared by a qualified landscape architect and approved by Council.
3. Signage arrangements amended to result in a total maximum advertising area of 4sqm, excluding the under awning sign, to the satisfaction of Council's Heritage and Urban Design Advisor.

Evidence of the above matters must be produced to the Council or its delegate within 2 years of the date of this Determination otherwise the Consent will lapse.

### PART B – CONDITIONS OF CONSENT

Once operative the consent is subject to the following conditions:

#### **GENERAL**

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA2.20/E	Roof Plan	10/01/17	sevenmetresquare	10/01/17
DA2.50/H	Ground Floor Plan	10/01/17	sevenmetresquare	10/01/17
DA2.51/F	Floor Plan Shop Front	10/01/17	sevenmetresquare	10/01/17
DA2.52/D	Floor Plan WC	10/01/17	sevenmetresquare	10/01/17



DA2.53/E	Ground Floor Parking	10/01/17	sevenmetresquare	10/01/17
DA2.55/H	First Floor	10/01/17	sevenmetresquare	10/01/17
DA3.30/E	Street Elevation	10/01/17	sevenmetresquare	10/01/17
DA3.31/J	Signage	10/01/17	sevenmetresquare	10/01/17
DA3.31/B	Signage	10/01/17	sevenmetresquare	10/01/17
DA3.40/E	North Elevation	10/01/17	sevenmetresquare	10/01/17
DA3.50/F	Side Elevation	10/01/17	sevenmetresquare	10/01/17
DA3.60/E	Section	10/01/17	sevenmetresquare	10/01/17
DA1.10/B	Finishes Schedule	10/01/17	sevenmetresquare	10/01/17
DA1.20/B	Finishes Schedule – 3D	10/01/17	sevenmetresquare	10/01/17
A259729_02	BASIX Certificate	23/01/17	MB Town Planning	23/01/17

and details submitted to Council on 22 September 2016, 10 January 2016 and 23 January 2017 with the application for development consent and as amended by the matters referred to in Part A of this Determination and the following conditions.

2. Where any plans and/or information forming part of a construction certificate issued in relation to this consent are inconsistent with:

- (a) the plans and/or information approved under this consent; or
- (b) any relevant requirements of this consent,

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

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

3. The ongoing use of the ground floor commercial tenancy complying with the following requirements at all times:

- a) The areas to be used for non-residential purposes must be restricted to the ground floor commercial tenancy;
- b) The window display areas must be maintained at all times with no roller shutters being installed across the shopfronts;
- c) The hours of operation of the ground floor are restricted to between the hours of 7.00am to 7.00pm Monday to Saturday with no operation on Sundays or public holidays;
- d) All loading and unloading in connection with the commercial use must be carried out during the approved hours of operation and in such a manner so as to not cause an inconvenience to the public;
- e) No storage of goods or equipment external to any building on the site is permitted; and
- f) No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.

4. The dwelling must be used exclusively as a single dwelling and not be adapted for use as backpackers' accommodation, serviced apartments or a boarding house and not be used for any industrial or commercial purpose.

5. The use of the premises, including any plant and equipment, must not give rise to:

- a) transmission of unacceptable vibration to any place of different occupancy;

- b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
6. The signage must be erected substantially in accordance with the Plan No/s. DA3.31/J dated 10 January 2017 and details submitted to Council on 10 January 2017 with the application for development consent as amended by the following conditions.
7. The door to the commercial space accessed via courtyard 02, specified as 'possible location of new rear doorway', is to be restricted for use by staff only and is not to be used for access to the premises by students or carers of students.
8. The signage must be erected substantially in accordance with the Plan No/s. DA3.31/J dated 10 January 2017 and details submitted to Council on 10 January 2017 with the application for development consent as amended by the following conditions.
9. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures other than the signage approved in this consent. The shop windows must not be painted with advertisements.
10. The advertising structure(s) and associated advertisement(s) must be properly and safely maintained at all times.
11. Any advertisement to be displayed must be only to identify the premises, the occupier of the site, the activity conducted thereon or the goods and services available on the premises associated with the use approved in this development consent.
12. The signage must:
- a) not flash, move, be animated, or be decorated with rotating or flashing lights;
  - b) not have any apparatus attached to it which will provide sound of any description whether associated with the sign or other object or activity;
  - c) be neatly affixed to the building and any damage to the building caused to the exterior of the building by the erection of the advertising structure shall be promptly repaired with materials to match those of the existing building;
  - d) comply with the Advertising Code of Ethics;
13. The payment of the required fee under Council adopted fees and charges for "Signs and Advertising Structures Projecting onto or Over Public Space". The advertisement/advertising structures only remaining in place when the annual licensing fee for that year has been paid.  
Note: The fee needs to be paid annually.
14. 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.
15. All trade waste must be stored within the site boundaries and contained in such a manner so as not to cause a nuisance.
16. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).

17. 1 off-street car parking spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. The parking must be allocated to the residential use.

### **BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK**

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

18. No work shall commence until:
- A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall be notified within two (2) days of the appointment; and
  - A minimum of two (2) days written notice given to Council of the intention to commence work.
19. A Construction Certificate shall be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
20. Sanitary facilities are to be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet shall be connected to the sewer, septic or portable chemical toilet before work commences.
- Facilities are to be located so that they will not cause a nuisance.
21. The site shall be enclosed with suitable fencing to prohibit unauthorised access. The fencing shall be erected as a barrier between the public place and any neighbouring property, before work commences.
- Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.
22. A rigid and durable sign shall be erected in a prominent position on the site, before work commences. The sign is to be maintained at all times until all work has been completed. The sign is to include:
- The name, address and telephone number of the PCA;
  - A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
  - A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
23. A Soil and Water Management Plan being prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document shall be submitted to and accepted by PCA before work commences. The plan shall indicate:
- Where the builder's materials and waste are to be stored;
  - Where the sediment fences are to be installed on the site;

- c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
- d) How access to the site will be provided.

All devices shall be constructed and maintained on site while work is carried out.

- 24. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
- 25. All demolition work must:
  - a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
  - b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.
- 26. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.
- 27. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
- 28. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences. The waste management plan shall include the following details:
  - a. The method for transferring residential waste to rubbish bins and recycling to bins, the person(s) responsible for cleaning bins, the person(s) responsible for presenting bins them for collection and retrieving after collection, location of presentation for collection;
  - b. A statement that there will be no compaction of waste or recycling permitted; and
  - c. Separate waste and recycling area for commercial and residential bins
- 29. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.
- 30. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:
  - a) The name, address and telephone number of the PCA;
  - b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
  - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
- 31. The person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the property owner of the identified property, before work commences, on the buildings on the adjoining property at 251

Addison Road, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

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

### **BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

33. A levy of \$2,020.00 has been assessed as the contribution for the development under Section 94A of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

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

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

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

### **(LEVY PAYMENT REFERENCE NO. DC001762)**

**NOTE:** Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

34. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

**NOTE:** The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.

<http://www.lspc.nsw.gov.au>.

35. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Plumbing, building and developing then Quick Check agents and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Plumbing, building and developing then Plan submissions or telephone 13 20 92.

The stamped plans must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

36. Adequate outdoor clothes drying areas/facilities must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. Where such areas/facilities are provided on street facing balconies, the areas/facilities must be appropriately screened from view from the street.
37. Plans fully reflecting the selected commitments listed in BASIX Certificate submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

**NOTE: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate (Refer to Clause 6A of Schedule 1 to the Regulation).**

38. Reticulated gas infrastructure, with a separate meter for each dwelling must be provided to each dwelling in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
39. Noise attenuation measures being incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction), in accordance with details must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.
40. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
41. Before the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority's satisfaction indicating the following:
- a) Access to the premises via the principal place of entry to the building and the ground floor, complying with AS 1428.1 - 2009 'Design for access and mobility';
  - b) An accessible counter complying with AS 1428.2 - 2001 'Design for access and mobility'.
42. Before the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority's satisfaction indicating the existing building upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to:

- a) smoke detection systems;
  - b) balustrades;
  - c) fire rating between sole occupancy units;
  - e) sound transmission ratings between sole occupancy units;
  - f) emergency lighting;
  - g) exit signs;
  - h) portable extinguishers;
  - j) fire doors;
  - k) solid core doors;
  - l) mechanical ventilation;
  - n) air movement;
  - o) egress;
  - q) energy efficiency of the any air conditioning and ventilation system and artificial lighting and power.
43. Before the issue of the Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.  
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.
44. Payment to Council of \$1,441.50 before to the issue of a Construction Certificate as a Building Security Deposit (B.S.D.) to a provide security against damage to Council's infrastructure. Council may utilise part or all of the B.S.D. to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

### **SITE WORKS**

45. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work being carried out on any Saturday that falls adjacent to a Public Holiday.
46. During any construction works and activities, no injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
47. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
48. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'.
49. All demolition work must be carried out in accordance with the following:
- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public,

- health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
  - c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
  - d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
  - e) the generation of dust and noise on the site must be controlled;
  - f) the site must be secured to prohibit unauthorised entry;
  - g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
  - h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
  - i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
  - j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
  - k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.
50. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another certifying authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:
- a) At the commencement of the building work;
  - b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
  - c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
  - d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

51. If it is necessary to excavate below the level of the base of the footings of a building on the adjoining allotments, including a public place such as footways and roadways, the person acting on this consent must ensure:
- a) At least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work; and
  - b) That any building is preserved and protected from damage.

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



- consent of the adjoining property owner can be obtained. Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.
52. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
  53. Satisfactory methods and/or devices must be employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.
  54. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.
  55. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, are restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work being carried out on any Saturday that falls adjacent to a Public Holiday.
  56. All demolition work being carried out in accordance with the following:
    - a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
    - b) all works involving the demolition, removal, transport and disposal of asbestos cement is to be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
    - c) all building materials arising from the demolition are to be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Recycling and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
    - d) sanitary drainage, stormwater drainage, water, electricity and telecommunications are to be disconnected in accordance with the requirements of the responsible authorities;
    - e) the generation of dust and noise on the site must be controlled;
    - f) the site must be secured to prohibit unauthorised entry;
    - g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
    - h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, only having access to the site during work hours nominated by Council and all loads must be covered;
    - i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
    - j) no waste collection skips, spoil, excavation or demolition material from the site being deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
    - k) the person acting on this consent is responsible for ensuring that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.
  57. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA.

58. A clear unobstructed path of travel of not less than 1,000mm is to be provided to all exits and paths of travel to exits.
59. All builders' refuse, spoil and/or material unsuitable for use in landscape areas must be removed from the site on completion of the building works.
60. All roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.

#### **BEFORE OCCUPATION OF THE BUILDING**

61. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:
  - a) A copy of the determination;
  - b) Copies of any documents that were lodged with the Occupation Certificate application;
  - c) A copy of Occupation Certificate, if it was issued;
  - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
  - e) A copy of any missed inspections; and
  - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

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

62. Occupation of the building must not be permitted until such time as:
  - a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
  - b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
  - c) An Occupation Certificate has been issued.
63. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:
  - a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
  - b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate shall be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

64. The landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved details and must be maintained at all times to Council's satisfaction.
65. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
66. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).
67.
  - a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination, and prior to the occupation of the development a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2000 as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
  - b) due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.
68. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA shall notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:
  - a) A copy of the determination;
  - b) Copies of any documents that were lodged with the Occupation Certificate application;
  - c) A copy of Occupation Certificate, if it was issued;
  - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
  - e) A copy of any missed inspections; and
  - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
69. Occupation of the building shall not be permitted until such time as:
  - a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
  - b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
  - c) An Occupation Certificate has been issued.
70. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies Shop 1 / 249 Addison Road, Marrickville and Unit 2 / 249 Addison Road, Marrickville must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.

71. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2- "Roadworks Specifications".
72. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.

### **BEFORE THE RELEASE OF A STRATA PLAN**

73. The strata subdivision of the development must be carried out in accordance with survey plans to be submitted to and approved by Council. Such plans must be submitted together with the required fee for the approval of the final plan under the Strata Schemes (Freehold Development) Act 1973.
74. The submission of a final survey plan and 4 copies for the Strata subdivision.
75. All instruments under Section 88B of the Conveyancing Act used to create easements or right-of-ways must include the condition that such easements or right-of-ways must not be varied, modified or released without the prior approval of Council.
76. The payment of the required fee, under Council's adopted fees and charges, for the approval of the final plan under the terms of the Strata Schemes (Freehold Development) Act 1973.
77. Compliance with the conditions of this Determination with the development being completed in accordance with the approval to Council's satisfaction before the release of the Strata Plan.

### **USE OF THE BUILDING**

78. The dwelling must be used exclusively as a single dwelling and must not be adapted for use as a residential flat building or boarding house and must not be used for any industrial or commercial purpose.
79. The use of any air conditioning unit not giving rise to:
  - a) transmission of unacceptable vibration to any place of different occupancy;
  - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

### **ADVISORY NOTES**

- 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.

- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- Any natural light or ventilation gained by windows within 900mm of the boundary will not be taken into consideration in the event that the adjoining property owner makes application to Council to carry out building works on their property. The window has been consented to on the basis that alternative sources of light and ventilation are available to the room.
- Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.
- Contact "Dial Before You Dig" before commencing any building activity on the site.

- Useful Contacts

BASIX Information	☐☐1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	☐☐13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☐☐1100 <a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a>
Landcom	☐☐9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments ☐☐131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diyasafe.nsw.gov.au">www.diyasafe.nsw.gov.au</a> Information on asbestos and safe work

practices.

NSW Office of Environment and Heritage ☐☐131 555  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Sydney Water ☐☐13 20 92  
[www.sydneywater.com.au](http://www.sydneywater.com.au)

Waste Service - SITA Environmental Solutions ☐☐1300 651 116  
[www.wasteservice.nsw.gov.au](http://www.wasteservice.nsw.gov.au)

Water Efficiency Labelling and Standards (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)

WorkCover Authority of NSW ☐☐13 10 50  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)  
Enquiries relating to work safety and asbestos removal and disposal.

**B. THAT** those persons who lodged a submission in respect to the proposal be advised of the Council's determination of the application.

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

<u>Premises:</u>	249 Addison Road, Marrickville
<u>Proposal:</u>	To carry out ground and first floor alterations and additions to an existing mixed use premises including a change of use to a tutoring clinic, new shop front, signage plus strata subdivision into 2 lots
<u>Determination:</u>	Deferred Commencement Consent
<u>DA No:</u>	201600489
<u>Lot and DP:</u>	Lot B in Deposited Plan 33371
<u>Category of Development:</u>	9: Mixed
<u>Environmental Planning Instrument:</u>	Marrickville Local Environmental Plan 2011
<u>Zoning of Land:</u>	B1 - Neighbourhood Centre
<u>Development Standard(s) varied:</u>	Clause 4.4 – Floor Space Ratio
<u>Justification of variation:</u>	Strict compliance with the FSR development standard is unnecessary; The development provides a better urban design outcome than a compliant development; The additional FSR does not contribute to additional adverse amenity impacts on adjacent development; The development is compatible with the bulk/scale and overall character of the area.
<u>Extent of variation:</u>	36sqm (24%)
<u>Concurring Authority:</u>	Council under assumed concurrence of the Secretary Department of Planning and Environment
<u>Date of Determination:</u>	

Attachment B – Plans of proposed development

Shipway  
249 Addison Road Marrickville NSW

DRAWING LIST - Dated - 2017.01.10

- DA1.00 COVER + DRAWING LIST
- DA1.10 FINISHES SCHEDULE
- DA1.20 3D SKETCH - SHOPFRONT
- DA2.00 EXISTING FLOOR PLANS
- DA2.10 EXISTING ROOF PLAN
- DA2.20 PROPOSED ROOF PLAN
- DA2.50 PROPOSED GROUND FLOOR PLAN
- DA2.51 DETAIL PLAN - ENTRY
- DA2.52 DETAIL PLAN - WC
- DA2.53 CAR TURNING BBS STUDY
- DA2.55 PROPOSED FIRST FLOOR PLAN
- DA3.00 EXISTING EXTERIOR ELEVATION A
- DA3.10 EXISTING EXTERIOR ELEVATION B
- DA3.20 EXISTING EXTERIOR ELEVATION C
- DA3.30 PROPOSED EXTERIOR ELEVATION D
- DA3.31 PROPOSED EXTERIOR ELEVATION D - SIGNAGE
- DA3.32 PROPOSED 3D LOG VIEW
- DA3.40 PROPOSED EXTERIOR ELEVATION E
- DA3.50 PROPOSED EXTERIOR ELEVATION F
- DA3.60 PROPOSED SECTION
- DA4.00 3D SKETCH VIEWS
- DA4.10 3D SKETCH VIEWS
- DA4.20 3D SKETCH VIEWS

Shadow Diagram Dw List


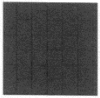






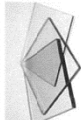
- SD1.01 JUNE 21ST - 12pm
- SD1.02 JUNE 21ST - 1pm
- SD1.03 JUNE 21ST - 2pm
- SD1.04 JUNE 21ST - 3pm
- SD1.05 JUNE 21ST - ELEVATION SHADOWS
- SD1.06 JUNE 21ST - 9am
- SD1.07 JUNE 21ST - 10am
- SD1.08 JUNE 21ST - 11am
- SD2.01 SEPT 21ST - 12pm
- SD2.02 SEPT 21ST - 1pm
- SD2.03 SEPT 21ST - 2pm
- SD2.04 SEPT 21ST - 3pm
- SD2.05 SEPT 21ST - 9am
- SD2.06 SEPT 21ST - 10am
- SD2.07 SEPT 21ST - 11am
- SD3.01 MARCH 21ST - 1pm
- SD3.02 MARCH 21ST - 2pm
- SD3.03 MARCH 21ST - 3pm
- SD3.04 MARCH 21ST - 9am
- SD3.05 MARCH 21ST - 10am
- SD3.06 MARCH 21ST - 11am
- SD3.07 MARCH 21ST - 12pm

Marrickville NSW


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<p>DA1.00</p>		<p>SHEET: DA1.00</p>
<p>MARRICKVILLE NSW</p>		<p>MARRICKVILLE NSW</p>

Shipway  
249 Addison Road Marrickville NSW

FINISHES SCHEDULE

CODE	DESCRIPTION	PHOTO	CODE	DESCRIPTION	PHOTO
FR01	EXISTING PAINT FINISH/COLOUR TO BE REUSED ON NEW WORKS - NEW BRICKWORK TO BE PAINTED TO MATCH - BEIGE OR SIMILAR TO		FD1	NEW CERAMIC TILES TO FINISH OF NEW SHOFFRONT. TILES TO BE 90mm X 180mm.	
FR02	EXISTING PAINT FINISH/COLOUR TO BE RETAINED ON THE UPPER + LOWER FACADE ELEVATION - BLUE/PURPLIN GREY		FD1	NEW POWDERCOATED ALUMINIUM COMMERCIAL SHOFFRONT GLAZING TO BE INSTALLED HIGHLIGHT COLOUR ON THE EXISTING FACADE	
FR03	EXISTING HIGHLIGHT SHOFFRONT FACADE TO BE REUSED ON NEW WORKS - NEW WINDOW + NEW FACADE TRIM COLOUR - SEMI GLOSS FINISH		RF	NEW COLOR-BOND (OR EQUAL TO) ROOFING TO MATCH EXISTING COLOUR + STYLE	
FR04	NEW BLUE COLOUR TO BASE PANEL OF FRONT DOOR (ADDISON ROAD FACADE) COLOUR TO MATCH FACADE TILES		NWD1	NEW TIMBER FRAMED WINDOWS + DOORS TO HAVE PAINTED FINISH TO MATCH EXISTING WINDOW FRAMES	
GR01	NEW CLEAR SHOFFRONT GLAZING - TO BE INSTALLED INTO NEW ALUMINIUM GLAZING SECTIONS - AS PER/TO ALL RELEVANT CODES + AUSTRALIAN STD				

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DATE: 2016.05.12  
10.01.2017

ISSUE NO: A  
B

ISSUE + REVISIONS  
Issue For DA NFC  
Issue 02

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SCALE: AS ABOVE

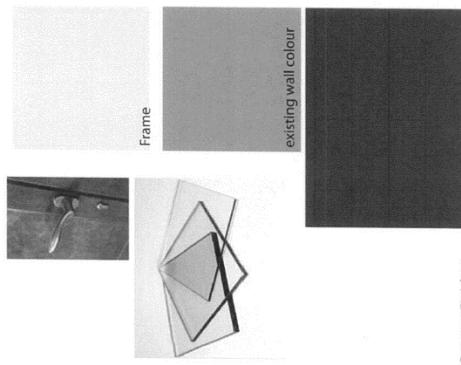
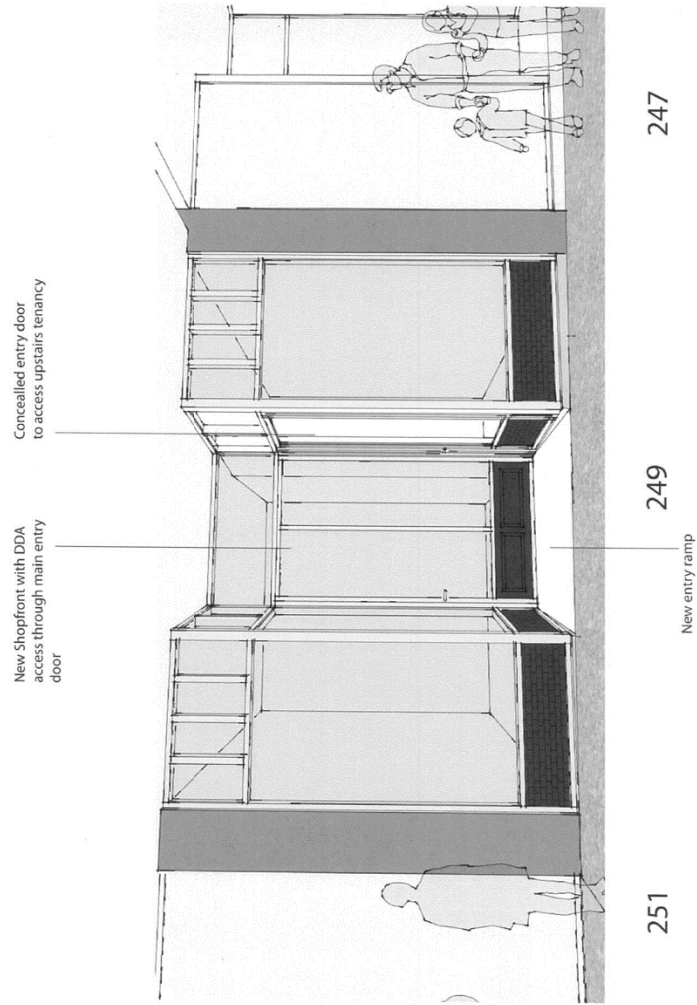
PROJECT:  
Shipway Marrickville  
249 Addison Street  
Marrickville NSW

DRAWING:  
FINISHES + MATERIALS

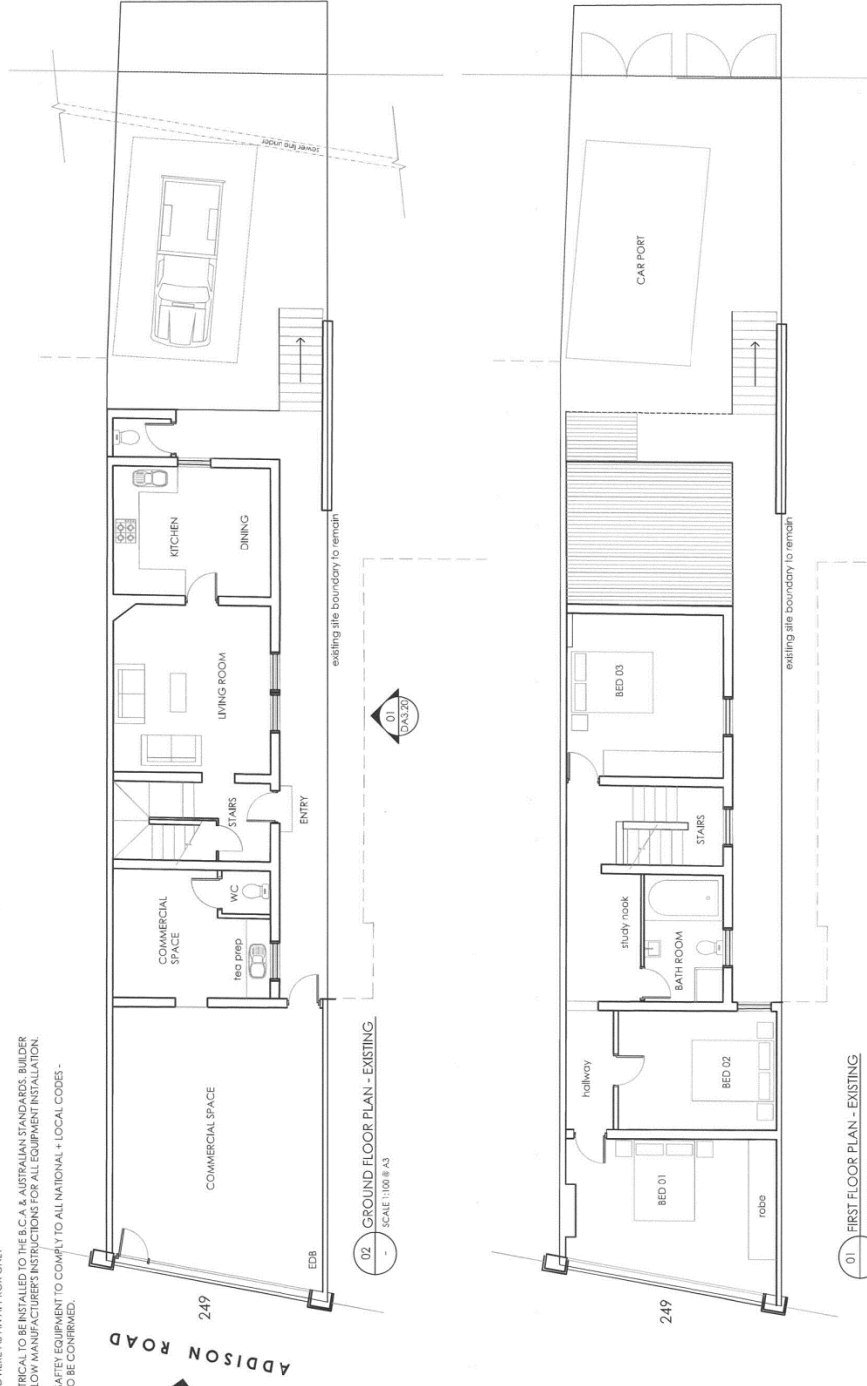
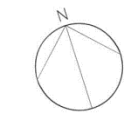
SHEET:  
DA1.10

PERFORMANCE DETAILS ONLY  
FOR INFORMATION OF ARCHITECTS AND/OR STRUCTURAL ENGINEERS DETAILS





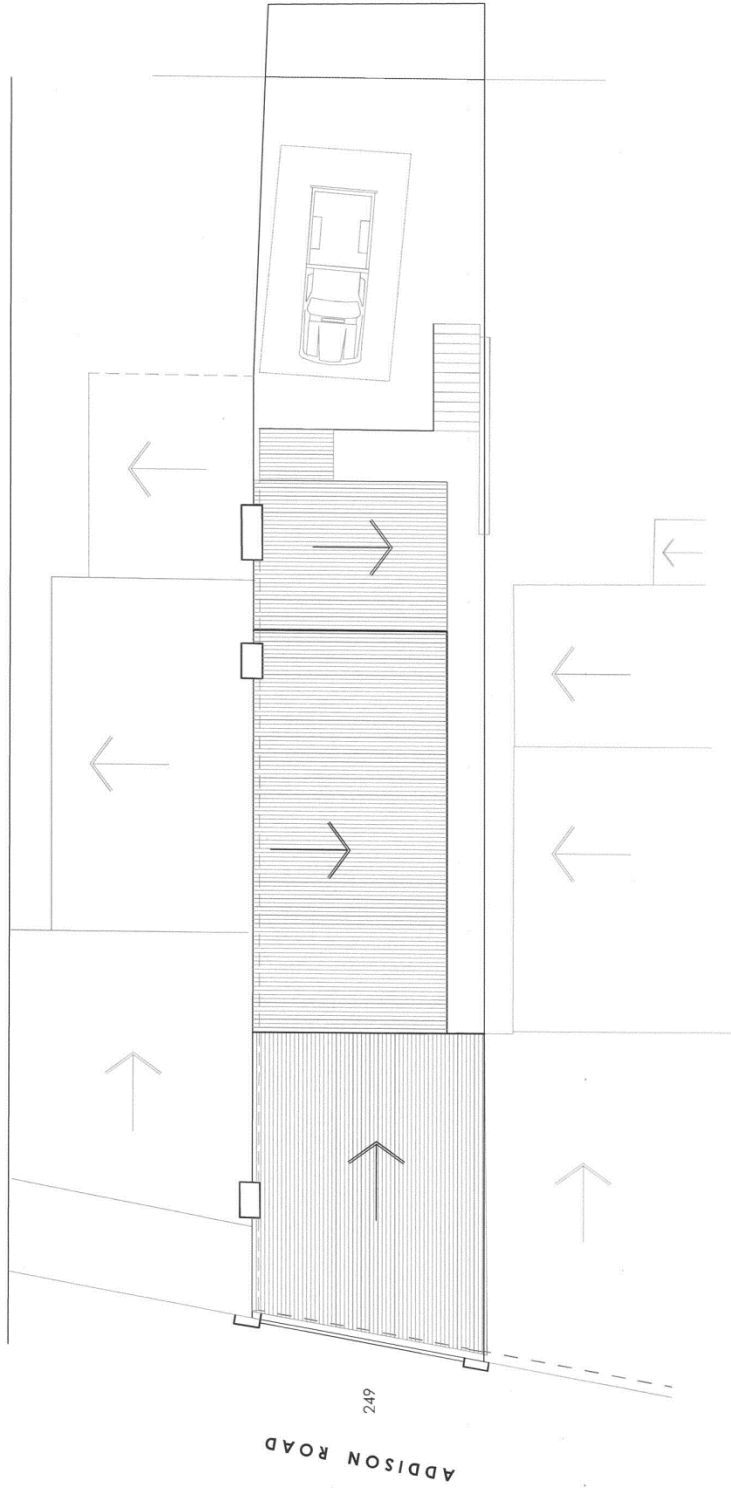
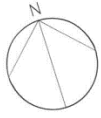
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						<p>PERFORMANCE DETAILS ONLY TO BE READ IN CONJUNCTION WITH SHD DRAWINGS AND/OR STRUCTURAL ENGINEERS DETAILS</p>	



NOTES:  
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 ALL ELECTRICAL TO BE INSTALLED TO THE B.C.A. & AUSTRALIAN STANDARDS. BUILDER IS TO FOLLOW MANUFACTURERS INSTRUCTIONS FOR ALL EQUIPMENT INSTALLATION.  
 ALL FIRE SAFETY EQUIPMENT TO COMPLY TO ALL NATIONAL + LOCAL CODES - LAYOUT TO BE CONFIRMED.

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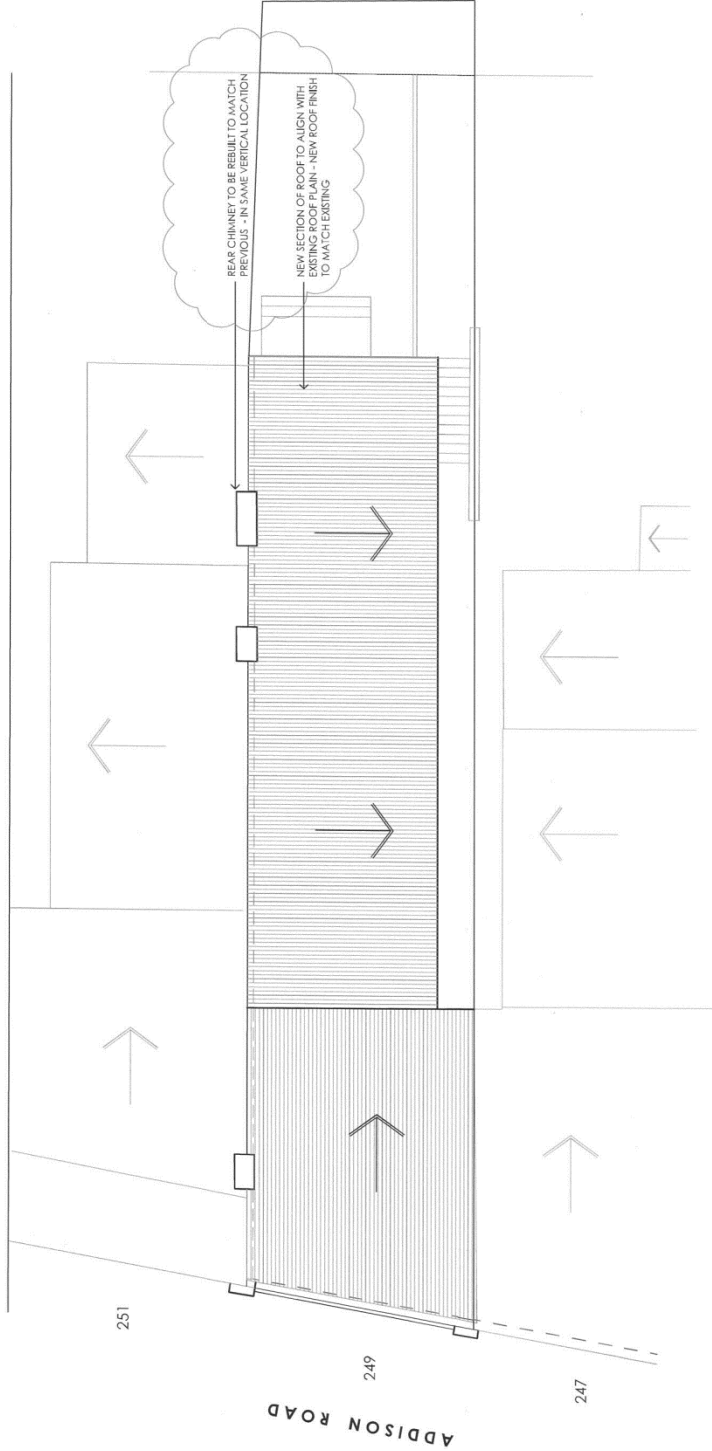


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 ALL FIRE SAFETY EQUIPMENT TO COMPLY TO ALL NATIONAL + LOCAL CODES - LAYOUT TO BE CONFIRMED.

ADDISON ROAD  
 249

01 ROOF PLAN - EXISTING  
 SCALE 1:100 @ A3

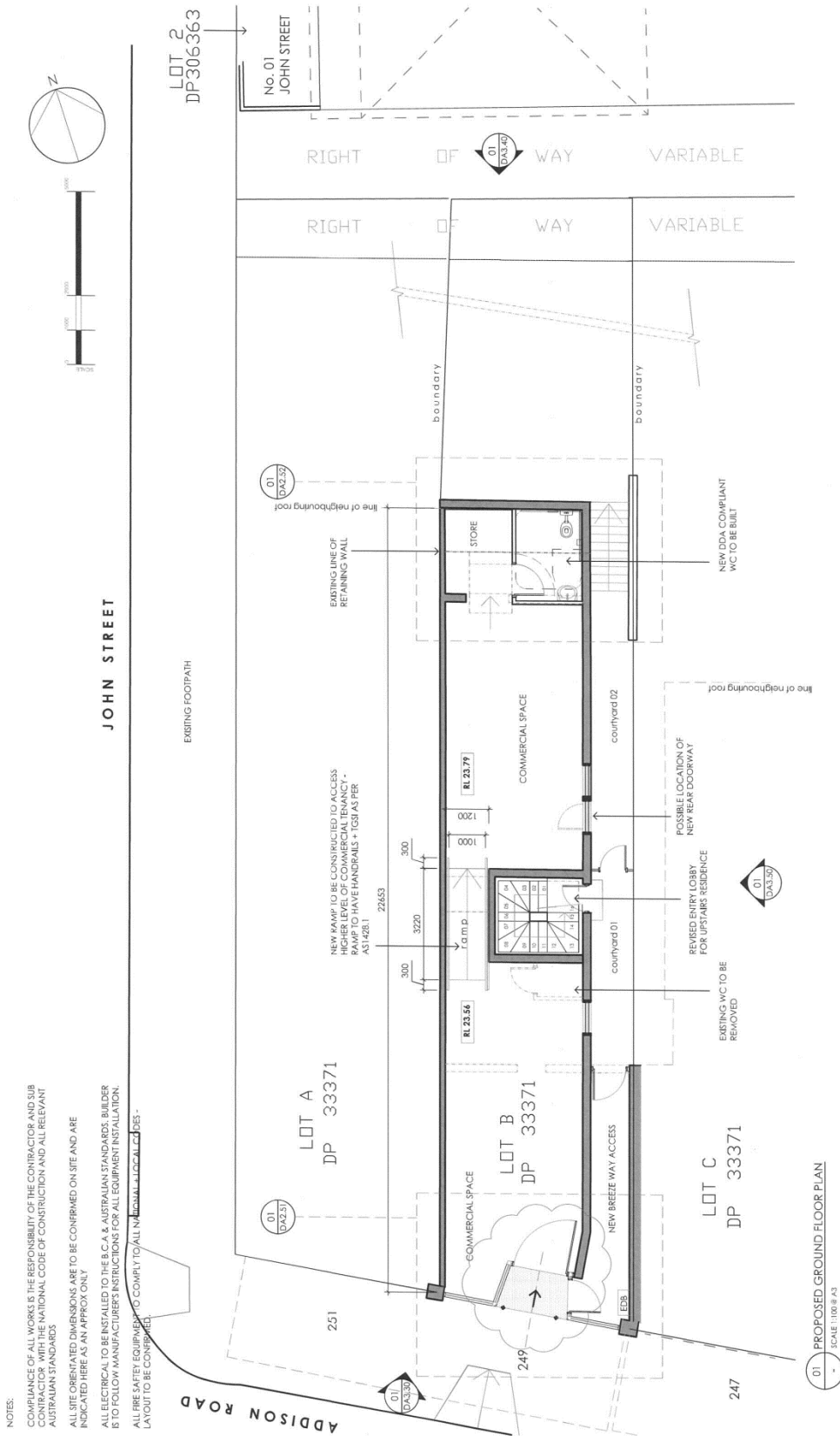
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NOTES:  
 COMPLIANCE OF ALL WORKS IS THE RESPONSIBILITY OF THE CONTRACTOR AND SUB CONTRACTOR WITH THE NATIONAL CODE OF CONSTRUCTION AND ALL RELEVANT AUSTRALIAN STANDARDS  
 ALL SITE ORIENTED DIMENSIONS ARE TO BE CONFIRMED ON SITE AND ARE INDICATED HERE AS AN APPROX. ONLY!  
 ALL ELECTRICAL TO BE INSTALLED TO THE B.C.A. & AUSTRALIAN STANDARDS. BUILDER IS TO FOLLOW MANUFACTURER'S INSTRUCTIONS FOR ALL EQUIPMENT INSTALLATION.  
 ALL FIRE SAFETY EQUIPMENT TO COMPLY TO ALL NATIONAL + LOCAL CODES. LAYOUT TO BE CONFIRMED.

01 ROOF PLAN - PROPOSED  
 SCALE: 1:100 @ A3

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**NOTES:**

COMPLIANCE OF ALL WORKS IS THE RESPONSIBILITY OF THE CONTRACTOR AND SUB CONTRACTOR WITH THE NATIONAL CODE OF CONSTRUCTION AND ALL RELEVANT AUSTRALIAN STANDARDS

ALL SITE ORIENTED DIMENSIONS ARE TO BE CONFIRMED ON SITE AND ARE INDICATED HERE AS AN APPROX ONLY

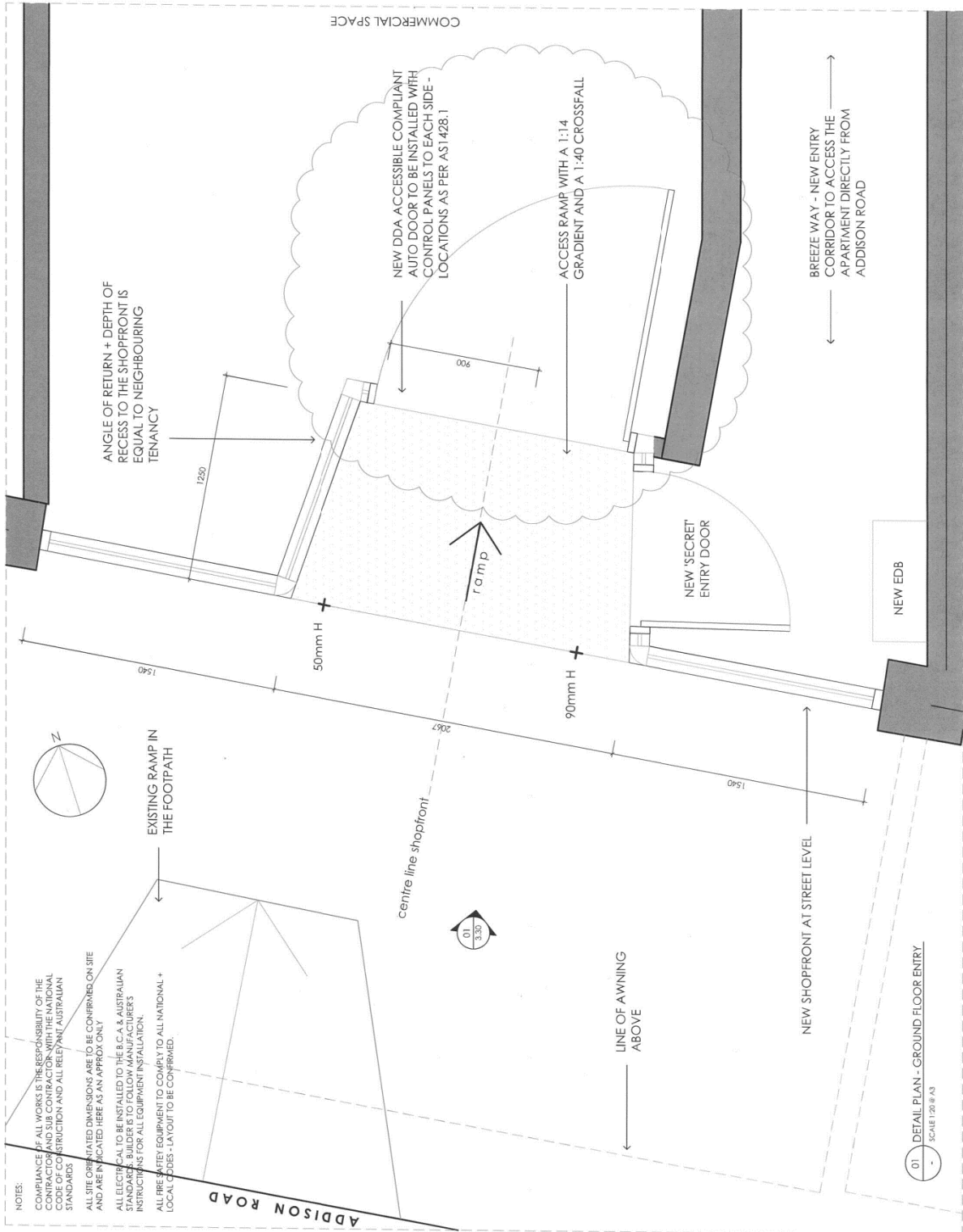
ALL ELECTRICAL TO BE INSTALLED TO THE C.A. & AUSTRALIAN STANDARDS. BUILDER IS TO FOLLOW MANUFACTURER'S INSTRUCTIONS FOR ALL EQUIPMENT INSTALLATION.

ALL FIRE SAFETY EQUIPMENT TO COMPLY TO ALL NATIONAL & LOCAL CODES. LAYOUT TO BE CONFIRMED.

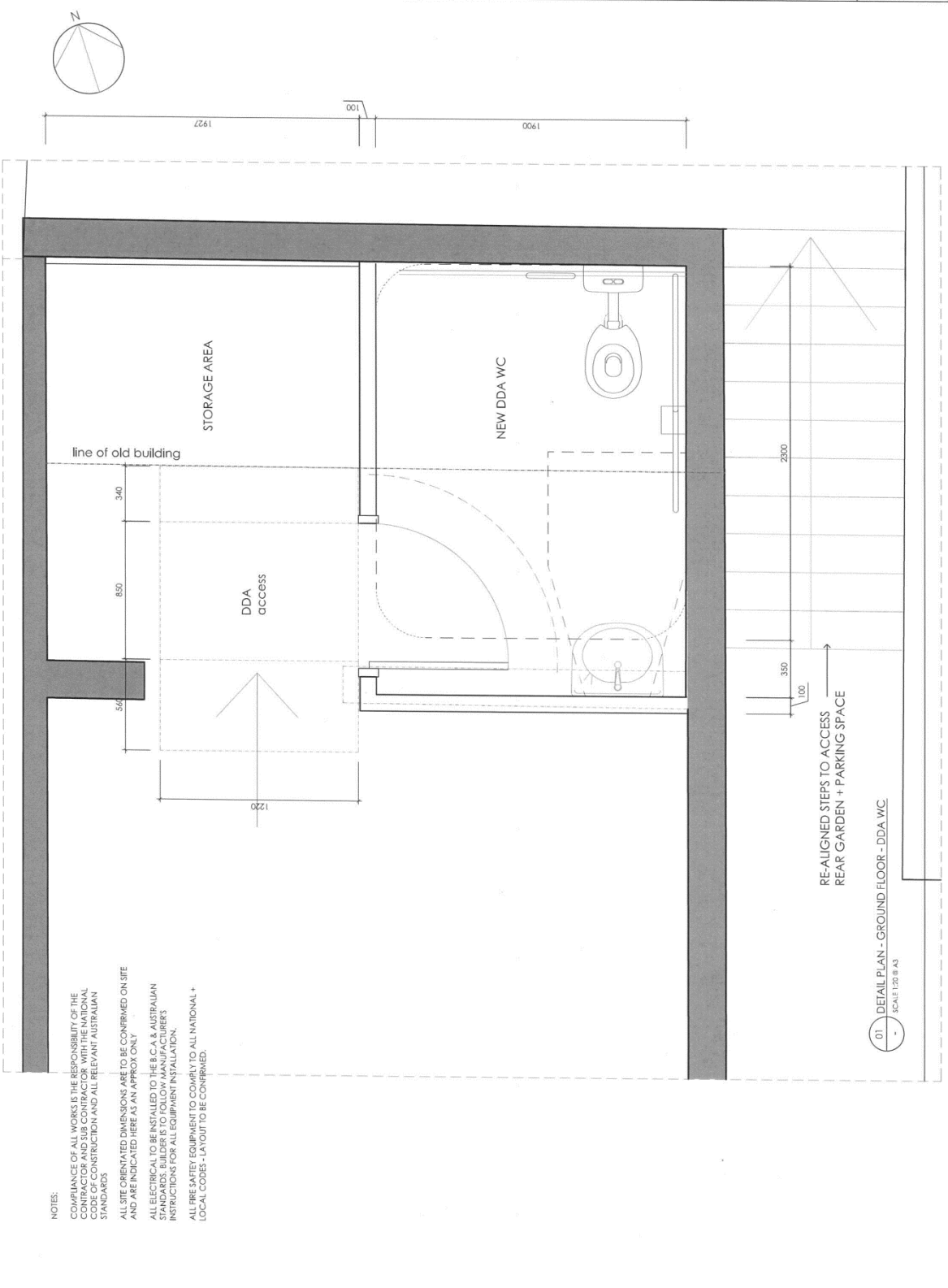
01 PROPOSED GROUND FLOOR PLAN  
SCALE 1:100 @ A3

<p>© Sevenmetres 2017</p> <p>DESIGN CONCEPTS REMAIN THE PROPERTY OF SEVENMETRES AND WILL NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF SEVENMETRES SQUARE.</p> <p>sevenmetresquare info@sevenmetresquare.com.au</p>	<p><b>NOTES:</b></p> <p>ALL SITE MEASUREMENTS AND SERVICES SHALL BE CHECKED PRIOR TO COMMENCEMENT OF WORKS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ANY DISCREPANCIES. ALL DIMENSIONS TO BE VERIFIED ON SITE. DO NOT SCALE DRAWINGS. THE CONTRACTOR IS TO VERIFY EXISTING SITE CONDITIONS. THE CONTRACTOR IS TO CHECK PRINTS TO EXISTING SUBSTRATES PRIOR TO COMMENCING WORK. THE CONTRACTOR IS TO COORDINATE WITH ALL OTHER TRADES ON SITE.</p>	<p><b>DATE:</b></p> <p>2016.06.09 2016.06.20 2016.06.22 2016.06.23 2016.09.12 2016.12.16 2017.01.10</p>	<p><b>ISSUE NO:</b></p> <p>A B C D E F G</p>	<p><b>ISSUE / REVISIONS</b></p> <p>Issue For Prelim Review NFC Issue 01 Issue 02 Stairs Added Issue 04 Issue 05 Revisions Issue 06</p>	<p><b>DRAWN:</b></p> <p>SV AS ABOVE</p>	<p><b>PROJECT:</b></p> <p>Shelway Warrickville 249 Addison Street Warrickville NSW</p>	<p><b>DRAWINGS:</b></p> <p>GROUND FLOOR PLAN</p>	<p><b>SHEET:</b></p> <p>DA2.50</p> <p>MARRICKVILLE NSW</p>
	<p>PERFORMANCE DETAILS ONLY TO BE READ IN CONJUNCTION WITH SHOP DRAWINGS AND/OR STRUCTURAL ENGINEERS DETAILS</p>							

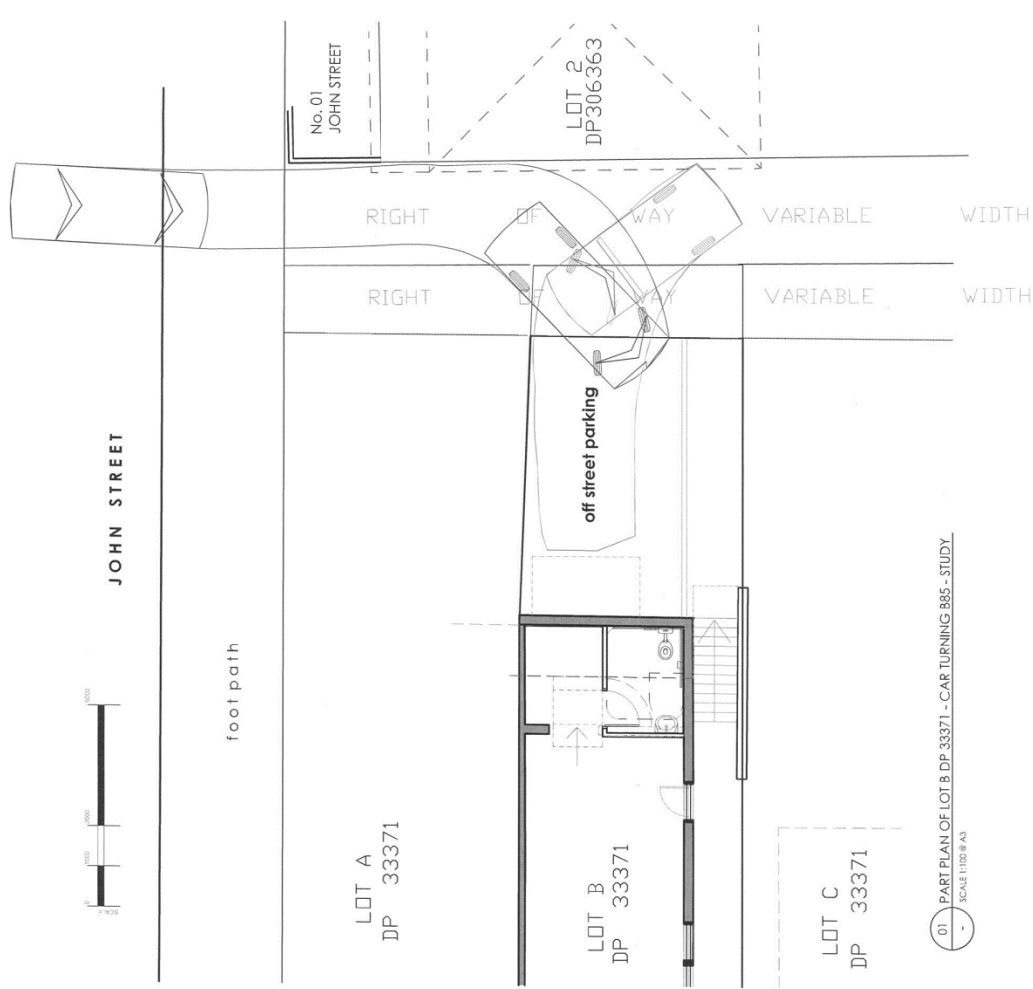
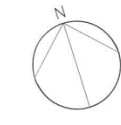
SHEET: DA2.51	DATE: 2016.06.09	NO: NOTE
MARCKVELT NSW	2016.12.16	Issue 04 - Revisions
	2016.09.12	Issue 03
	2016.08.22	Issue 02
	2016.06.20	Issue 01
	2016.06.09	Ramp In - NFC
		Issue For Prelim - NFC
PROJECT: SHWAY MARKVILLE 249 Addison Street Markville NSW	DRAWN: SV	SCALE: 1:20 @ A3
DRAWING: DETAILED FLOOR PLAN SHOPFRONT	PERFORMANCE DETAILS ONLY	DETAILS TO BE READ IN CONJUNCTION WITH SHOPFRONT AND/OR STRUCTURAL ENGINEERS DRAWINGS
ALL SITE MEASUREMENTS AND SERVICES SHALL BE CHECKED PRIOR TO FABRICATION AND CONSTRUCTION. GIVEN METRES SQUARE SHALL BE NOTIFIED OF ANY DISCREPANCIES. ALL DIMENSIONS TO BE GIVEN ON SITE. DO NOT SCALE DIMENSIONS DIRECTLY FROM DRAWINGS. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR IS TO CHECK DIMENSIONS TO EXISTING SERVICES PRIOR TO COMMENCING WORK. THE CONTRACTOR IS TO RECOMMENDATION TO THE CONTRACTORS TO CO-ORDINATE WITH ALL OTHER TRADES ON SITE.		
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SHEET: DA2.52 DATE: 2016.06.09 NO. NOTE PROJECT: Shipway Marikwilla 248 Addison Street Marikwilla NSW DRAWN: SV SCALE: 1:20 @ A3 DETAILS: DRAWN AND/OR STRUCTURAL ENGINEERS TO BE READ IN CONJUNCTION WITH SHOP DRAWINGS AND/OR MANUFACTURERS RECOMMENDATION. THE CONTRACTOR IS TO COMMENCE WORK THE CONTRACTOR IS TO INSTALL MATERIALS ON SITE TO MANUFACTURERS TO CHECK FINISHES TO ASSISTING SHALL BE DIRECTLY FROM DRAWINGS. THE CONTRACTOR TO VERIFY EXISTING SITE CONDITIONS. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS PRIOR TO FABRICATION AND/OR CONSTRUCTION. ALL DIMENSIONS TO BE CONFIRMED ON SITE. THE CONTRACTOR IS TO CO-ORDINATE WITH ALL OTHER TRADES ON SITE.	2017.01.10 D Issue 03 2016.09.12 C Issue 02 2016.08.02 B Issue 01 2016.06.09 A Issue For Prelim - NFC	FABRICATED IN NSW DATE: 2016.06.09 NO. NOTE PROJECT: Shipway Marikwilla 248 Addison Street Marikwilla NSW DRAWN: SV SCALE: 1:20 @ A3 DETAILS: DRAWN AND/OR STRUCTURAL ENGINEERS TO BE READ IN CONJUNCTION WITH SHOP DRAWINGS AND/OR MANUFACTURERS RECOMMENDATION. THE CONTRACTOR IS TO COMMENCE WORK THE CONTRACTOR IS TO INSTALL MATERIALS ON SITE TO MANUFACTURERS TO CHECK FINISHES TO ASSISTING SHALL BE DIRECTLY FROM DRAWINGS. THE CONTRACTOR TO VERIFY EXISTING SITE CONDITIONS. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS PRIOR TO FABRICATION AND/OR CONSTRUCTION. ALL DIMENSIONS TO BE CONFIRMED ON SITE. THE CONTRACTOR IS TO CO-ORDINATE WITH ALL OTHER TRADES ON SITE.
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B85 Vehicle (AS/NZS2890.1:2004)

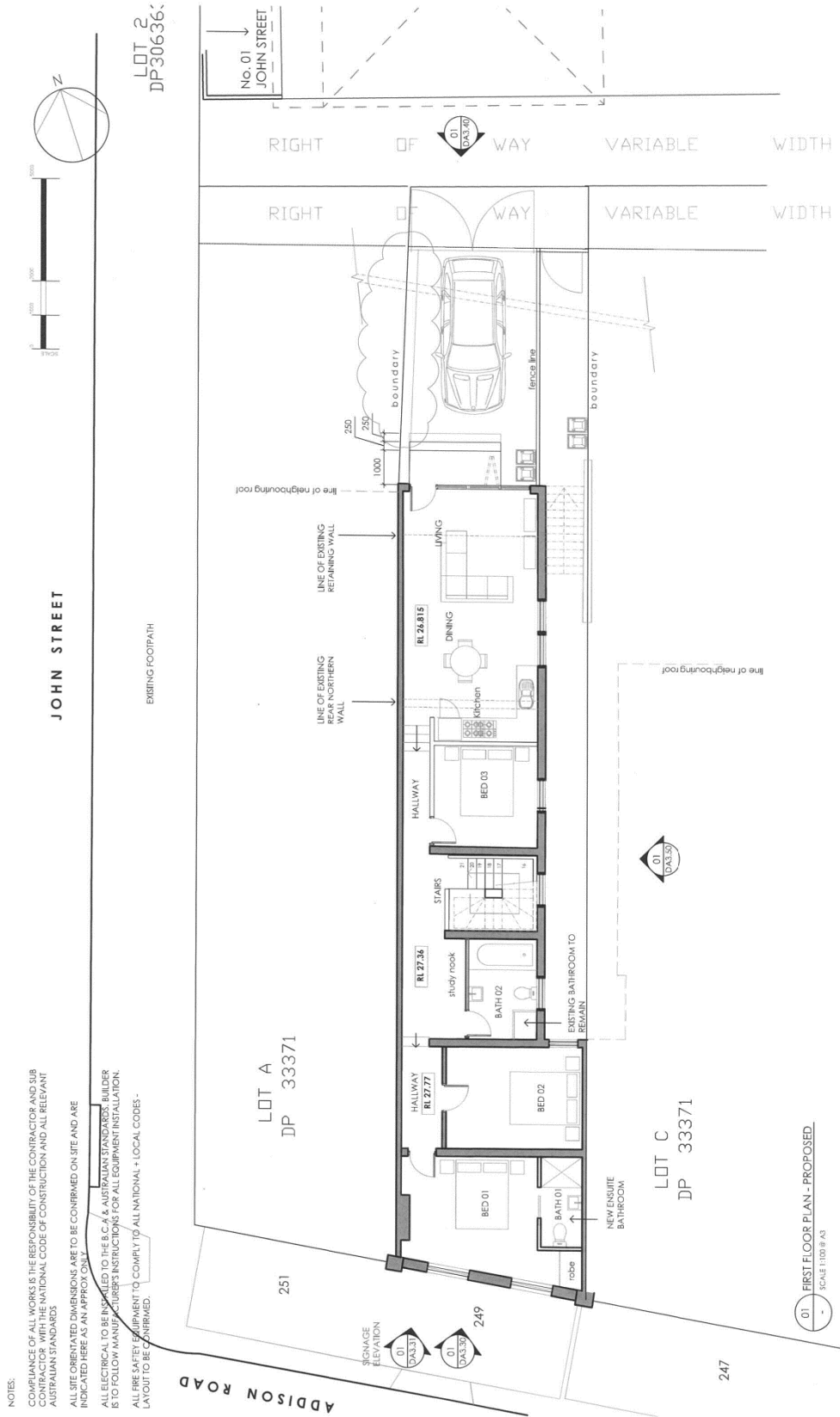


- Overall Length 4.51m
- Overall Width 1.87m
- Overall Height 1.42m
- Min. Ground Clearance 1.69m
- Track Width 1.70m
- Lock to Curb Time 4.07sec
- Curb to Curb Turning Radius 5.756m

01 PART PLAN OF LOT B, DP 33371 - CAR TURNING B85 - STUDY  
 SCALE 1:100 @ A3

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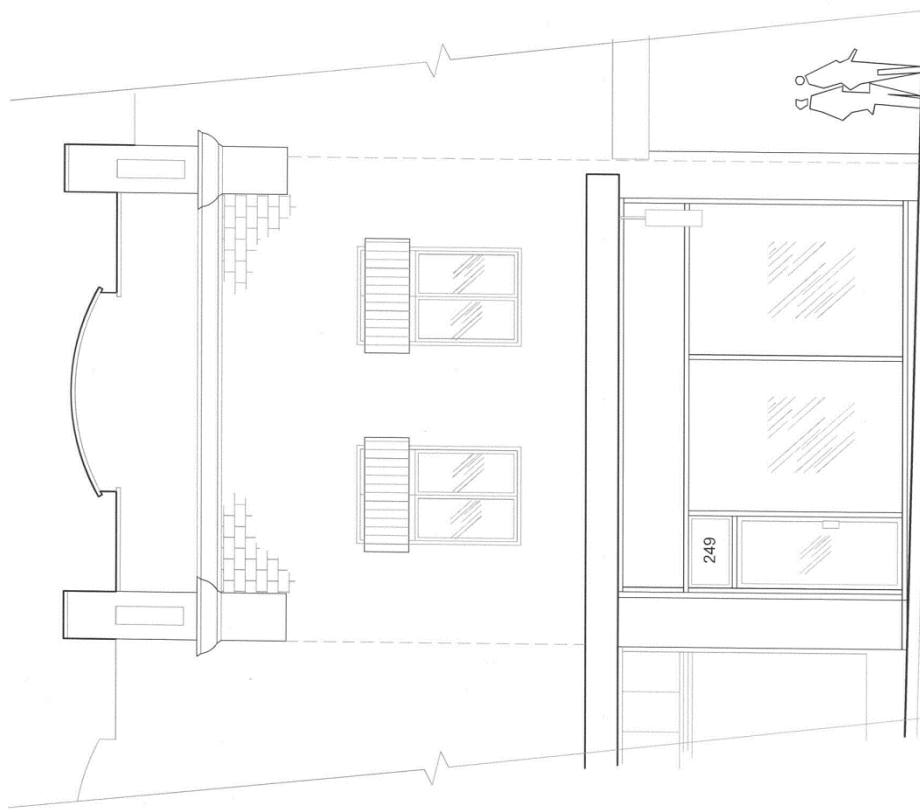
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01 FIRST FLOOR PLAN - PROPOSED  
SCALE 1:100 @ A3

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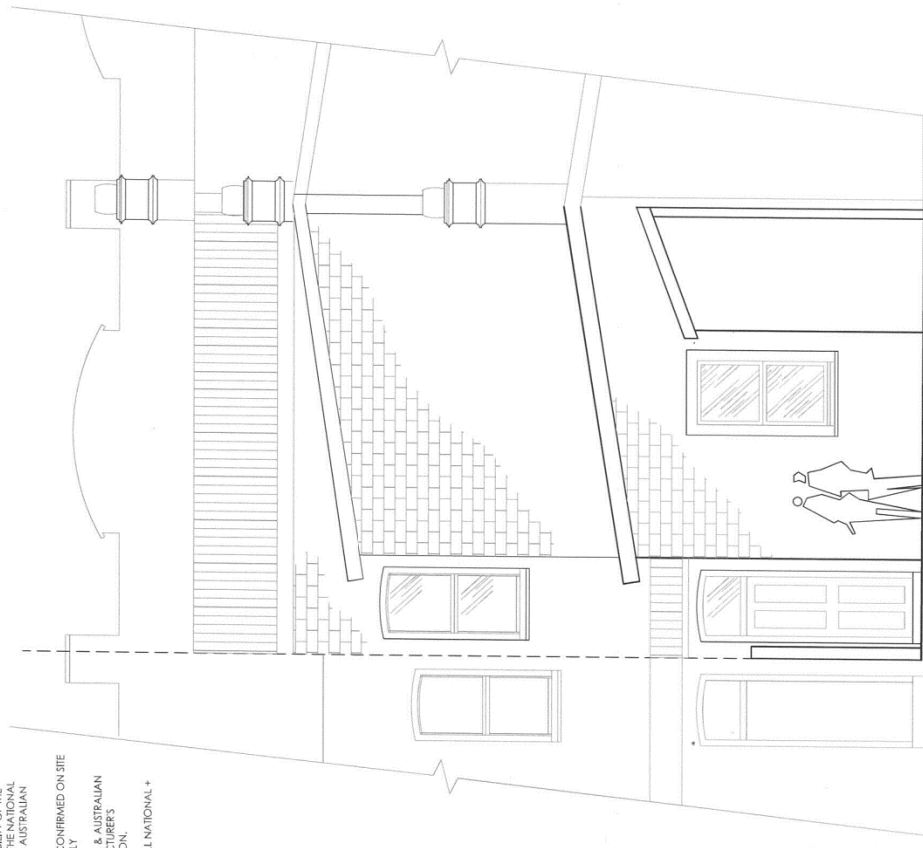
01 EXISTING ELEVATION A - STREET FRONTAGE - SOUTH  
 SCALE: 1:50 @ A3

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PERFORMANCE DETAILS ONLY  
 TO BE READ IN CONJUNCTION WITH SHOP DRAWINGS AND/OR STRUCTURAL ENGINEERS DETAILS

MARRICKVILLE NSW

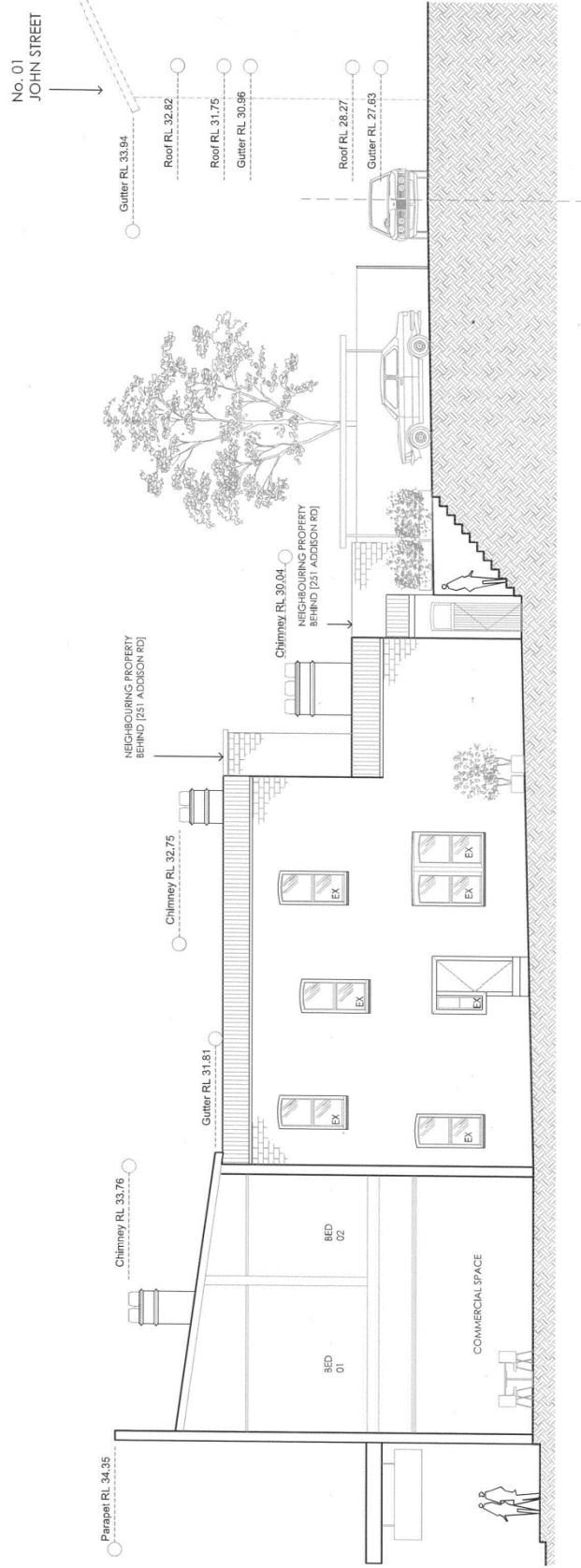
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 ALL FIRE SAFETY EQUIPMENT TO COMPLY TO ALL NATIONAL + LOCAL CODES - LAYOUT TO BE CONFIRMED.



01 EXISTING ELEVATION B - REAR - NORTH  
 SCALE 1:50 @ AS

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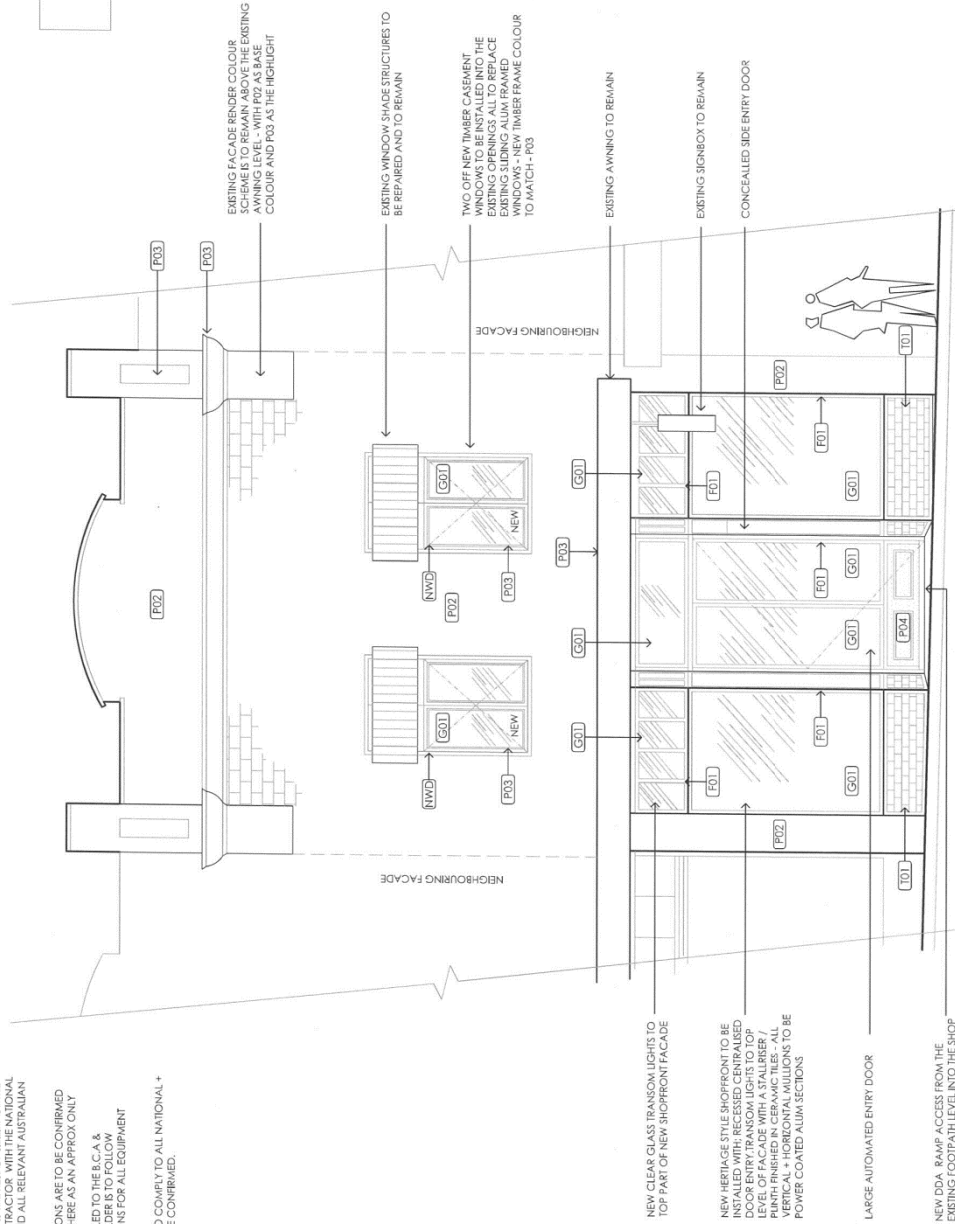


01 EXISTING SECTIONAL ELEVATION C - SIDE - EAST  
 SCALE 1:100 @ A3

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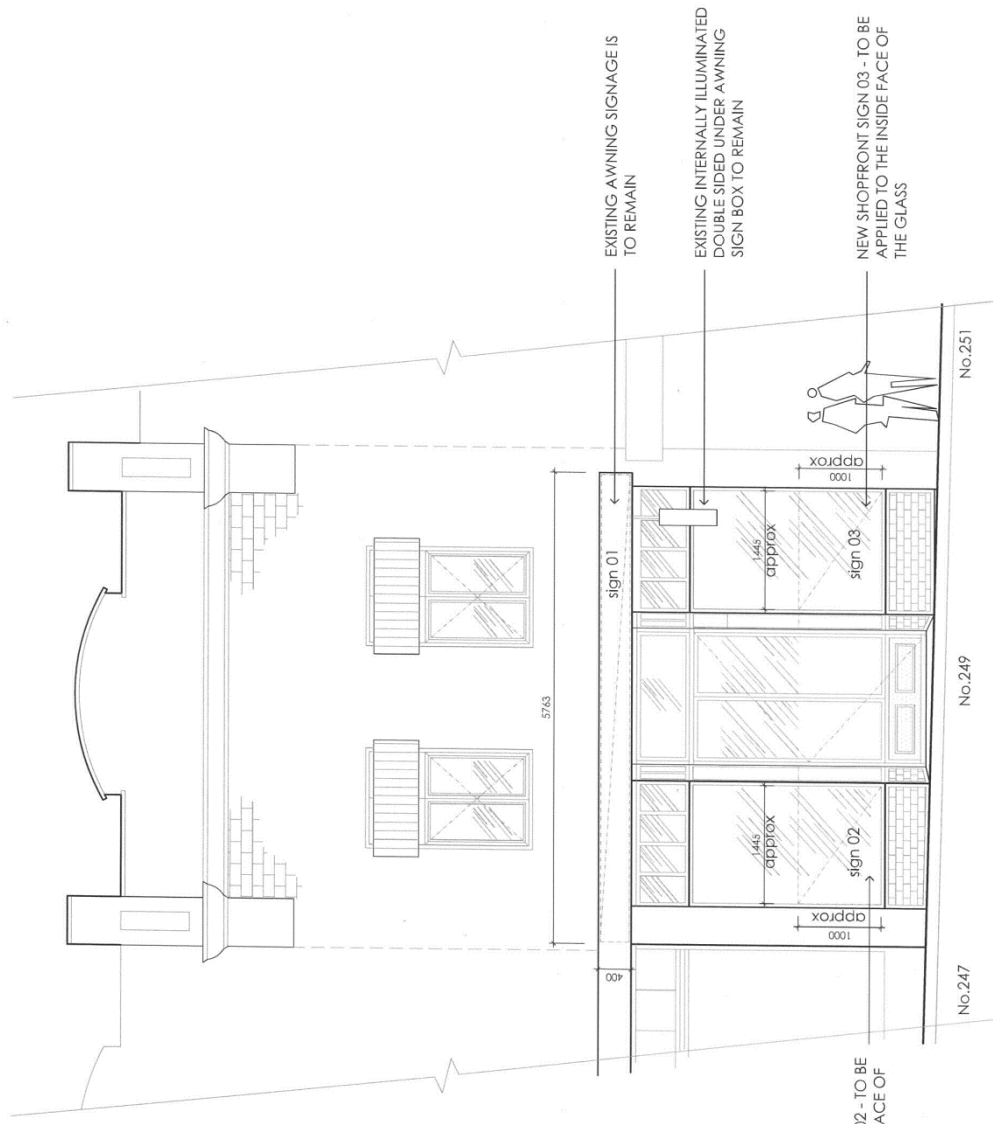
REFER TO DRAW DA1.1.0 FOR FINISHES



01 PROPOSED ELEVATION D - STREET FRONTAGE - SOUTH  
 SCALE: 1:50 @ A3

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DATE: 2016.01.19	NO: NOTE	PROJECT: Shireway Marrickville 249 Addison Street Marrickville NSW	DRAWN: SV	SCALE: 1:20@A3	DETAILS TO BE READ IN CONJUNCTION WITH SHOP DRAWINGS AND/OR STRUCTURAL ENGINEERS	PERFORMANCE DETAILS ONLY	ALL SITE MEASUREMENTS AND SERVICES SHALL BE CHECKED PRIOR TO FABRICATION AND/OR CONSTRUCTION. SEVEN METERS SQUARE SHALL BE NOTIFIED OF ANY DISCREPANCIES. ALL DIMENSIONS TO BE VERIFIED ON SITE. DO NOT SCALE DIMENSIONS DIRECTLY FROM DRAWINGS. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK. THE CONTRACTOR IS TO INSTALL MARKERS ON SITE TO MARK THE MATERIALS TO BE INSTALLED. COORDINATE WITH ALL OTHER TRADES ON SITE.	<p>sevensmetresquare</p> <p>© seven metres square 2017</p> <p>stefan@governments.com.au</p> <p>THESE DRAWINGS AND DESIGN CONCEPTS REMAIN THE PROPERTY OF SEVEN METERS SQUARE AND MAY NOT BE REPRODUCED WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF SEVEN METERS SQUARE.</p>
2017.01.10	J Issue 04							
2016.12.16	H Issue 03							
2016.08.02	F Issue 02							
2016.07.06	E Issue 01							
2016.06.29	D Issue no changed							
2016.05.20	C Signage added - NFC							
2016.05.09	B Issue For Prelim - NFC							
2016.01.19	A Issue For Prelim - NFC							



NOTES:

COMPLIANCE OF ALL WORKS IS THE RESPONSIBILITY OF THE CONTRACTOR AND SUB CONTRACTOR WITH THE NATIONAL STANDARD OF CONSTRUCTION AND ALL RELEVANT AUSTRALIAN STANDARDS.

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ALL ELECTRICAL TO BE INSTALLED TO THE B.C.A & AUSTRALIAN STANDARDS. BUILDER IS TO FOLLOW MANUFACTURER'S INSTRUCTIONS FOR ALL EQUIPMENT INSTALLATION.

ALL FIRE SAFETY EQUIPMENT TO COMPLY TO ALL NATIONAL & LOCAL CODES - LAYOUT TO BE CONFIRMED.

01 ELEVATION - SHOPFRONT ON ADDISON ROAD - signage  
SCALE 1:50 @ A3

NOTES:

COMPLIANCE OF ALL WORKS IS THE RESPONSIBILITY OF THE CONTRACTOR AND SUB CONTRACTOR WITH THE NATIONAL CODE OF CONSTRUCTION AND ALL RELEVANT AUSTRALIAN STANDARDS.

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ALL FIRE SAFETY EQUIPMENT TO COMPLY TO ALL NATIONAL + LOCAL CODES - LAYOUT TO BE CONFIRMED.

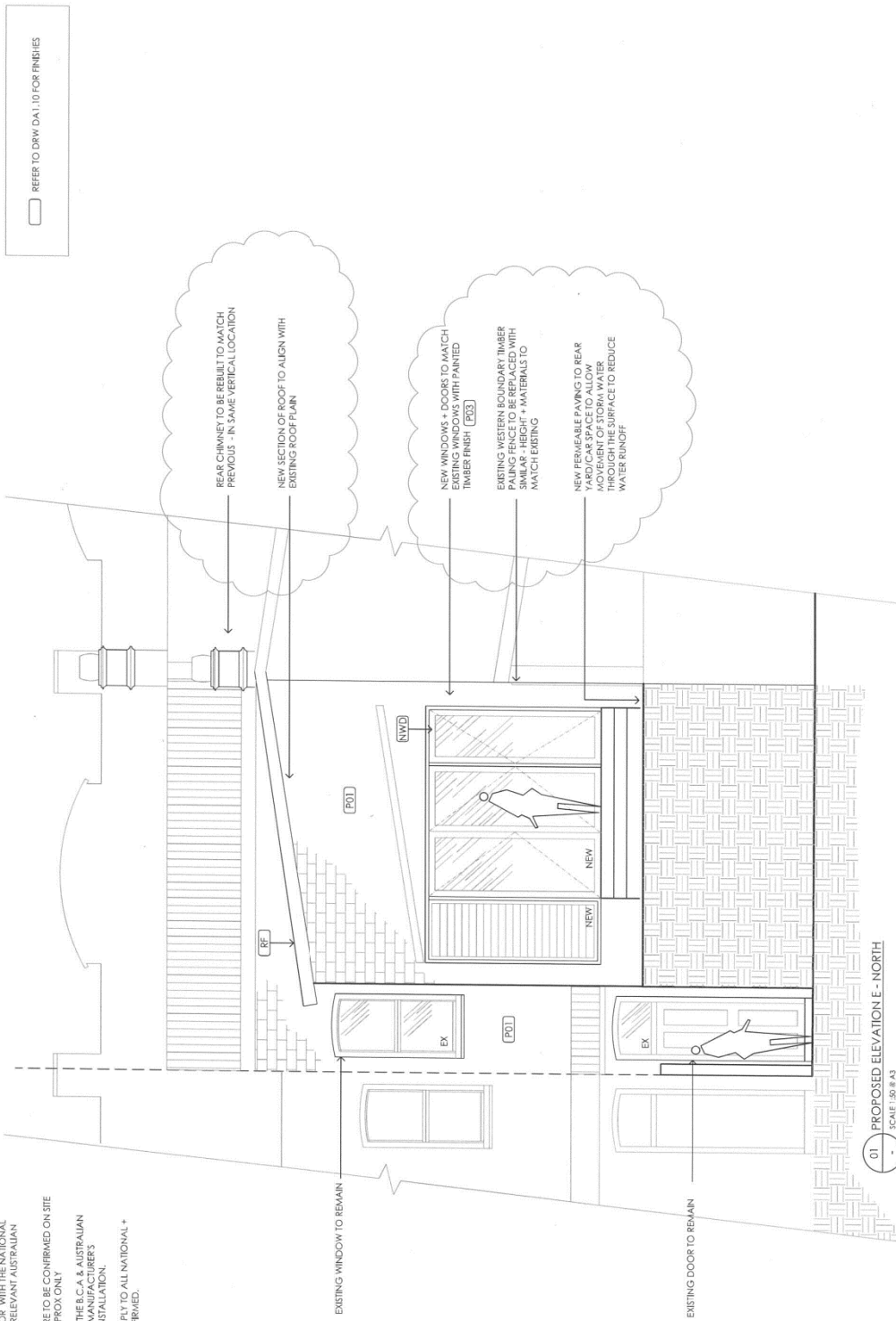


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NOTES:

COMPLIANCE OF ALL WORKS IS THE RESPONSIBILITY OF THE CONTRACTOR AND SUB CONTRACTOR WITH THE NATIONAL CODE OF CONSTRUCTION AND ALL RELEVANT AUSTRALIAN STANDARDS

ALL SITE ORIENTATED DIMENSIONS ARE TO BE CONFIRMED ON SITE AND ARE INDICATED HERE AS AN APPROX ONLY

ALL ELECTRICAL TO BE INSTALLED TO THE B.C.A. & AUSTRALIAN STANDARDS. BUILDER IS TO FOLLOW MANUFACTURERS INSTRUCTIONS FOR ALL EQUIPMENT INSTALLATION.

ALL FIRE SAFETY EQUIPMENT TO COMPLY TO ALL NATIONAL + LOCAL CODES - UNQUOTE TO BE CONFIRMED.

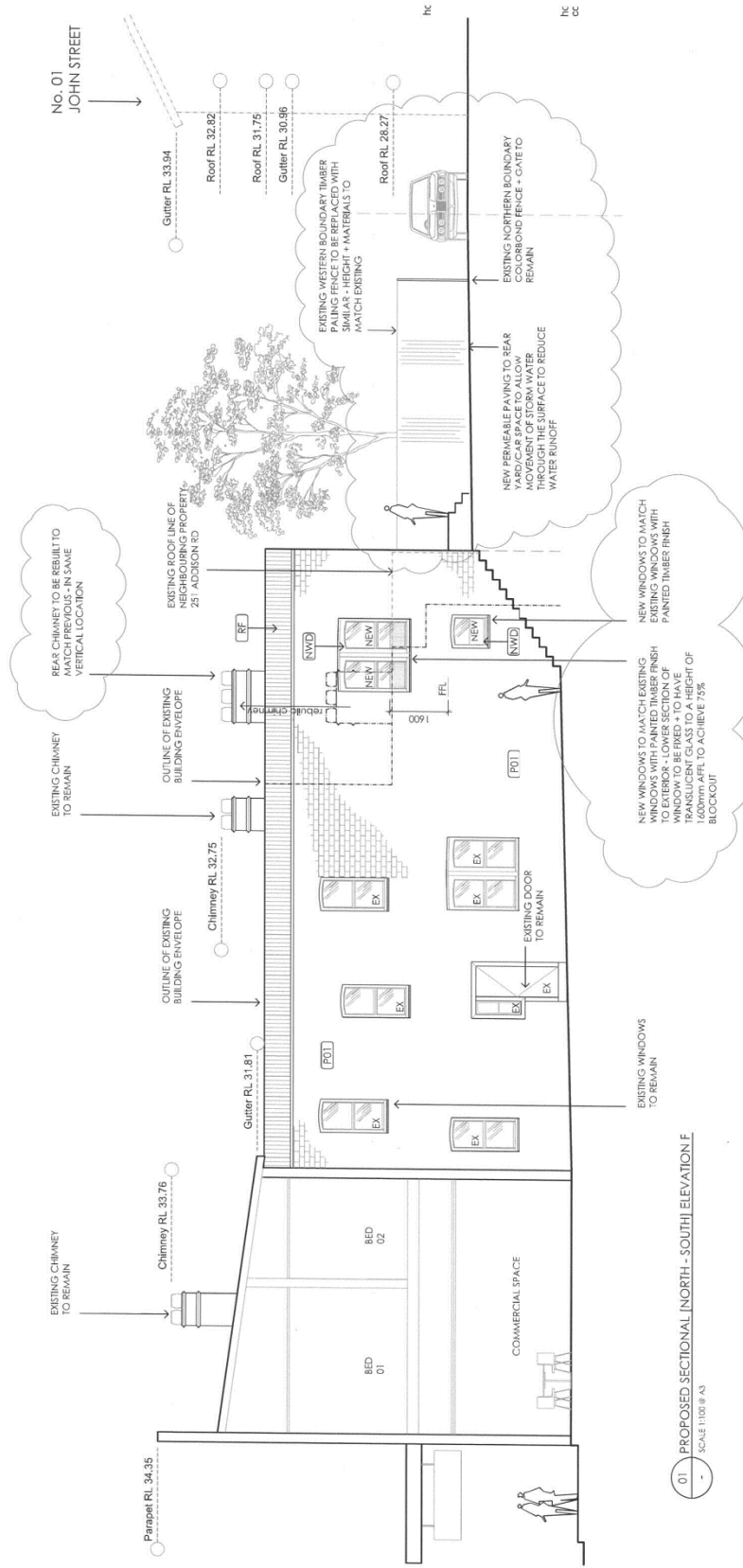
<p>© seven metres square 2017</p> <p>DESIGN CONCEPTS REMAIN THE PROPERTY OF SEVEN METRES SQUARE AND NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF SEVEN METRES SQUARE.</p> <p>seven@sevenmetres.com.au</p>	<p>NOTES:</p> <p>ALL SITE MEASUREMENTS AND SERVICES SHALL BE CHECKED PRIOR TO COMMENCEMENT OF WORKS. ANY DISCREPANCIES SHALL BE NOTIFIED OF ANY DISCREPANCIES. ALL DIMENSIONS TO BE VERIFIED ON SITE. DO NOT SCALE DIMENSIONS DIRECTLY FROM DRAWINGS.</p> <p>TO CHECK DIMENSIONS TO EXISTING SUBSTRATES PRIOR TO COMMENCING WORK. THE RECOMMENDATION FROM THE CONTRACTOR IS TO COORDINATE WITH ALL OTHER TRADES ON SITE</p> <p><i>seven metres square</i></p>	<p>DATE: 09.01.2016 02.09.2016 12.09.2016 16.12.2016 10.07.2017</p> <p>ISSUE NO: A B C D E</p> <p>ISSUE + REVISIONS Issue For Prelim Review N/C Issue 01 - Revisions Issue 02 - Revisions Issue 03 - Revisions Issue 04 - Revisions</p>	<p>DRAWN: SV SCALE: AS ABOVE</p> <p>PROJECT: Shipway Mairdville 249 Addison Street Mairdville NSW</p>	<p>DRAWING: PROPOSED EXTERIOR ELEVATIONS</p> <p>PERFORMANCE DETAILS ONLY PERFORMANCE DETAILS FOR WINDOWS AND/OR STRUCTURAL ENGINEERS DETAILS</p>	<p>SHEET: DA3.40</p> <p>MARRICVILLE NSW</p>
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NOTES:

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- ALL FIRE SAFETY EQUIPMENT TO COMPLY TO ALL NATIONAL + LOCAL CODES. LAYOUT TO BE CONFIRMED.

REFER TO DRAW DA1.10 FOR FINISHES

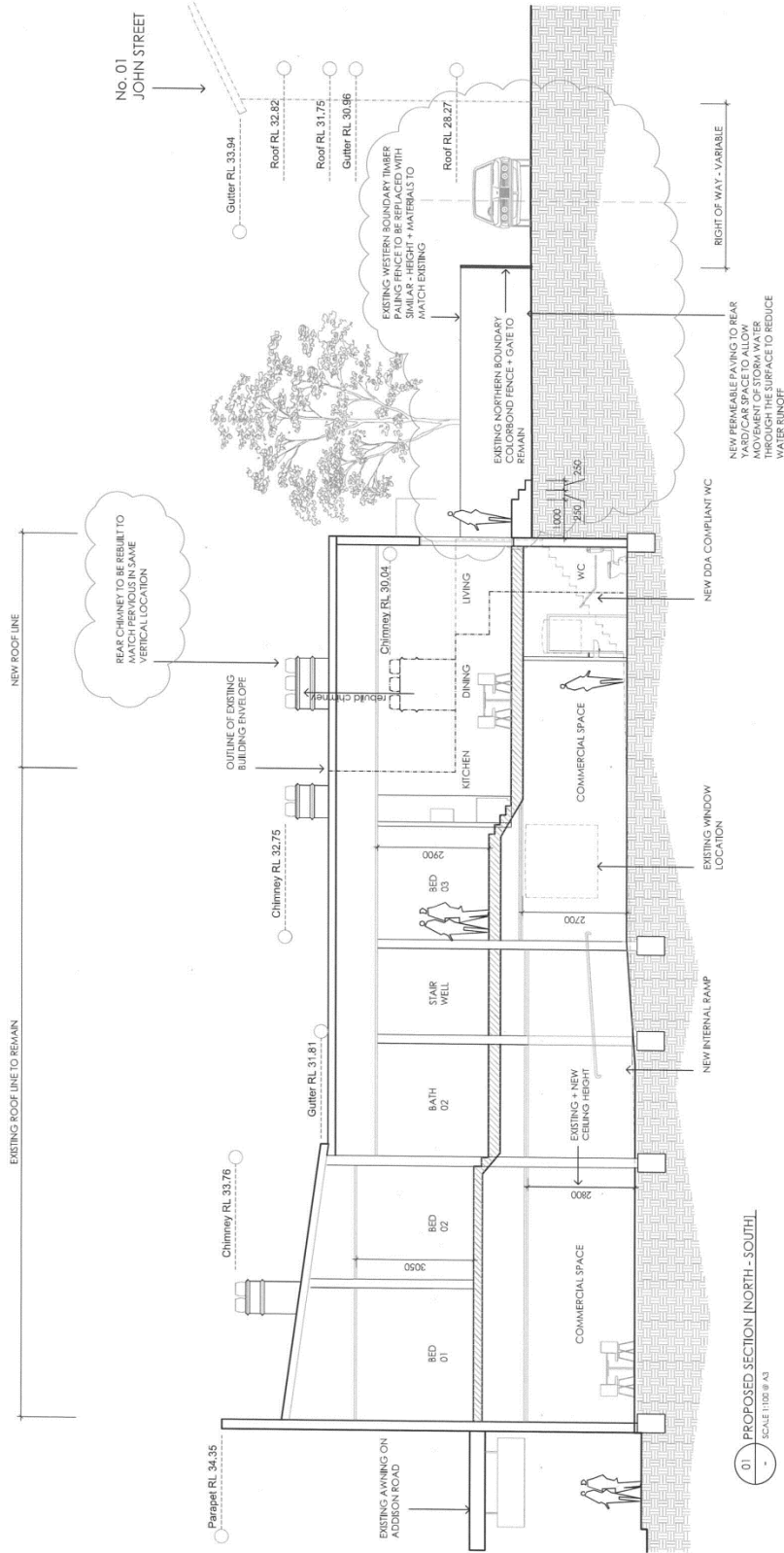


01 PROPOSED SECTIONAL (NORTH - SOUTH) ELEVATION F  
SCALE 1:100 @ A3

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NOTES:  
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 ALL FIRE SAFETY EQUIPMENT TO COMPLY TO ALL NATIONAL & LOCAL CODES - LAYOUT TO BE CONFIRMED.

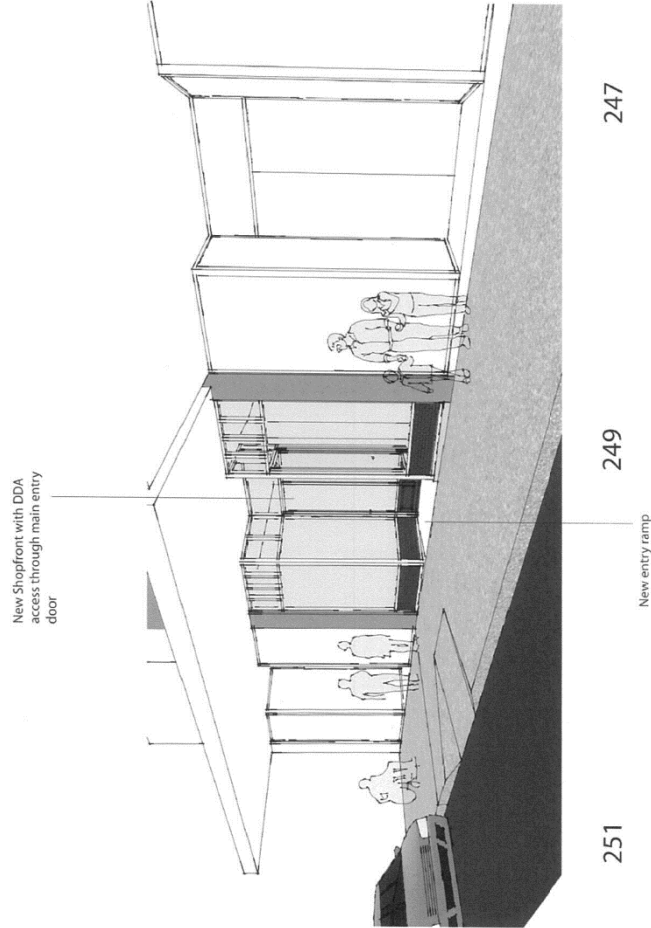
REFERS TO DRW/DA1.10 FOR FINISHES



01 PROPOSED SECTION [NORTH - SOUTH]  
 SCALE 1:100 @ A3

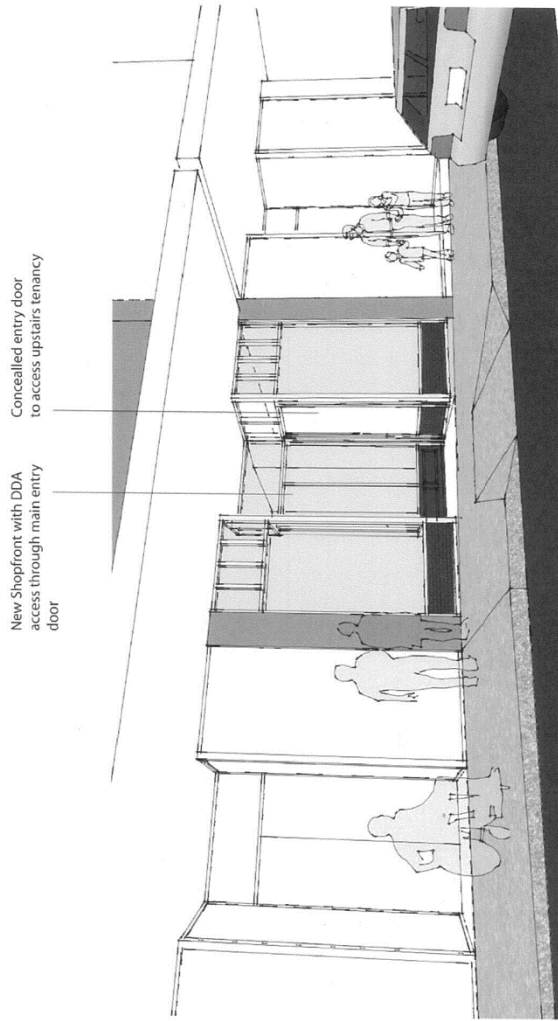
<p>© seven metres square 2017                  THESE DRAWINGS AND DESIGN CONCEPTS REMAIN THE PROPERTY OF SEVEN METRES SQUARE AND MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM SEVEN METRES SQUARE                  info@sevenmetresquare.com.au</p>	<p><i>sevenmetresquare</i></p>	<p>NOTES:                  ALL DIMENSIONS UNLESS OTHERWISE STATED ARE IN METRES UNLESS NOTED OTHERWISE. ALL DIMENSIONS TO BE VERIFIED ON SITE. DO NOT SCALE DRAWINGS. THE CONTRACTOR IS TO VERIFY EXISTING SITE CONDITIONS. THE CONTRACTOR IS TO INSTALL MATERIALS ON SITE TO MANUFACTURER'S RECOMMENDATION. THE CONTRACTOR IS TO CO-ORDINATE WITH ALL OTHER TRADES ON SITE.</p>	<p>DATE:                  25.07.2016                  02.08.2016                  12.09.2016                  10.12.2016                  10.01.2017</p>	<p>ISSUE NO:                  A                  B                  C                  D                  E</p>	<p>ISSUE + REVISIONS                  Issue 01 - Prelim Review NFC                  Issue 02                  Issue 03 - Revisions                  Issue 04</p>	<p>DRAWN:                  BY                  SCALE:                  AS ABOVE</p>	<p>PROJECT:                  Shipway Marrickville                  249 Addison Street                  Marrickville NSW</p>	<p>DRAWING:                  PROPOSED SECTION                  NORTH - SOUTH</p>	<p>SHEET:                  DA3.60                  MARRICKVILLE NSW</p>
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NOTES:  
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EXISTING STREET SHOPFRONT



PROPOSED STREET SHOPFRONT SKETCH

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