





INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2023/0022
Address	350 Illawarra Road MARRICKVILLE
Proposal	Retention of the building façade and construction of a five storey shop top housing development comprising one commercial tenancy and five residential units
Date of Lodgement	17 January 2023
Applicant	Benson McCormack Pty Ltd
Owner	Mr Van L Tran
Number of Submissions	Initial: One
Value of works	\$3,511,662
Reason for determination at Planning Panel	SEPP 65
Main Issues	Contamination; Site Isolation
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Recommended conditions of consent in the event of approval
Attachment C	Plans of proposed development (revision 3)
Attachment D	Architectural Excellence & Design Review Panel Meeting Minutes & Recommendations (based on revision 2)



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for the retention of the building façade and construction of a five storey shop top housing development comprising one commercial tenancy and five residential units at 350 Illawarra Road, Marrickville.

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

The main issue that has arisen from the application includes:

- Potential land contamination

On the basis of the information submitted, the consent authority cannot be satisfied that the land will be suitable for the proposed use and therefore the application is recommended for refusal.

2. Proposal

The application seeks development consent for the retention of the building façade and construction of a five storey shop top housing development comprising one commercial tenancy and five residential units. The development in detail (as revised) is as follows:

- Partial demolition of on-site structures with the retention of the existing façade and party wall to be retained.
- Construction and use of a five storey building comprising of five apartments including:
 - Two x 1-bedroom apartments
 - Three x 2-bedroom apartments
 - One ground level retail tenancy fronting Illawarra Road (the fit out, operation and associated signage of this tenancy will be subject to future applications).
 - Two at-grade parking spaces accessed via Wooley Lane including one space for retail loading.
 - Public domain works including the construction of street awning.

Note: the application description and scope of proposed works has been amended during the assessment of the application with key changes being the deletion of a sixth storey, and car stacker parking facility.

3. Site Description

The subject site is located on the north-western side of Illawarra Road, between Warburton Street and Greenbank Street. The site consists of one allotment and is generally rectangular in shape with a total area of 271.9 square metres (sqm).

The site has a frontage to Illawarra Road of 7.03m and a secondary frontage to Wooley Lane of approximate 6.42m. The site is affected by a party wall shared with No. 352 Illawarra Road.

The site contains an existing shop top housing period building which acts as the bookend of a row of ten attached buildings. The wider surrounds include predominantly mixed-use developments, with ground floor retail uses and residential uses on the upper levels.

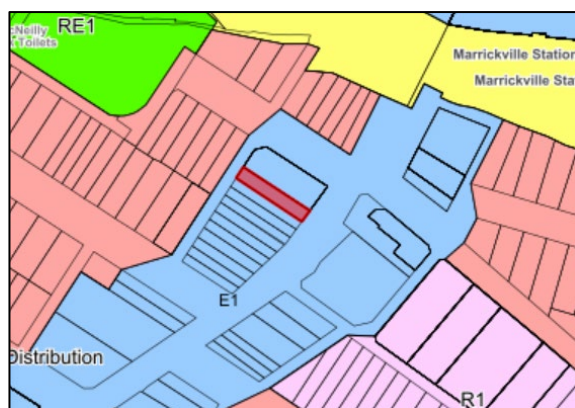


Figure 2: Zoning Map of the subject site (highlighted red).



Figure 3: The subject site (highlighted blue) as viewed from Hercules Street.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
DA/2022/0873	Demolition and associated works to existing building	9 March 2023 - Approved
PDA/2022/0144	Alterations and additions to existing building. Construction of a shop top housing development comprising a commercial use and six dwellings, with associated parking	9 August 2022 - Issued
DA/2020/0586	Demolition of the existing building and associated structures. Construction of a shop top housing development comprising 1 x commercial premises and 5 x dwellings with associated storage and parking.	05 November 2020 - Withdrawn
PDA201900154	Demolition of the existing building and construction of a shop top housing development comprising a retail tenancy and 6 dwellings with basement parking.	10 December 2019 - Issued
PDA201800189	Demolition of all existing structures. Construction of a 4 storey boarding house with commercial ground floor.	27 December 2018 - Issued
PDA201700014	to demolish existing improvements and construct a 4 storey building comprising a shop and car parking on the ground floor with 6 residential units above	18 April 2017 - Issued

4(b) Application history

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

Date	Discussion / Letter / Additional Information
17 January 2023	Application lodged.
1 - 22 February 2023	Application notified.
6 April 2023	Architectural Excellence & Design Review Panel held.
2 June 2023	Council requested that amended and additional information be submitted addressing the following key matters:

	<ul style="list-style-type: none"> • Design revisions to address built form and design • Deletion of the proposed car stacker and provision of a hardstand area • Details regarding site amalgamation • Variation to floor space ratio • General documentation matters
30 June 2023	Revised plans and additional information were submitted by the applicant. It generally addressed the concerns previously raised. Renotification was not required in accordance with Community Engagement Framework.
22 August 2023	Architectural Excellence & Design Review Panel held.
7 September 2023	<p>Council requested that further amended and additional information be submitted addressing the following matters:</p> <ul style="list-style-type: none"> • Deletion of the glass pavers within the floor of the level two balcony • The effectiveness of the awning windows for ventilation • Reconfiguration of the ground floor garbage room • Additional details on the façade restoration • Floor to ceiling heights increased to accommodate building services
15 September 2023	Revised plans and additional information were submitted by the applicant. Renotification was not required in accordance with Community Engagement Framework. The above submitted package forms the basis for the current development application and assessment below.
23 October 2023	Council requested that further additional information be submitted addressing potential land contamination.
20 December 2023	A Preliminary Site Investigation (PSI) was submitted.
9 January 2024	<p>The PSI identified potential contamination and the need for further investigation through a Detailed Site Investigation (DSI). A DSI was not submitted by the applicant and as such Council cannot be satisfied that the land will be suitable for the proposed use.</p> <p>Given the time required to prepare a DSI and the possibility of a Remediation Action Plan (RAP) also being required, Council advised no further extensions can be provided in the circumstances and that the application will need to be determined against the information submitted.</p>

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.6(1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Preliminary Site (contamination) Investigation (PSI) has been prepared by Geo-Environmental Engineering dated 15 December 2023 was submitted to Council. The report has made the following recommendation:

In summary, the PSI identified some potential sources of contamination associated with the site. To characterise the contamination, GEE recommends that a Detailed Site Investigation (DSI) be completed in accordance with the NSW EPA (2020) Contaminated Land Guidelines: Consultants Reporting on Contaminated Land (reference 2) and NEPM (2013) Schedule B(2) Guideline on Site Characterisation (reference 3). As a minimum, this DSI should include soil sampling from across the site (both fill and natural soil) and groundwater from the existing well that was installed as part of a previous geotechnical investigation. Vapour should also be included if volatile contaminants are identified.

In considering Section 4.6(2) the applicant has not provided a DSI report to confirm if a Remediation Action Plan (RAP) and a Validation Report is required for the subject site.

On the basis of the above, the consent authority cannot be satisfied that the land will be suitable for the proposed use or that the land is not required to be remediated. As such, the application is unable to be supported having regard to the Resilience and Hazards SEPP.

5(a)(ii) State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

The development is subject to the requirements of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65). SEPP 65 prescribes nine design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

A statement from a qualified Architect was submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the Apartment Design Guide (ADG), how the objectives in Parts 3 and 4 of the guide have been achieved.

The development is acceptable having regard to the nine design quality principles.

Apartment Design Guide

The Apartment Design Guide (ADG) contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Section 6A of the SEPP certain requirements contained within MDCP 2011 do not apply. In this regard the objectives, design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The following provides further discussion of the relevant issues:

Communal and Open Space

The ADG prescribes the following requirements for communal and open space:

- Communal open space (COS) has a minimum area equal to 25% of the site.
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

Comment: The development does not comply with the ADG requirement with respect to this matter as no communal open space is proposed.

Notwithstanding, given the site is located within a E1 zone with an existing dense urban form, the development is considered acceptable with respect to the objectives of this Part of the ADG as follows:

- All apartments are afforded private open space areas (POS) that are in excess of the minimum requirements under the ADG. Further, these spaces are orientated appropriately to receive satisfactory levels of solar access as discussed further;
- The subject site is well located to nearby areas of public open space, including McNeilly Park, and Cooks River which assists to offset the variation; and
- The development is small in scale, containing only five units and as such it is considered that the demand for communal open space is low.

Deep Soil Zones

The ADG prescribes the following minimum requirements for deep soil zones:

Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)
Less than 650m ²	-	7% (19.04sqm)
650m ² - 1,500m ²	3m	
Greater than 1,500m ²	6m	
Greater than 1,500m ² with significant existing tree cover	6m	

Comment: The development does not comply with the ADG requirement with respect to this matter, as no deep soil zones are proposed. Notwithstanding, this outcome is considered satisfactory in this instance given the following:

- The site is located within a E1 zone and is suited to nil setback to the front and side boundaries at ground level, with vehicle access/loading to the rear. As such, given the site context and desired built form no deep soil zone is considered acceptable.

- A landscape plan has been prepared and demonstrates a suitable planting outcome for the on-structure areas.
- Subject to conditions, the proposal will effectively manage stormwater.

Visual Privacy/Building Separation

The ADG prescribes the following minimum required separation distances from buildings to the side and rear boundaries:

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12 metres (4 storeys)	6 metres	3 metres
Up to 25 metres (5-8 storeys)	9 metres	4.5 metres

Note: At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m.

Comment:

Side setbacks – Northern and southern boundaries

The development proposes a nil side setback up to 18.6m in height to the northern boundary shared with No. 346-348 Illawarra Road and southern boundary shared with No. 352 Illawarra Road. As such the proposal does not comply with the minimum separation distances prescribed by this Part of the ADG. The proposed development is considered to generally satisfy the relevant objectives of the ADG and is considered acceptable for the following reasons:

- The proposal is within a commercial setting and the ADG outlines when considering building separation that *‘No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres’*.
- The proposed nil boundary setbacks are appropriately located to be consistent with the current developments and any future re-development.
- The proposed side elevations will be highly visible from the public domain until such a time that re-development of the neighbouring sites occurs. The architectural expression of the form has incorporated the side elevations using high quality materials and treatments. The use of brick and precast concrete are considered long lasting and will provide for visual interest.

Rear Setback – Western boundary

The development proposes a nil rear setback on the ground floor to the western boundary adjoining Wooley Lane, and a 7m rear setback on the first-floor balcony and as such the proposal does not comply with the minimum separation distances prescribed by this Part of the ADG. The proposed development is considered to generally satisfy the relevant objectives of the ADG and is considered acceptable for the following reasons:

- The proposed ground floor nil boundary setback is appropriately located to be consistent with the developments along this portion of Illawarra Road. In this regard, Wooley Lane is characterised with single storey garages which are generally built with a nil rear building setback.

- The rear/western boundary of the site adjoins the R2 Low Density Residential Zone, with the directly adjacent property at No. 2 Warburton Street being a single storey dwelling. Whilst the proposed 7m rear setback from the first-floor balcony does not strictly comply, Wooley Lane separates the two zones/properties and is greater than 6m in width and as such the proposed building separation is considered sufficient to protect visual privacy. Sightlines gained from the rear of the proposed development are over the roof of the property to the rear and as such views obtained are unlikely to result in amenity impacts.

Bicycle and Car Parking

The ADG prescribes the following car parking rates dependent on the following:

- On sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area, the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant Council, whichever is less; and
- The car parking needs for a development must be provided off street.

Comment: In this case, the parking rates under the MDCP 2011 are applicable to the development. This matter is addressed further below in this report.

Solar and Daylight Access

The ADG prescribes the following requirements for solar and daylight access:

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.
- A maximum of 15% of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

Comment: The development complies with the above requirement, as 80% (being four apartments) provide compliant solar access to the living rooms and private open space.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

- At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the building. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.
- Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.

Comment: The development complies with the above requirements, as 60% (being three apartments) provide for natural cross ventilation.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7 metres
Non-Habitable	2.4 metres
For 2 storey apartments	2.7 metres for main living area floor 2.4 metres for second floor, where its area does not exceed 50% of the apartment area
Attic Spaces	1.8 metres edge of room with a 30 degree minimum ceiling slope
If located in mixed used area	3.3 for ground and first floor to promote future flexibility of use

Comment: The development provides floor to floor heights of 3.2m to the upper residential levels which is considered sufficient to comply with the above minimum ceiling height requirements. The ground floor retail provides floor to ceiling heights of 3.5m which will promote future flexibility of uses.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
1 Bedroom apartments	50m ²
2 Bedroom apartments	70m ²

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.

Comment: The development complies with the above requirement.

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
 - 3.6 metres for studio and 1 bedroom apartments.
 - 4 metres for 2 and 3 bedroom apartments.

- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Comment: The development complies with the above requirements.

Private Open Space (POS) and Balconies

The ADG prescribes the following sizes for primary balconies of apartments:

Dwelling Type	Minimum Area	Minimum Depth
1 Bedroom apartments	8m ²	2 metres
2 Bedroom apartments	10m ²	2 metres

Note: The minimum balcony depth to be counted as contributing to the balcony area is 1m.

Comment: The development complies with the above requirement.

Common Circulation and Spaces

The ADG prescribes the following requirements for common circulation and spaces:

- The maximum number of apartments off a circulation core on a single level is 8.
- For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.

Comment: The development complies with the above requirement as no more than 1-2 units are located on each floor.

Storage

The ADG prescribes the following storage requirements in addition to storage in kitchen, bathrooms and bedrooms:

Apartment Type	Minimum Internal Area
1 Bedroom apartments	6m ³
2 Bedroom apartments	8m ³

Note: At least 50% of the required storage is to be located within the apartment.

Comment: The development complies with the above requirement.

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

A BASIX Certificate was submitted with the application.

5(a)(iv) State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Development likely to affect an electricity transmission or distribution network

The proposed development meets the criteria for referral to the electricity supply authority within Section 2.48 of *SEPP (Transport and Infrastructure) 2021* and was referred for comment.

Ausgrid raised no objections to the application and provided comments with regard to underground cables and overhead powerlines in the vicinity of the development.

Overall, subject to compliance with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice the proposal satisfies the relevant controls and objectives contained within Chapter 2 Infrastructure of *SEPP (Transport and Infrastructure) 2021*.

Development with frontage to classified road

In considering Section 2.119(2) of *SEPP (Transport and Infrastructure) 2021*, vehicular access to the land is provided by Wooley Lane and this is considered practical and safe. The design will not adversely impact the safety, efficiency, and ongoing operation of the classified road.

Transport for NSW raised no objections to the application and provided general conditions which have been included in the recommendation.

Notwithstanding, the impacts of traffic noise or vehicle emissions have been considered and the development is not of a type that is sensitive and suitable measures to ameliorate potential traffic noise or vehicle emissions have been included within the development.

5(a)(v) Inner West Local Environmental Plan 2022 (IWLEP 2022)

The application was assessed against the following relevant sections of the *IWLEP 2022*:

Part 1 – Preliminary

Section	Proposed	Compliance
Section 1.2 Aims of Plan	As detailed earlier in this report, the modified proposal is inconsistent with the following relevant aims: <ul style="list-style-type: none"> • <i>(h) to prevent adverse social, economic and environmental impacts on the local character of Inner West,</i> • <i>(i) to prevent adverse social, economic and environmental impacts, including cumulative impacts.</i> 	No, the proposal fails to demonstrate that the ;and is suitable for development having regard to contamination

Part 2 – Permitted or prohibited development

Zone Objectives	Proposed	Permissible with consent?
Section 2.3 Zone objectives and Land Use Table <i>E1 - Local Centre</i> <i>Note: During the assessment of the application the</i>	The proposal satisfies the section as follows: <ul style="list-style-type: none"> • The property is zoned <i>E1 - Local Centre</i> under the provisions of <i>IWLEP 2022</i>. Shop top housing and Retail premises are permissible with consent under the zoning provisions applying to the land; and • The proposal is consistent with the relevant objectives of the <i>E1 - Local Centre</i> as follows: 	Yes

<p><i>Employment Zones Reform came into force Wednesday 26 April 2023. This means that the previous zone B2 Local Centre has been replaced by the equivalent zone E1 Local Centre.</i></p>	<ul style="list-style-type: none"> ○ Provides a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. ○ The proposal encourages investment in local commercial development that generates employment opportunities and economic growth. ○ The proposal enables residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area. ○ The proposal encourages business, retail, community and other non-residential land uses on the ground floor of buildings. ○ The proposal provides employment opportunities and services in locations accessible by active transport. ○ The proposal provides retail facilities and business services for the local community commensurate with the centre’s role in the local centres hierarchy. ○ The proposal ensures Inner West local centres are the primary location for commercial and retail activities. ○ The proposal ensures that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. ○ The proposal enhances the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality and contributes to the desired character and cultural heritage of the locality 	
Section	Proposed	Compliance
<p>Section 2.7 Demolition requires development consent</p>	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> • Demolition works are proposed, which are permissible with consent; and • In the event of approval, standard conditions are recommended to manage impacts which may arise during demolition. 	<p>Yes, subject to conditions</p>

Part 4 – Principal development standards

Control	Proposed		Compliance
<p>Section 4.3 Height of building</p>	<p>Maximum</p>	<p>20m</p>	<p>Yes</p>
	<p>Proposed</p>	<p>18.6m</p>	
<p>Section 4.4 Floor space ratio</p>	<p>Maximum</p>	<p>2.5:1 or 690.8sqm</p>	<p>Yes</p>
	<p>Proposed</p>	<p>2.05:1 or 567.03sqm</p>	

Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.	Yes
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Part 6 – Additional local provisions

Control	Proposed	Compliance
Section 6.1 Acid sulfate soils	The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable.	Yes
Section 6.2 Earthworks	The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.	Yes
Section 6.3 Stormwater Management	The development includes on-site retention and subject to standard conditions if approved, the development would not result in any significant runoff to adjoining properties or the environment.	Yes, subject to conditions
Section 6.8 Development in areas subject to aircraft noise	The site is located within the ANEF 20-25 contour, and as such an Acoustic Report was submitted with the application demonstrating the proposal is capable of satisfying this section	Yes
Section 6.9 Design excellence	<p>The proposed development is for a new building that exceeds 14 metres in height. The development is therefore required to demonstrate design excellence. In considering if the proposal exhibits design excellence, Attachment C of this report contains the Architectural Excellence and Design Review Panel Meeting Minutes and Recommendations which have been largely resolved. The proposal satisfies this section as follows:</p> <ul style="list-style-type: none"> • A high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved. • The form and external appearance of the development will improve the quality and amenity of the public domain. • The development does not detrimentally impact on view corridors and landmarks, or solar access. • The development generally complies with the requirements of MDCP 2011 as discussed further in this report. • The land is suitable for the proposed uses and use mix. • The development retains the Illawarra Road façade and will be consistent with the desired future character of the Marrickville Town Centre (commercial) precinct in terms of separation, setbacks, bulk, massing and street frontage heights. A structural engineers report has been submitted demonstrating the that front façade can reasonably be retained. • The development will result in acceptable amenity and environmental impacts in terms of 	Yes

	<p>sustainable design, overshadowing, wind and reflectivity and visual and acoustic privacy, and achieve the principles of ecologically sustainable development.</p> <ul style="list-style-type: none"> • The development provides an awning which improves the pedestrian experience and improves the public domain. 	
Section 6.13 Residential accommodation in Zones E1, E2 and MU1	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> • The proposed residential accommodation is part of a mixed-use development • The proposed development will have an active street frontage • The proposed development is compatible with the desired character of the area in relation to its bulk, form, uses and scale as discussed throughout this report. 	Yes

5(b) Development Control Plans

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

Part 2 – Generic Provisions

Control	Proposed	Compliance
Part 2.1 – Urban Design	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The proposal assists to improve the urban structure and is considered well connected to nearby transport and services; • The proposal allows for an ease of safe access for all persons, through the provision of ramping, level paths and lift access; • The proposal provides for a complementary mix of uses and spaces; • The proposal provides for an appropriate level of density relative to the development standards prescribed for the site and the desired future character of the zone; • The proposal provides for an urban form that clearly defines public and private spaces and that are appropriate for the function of the locality; • The proposal provides for satisfactory legibility to assist with wayfinding within the site and building; • The proposed built form, materiality and design of the building recognises and enhances the character of the commercial precinct; and • The proposal will enhance, whilst respecting the evolving character of the streetscape within Illawarra Road, given the proposal’s massing, materiality and ground floor activation. 	Yes

<p>Part 2.5 – Equity of Access and Mobility</p>	<p>The proposal satisfies the access and mobility provisions contained in MDCP 2011 in that:</p> <p><i>Commercial</i></p> <ul style="list-style-type: none"> • Appropriate access is provided for all persons through the principal entrance; • A Continuous Accessible Path of Travel (CAPT) to and within the subject site and to the commercial premises is provided, which allows a person with a disability to gain access to all areas; • Accessible sanitary facilities have been provided; and • Despite the above, the requirements of the MDCP 2011 are effectively superseded by the Premises Standards. An assessment of whether these aspects of the proposal fully comply with the requirements of the relevant Australian Standards and the Premises Standards has not been undertaken as part of this assessment. That assessment would form part of the assessment under the Premises Standards at the Construction Certificate (CC) stage of the proposal, with recommended conditions included to ensure this occurs. <p><i>Residential</i></p> <ul style="list-style-type: none"> • One adaptable dwelling has been provided in accordance with the requirement; • Appropriate access from the principal entry point and throughout the development is provided for all persons via the provision ramping, pathways and lift access; • All facilities are accessible; and • In the event of approval conditions are recommended to ensure the above items are provided at CC stage. 	<p>Acceptable, subject to condition</p>
<p>Part 2.6 – Acoustic and Visual Privacy</p>	<p>The proposal satisfies the acoustic and visual privacy provisions contained in MDCP 2011 in that:</p> <p><i>Residential</i></p> <p>The proposed development is considered to provide an acceptable level of visual and acoustic privacy to future occupants and adjoining properties. The proposal is considered to satisfy the relevant objectives and controls contained in Part 2.6.</p> <p><i>Commercial</i></p> <ul style="list-style-type: none"> • The use of the retail tenancy will be subject to separate application/s. Notwithstanding, the retail tenancy on the ground floor is sufficiently separated from adjoining sites to provide an acceptable level of visual and acoustic privacy; and • An Acoustic Report was submitted with the application and concluded the proposal will comply with the relevant noise emission criteria. 	<p>Yes</p>
<p>Part 2.7 – Solar Access and Overshadowing</p>	<ul style="list-style-type: none"> • The proposal is considered acceptable with respect to the relevant provisions of Part 2.7. Refer to discussion below. 	<p>Acceptable</p>
<p>Part 2.9 – Community Safety</p>	<p>The development is reasonable having regard to community safety for the following reasons:</p>	<p>Yes, subject to condition</p>

	<ul style="list-style-type: none"> • The proposal has been designed having regard to CPTED principles; • The proposed development has been designed to allow passive surveillance of the street and laneway; and, • The main pedestrian entrance to the building is recognisable and has been appropriately designed. • A garage door is proposed to delineate between public and private areas. • In the event of approval, a condition could be included requiring the entrance to the premises to be well lit and to comply with the relevant Australian Standard to avoid excessive light spillage. 	
Part 2.10 – Parking	Refer to discussion below.	No, see discussion below
Part 2.16 – Energy Efficiency	A BASIX Certificate submitted for residential component. Section J compliance to be achieved at the CC stage.	Yes
Part 2.21 – Site Facilities and Waste Management	<p>The proposal satisfies the relevant provisions of Part 2.21 as follows:</p> <ul style="list-style-type: none"> • The application was accompanied by a waste management plan in accordance with the Part; • Standard conditions are recommended in the event of approval to ensure the appropriate management of waste during the construction of the development; • Sufficiently sized and appropriately designed areas for waste storage have been provided for both the residential and commercial components of the development, which are easily accessible on the ground floor; • Standard conditions have been included to ensure access ways and gradients are satisfactory to facilitate the removal of waste; and • Suitable areas are provided within the proposed balconies to allow for the provision of clothes drying facilities. 	Yes, subject to conditions
Part 2.24 – Contaminated Land	<p>The applicant has submitted a PSI which has identified potential contamination and the need for further investigation. As no DSI has been submitted, the consent authority cannot be satisfied that the land will be suitable for the proposed use or that the land is required to be remediated.</p> <p>The proposal is not consistent with part 2.24, as it does not demonstrate that the site can be suitably used for residential purposes. Given this, the proposal does not comply with O1, O2, O3 and C1 of Part 2.24.</p>	No
Part 2.25 – Stormwater Management	Standard conditions are recommended in the event of approval to ensure the appropriate management of stormwater.	Yes, subject to conditions

(i) Part 2.7 Solar Access & Overshadowing

Part 2.7 of MDCP 2011 contains objectives and controls relating to solar access and overshadowing.

Overshadowing

Shadow diagrams in plan form and sun eye diagrams for 21 June (mid-winter) were submitted to demonstrate the proposal's impact on the surrounds.

The site has a generally east-west orientation and is adjoined directly to the south by No. 352 Illawarra Road. Given the orientation of the subject site and location of the affected property relative to the development, the proposal will result in some overshadowing. A review of Councils records has not been able to confirm the internal layout and use of the rear window, as such an assumption is made that this window services a first floor principle living area. As such, the proposed development will result in non-compliant overshadowing to No. 352 Illawarra Road first floor principle living area.

Where a development proposal results in a decrease in sunlight available on 21 June resulting in less than two hours of solar access for the adjoining property, the proposal may be considered on its merit with regard to the criteria of points a to d in Control 2 contained in Part 2.7 of MDCP 2011. The planning principle regarding access to sunlight as developed in the case law *Benevolent Society v Waverley Council [2010] NSWLEC 1082* is also used as a tool to interpret the following control.

C2(ii) of Part 2.7.3 of MDCP 2011 states:

If the development proposal results in a further decrease in sunlight available on 21 June, Council will consider:

a. The development potential of the site;

The development potential of the site prescribed by the development standards under *IWLEP 2022* is a maximum 20m height limit and 2.5:1 FSR. In addition, the subject site is zoned E1 - Local Centre under *IWLEP 2022*, which permits higher density development.

The following is noted with respect to this matter:

- The development readily complies with the 20m height development standard under the *IWLEP 2022*, as a maximum height of 18.6m is proposed;
- The development readily complies with the 2.5:1 (690.8sqm) FSR development standard under the *IWLEP 2022*, as a maximum FSR of 2.05:1 (567.03sqm) is proposed;
- The proposed provides shop top housing, which permissible within the site's E1 Local Centre zone under *IWLEP 2022*;
- As discussed elsewhere in this report, the proposed built form is considered acceptable and in accordance with the desired future character of the area.

Based on the above, it is considered the development is within its development potential and has not maximised or exceeded its potential.

b. The particular circumstances of the neighbouring site(s), for example, the proximity of any residential accommodation to the boundary, the resultant proximity of windows to the boundary, and whether this makes compliance difficult;

The following is noted with respect to this matter:

- The property at No. 352 Illawarra Road is considered underdeveloped given the development potential prescribed by the development standards under *IWLEP 2022*. It is therefore reasonable to anticipate that this site will be substantially redeveloped in the future.
- The existing built form on both sites are modest two storey shop top housing forms, with substantial rear setbacks at the ground and first floor. The subject site being the first to develop to the envisioned density coupled with the lot orientation results in the overshadowing of the significantly recessed rear elevation of No. 352 Illawarra Road.
- The proposal will not affect solar access for future residential land uses located at No. 352 Illawarra Road as any redevelopment of No. 352 Illawarra Road would likely create a similar setback relationship to the current proposal which achieves a compliant level of solar access.

c. Any exceptional circumstances of the subject site such as heritage, built form or topography; and

The following is noted with respect to this matter:

- The overshadowing relationship is a product of the transition period between the older building stock and the envisioned density under *IWLEP 2022*. As such, the solar access retained is acceptable having regard to this context.

d. Whether the sunlight available in March to September is significantly reduced, such that it impacts upon the functioning of principal living areas and the principal areas of open space. To ensure compliance with this control, separate shadow diagrams for the March/September period must be submitted.

The following is noted with respect to this matter:

- Shadow diagrams for the equinox were not submitted to demonstrate the development’s impact during this time It is acknowledged an increased level of solar access would be achieved but unlikely compliant having regard to the orientation.

In assessment of the above and solar access principles, it is considered that the impacts are reasonable, and that the proposal satisfies the objectives of Part 2.7 of MDCP 2011.

(ii) Part 2.10 – Parking

The site is identified in Parking Area 1 (most constrained) under Part 2.10 of MDCP 2011. The following table summarises the car, bicycle, and motorcycle parking requirements for the development:

Component	Control	Required	Proposed	Complies
Car Parking				
Resident Car Parking – non adaptable units	<i>0.2 car parking spaces per 1 bedroom unit</i>	1 x 1 bed units = 0.2 spaces	1 space	No
	<i>0.5 car parking spaces per 2 bedroom unit</i>	3 x 2 bed unit = 1.5 spaces		
	<i>Total</i>	1.7 spaces		
Resident Car Parking – adaptable unit	<i>1 mobility car parking space per 1 adaptable unit</i>	1 x adaptable unit = 1 mobility space	1 space	No

Component	Control	Required	Proposed	Complies
Commercial Car Parking	1 space per 100sqm GFA for customers and staff	54.9 GFA = 1 space	1 space	Yes
Bicycle Parking				
Resident Bicycle Parking	1 bicycle parking space per 2 units	5 units = 3 spaces	3 spaces	Yes
Visitor Bicycle Parking	1 bicycle parking space per 10 units	5 units = 1 space	1 space	Yes
Motorcycle Parking				
Motorcycle Parking	5% of the total car parking requirement	2 car parking spaces required = 0.1 space	Nil spaces	Yes

As noted above, the application proposes a variation to the prescribed parking rates by one car parking space and one mobility space. Despite this, it is considered that the proposal satisfies the relevant performance criteria as follows:

- The proposal is located in an accessible area being less than 120m to Marrickville train station with a number of bus-stops also located along Illawarra Road.
- The proposal provides well located at grade bicycle parking to promote the use of sustainable transport.
- The proposal maintains the existing provisions for commercial parking which can act as a dual use as a loading zone as required. Given a bus stop is located directly in front of the building, an on-site loading zone is essential for the safe and functional operations of the commercial tenancy.
- Due to the narrow lot width a dedicated accessible parking space could not be accommodated on site, without the loss of the loading zone. Given the site constraints and highly accessible location, a variation to this requirement is considered reasonable in the circumstances.
- A condition of consent is recommended to ensure the proposed parking facilities are safe, functional, and accessible through compliance with design standards.
- It is noted that a revised Traffic & Parking Impact Assessment was not submitted, however the shortfall of two car parking spaces in a highly accessible area is considered a more suitable outcome compared to a car stacking system. Given the scale of development and minor nature of the variation, the local road and parking network can readily cater for the proposed development.

Given the above, it is considered that on balance the parking proposed is acceptable.

Part 5 – Commercial and Mixed Use Development

Control	Assessment	Compliance
Part 5.1.3 – Building form	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The proposed density and height of development is compatible with the future desired character of the relevant commercial centre and is appropriate to the contextual constraints of the site. • The proposal preserves the prevailing building frontage edge of the streetscape. 	Yes
Part 5.1.4 – Building detail	<p>The proposal satisfies the relevant provisions of this Part as follows:</p>	Yes

	<ul style="list-style-type: none"> • The proposed street front portion of the building mass reads as a continuous dominant element in the streetscape, with upper levels above the street frontage being visually subservient. • The proposal may result in the long term exposure of a side boundary wall from surrounding streets, and as such the side walls are appropriately designed/finished. • The proposal ensures the development complements the surrounding buildings and predominant streetscape and broader townscape character by incorporating contemporary interpretations of the site context characteristics. • The new retail tenancy/podium is consistent with the width and proportions of the existing shopfronts evident within the streetscape and will provide an active street frontage. • The proposed residential entry will provide adequate residential amenity without impacting on the viability and vitality of the retail frontage. 	
Part 5.1.5 – Building use	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The ground floor level of the building that relates to the active street frontage is predominately used for commercial floor area; • The application proposes a mixture of land uses that are compatible and will result in a reasonable level of amenity; and, • Appropriate floor-to-ceiling heights are provided for commercial and residential uses. 	Yes

Part 9 – Strategic Context

Control	Assessment	Compliance
Part 9.40 – Marrickville Town Centre (commercial) (Precinct 40)	The subject site is located within the Marrickville Town Centre (commercial) Precinct.	Noted
9.40.2 Desired future character	<p>The proposal is consistent with the desired future character provisions of the precinct as follows:</p> <ul style="list-style-type: none"> • The proposal retains the front portion of contributory buildings where they are contributory to the streetscapes. • The proposal encourages a greater scale of development within the commercial centre, including the provision of new dwellings near local shops, services and public transport to meet market demand, create the opportunity for high access housing choice and support sustainable living. • The proposal supports excellence in contemporary design. • The proposal ensures new development at rear upper levels is a maximum of five storeys and is designed to be subservient to retained portions of contributory buildings or infill development to the street building front. 	Yes

	<ul style="list-style-type: none"> • The proposal provides an active commercial front to new buildings facing onto streets to create a vibrant and safe streetscape. • The proposal supports pedestrian access, activity and amenity including maintaining and enhancing the public domain quality. • The proposal demonstrates good urban design and environmental sustainability and provides suitable amenity for occupants of those developments. • As detailed within this report, the proposal ensures that the design of higher density development protects the residential amenity of adjoining and surrounding properties. • The proposal facilitates efficient parking, loading and access for vehicles that minimises impact to streetscape appearance, commercial viability and vitality and pedestrian safety and amenity. 	
<p>9.40.4.1 Contributory and period buildings map for HCAs and streetscapes</p>	<p>A contributory and period buildings map contained in Part 8.4.2 of the MDCP 2011 identifies the subject site as a period building. As such, the building façade has been retained with new development located behind. The new development aligns with existing floor levels and fenestration to the retained façade.</p>	<p>Yes</p>
<p>9.40.4.2 Reduced height, reduced floor space ratio and building envelope controls</p>	<p>Refer to discussion below.</p>	<p>Acceptable</p>

Precinct-specific planning controls

The following development scenario (refer to Figure 4 below) under Part 9.40.4.2 *Reduced height, reduced floor space ratio and building envelope controls* of the MDCP 2011 is applicable to the proposed development. In this respect, the precinct specific provisions are intended to recognise the realistic outcome when developing small and narrow allotments and to encourage amalgamation.

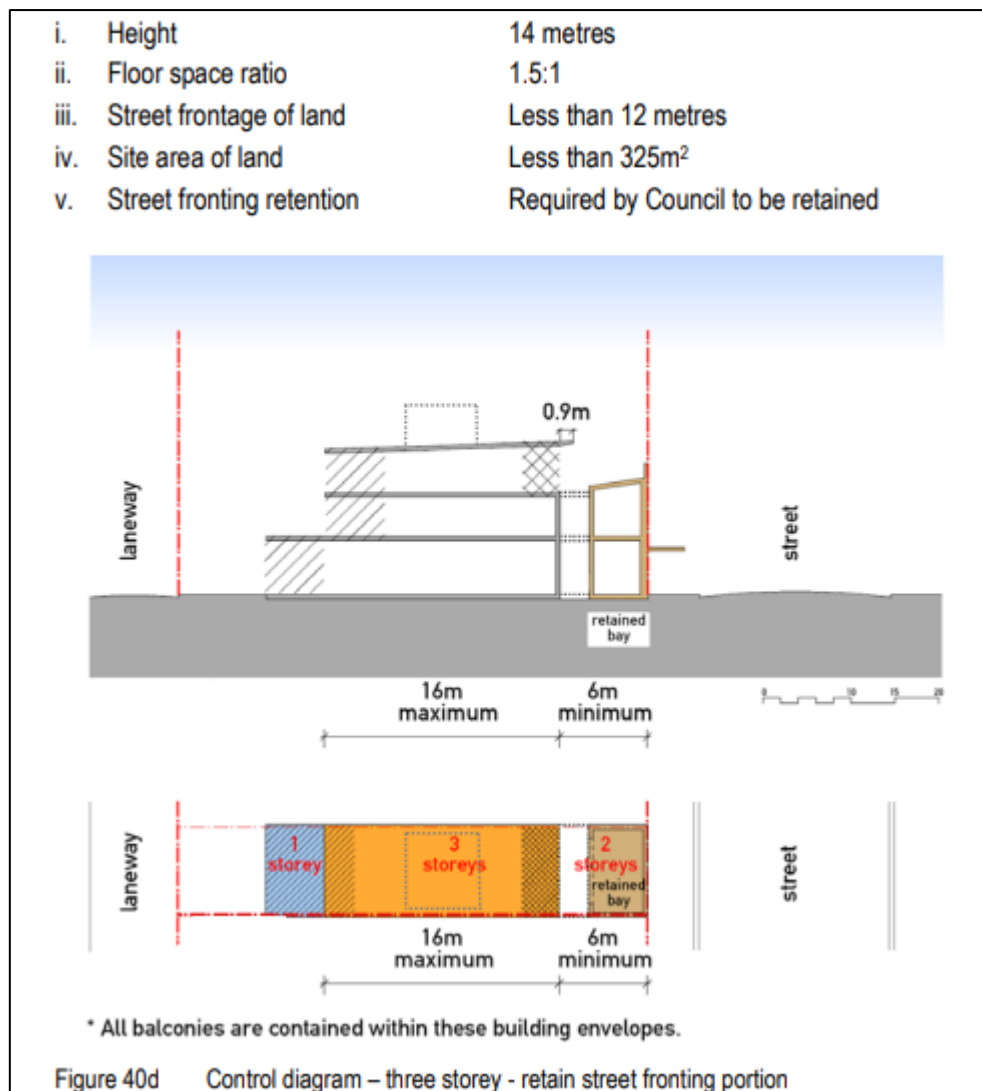


Figure 4: Application scenario under Part 9.40

The proposal does not comply with this scenario given the number of storeys and massing proposed. However, some flexibility to this indicative form is considered reasonable for the following reasons:

- Site amalgamation with No. 352 Illawarra Road has been attempted and rejected by the adjoining owner, which is discussed further in this report.
- Site amalgamation with No. 346-348 Illawarra Road is considered onerous and unfeasible for the owner of the subject site to acquire, given it is a three storey strata-subdivided shop top housing development comprising 9 units. No. 346-348 Illawarra Road property has a site area of 616sqm and a frontage of over 12m. As such, it is likely to redevelop on its own to its full potential.
- It is acknowledged that *IWLEP 2022* specifies a 20m maximum height and 2.5:1 FSR for the site, and whilst these provisions are subject to further compliance with the site-specific controls contained in this part of the *MDCP 2011*, it is considered a reduction to three storeys would be inconsistent with the desired future character of the precinct.
- The revised number of storeys and massing proposed on the subject site was generally supported by the AEDRP, with a five-storey built form presentation considered reasonable for the subject site and appropriate to the context.
- The subject site is wider (being 7.03m) than the adjoining properties (approximately 5m), which makes it possible for this proposal to achieve an acceptable level of

amenity within the proposed residential layouts compared to similar sites within the row.

5(c) The Likely Impacts

As detailed earlier within this report, due to potential contamination, it is considered that the site is unsuitable to accommodate the development.

Site Isolation - No. 352 Illawarra Road

As the *MDCP 2011* does not include comprehensive assessment criteria relating to site isolation and amalgamation, it is considered necessary to rely on the Planning Principle established in *Karavellas v Sutherland Shire Council* [2004]. The following two questions have been considered when dealing with site amalgamation and site isolation to No. 352 Illawarra Road:

- Firstly, is amalgamation of the sites feasible?
- Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?

To answer the first question, the principles set out by Brown C in *Melissa Grech v Auburn Council* [2004] are utilised.

The applicant has provided an independent Valuation Report which valued No. 352 Illawarra Road at \$1,780,000. Documentation has been provided by the applicant outlining that an offer of \$1,958,000 was made to the owner by way of letter, on 9 March 2023 (copies of the letter and registered post receipt have been provided by the applicant). The applicant received a formal response letter dated the 20 April 2023 from the real estate agents acting on behalf of the owner, rejecting the offer acknowledging there is no interest to sell the property. Given the information submitted, Council is satisfied that a genuine offer has been made to amalgamate the adjoining site.

To answer the second question, the principles set out by Brown C in *Cornerstone Property Group Pty Ltd v Warringah Council* [2004] are utilised.

It is noted that a schematic analysis of No. 352 Illawarra Road was not submitted. However, given there are no development applications for any of the properties to the south of the subject site, a sketch plan indicating how the site may develop is not considered necessary. Given the relative narrowness of No. 352 (~5m) future development would likely involve amalgamation with at least 354 Illawarra Road to create a suitable development site.

Council is satisfied that the neighbouring site can still achieve a development that is consistent with the planning controls (most notably height, setbacks and site coverage) and thus orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible.

Given the above, subject to the recommended conditions in the event of approval, the proposal will have minimal impact on the locality.

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

As detailed earlier within this report, it has not been established that the site is suitable to accommodate the development due to contamination.

5(e) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 21 days to surrounding properties. One submission opposing the development was received.

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

- Visual and acoustic privacy implications from the from the rear first-floor outdoor area
- Stormwater management
- Traffic Management
- Security implications from recessed entrance along Wooley Lane
- Non-compliance with building height under the DCP

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

Issue: Noise, maintenance, and extent of excavation from proposed car stacker

Comment: The revised plans have been amended to delete the car stacker from the proposal.

Issue: Future flooding

Comment: The site is not identified as a flood control lot. Notwithstanding, councils storm water engineers have reviewed the proposal and, the design of the proposal (subject to conditions) will not affect the flood affectation of the adjoining properties and is considered to appropriately manage flood risk to life and the environment.

Issue: Acoustic impacts and light spillage from garage door

Comment: Lighting details are not required at DA stage and will be addressed as part of the Construction Certificate. Notwithstanding, the revised proposal provides car parking for only two vehicles and as such any resulting amenity impacts are considered consistent with that of existing properties.

Issue: Garbage collection and storage of bins

Comment: A standard on-going condition would be included in any consent granted to ensure all bins are to be stored within the site, and bins are to be returned to the property within 12 hours of having been emptied.

5(f) The Public Interest

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

The proposal is contrary to the public interest for the reasons discussed in this report.

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.

- Architect Excellence Panel
- Development Engineering

- Building Certification
- Environmental Health
- Waste Management

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

- Ausgrid
- Transport for NSW

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$103,445.00 would be required for the development under Inner West Local Infrastructure Contributions Plan 2023.

8. Conclusion

The proposal does not comply with the aims, objectives and design parameters relating to contamination contained within the *SEPP (Resilience and Hazards) 2021*, *IWLEP 2022* and *MDCP 2011*. It has not been demonstrated that the development would not result in significant impacts on the surrounds and therefore, is not considered to be in the public interest.

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2023/0022 for the retention of the building façade and construction of a five storey shop top housing development comprising one commercial tenancy and five residential units at 350 Illawarra Road, MARRICKVILLE for the following reasons:

Attachment A – Reasons for refusal

1. The proposed development is inconsistent with, and has not demonstrated compliance with the *State Environmental Planning Policy (Resilience and Hazards) 2021*, *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011* pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Section 4.6(1) & (2) of Resilience and Hazards SEPP 2021– Contamination and remediation to be considered in determining development application, as the proposal fails demonstrate that the site can be suitably used for residential purposes;
 - b. Section 1.2(2)(h) and (i) - Aims of Plan of *Inner West Local Environmental Plan 2022* in that the proposal does not prevent adverse environmental impacts on the local character of the Inner West, including cumulative impacts; and
 - c. Part 2.24 – Contaminated Land of *Marrickville Development Control Plan 2011*, in that the proposal fails demonstrate that the site can be suitably used for residential purposes in accordance with O1, O2, and O3 and C1.
2. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
3. The proposal has not demonstrated it is in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

Attachment B – Conditions in the event of approval

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
A-DA-100-001 rev 03	Site Plan	13/09/2023	Benson McCormack Architecture
A-DA-101-001 rev 01	Demolition Plan	13/12/2022	Benson McCormack Architecture
A-DA-110-000 rev 03	Sub-level and ground level	13/09/2023	Benson McCormack Architecture
A-DA-110-001 rev 03	Level 1 & level 2	13/09/2023	Benson McCormack Architecture
A-DA-110-002 rev 03	Level 3 & level 4	13/09/2023	Benson McCormack Architecture
A-DA-110-003 rev 03	Roof	13/09/2023	Benson McCormack Architecture
A-DA-210-001 rev 03	East elevation	13/09/2023	Benson McCormack Architecture
A-DA-210-002 rev 03	West elevation	13/09/2023	Benson McCormack Architecture
A-DA-210-003 rev 03	North elevation	13/09/2023	Benson McCormack Architecture
A-DA-210-004 rev 03	South elevation	13/09/2023	Benson McCormack Architecture
A-DA-310-001 rev 03	Section AA	13/09/2023	Benson McCormack Architecture

A-DA-310-002 rev 03	Section DD	13/09/2023	Benson McCormack Architecture
A-DA-310-003 rev 03	Section CC	13/09/2023	Benson McCormack Architecture
A-DA-310-004 rev 02	East facade section - details	13/09/2023	Benson McCormack Architecture
A-DA-310-005 rev 02	West facade section - details	13/09/2023	Benson McCormack Architecture
A-DA-620-001 rev 03	Window schedule 1/2	13/09/2023	Benson McCormack Architecture
A-DA-620-002 rev 03	Window schedule 2/2	13/09/2023	Benson McCormack Architecture
LP01 issue A	Landscape Plan 01	16/12/2022	Matthew Higginson landscape architecture pty ltd
LP02 issue A	Landscape Plan 02	16/12/2022	Matthew Higginson landscape architecture pty ltd
C17ACDRLUL	NatHERS certificate	21/12/2022	Stephen Sum
1349284M	BASIX certificate	21/12/2022	GAT and associates
ref no: 2022-324	Acoustic report	14/12/2022	Acoustic noise & vibration solutions
22304-S01 rev B	Facade retention to existing building	22/12/2022	Lindsay & Associates
22304-S02 rev A	Facade retention to existing building sheet 2	22/12/2022	Lindsay & Associates
dwg no. SW200, SW201, SW202, SW203, SW300, SW400, rev A	Stormwater Concept Design (sheets 2-7)	14/12/2022	SGC Consulting Engineers

As amended by the conditions of consent.

FEES

2. Security Deposit - Custom

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

Security Deposit:	\$35,100.00
Inspection Fee:	\$374.50

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

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

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

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

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

3. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.

4. Section 7.11 Contribution

In accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

Contribution Category	Amount
Open Space & Recreation	\$72,274.00
Community Facilities	\$13,252.00
Transport	\$11,437.00
Plan Administration	\$1,018.00
Drainage	\$5,463.00
TOTAL	\$103,445.00

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = is the contribution at time of payment

C_{consent} = is the contribution at the time of consent, as shown above

CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being [insert CPI value] for the [insert latest quarter and year].

CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres at council@innerwest.nsw.gov.au or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

GENERAL CONDITIONS

5. Separation of Commercial and Residential Waste and Recycling

The waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

6. Noise – Consultant's Recommendations

All performance parameters, requirements, engineering assumptions and recommendations contained in Acoustic Report prepared by Acoustic Noise & Vibration Solutions P/L dated December 14th, 2022 (ref: 2022-32) must be implemented.

7. Transport for NSW

- i. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along Illawarra Road.
- ii. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au
- iii. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

- iv. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.
- v. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au
- vi. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
- vii. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Illawarra Road.
- viii. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Illawarra Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

8. Awnings with Lighting

The proposed awning must be of cantilever type and be set back at least 600mm from the kerb line. The awning must include pedestrian lighting (Category P3-AS1158) and must be maintained and owned by the property owner(s). The proposed awning must be designed to be easily removed if required in future. The owner must maintain, modify or remove the structure at any time if given notification by Council to do so. The lighting must not be obtrusive and should be designed so that it does not shine into any adjoining residences.

9. Car Parking

The development must provide and maintain within the site:

- a. One retail car parking spaces must be paved and line marked;
- b. One residential car parking space associated with the adaptable unit, for persons with a disability must be provided and marked as disabled car parking spaces;
- c. Three bicycle storage capacity within the site.

10. Residential Flat Buildings – Hot Water Systems

Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not visible from the street.

11. Residential Flat Buildings – Air Conditioning Systems

Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.

12. Residential Flat Buildings – Adaptable Dwellings

Prior to the issue of a Construction Certificate, the Certifying Authority, must be provided with plans that demonstrate one unit is an adaptable unit.

No works are to occur to the premises that would prevent the Adaptable units from being adapted for persons with a disability.

13. Waste Management Plan

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

14. Erosion and Sediment Control

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

15. Standard Street Tree Protection

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

16. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**17. Hoardings**

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

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

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

18. Construction Traffic Management Plan – Detailed

Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

The following matters should be addressed in the CTMP (where applicable):

- a. Description of the demolition, excavation and construction works;
- b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);

- g. Proposed hours of construction related activities and vehicular movements to and from the site;
- h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i. Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j. Measures to maintain public safety and convenience;
- k. Any proposed road and/or footpath closures;
- l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q. On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

19. Dilapidation Report

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

20. Advising Neighbours Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining

allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

21. Construction Fencing

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

PRIOR TO CONSTRUCTION CERTIFICATE

22. Bin Storage Area - Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the Marrickville DCP 2011 and must include doorways/entrance points of 1200mm.

23. Bulky Waste Storage Area – Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area must meet the floor area requirements as per the Marrickville DCP 2011 and have minimum doorways of 1200mm wide to accommodate large items.

24. Each Residential Dwelling is to have Access to a Disposal Point for All Waste Streams

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste generated by that floor over a 24 hour period.

25. Noise General – Acoustic Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

26. Aircraft Noise – Acoustic Report (ANEF20-25 or Greater)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report that meets the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction. The recommendations of the report are to be indicated on the architectural plans and / or specifications.

27. Stormwater Drainage System – Minor Developments (OSD is required)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. SW 201-203 Rev A prepared by SGC and dated 14/12/2022, as amended to comply with the following;
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD/OSR tanks as necessary;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- e. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (20 years ARI/100years ARI);

- g. Details of the Height vs Storage and Height vs Discharge relationships must be submitted.
- h. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- i. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- j. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- k. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- l. No nuisance or concentration of flows to other properties;
- m. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- n. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- o. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- p. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm;
- q. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- r. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated; and
- s. No impact to street tree(s).

28. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The public domain along all frontages of the site inclusive of footpath paving, street trees, street furniture, etc. must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme;
- b. The construction of light duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- c. New concrete footpath along the frontage of the site;
- d. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. The cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary.

All works must be completed prior to the issue of an Occupation Certificate.

29. Parking Facilities – Major (Adjust slab levels – rear lane)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that:

- a. The internal vehicle hardstand area must be redesigned so that the level at the boundary matches the invert level of the adjacent gutter plus 110mm at both sides of the vehicle entry. This will require the internal garage slab or hard stand area to be adjusted locally at the boundary to ensure that it matches the alignment levels; and
- b. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.

30. Parking Facilities - Domestic

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;
- b. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004; and
- c. The external form and height of the approved structures must not be altered from the approved plans.

31. Enclosure of Fire Hydrant

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS 2419.1 2005.

32. Party Walls

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.

33. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

34. Sydney Water – Tap In

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

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

35. Fibre-ready Facilities

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a. The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

- b. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

36. Concealment of Plumbing and Ductwork

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

37. Future Food Use - Mechanical Ventilation Provision

Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.

38. Green Roofs, Walls and Facades Report

Prior to the issue of Construction Certificate, the Certifying Authority is to be provided with a report prepared by a suitably qualified person demonstrating that the proposed landscape plan and details of any green roofs, wall and facades are consistent with [Inner West Councils Green Roof, Walls and Facades Technical Guidelines](#) including but not limited to using species selected from the suggested species list, water proofing and drainage.

DURING DEMOLITION AND CONSTRUCTION

39. Documentation of Demolition and Construction Waste

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

40. Contamination – New Evidence

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

41. Construction Hours – Class 2-9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

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

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

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

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

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

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

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

42. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE**43. Noise – Acoustic Report**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of *the Protection of the Environment Operations Act 1997* and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

44. Noise From Road, Rail & Aircraft – Compliance

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant, confirming that the development complies with the requirements of the:

- a. *State Environmental Planning Policy (Infrastructure) 2007*;
- b. NSW Planning, Development near Rail Corridors and Busy Roads – Interim Guideline;
- c. Australian Standard 2021-2000: Acoustics - Aircraft noise intrusion - Building siting and construction;
- d. conditions of development consent; and
- e. Recommendations of Acoustic Noise & Vibration Solutions P/L dated December 14th, 2022 (ref: 2022-32).

45. Public Domain Works

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. Light duty concrete vehicle crossing(s) at the vehicular access location(s);
- b. The existing concrete footpath across the frontage of the site must be reconstructed;
and
- c. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

46. No Encroachments

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

47. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

48. Parking Signoff – Minor Developments

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

49. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

50. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities. The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

51. Easements, Restrictions on the Use of Land and Positive Covenants

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the *Conveyancing Act 1919*, has been created on the title of the property detailing the following :

- a. Positive Covenant related to on-site stormwater detention and/or retention system
The wording in the Instrument must be in accordance with Councils Standard wording.

52. Smoke Alarms - Certification of upgrade to NCC requirements

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

53. Section 73 Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

54. Verification and Maintenance of Green Roofs, Walls and Facades Works

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority is to be provided with written evidence demonstrating that the works have been carried out in accordance with the Green Roofs, Walls and Facades Report that was submitted at Construction Certificate Stage and a maintenance plan that is consistent with the [Inner West Councils Green Roof, Walls and Facades Technical Guidelines](#).

ON-GOING

55. Documentation of Businesses Waste Services

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

56. Commercial Bins and Re-usable Item Storage

All commercial bins and re-usable items such as crates and pallets are to be stored within the site.

57. Bin Storage

All bins are to be stored within the site. Bins are to be returned to the property within 12 hours of having been emptied.

58. Noise General

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

59. Commercial Waste/Recycling Collection

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption on the surrounding area,

Garbage and recycling must not be placed on the street for collection more than one (1) hour before the scheduled collection time. Garbage bins and containers are to be removed from the street within one (1) hour after collection.

60. Operation and Management Plan

The Operation and Management Plan for the on-site detention and/or on-site retention/re-use, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

61. Loading/unloading on site

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

62. Green Roofs, Walls and Facades Establishment

The plantings within the Green Roofs, Walls and Facades as part of this consent are to be maintained in a healthy and vigorous condition for 12 Months from the issue of an Occupation Certificate. If any of the planting are found faulty, damaged, dying or dead within 12 months

of the issue of an Occupation Certificate they must be replaced with the same species within one (1) month (up to 3 occurrences).

ADVISORY NOTES

Notice to Council to deliver Residential Bins

Council should be notified of bin requirements three weeks prior to the occupation of the building to ensure timely delivery.

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service.

Recycling / Garbage / Organics Service Information and Education

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

Mechanical Ventilation System Certification

The mechanical ventilation systems are to be designed, constructed and operated in accordance with the following:

- a. Australian Standard AS 1668 Part 1 – 1998;
- b. Australian Standard AS 1668 Part 2 – 2012;
- c. Australian Standard 3666.1 – 2011;
- d. Australian Standard 3666.2 – 2011; and
- e. Australian Standard 3666.3 - 2011.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Electrical Substations

Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site and may be the subject of an application for modification of consent.

Permits

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

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

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

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover

of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services

including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.

- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

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

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the

Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Fire Safety Certificate

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 Statement for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Statement must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Construction of Vehicular Crossing

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, prior to commencement of works.

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au

Waste Service - SITA 1300 651 116
Environmental Solutions www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW 13 10 50
www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Street Numbering

If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to [Street Numbering Application](#)

Ausgrid Overhead Powerlines are in the vicinity of the development

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

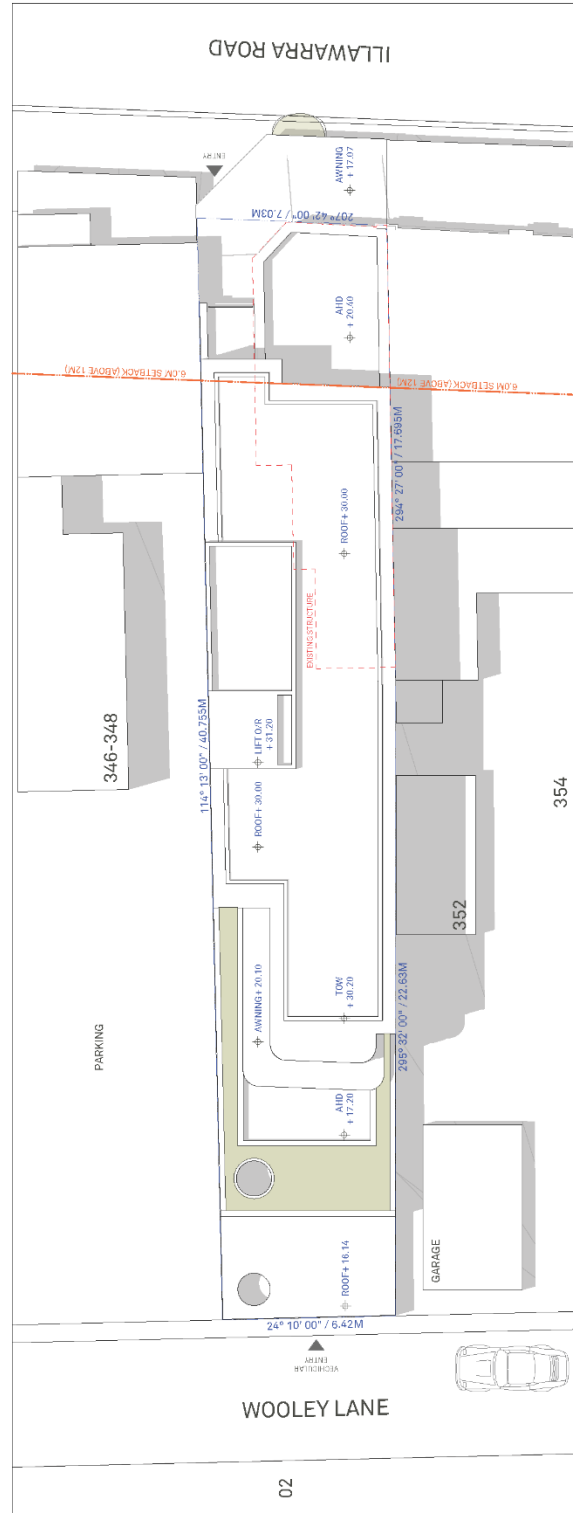
Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Attachment C- Plans of proposed development



DISCLAIMER
 This drawing is the property of Benson McCormack Architecture and is to be used only for the project and site identified herein. It is not to be used for any other project or site without the written consent of Benson McCormack Architecture. Benson McCormack Architecture is not responsible for any errors or omissions in this drawing. All dimensions are in feet and inches unless otherwise stated. All work is to be done in accordance with the applicable codes and standards. Benson McCormack Architecture is not responsible for any delays or costs incurred by the client due to the client's failure to provide information in a timely manner.

LEGEND
 A/C Architectural
 S/C Structural
 E/E Electrical
 P/P Plumbing
 M/M Mechanical
 L/L Landscaping
 T/T Traffic
 S/S Signage
 F/F Furniture
 O/O Other

CLIENT
 AMADON PTY LTD
 ADDRESS: 2268A WETHERILL PARK NSW 2164
 PROJECT ADDRESS: 330 ILLAWARRA ROAD, MARICIVILLE NSW 2204

PROJECT NAME
 3501

PROJECT No
 2268A

PROJECT STATUS
 DA

SCALE
 1:150

APPROVED
 GM

REV
 03

AMENDMENTS

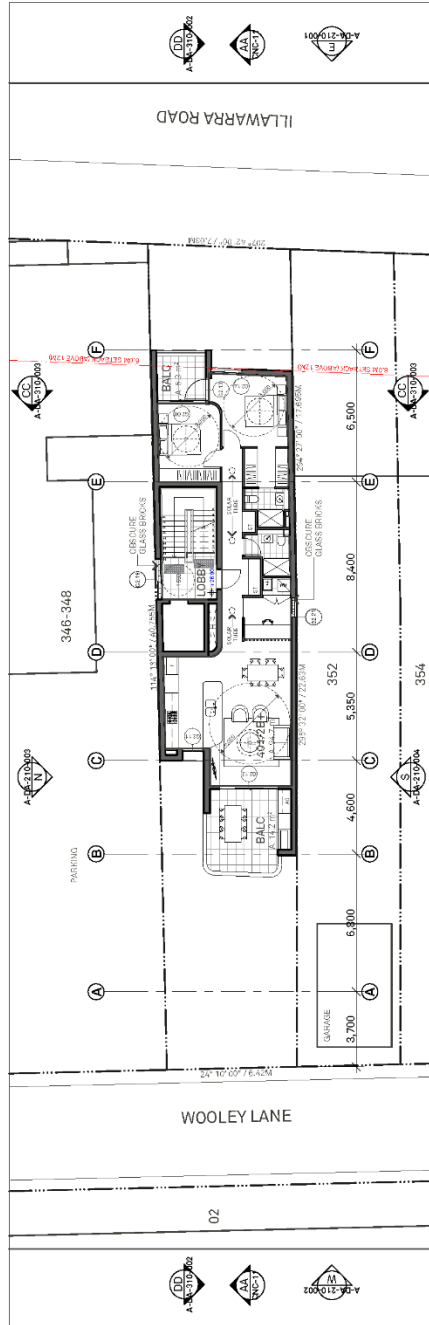
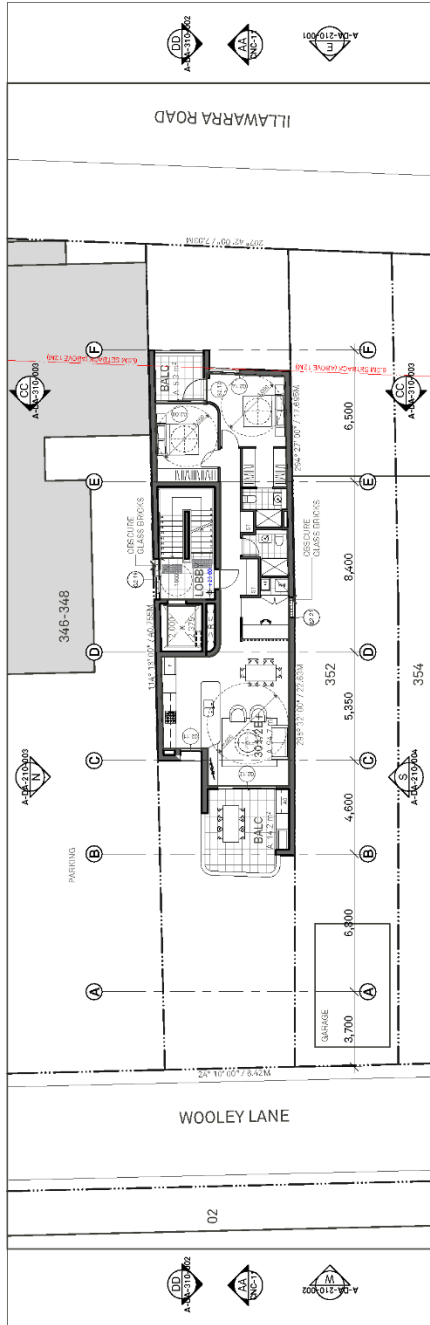
Chk	Description	Date
GM	DA ISSUE 01	13/7/20
GM	DA ISSUE 02	23/8/20
GM	DA ISSUE 03	23/8/20

DRAWING TITLE
 Site Plans
 DRAWING No: A-DA-100-001
 DRAWN: DJ
 CHECKED: GM

AMENDMENTS

Rev	By	Date
01	RN	01/08/20
02	RN	23/08/20
03	RN	23/08/20

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APPENDIXES

CH1 DOG/PRESN
GM DA SUB/LOT
GM DA SUB/LOT
GM DA SUB/LOT
GM DA SUB/LOT

PROJ 03

APPROVED GM

PROJECT NAME 3501
CLIENT AMADON PTY LTD
PROJECT NO 2200A
PROJECT ADDRESS 350 ILLAWARRA ROAD, MARRIOHVILLE NSW 2204

DRAWING TITLE GA Plans Level 3 & Level 4
PROJECT STATUS DA

DATE 12/02/2024

SCALE 1:200

APPROVED GM

LEGEND

ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED

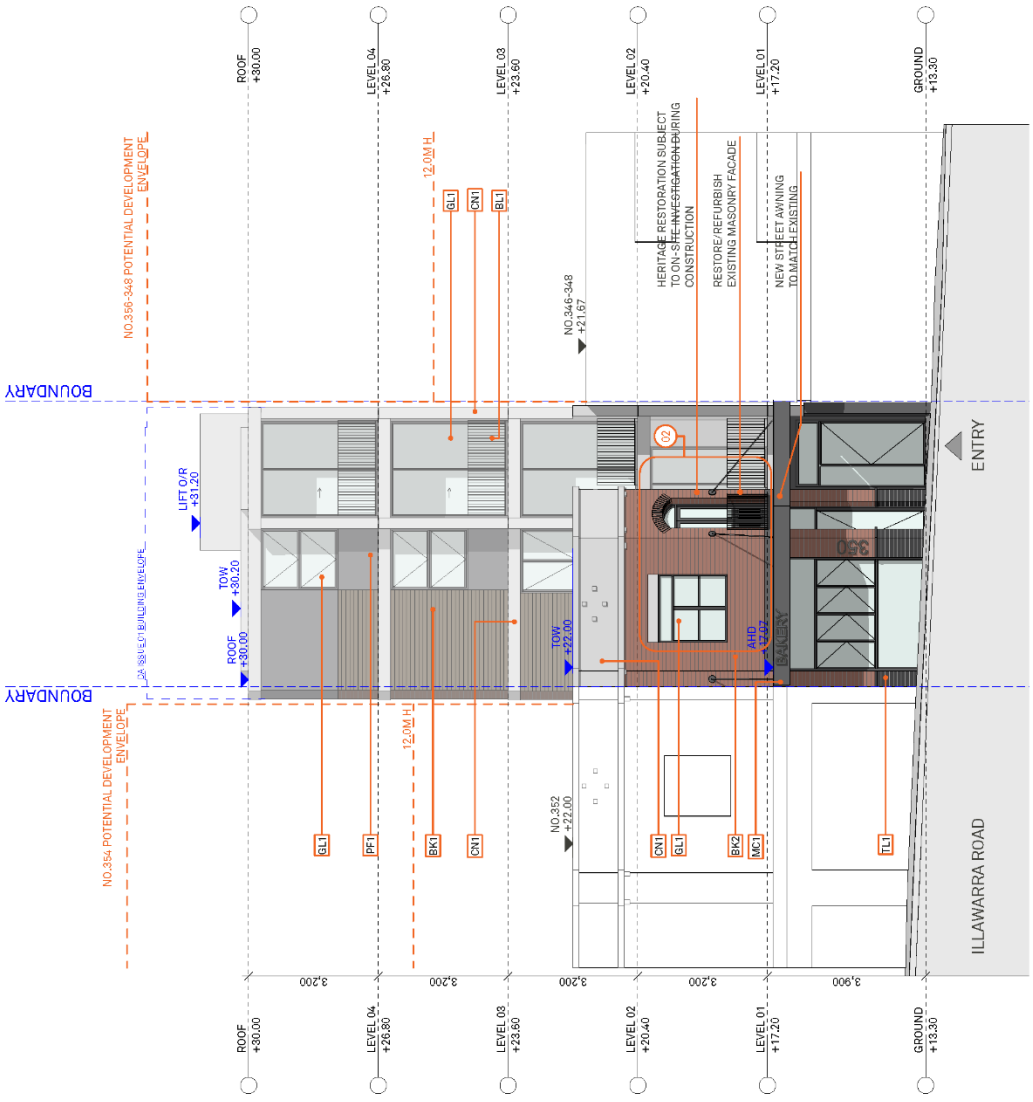
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED

ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED

ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED

ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED

- SUMMARY OF CHANGES**
- PROPOSED CEILING HEIGHT OF THE WHOLE BALCONY AND SQUARE WINDOW UNITS BEING REDUCED ABOVE EXISTING WINDOW DETAILS ARE RECOMMENDED TO BE SUBJECT TO ON-SITE INVESTIGATION DURING CONSTRUCTION.
 - INCREASED OVERALL BUILDING HEIGHT TO ALLOW FOR 300MM FLOOR TO FLOOR SERVICES AS RECOMMENDED.



FINISHES LEGEND:

- CM1 - PRECAST CONCRETE NATURAL LIGHT COLOUR
- CM2 - OFF FORM CONCRETE NATURAL LIGHT COLOUR - BOARD
- BM1 - BRICK VENEER - RANDED MORTAR - MEDIUM COLOUR
- SM1 - STAINLESS STEEL BRICK CLEANER
- PF1 - PAINT & ASPHALT RENDER - DARK COLOUR
- AL1 - ALUMINIUM ANODISED - DARK COLOUR
- GL2 - POWERCOATED ALUM. FRAME & DOUBLE GLAZING
- BL2 - ALUMINIUM ANODISED - DARK COLOUR
- TL1 - GLASS BLACK TILE - STRETCHER BOND - WHITE MORTAR



**BENSON
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DATE	REV	DESCRIPTION
15/07/2022	01	DA 881E/01
30/06/2022	02	DA 881E/02
16/09/2022	03	DA 881E/03
09/09/2022	04	DA 881E/04

DRAWING TITLE
GA Elevation
East Elevation
PROJECT No
A-DA-210-001
SCALE
1:100
APPROVED
CM

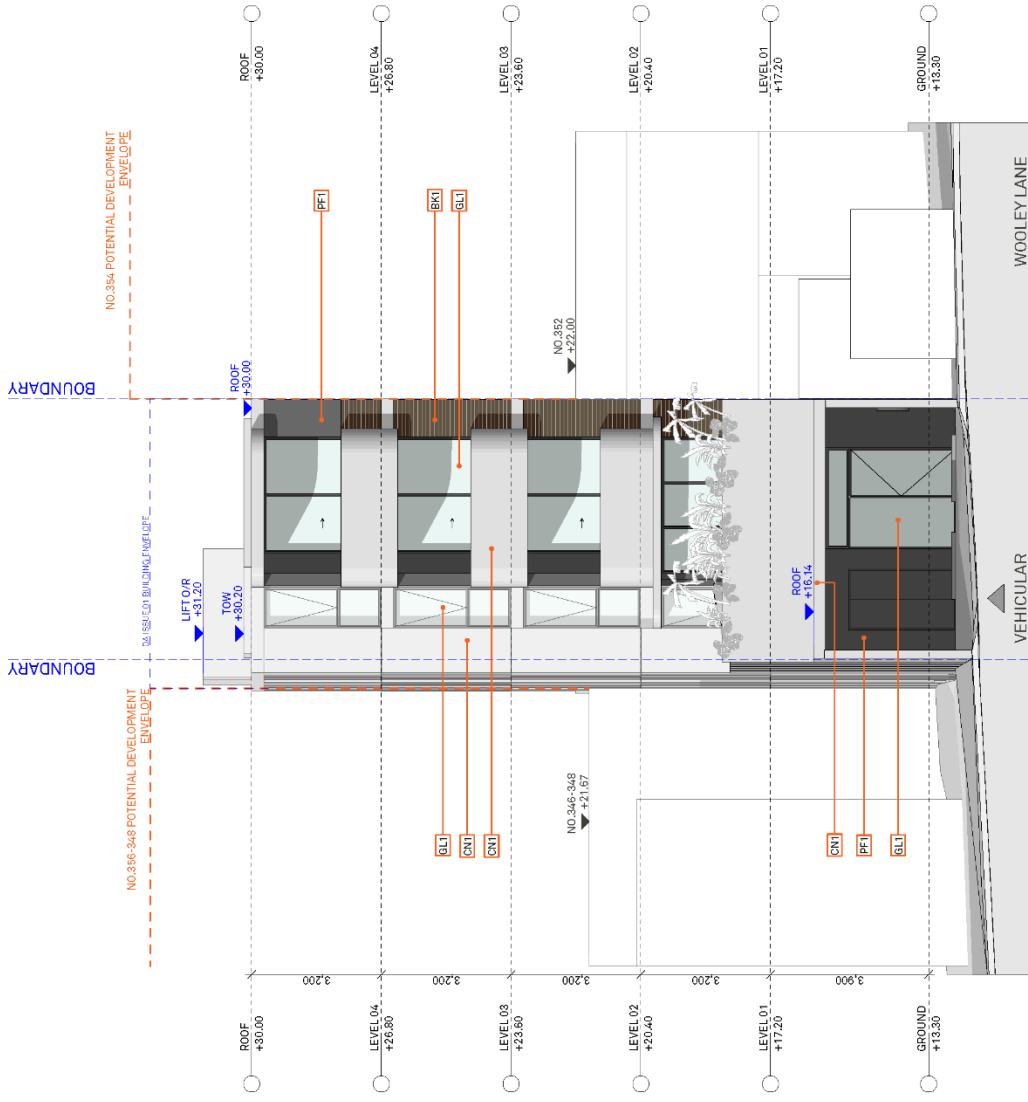
CLIENT
AMADON PTY LTD
PROJECT NAME
3501
ADDRESS
3501 ILLAWARRA ROAD, MARRIOH VILL NSW 2204

PROJECT STATUS
DA
DRAWN
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LEGEND

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SUMMARY OF CHANGES
 (C) INCREASED OVERALL BUILDING HEIGHT TO ALLOW FOR 500MM FLOOR TO FLOOR HEIGHT AND ACCOMMODATE FOR BUILDING SERVICES AS RECOMMENDED.



FINISHES LEGEND:

- CNT - PRECAST CONCRETE NATURAL LIGHT COLOUR
- CNT - OFF FORM CONCRETE NATURAL LIGHT COLOUR - BOARD
- BN1 - BRICK VENEER - RANED MORTAR - MEDIUM COLOUR - STAG LINED BRICKS CLEANED
- PFI - PAINT & ASPHALT RENDER - DARK COLOUR
- GLU - GLASS - CLEAR
- GL2 - POWDER COATED ALUM. FRAME & RESIN GLAZING
- BL1 - ALUMINUM SLATS - WHITE
- BL2 - ALUMINUM SLATS - DARK COLOUR
- L1 - GLASS BLOCK TILE - STRETCHER BOND - WHITE MORTAR



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 www.benmccormack.com

DATE	REV	DESCRIPTION
13/12/20	01	ISSUE FOR DA
30/06/20	02	ISSUE FOR DA
10/09/20	03	ISSUE FOR DA
03/09/20	04	ISSUE FOR DA

DRAWING TITLE
 GA Elevation
 West Elevation
PROJECT No
 2308A
PROJECT ADDRESS
 380 LILLYPOND ROAD, MARRIOH VILL, NSW 2204

CLIENT
 AMADON PTY LTD
ADDRESS
 WETHERILL PARK NSW 2184

PROJECT NAME
 380
PROJECT No
 2308A
PROJECT STATUS
 DA

AMENDMENTS

C/N	DESCRIPTION
01	DA ISSUE 01
02	DA ISSUE 02
03	DA ISSUE 03
04	DA ISSUE 04

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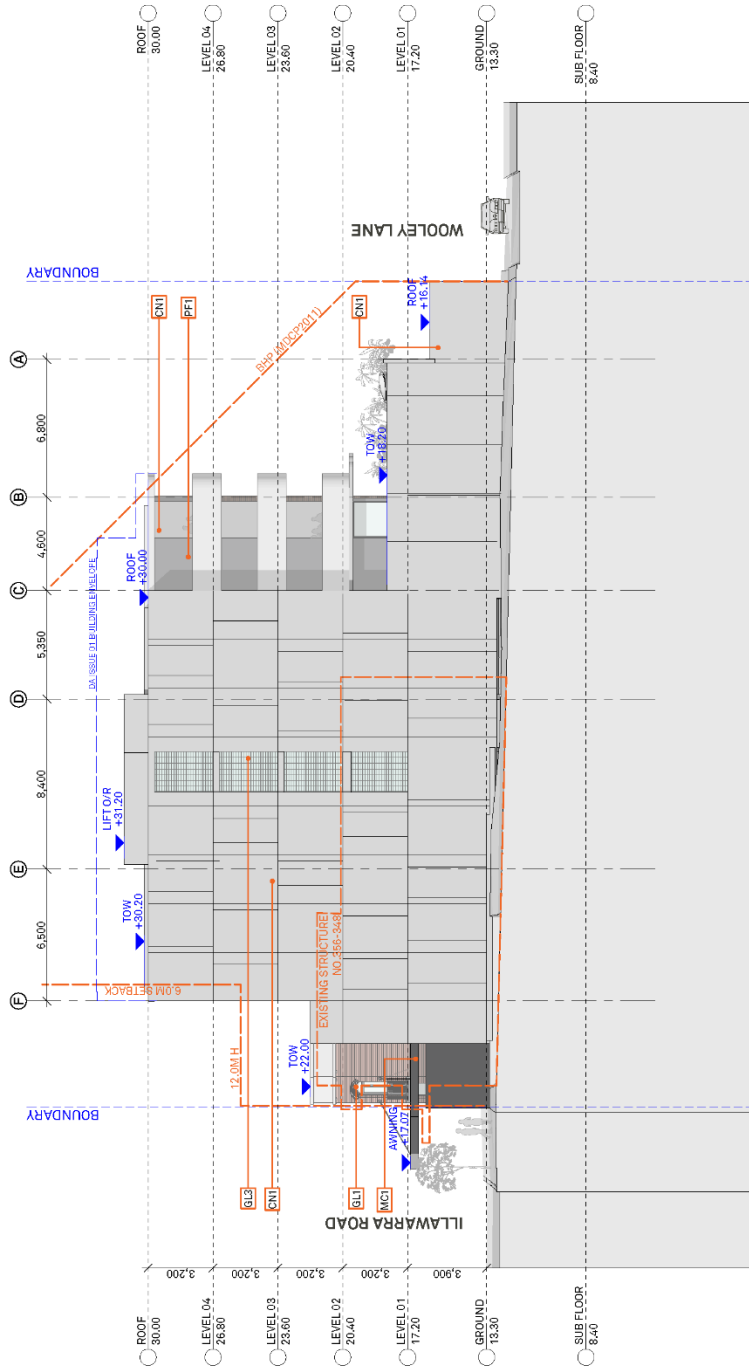
FINISHES LEGEND:

- CNT - PRECAST CONCRETE NATURAL LIGHT COLOUR
- CON - PRECAST CONCRETE NATURAL LIGHT COLOUR - BOND
- FORA - FINISH
- BRV - BRICK VENEER - HAZEL VOR-PAH - MEDIUM COLOUR
- RZ2 - EXISTING BRICK CLAYEAD
- PPF - PAINT FACED BRICK (RENDER) - DARK COLOUR

- MCT - METAL CLADDING - DARK COLOUR
- GLZ - GLASS CLADDING - DARK COLOUR
- GL2 - POWERCOATED ALUM. FRAME & DISCO RE GLAZING
- GL3 - OBSOLETE GLASS UNITS
- GL4 - GLASS CLADDING - DARK COLOUR
- L-1 - GLOSS BLACK TILE - SPIRE OVERBOND - WHITE MORTAR

SUMMARY OF CHANGES

- INCREASED OVERALL BUILDING HEIGHT TO ALLOW FOR 520MM FLOOR TO FLOOR HEIGHT AND ACCOMMODATE SERVICES AS REQUIREMENT.



DISCLAIMER

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LEGEND

CLIENT	AMADON PTY LTD	PROJECT NAME	3801
ADDRESS	WETHERILL PARK NSW 2184	PROJECT STATUS	DA
PROJECT ADDRESS	380 LILWARRA ROAD, MARRIOVILL NSW 2204	APPROVED	CM
DRAWN	SU	DATE	20/06/2022
CHECKED	DA	DATE	20/06/2022
APPROVED	CM	DATE	20/06/2022

DRAWING TITLE	GA Elevation	AMENDMENTS	CM
PROJECT No	2200A	DATE	20/06/2022
PROJECT ADDRESS	380 LILWARRA ROAD, MARRIOVILL NSW 2204	DATE	20/06/2022
PROJECT STATUS	DA	DATE	20/06/2022
APPROVED	CM	DATE	20/06/2022

DATE	19/12/2021	DESCRIPTION	CM
DATE	30/06/2022	DESCRIPTION	CM
DATE	20/06/2022	DESCRIPTION	CM
DATE	20/06/2022	DESCRIPTION	CM



BENSON MCCORMACK ARCHITECTURE
 A. STUDIO 5, 506 BALMAIN RD
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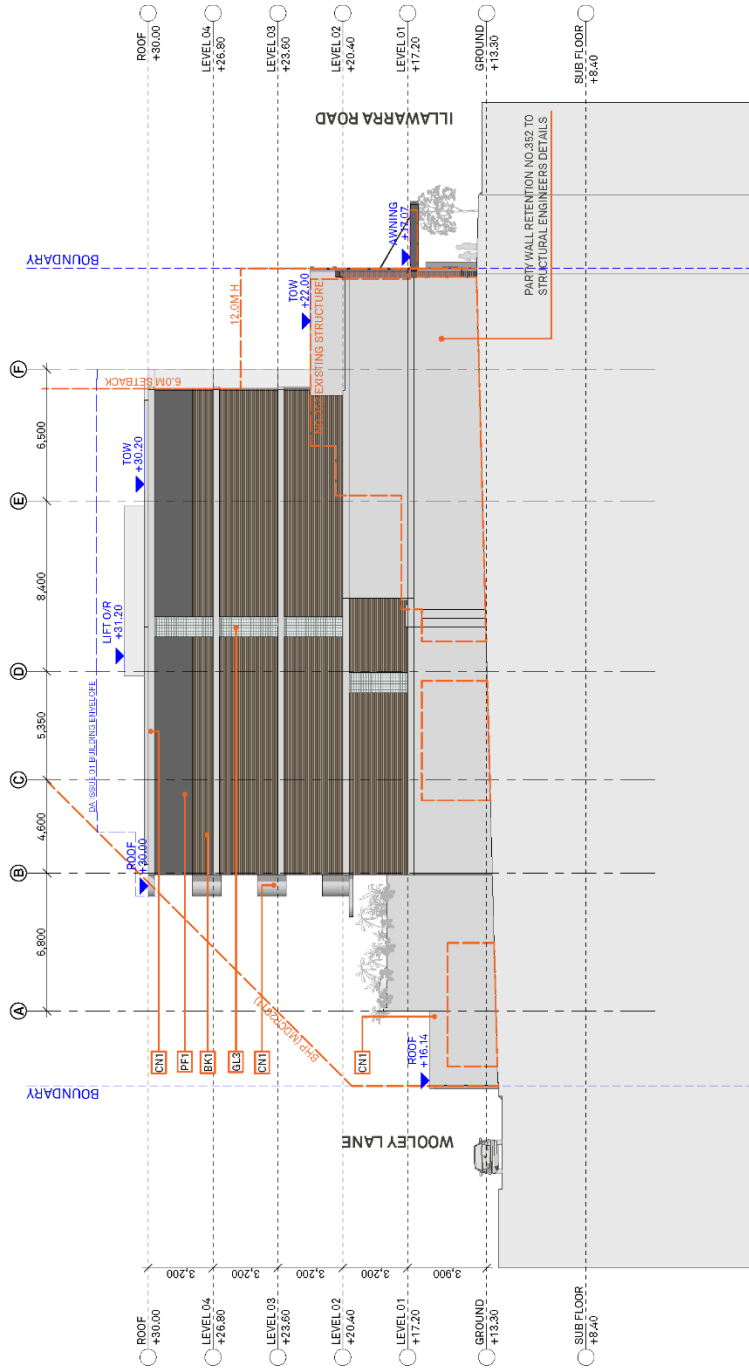
FINISHES LEGEND:

- CNT - PRECAST CONCRETE NATURAL LIGHT COLOUR
- CON - PRECAST CONCRETE NATURAL LIGHT COLOUR - BOND
- FORN - FINISH
- BRV - BRICK VENEER - HAZEL VOR-PAN - MEDIUM COLOUR -
- R42 - EXISTING BRICK CLAYEAD
- PPF - PAINT RADIANT GREY/RED - DARK COLOUR

- MCT - METAL CLADDING - DARK COLOUR
- GLZ - GLASS CLADDING
- GLZ - POWERGLASS GLASS CLADDING
- GLZ - OBSOLETE GLASS UNITS
- L-1 - GLOSS BLACK TILE - SPIRE OVERBOND - WHITE MORTAR

SUMMARY OF CHANGES

- INCREASED OVERALL BUILDING HEIGHT TO ALLOW FOR 500MM FLOOR TO FLOOR HEIGHT AND ACCOMMODATE FOR BUILDING SERVICES AS REQUIREMENT.



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LEGEND

CLIENT
 AMADON PTY LTD
 2008 WETHERILL DRIVE NSW 2184

PROJECT NAME
 380

PROJECT NO
 2208A

PROJECT ADDRESS
 380 ILLAWARRA ROAD, MARRIOVILL, NSW 2204

PROJECT STATUS
 DA

DRAWN
 SU

APPROVED
 CM

DRAWING TITLE
 GA Elevation
 South Elevation
 A-DA-210-04

SCALE
 1:200

AMENDMENTS

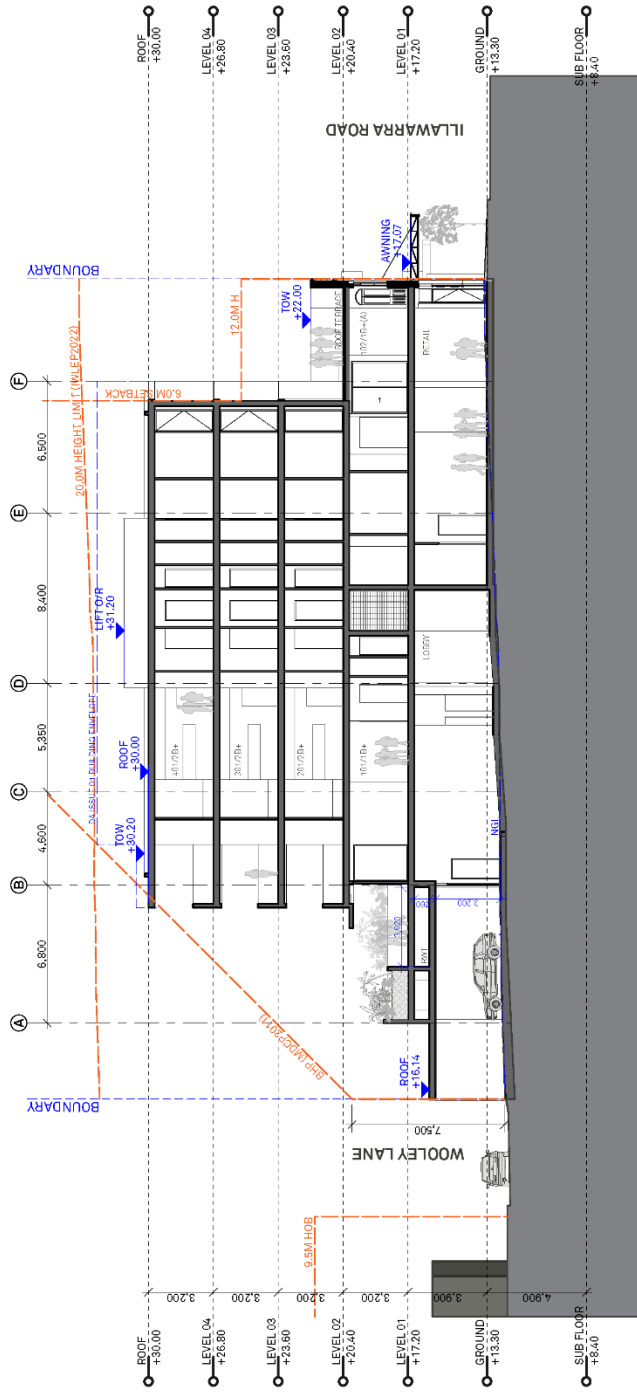
NO	DATE	BY	DESCRIPTION
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02	30/06/20	BN	DA 881E/02
03	26/09/20	BN	DA 881E/03
04	26/09/20	BN	DA 881E/04

STUDIO 5, 506 BALMAIN RD
 LEVEL D NSW 2046
 TEL: 02 9550 1288
 FAX: 02 9550 1289
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SUMMARY OF CHANGES

- INCREASED OVERALL BUILDING HEIGHT TO ALLOW FOR 200MM FLOOR TO FLOOR HEIGHT AND ACCOMMODATE FOR BUILDING SERVICES AS RECOMMENDED.



LEGEND

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CLIENT	PROJECT NAME
AMADON PTY LTD	3801
ADDRESS	PROJECT No
4000 WETHERILL PARK NSW 2184	Z200A
PROJECT ADDRESS	DRAWN
380 ILLAWARRA ROAD, MARRIOHVILLE NSW 2204	SJ
PROJECT STATUS	APPROVED
DA	CM

DRAWING TITLE	SCALE
GA Sections	1:200
Section AA	APPROVED
DRAWING No	CM
A-DA-310-001	

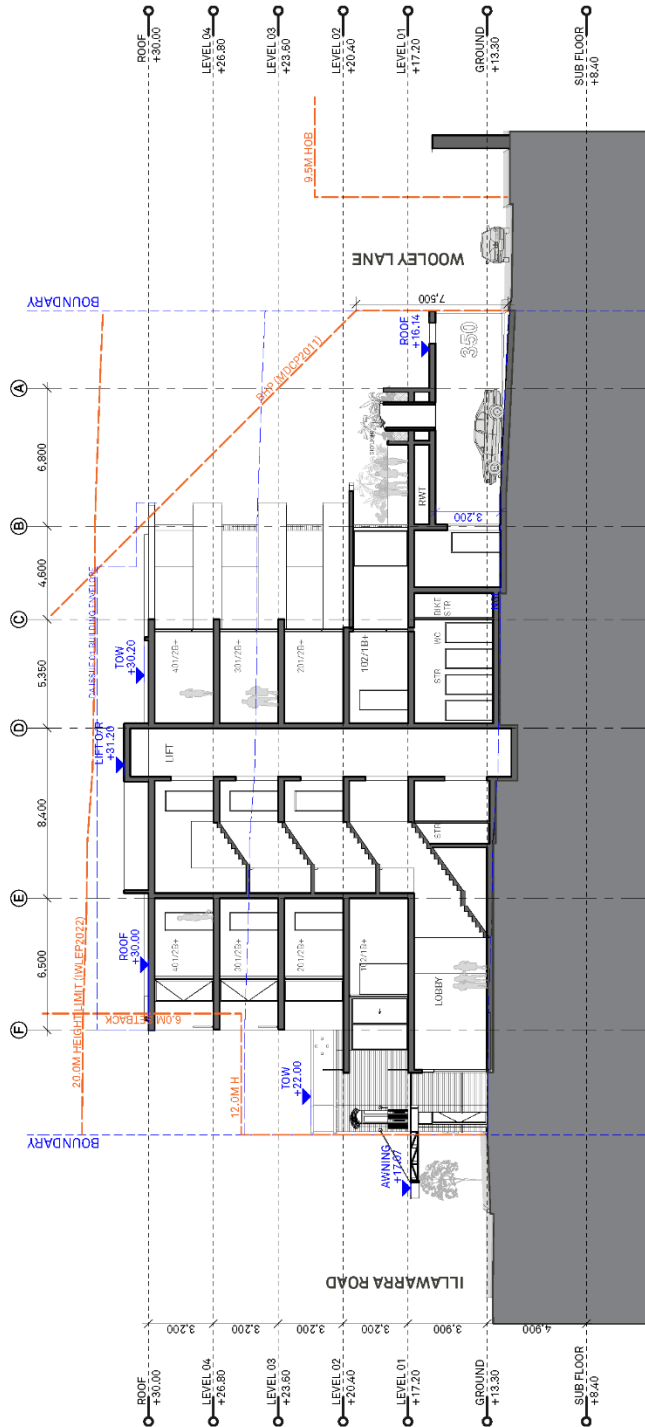
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CM	02	30/06/202	DA 881E/02
CM	03	30/06/202	DA 881E/03
CM	04	30/06/202	DA 881E/04

STUDIO 5, 506 BALMAIN RD	REV	DATE	DESCRIPTION
LEVEL 0 NSW 2046	01	10/12/202	DA 881E/01
FOI 286	02	30/06/202	DA 881E/02
7/16	03	30/06/202	DA 881E/03
7/16	04	30/06/202	DA 881E/04



SUMMARY OF CHANGES

- INCREASED OVERALL BUILDING HEIGHT TO ALLOW FOR 200MM FLOOR TO FLOOR HEIGHT AND ACCOMMODATE FOR BUILDING SERVICES AS RECOMMENDED.



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ARCHITECTURE**

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LEVEL D NSW 2046
Ph: (02) 951 1288
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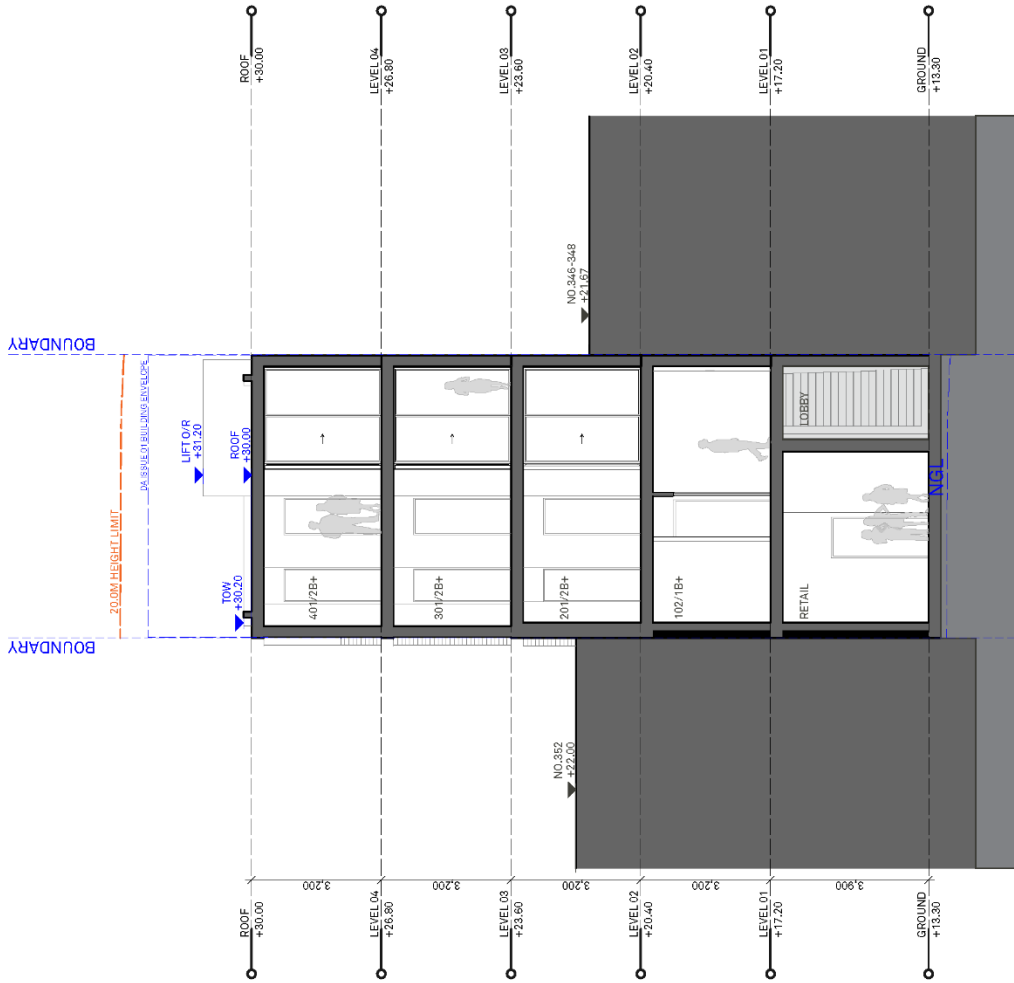
DATE	REV	DESCRIPTION
10/12/22	01	ISSUE FOR PERMIT
30/06/202	02	DA 881E/01
30/06/202	03	DA 881E/02
30/06/202	04	DA 881E/03

AMENDMENTS	C/N	DESCRIPTION
03	04	DA 881E/02
03	04	DA 881E/03

CLIENT	PROJECT NAME	PROJECT NO	PROJECT ADDRESS
AMADON PTY LTD	3801	2208A	380 ILLAWARRA ROAD, MARRIOHVILLE NSW 2204

DRAWING TITLE	SCALE	APPROVED
GA Sections Section DD	1:200	CM

SUMMARY OF CHANGES
 INCREASED OVERALL BUILDING HEIGHT TO ALLOW FOR 520MM FLOOR TO FLOOR HEIGHT AND ACCOMMODATE FOR BUILDING SERVICES AS RECOMMENDED.



LEGEND

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CLIENT
 AMADON PTY LTD
 2 COOPER ROAD
 WETHERILL DAMP NSW 2184

PROJECT NAME
 3501

PROJECT NO
 Z200A

PROJECT ADDRESS
 380 LILWAPPA ROAD, MARRIOCVILLE NSW 2204

DRAWING TITLE
 GA Sections
 Section CC

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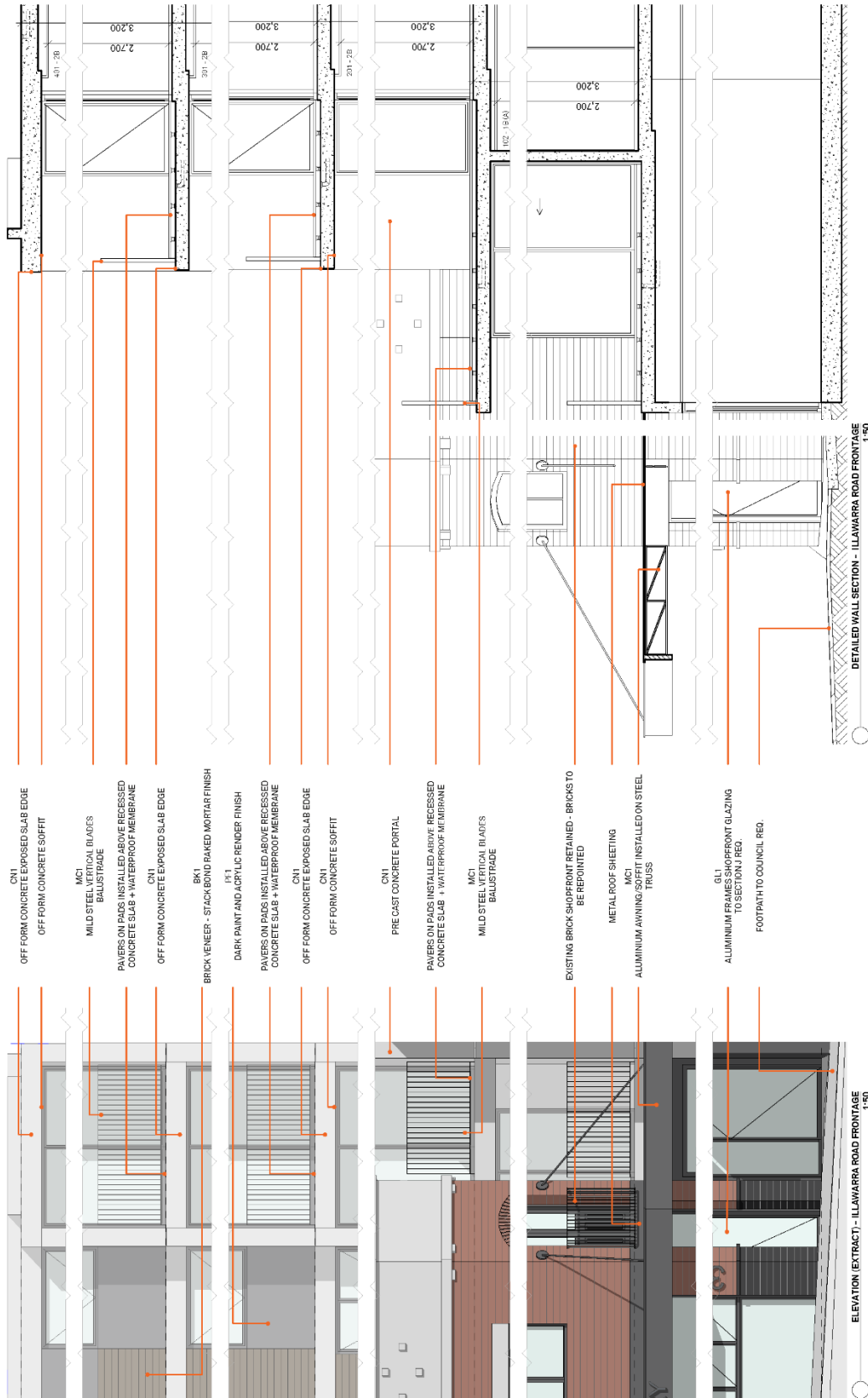
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02	30/06/20	DA 881E/02
03	30/06/20	DA 881E/03

AMENDMENTS

REV	DATE	DESCRIPTION
01	13/12/20	DA 881E/01
02	30/06/20	DA 881E/02
03	30/06/20	DA 881E/03

**STUDIO 5, 506 BALMAIN RD
 LEVEL 0 NSW 2046
 TEL: 02 9550 1012
 FAX: 02 9550 1013
 WWW: www.balmainstudio.com**





- CH1 OFF FORM CONCRETE EXPOSED SLAB EDGE
- CH1 OFF FORM CONCRETE SOFFIT
- MCI MILD STEEL VERTICAL BLADES
- BAULTRADE
- PAVERS ON PADS INSTALLED ABOVE RECESSED CONCRETE SLAB + WATERPROOF MEMBRANE
- CH1 OFF FORM CONCRETE EXPOSED SLAB EDGE
- BK1 BRICK VENEER - STACKBOND BAKED MORTAR FINISH
- IF1 DARK PAINT AND ACRYLIC RENDER FINISH
- PAVERS ON PADS INSTALLED ABOVE RECESSED CONCRETE SLAB + WATERPROOF MEMBRANE
- CH1 OFF FORM CONCRETE EXPOSED SLAB EDGE
- CH1 OFF FORM CONCRETE SOFFIT
- CH1 PRE-CAST CONCRETE PORTAL
- PAVERS ON PADS INSTALLED ABOVE RECESSED CONCRETE SLAB + WATERPROOF MEMBRANE
- MCI MILD STEEL VERTICAL BLADES
- BAULTRADE
- EXISTING BRICK SUPPORT RETAINED - BRICKS TO BE REPOINTED
- MCI METAL ROOF SHEETING
- MCI ALUMINUM AWNING SOFFIT INSTALLED ON STEEL TRUSS
- GLU ALUMINUM FRAMES SHORPOINT GLAZING TO SECTION J REQ.
- FOOTPATH TO COUNCIL REQ.

DISCLAIMER
 This drawing is issued upon the basis that it is not intended to be used for any other purpose than that for which it was prepared. It is not to be used for any other purpose without the written consent of the architect. The architect does not accept any liability for any loss or damage, whether direct or indirect, arising from the use of this drawing for any purpose other than that for which it was prepared. This disclaimer shall apply to all drawings and specifications prepared by the architect for the project.

LEGEND

DRAWING TITLE
 GA Sections
 East Facade Section - Details
 DRAWING NO
 A-DA-210-004
 SCALE
 1:50
 APPROVED
 CM

CLIENT
 AMADON PTY LTD
 PROJECT NO
 3501
 PROJECT ADDRESS
 380 ILLAWARRA ROAD, MARRIOH VILL, NSW 2204

PROJECT STATUS
 DA

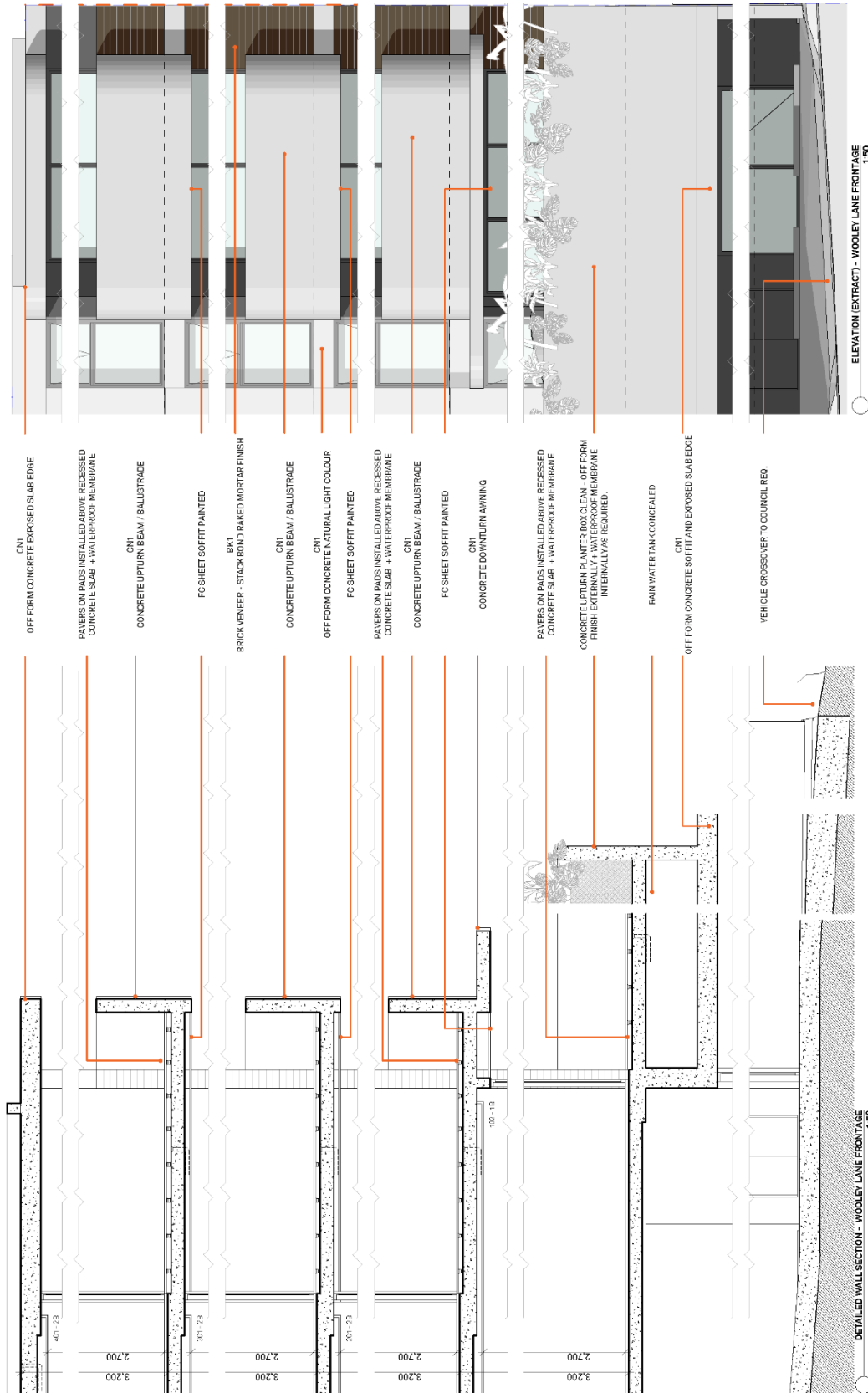
APPROVERS

DATE	REV	BY	CHK	DESCRIPTION
2006/202	01	BN	BN	DA 881E/02
12/09/202	02	BN	BN	DA 881E/03

**STUDIO 5, 506 BALMAIN RD
 LITTLE DANEY ROAD
 FOXGROVE NSW 1513**

**BENSON
 MCCORMACK
 ARCHITECTURE**

CONTACT
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 F: 61 2 95 30778
 E: info@bensonmccormack.com
 W: www.bensonmccormack.com



CNI
OFF FORM CONCRETE EXPOSED SLAB EDGE

PAVERS ON PADS INSTALLED ABOVE RECESSED CONCRETE SLAB + WATERPROOF MEMBRANE

CNI
CONCRETE UPTURN BEAM / BALUSTRADE

FC SHEET SOFFIT PAINTED

BK1
BRICK VENEER - STACK BOND RAKED MORTAR FINISH

CNI
CONCRETE UPTURN BEAM / BALUSTRADE

CNI
OFF FORM CONCRETE NATURAL LIGHT COLOUR

FC SHEET SOFFIT PAINTED

PAVERS ON PADS INSTALLED ABOVE RECESSED CONCRETE SLAB + WATERPROOF MEMBRANE

CNI
CONCRETE UPTURN BEAM / BALUSTRADE

FC SHEET SOFFIT PAINTED

CNI
CONCRETE DOWNTURN AWNING

PAVERS ON PADS INSTALLED ABOVE RECESSED CONCRETE SLAB + WATERPROOF MEMBRANE

CONCRETE UPTURN BEAM INTO ROY CLEAN - OFF FORM FINISH EXTERNALLY + WATERPROOF MEMBRANE INTERNALLY AS REQUIRED.

RAIN WATER TANK CONCEALED

CNI
OFF FORM CONCRETE SOFFIT AND EXPOSED SLAB EDGE

VEHICLE CROSSOVER TO COUNCIL REQ.

AMENDMENTS

NO	DATE	DESCRIPTION
01	13/09/2022	DA 881E.C2
02	13/09/2022	DA 881E.C3

PROJECT INFORMATION

PROJECT NAME: AMADON PTY LTD 3801
 PROJECT NO: 2200A
 PROJECT ADDRESS: WETHERILL PARK NSW 2184
 PROJECT STATUS: DA
 PROJECT ADDRESS: 380 WILLAMPA ROAD, MARRIOVILLI NSW 2204

DRAWING INFORMATION

DRAWING NO: A-DA-210-005
 SCALE: 1:50
 DATE: 13/09/2022
 DRAWN BY: SU
 APPROVED BY: CM

CLIENT
 AMADON PTY LTD
 380 WILLAMPA ROAD
 WETHERILL PARK NSW 2184

ARCHITECT
 BENSON
 MCCORMACK
 ARCHITECTURE
 A. STUDIO 5, 506 BALMAIN RD
 LITTLE D NW 2046
 NSW 1510
 TEL: 02 9550 7516
 FAX: 02 9550 7517
 WWW: www.bensonmccormack.com

ELEVATION							
ID	G1.01	G1.02	G1.03	G2.01	G2.02	G2.03	G2.04
W x H SIZE	1,650x3,200	1,000x2,800	2,500x3,200	1,080x2,600	1,680x1,700	2,600x2,800	1,878x2,900
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REQUIREMENTS							
QTY	1	1	1	1	1	1	1

ELEVATION							
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W x H SIZE	1,000x2,700	1,800x2,700	3,380x2,700	2,380x2,900	1,100x2,900	1,580x2,900	1,000x2,900
DESCRIPTION	DARK POWDER COATED ALUMINIUM FRAME & CLEAR GLAZING - AWNING WINDOW + FIXED SILL WINDOW	DARK POWDER COATED ALUMINIUM FRAME & CLEAR GLAZING - FIXED WINDOW	DARK POWDER COATED ALUMINIUM FRAME & CLEAR GLAZING - BI FOLD DOOR	DARK POWDER COATED ALUMINIUM FRAME & CLEAR GLAZING - SLIDING DOOR	DARK POWDER COATED ALUMINIUM FRAME & CLEAR GLAZING - FIXED WINDOW	DARK POWDER COATED ALUMINIUM FRAME & CLEAR GLAZING - DOUBLE HUNG DOOR	DARK POWDER COATED ALUMINIUM FRAME & CLEAR GLAZING - AWNING WINDOW + FIXED SILL WINDOW
REQUIREMENTS							
QTY	1	1	1	3	1	1	3

DISCLAIMER
 This drawing is issued upon the basis that it is not intended to be used for any purpose other than that for which it was prepared. It is not to be used for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in this drawing. The client is responsible for ensuring that all necessary permits and approvals are obtained. The architect is not responsible for any delays or costs incurred as a result of the client's failure to provide accurate information or to obtain necessary permits and approvals. The architect is not responsible for any damage to property or persons as a result of the use of this drawing. The architect is not responsible for any loss of profit or other financial loss as a result of the use of this drawing. The architect is not responsible for any other loss or damage as a result of the use of this drawing. The architect is not responsible for any other loss or damage as a result of the use of this drawing.

LEGEND

CLIENT
 AMADON PTY LTD
 2 COOPER ROAD
 WETHERILL PARK NSW 2184

PROJECT NAME
 3501
 2200A

PROJECT NO
 2200A

PROJECT ADDRESS
 380 LILWAPPA ROAD, MARRIOH VILL, NSW 2204

PROJECT STATUS
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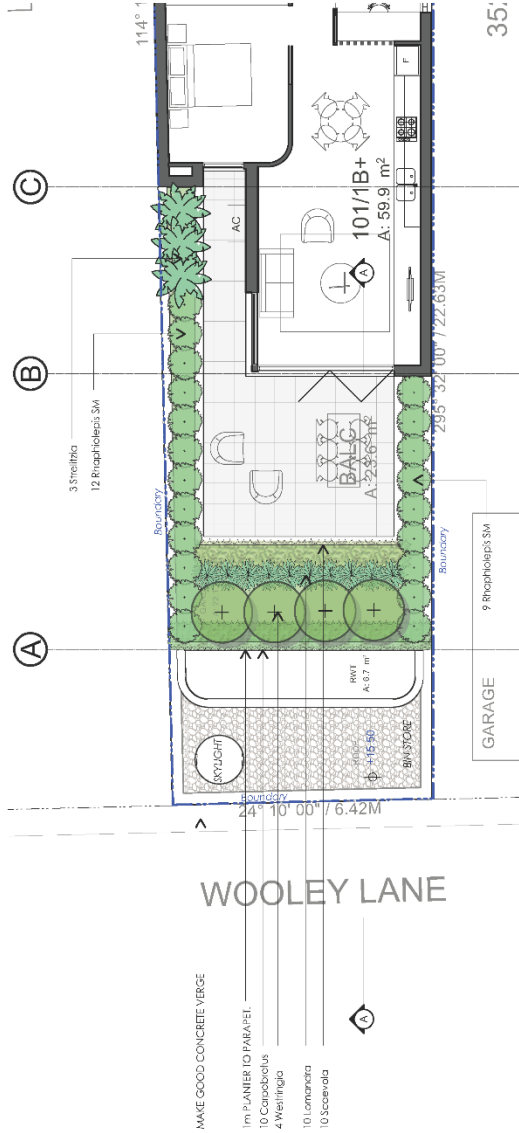
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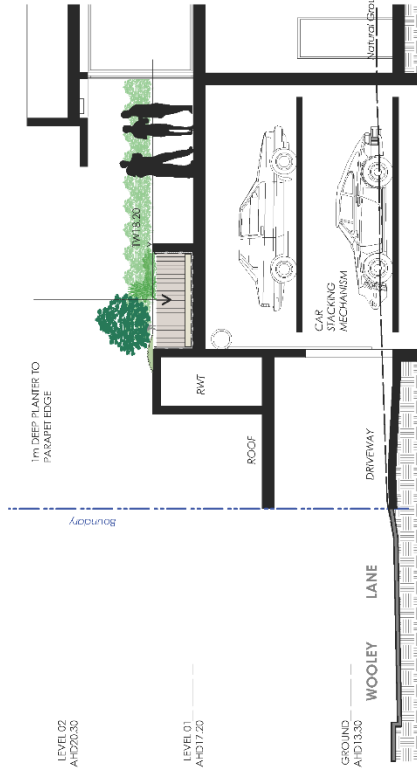
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DATE
 08/12/2022



01 Level 01
Scale: 1:100



02 Section A
Scale: 1:100



Key Plan
Scale: 1:500



PLANT SCHEDULE

Botanic Name	Common Name	Supply Size (mm)	Mature Height	Mature Spread	Qty
Shrubs					
Rhipidolobos 'Snow Maiden'	Snow Maiden Hawthorn	300mm	1m	0.75m	21
Streitzia rectata	Bird of Paradise	200mm	1.5m	1m	3
Westringia 'Wynabbie Gem'	Coast Rosemary	200mm	1.5m	1.5m	4
Groundcovers					
Carpobrotus glaucescens	Pig Face	140mm	0.1m	1m	10
Lomandra 'Tankal'	Tankal Mai Rush	140mm	0.9m	0.9m	10
Scaevola aemula	Fan Flower	140mm	0.2m	1m	10

Mathew Higginson Landscape Architecture Pty Ltd po box 353 live dock nsw 2046 t 04 14 725 944 e mhl@mlha.com.au

DEVELOPMENT APPLICATION

note: This drawing has been prepared for consideration and reference in this communication of the development application. It is not intended to be used for construction purposes. It is not a contract and is not intended to be used for construction purposes. It is not intended to be used for construction purposes.

issue date: 19/10/22
description: Preliminary issue for comment.
A: 16/12/22 Update to each DA issue

project: 350 Illawarra Road, Marrickville NSW
client: Amadon Pty Ltd

draw no title: Landscape Plan 02
scale: 1:100 @ A3
project no: 22930
drawing no: LP02
sheet: A

Attachment D – Architectural Excellence & Design Review Panel Meeting Minutes & Recommendations



Architectural Excellence & Design Review Panel Meeting Minutes & Recommendations

Site Address:	350 Illawarra Road Marrickville
Proposal:	Construction of a six (6) storey shop top housing development comprising one (1) commercial tenancy and five (5) residential units, serviced by a mechanical car stacker and replacement of existing shopfront awning.
Application No.:	DA/2023/0022
Meeting Date:	22 August 2023
Previous Meeting Date:	19 July 2022 and 6 April 2023
Panel Members:	Matthew Pullinger (chair); Diane Jones; and Jean Rice
Apologies:	-
Council staff:	Vishal Lakhia; Niall Macken; Annalise Ifield; Kaitlin Zieme; Martin Amy
Guests:	-
Declarations of Interest:	None
Applicant or applicant's representatives to address the panel:	Glenn McCormack and Simon Jabbour (Benson McCormack Architects) – Architects for the project

Background:

1. The Architectural Excellence & Design Review Panel reviewed the architectural drawings and discussed the proposal with the applicant through an online conference.
2. The Panel notes that a pre-DA submission and a formal DA submission have been reviewed at 2 previous meetings and earlier comments have been reviewed by this Panel.

Discussion & Recommendations:

1. The Panel thanks the applicant for providing a comprehensive set of drawings and 3D views for the development application, and notes that the recommendations made at the Panel's previous meeting during the Pre-DA stage have been largely addressed, including:
 - Reduction in the overall building height by eliminating a sixth storey and creating a five storey built form presentation more appropriate to the context; and

INNER WEST

- Refinement of the ground floor configuration and typical residential levels to improve circulation and internal residential amenity within the proposal; and
 - Refinement of the overall architectural expression.
2. The Panel noted in principle support for the proposed height, which is able to be justified considering the site is wider than the adjoining properties, and which makes it possible for this proposal to achieve an acceptable level of amenity within the proposed residential layouts.
 3. The Panel recommends the applicant work with a suitably qualified specialist to ensure that compliance will be achieved with the relevant fire egress provisions of the NCC. The Panel notes the proposed configuration where fire egress shares a common foyer with the lift, will require an a fire engineered solution.
 4. The Panel discussed the effectiveness and possible unintended impacts of the glass pavers proposed within the floor of the Level 2 balcony. The Panel suggests further consideration of this arrangement to avoid light spill issues (to and from the unit below). If a floor light is retained it should be carefully detailed to avoid any potential maintenance and waterproofing complications.
 5. The Panel is satisfied that the single bed unit below on Level 1 will achieve acceptable amenity without the proposed roof light, and any numeric inconsistency with the ADG targets for solar access that arises from the removal of the pavers is supportable on balance.
 6. The Panel recommends all awning windows be amended to be either double hung windows or glass louvres in order to improve the extent of natural ventilation and natural cross ventilation within the apartments.
 7. The Panel recognises there is a likely renewal opportunity for the adjoining property to the north of the site compared to the narrow adjoining properties lying to the south of the site. Hence, the southern side elevation will likely remain highly visible for a period until the adjoining site/s are redeveloped. This southern side elevation benefits from a considered design, composition and material selection befitting its prominent location along Illawarra Road.
 8. The Panel makes a similar observation regarding the design, composition and material selection proposed for the northern boundary facade.
 9. The ground floor would benefit from further design refinement and resolution – it is the Panel's preference that the garbage room door be replanned to a more discreet location and not open directly into the common lift lobby and entry circulation.
 10. The Panel supports the retention and conservation of the existing building facades, setting a positive precedent appropriate for the local area. The Panel recommends reconstructed fenestration within the retained heritage facades should be based on evidence and generally match the existing fenestration within the consistent row of shops along this part of the Illawarra Road streetscape.
 11. Building services elements should be thoughtfully designed to preserve the level of amenity achieved within the ground floor. The Panel notes that the provision of possible fire services (hydrants and booster valves) at the front door currently risks compromising the quality of the entry and the applicant should investigate either their elimination or the most discreet arrangement. Some modification of the entry door leaf and side panel may assist in this resolution.
 12. The Panel requests the applicant provide a clear expression of detailed design intent. This should take the form of 1:20 sections and details of each primary facade type to clearly show materials, balustrade types and fixing, balcony edges, junctions, integration of rainwater drainage including any downpipes and similar details within the proposal. Sections should also confirm whether a 3.1m floor to-floor height will be adequate in achieving compliance with the relevant NCC provisions, whilst also achieving minimum 2.7m floor-to-ceiling heights within all habitable spaces of the apartments.
 13. The Panel supports the proposal, subject to the comments in this report being accommodated, and is of the view the proposal is capable of delivering a high level design quality.



Attachments:

1. Previous AEDRP Report – 19 July 2022 (Pre DA stage); and
2. Previous AEDRP Report – 6 April 2023 (DA stage).



Architectural Excellence & Design Review Panel
Meeting Minutes & Recommendations

Site Address:	350 Illawarra Road Marrickville
Proposal:	Construction of a six (6) storey shop top housing development comprising one (1) commercial tenancy and five (5) residential units, serviced by a mechanical car stacker and replacement of existing shopfront awning.
Application No.:	DA/2023/0022
Meeting Date:	6 April 2023
Previous Meeting Date:	19 July 2022
Panel Members:	Jocelyn Jackson – chair, Tony Caro; and Matthew Pullinger
Apologies:	-
Council staff:	Vishal Lakhia; Niall Macken; Annalise Ifield; Kaitlin Zieme; Martin Amy
Guests:	-
Declarations of Interest:	None
Applicant or applicant's representatives to address the panel:	Glenn McCormack – Architect for the project; Darren Laybutt – Urban Planner for the project

Background:

1. The Architectural Excellence & Design Review Panel reviewed the architectural drawings and discussed the proposal with the applicant through an online conference.
2. The Panel notes that a pre-DA submission was previously reviewed at the 19 July 2022 AEDRP meeting and the previous comments were reviewed by this Panel.
3. The Panel appreciates that the proposal presents design challenges on a highly constrained site that is also required to comply with the Inner West precinct-specific DCP controls. Regardless, the Panel considers that in terms of the urban design, building form and scale, and the overall configuration, the development application remains largely similar to the Pre-DA architectural drawings reviewed previously. A majority of the substantive recommendations made by the Panel at the previous meeting still need to be addressed. The AEDRP *Discussion & Recommendations* from the previous meeting remain relevant and are restated in this report to ensure consistency is established with the previous AEDRP advice.



Discussion & Recommendations:

Principle 1 – Context and Neighbourhood Character

"Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions."

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change."

1. The Panel understands that the proposal significantly exceeds the height and floor space ratio controls for this site set out in the Inner West DCP precinct-specific controls. Whilst the Inner West Council LEP establishes a 20m maximum height of building and 2.5:1 FSR control for the site, these provisions are subject to further compliance with precinct-specific controls set out in the DCP, in particular the requirement for development lots to have a minimum 12m site frontage and 325sqm minimum site area for shop top housing in order to achieve the maximum permissible development controls of the LEP. The Panel further understands that under the DCP, if a 7m wide site such as this is developed in isolation, then a 14m height of building control (equivalent to 4 storeys including a non-residential ground floor) and 1.5:1 FSR control apply.
2. The architect restated at the meeting that the owner has made formal offers for site amalgamation with the adjoining property to the south west (No. 352 Illawarra Road), however this has not been successful. The owner is therefore submitting this shop top housing development application for the 7m wide site with a corresponding exceedance of the applicable DCP built form controls.
3. The Panel supports the retention and refurbishment of the existing 2-storey building fabric addressing the Illawarra Road frontage, and acknowledges the positive aspects of the proposal including the internal configuration and the overall architectural expression. However, these positive aspects do not alleviate the Panel's more fundamental concerns about the proposed form, height and floor space ratio exceedance.
4. The Panel is aware that the proposal on an isolated site is likely to set a precedent within the Inner West local government area. Therefore, the applicant must further demonstrate through urban design analysis how the proposal could integrate successfully with adjoining and other properties within the urban block if they are redeveloped, and provide justification why any departure from the DCP controls achieves a better outcome than that envisaged by the precinct-specific DCP.
5. Further, the Panel is concerned for a scenario where the adjoining property (to the southwest) is not redeveloped, resulting in a 6-storey party-wall highly visible from the surrounding public domain, particularly from along the Illawarra Road frontage. This is a critical issue that could set a poor urban design precedent for other properties along the Illawarra Road frontage, Heritage Conservation Areas and other locations within the Inner West local government area.
6. The Panel restates that to address the above-mentioned concerns, the applicant should consider an overall form reduction - to four storeys - based on the Inner West controls. An additional fifth storey (Ground + four residential levels) may be supportable subject to consistency established by the applicant with the recommendations offered in this AEDRP Report. The applicant needs to carefully develop the form of any proposed fifth storey, which should be setback further than 6m from the street and lane frontages.
7. In addition (to Paragraph 6), offsite overshadowing impacts on future potential envelopes to adjoining sites within the vicinity should also be tested for consistency with the NSW Apartment Design Guide (ADG) Part 4A – Solar and daylight access.



Principle 2 – Built Form and Scale

"Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings."

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook."

1. The planning of the ground floor appears circuitous and inefficient. The front entry door should be pushed closer to the street alignment, to avoid potential CPTED issues. The built form presentation to the laneway should be reviewed against CPTED and best practice urban design principles.
2. The Panel recommends further resolution of the ground floor configuration to allow comfortable and intuitive movement for the residents. The spatial and architectural quality of the residential entry also needs improvement.
3. The internal configuration of the proposal needs to be reviewed by a qualified BCA/NCC consultant/Fire Engineer, as the egress stair is not separated from the lift. Fire egress from the ground floor also appears to be problematic and requires performance review. The Panel also notes there are windows and openings near (or on) the side boundaries that should be reviewed for NCC fire safety compliance.
4. The Panel queried buildability of the boundary party-walls given the constrained width of the lot. Party-walls along these boundaries must be built and maintained without relying on access from the neighbouring properties which would not be included in any development approval.
5. The applicant needs to investigate structural impacts on existing party-walls on both the subject site and adjoining properties and, in particular, the construction of the deep excavation proposed on the boundaries of the two adjoining sites for the car stacker
6. The Panel discussed a number of potential issues with the proposed vehicular parking, access and egress configuration and their impacts on the laneway. The Panel further recommends that the car stacker arrangement, and associated pedestrian access and egress be reviewed by a suitably qualified specialist in consultation with Council. Similarly, the waste management plan should be reviewed with Council.

Principle 3 – Density

"Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population."

Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment."

1. The Panel does not support the density proposed in its current form. The proposal should be developed in accordance with the recommendations offered in this report, which would contribute to delivering acceptable design quality.

Principle 4 – Sustainability

"Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation."

1. The Panel expects that key ADG targets for solar access and natural cross ventilation will be met by the proposal, as well as sustainability targets for water, energy and waste efficiency.
2. The Panel encourages provision of ceiling fans for habitable areas. Floor-to-floor and floor-to-ceiling heights should be ADG compliant to allow the use of ceiling fans.
3. Provision of a rainwater tank should be considered to allow collection, storage and reuse within the site.



Principle 5 – Landscape

"Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood"

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management."

1. The absence of deep soil and communal open space does not meet targets set out in the NSW ADG and the Panel recommends this should be addressed in a revised scheme. The applicant should develop a detailed landscape design with a suitably qualified landscape architect, to consider provision of green walls, planters and greening elements, particularly to the rooftop courtyards.

Principle 6 – Amenity

"Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being."

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility."

1. The proposal should provide storage requirements to comply with Part 4G of the NSW ADG and generally meet ADG targets for cross ventilation and solar access.

Principle 7 – Safety

"Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety."

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose."

1. The ground floor front and rear entry configuration needs further resolution to avoid potential CPTED issues within the Illawarra Road and laneway frontages. Refer recommendations offered in Principle 2 Built form and scale.

Principle 8 – Housing Diversity and Social Interaction

"Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets."

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents."

1. Wheelchair access to the rear portion and from the car parking on the ground floor appears problematic. All common areas within the proposal should be provided with barrier-free wheelchair access of compliant dimensions in accordance with AS1428.1-2021.
2. The Panel notes that accessible car parking is not provided as part of the proposal. The applicant's justification is that such provision is not required by Council's DCP. However, the Panel recommends that accessible car parking should be reviewed by a suitably qualified specialist against the requirements of the DDA (Disability Discrimination Act) and for compliance with the relevant Australian Standards.

**Principle 9 – Aesthetics**

"Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape."

1. Future architectural documentation should identify locations of A/C condenser units and other mechanical equipment. These should not be located on balconies unless thoughtfully integrated so not visible from the public domain and clear of balcony furnishing. It needs to be demonstrated that the A/C condenser units on balconies facing Illawarra Rd meet the requirements noted above.
2. Developed architectural documentation should include details of the proposed design intent with 1:20 sections indicating materials, balustrade types and fixing, balcony edges, junctions, rainwater drainage including any downpipes and similar details within the proposal.

Conclusion:

The Panel notes that its role is independent and advisory only, and that the proposal should return for a further review with the recommendations of this report incorporated and/or addressed.

The Panel also considers that the proposal would be more acceptable if the applicant amalgamates with either of the two adjoining properties. If this is remains unachievable then the applicant must better demonstrate how this presently non-compliant proposal is consistent with the objectives of the site specific DCP



**Architectural Excellence & Design Review Panel
Meeting Minutes & Recommendations**

Site Address:	350 Illawarra Road Marrickville
Proposal:	Pre-DA submission for alterations and additions to existing building and construction of a new shop top housing development comprising a commercial use and six (6) dwellings with associated parking
Application No.:	PDA 2022 0144
Meeting Date:	19 July 2022
Previous Meeting Date:	-
Panel Members:	Tony Caro – chair, Jon Johannsen; and Jocelyn Jackson
Apologies:	-
Council staff:	Vishal Lakhia; Niall Macken; Annalise Ifield; Keeley Samways; and Kaitiin Zieme
Guests:	-
Declarations of Interest:	None
Applicant or applicant’s representatives to address the panel:	Glenn McCormack – Architect for the project; Darren Laybutt – Urban Planner for the project

Background:

1. The Architectural Excellence & Design Review Panel reviewed the architectural drawings and discussed the proposal with the applicant through an online conference.
2. The Panel thanks the applicant for seeking early feedback at through a Pre DA stage.
3. As a proposal subject to the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65), the Panel’s comments have been structured against the 9 Design Quality Principles set out in the SEPP 65 NSW Apartment Design Guide (ADG).



Discussion & Recommendations:

Principle 1 – Context and Neighbourhood Character

“Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area’s existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.”

1. The Panel understands that the proposal significantly exceeds the maximum permissible height and floor space ratio controls for this site, as set out in the Inner West DCP site-specific controls.
2. Whilst Inner west Council LEP specifies a 20m maximum height and FSR 2.5:1 control for the site, these provisions are subject to further compliance with the DCP site-specific controls, in particular the requirement for development lots to have a minimum 12m site frontage and 325sqm minimum site area required for a shop top housing proposal to achieve the maximum allowable LEP FSR.
3. The Panel further understands that under the DCP if this 7m wide site is developed in isolation, then a 14m height limit (equivalent to 4 storeys including a non-residential ground floor) and maximum FSR 1.5:1 applies.
4. The architect advised that the owner has made previous formal offers for site amalgamation with the adjoining property to the south west (No. 352 Illawarra Road), however this has not been successful. The owner is therefore submitting this shop top housing proposal for the 7m wide site with substantial exceedance of the applicable built form controls. Consequently, the Panel does not support the proposed extent of height and density non-compliance.
5. The Panel supports the retention of existing 2-storey building fabric addressing the Illawarra Road frontage, however as noted above it is concerned about the proposed height and floor space ratio exceedances for the new built form proposed at the rear. The applicant must further demonstrate through urban design analysis how the proposal could integrate successfully with adjoining and other properties within the urban block if they are redeveloped.
6. Furthermore, the Panel is concerned about a scenario where the adjoining property (to the south-west) is not developed, resulting in a 6-storey party-wall highly visible from the surrounding public domain, and particularly along the Illawarra Road frontage. This is a critical issue that could set a poor urban design precedent for other properties along the Illawarra Road frontage, Heritage Conservation Areas and other locations within the Inner West local government area.
7. The Panel recommends the applicant considers an overall form reduction to four storeys based on the controls Inner West controls. The Panel may consider an additional fifth storey (Ground + four residential levels), subject to consistency established by the applicant with the recommendations offered in this AEDRP Report. The applicant needs to carefully develop the form of any proposed fifth storey, which should be setback further than 6m from the street and lane frontages. Thorough of overshadowing impacts on adjoining properties and the public domain should be provided.

Principle 2 – Built Form and Scale

“Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.”

1. The Panel recommends further resolution of the ground floor configuration to allow comfortable and intuitive movement for the residents. Wheelchair access to the rear portion on the ground floor appears problematic.
2. The proposed location of the common room is not supported as it lacks daylight and natural cross ventilation. It would likely not be used in this location. All common areas within the proposal should be provided with barrier-free wheelchair access.

INNER WEST

3. The planning of the ground floor is circuitous and inefficient. The front entry door should be pushed closer to the street alignment, to avoid potential CPTED issues. The built form presentation to the laneway should be reviewed against CPTED and best practice urban design principles.
4. The internal configuration of the proposal needs to be reviewed with a qualified certifier, given that the number of storeys, and the staircase not being isolated from the lift and adjoining apartments. Fire egress from the ground floor also appears to be problematic and needs a performance review. The Panel also notes there are windows and openings near the side boundaries that should be reviewed for NCCA fire safety compliance.
5. The Panel discussed buildability of the side party-walls given the constrained width of the lot. The Panel queried how the party-walls along these boundaries could be built and maintained without relying on access from the neighbouring properties.
6. The applicant needs to investigate structural impacts on existing party-walls on both the subject site and adjoining properties.
7. The Panel discussed a number of potential issues with the proposed vehicular parking, access and egress configuration and their impacts on the laneway. The Panel further recommends that the car stacker arrangement including pedestrian access and egress be reviewed by a suitably qualified specialist in consultation with Council. Similarly, waste management should be reviewed with Council.

Principle 3 – Density

“Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area’s existing or projected population.”

“Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.”

1. The Panel does not support the density proposed in its current form. The proposal should be developed in accordance with the recommendations offered in this report, which would assist in delivering acceptable design quality.

Principle 4 – Sustainability

“Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.”

1. The Panel expects that key ADG targets for solar access and natural cross ventilation are met by the proposal, as well as sustainability targets for water, energy and waste efficiency.
2. The Panel encourages provision of ceiling fans for habitable areas. Floor-to-floor and floor-to-ceiling heights should be both ADG compliant to allow the use of ceiling fans.
3. The applicant is encouraged to include a rooftop photovoltaic system for environmental benefits, including power/lighting to common areas.
4. Provision of a rainwater tank should be considered to allow collection, storage and reuse within the site.

Principle 5 – Landscape

“Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood”

“Good landscape design enhances the development’s environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours’ amenity, provides for practical establishment and long term management.”

INNER WEST

1. The absence of deep soil and communal open space is contrary to NSW ADG guidance, and the Panel recommends this is addressed in a revised scheme. The applicant should develop a detailed landscape design with a suitably qualified landscape architect, to consider provision of green walls, planters, pot plants and greening elements, particularly to the rooftop courtyards.

Principle 6 – Amenity

“Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.”

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.”

1. The proposal should provide storage requirements to comply with Part 4G of the NSW ADG.

Principle 7 – Safety

“Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.”

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.”

1. The ground floor configuration needs further resolution to avoid potential CPTED issues within the Illawarra Road and laneway frontages. Refer recommendations offered in Principle 2 Built form and scale.

Principle 8 – Housing Diversity and Social Interaction

“Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.”

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.”

No discussion/acceptable.

Principle 9 – Aesthetics

“Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.”

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.”

1. In considering a fifth storey beyond the allowable four storeys, a detailed resolution of the built form that is consistent with the fine grain urban character of the area is required. The Panel suggested introduction of a vertical building articulation at the junction between the proposed building and potential adjacent new buildings, to create a clear visual articulation and a fine grain of elements that reflect the street character within the overall built form of the block.
2. The Panel strongly encourages use of integral materials (such as face brickwork, metal claddings and high quality off-form concrete) for this proposal. Exclusive or predominant use of rendered and painted surfaces is not supported.
3. Future architectural documentation should identify locations of A/C condenser units and other mechanical equipment. These should not be located on balconies unless thoughtfully integrated so not visible from the public domain and clear of balcony furnishing.
4. Developed architectural documentation should include details of the proposed design intent with 1:20 sections indicating materials, balustrade types and fixing, balcony edges, junctions, rainwater drainage including any downpipes and similar details within the proposal.



Conclusion:

The Architectural Excellence & Design Review Panel thanks the applicant for seeking early feedback at the Pre-DA stage.

The Panel is of the view that subject to further design development being consistent with the recommendations of this report, the proposal would be capable of delivering an acceptable level of design quality. The Panel recommends a second opportunity to review the proposal at DA stage.