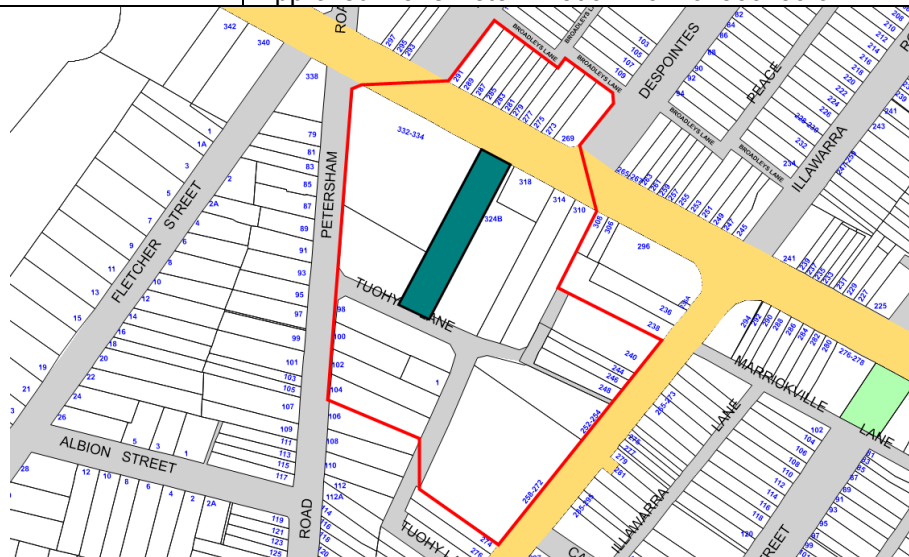









INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201500499.02
Address	326-330 Marrickville Road, MARRICKVILLE NSW 2204
Proposal	Application under Section 4.55 of the Environmental Planning and Assessment Act to modify Modified Determination No. 201500499.01 dated 31 May 2017 to carry out changes so as to divide a 2 bedroom unit into 2 x 1 bedroom units and increasing their extent, increasing the total number of units to 40 and to carry out other changes to the stairwell along the eastern boundary.
Date of Lodgement	5 October 2018
Applicant	Benson McCormack Architects
Owner	Marrickville Apartments
Number of Submissions	Nil
Reason for determination at Planning Panel	Clause 4.6 variation exceeds officer delegation
Main Issues	<ul style="list-style-type: none"> • Visual and acoustic privacy • Use of communal open space
Recommendation	Approval
Attachment A	Recommended modified conditions of consent
Attachment B	Plans of proposed development
Attachment C	Consent Determination No. 201500499.01
Attachment D	Approved Plans Determination No. 201500499.01



LOCALITY MAP

Subject Site		Objectors		 N
Notified Area		Supporters		

1. Executive Summary

This report concerns an application under Section 4.55 of the Environmental Planning and Assessment Act to modify Modified Determination No. 201500499.01 dated 31 May 2017 to carry out changes so as to divide a 2 bedroom unit into 2 x 1 bedroom units and increasing their extent, increasing the total number of units from 39 to 40 and to carry out other changes to the stairwell along the eastern boundary.

The application was notified in accordance with Council's notification policy and no submissions were received.

The application is referred to the Inner West Local Planning Panel for determination because the development results in a variation to the floor space ratio development (FSR) standard prescribed by Clause 4.4 of MLEP 2011 of 352m² or 11.15%.

It is considered the proposal is satisfactory having regard to the nine design quality principles of State Environmental Planning Policy No 65—*Design Quality of Residential Apartment Development* and the objectives, design criteria and design guidelines of the Apartment Design Guide (ADG). The modified development generally complies with the provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011) with the exception of the variation to the FSR development standard. The development is generally consistent with the provisions of Marrickville Development Control Plan 2011 (MDCP 2011).

The potential impacts to the surrounding environment have been considered as part of the assessment process and the proposal is considered acceptable.

The application is recommended for approval subject to appropriate conditions.

2. Proposal

In summary this application seeks approval to modify the approved development in the following way:

- Divide Unit 105 (approved 2 bedroom unit) into 2 x 1 bedroom units (proposed Units 105 and 108), which will increase the number of units from 39 to 40.
- As a result of the division of Unit 105, alter the unit mix to 20 x 2 bedroom + 20 x 1 bedroom units.
- An external wall of the units is required to be moved accommodate the division of Unit 105.
- External design reconfiguration requires moving the stairs along the eastern boundary providing access from Touhy Lane to the communal open space.
- As a result of the design reconfiguration there will be a 20.5m² increase in GFA to 3509.5m².
- The increase in GFA will increase the FSR of the development to 2.78:1.

Note: The permissible FSR on this site is 2.5:1, which equates to GFA of 3,157.5m² on the site area of 1,263m².

The previously approved modified development has a GFA of 3,489m² which equates to a FSR of 2.76:1. This represents a breach of the development standard by 331.5m² or 10.5%.

The proposed modification will increase the breach of the FSR development standard to 352m² or 11.15%.

3. Site Description

The subject site is known as 326 – 330 Marrickville Road, Marrickville and is legally described as Lot 8 in DP 1054041. It is located on the Southern side of Marrickville Road between Illawarra Road, Tuohy Lane, Petersham Road, Marrickville and has an area of 1,263m².

The site is within the zoned B2 - *Local Centre* zone and is located within the vicinity of a heritage conservation area (C30 – Civic Precinct Conservation Area) and adjoins a heritage item namely St Clement's Church, Hall and Rectory, including interiors (Item I111).

The locality contains a mix of commercial/retail and residential development within the Marrickville Town Centre.

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site.

Determination No. 201500499, dated 14 April 2016, granted a deferred commencement consent to retain the existing front portion of the building and demolish the remainder of the premises and construct a 6 storey mixed use development with 2 commercial tenancies and associated car parking/loading areas on the ground floor level, 39 dwellings on the upper floors and 2 basement car parking levels. The consent is yet to become active.

Determination No. 201500499.01, dated 31 May 2017, modified this consent to create a temporary on-site waste storage area, provide an electrical substation, split the commercial tenancy fronting Marrickville Road into 2 tenancies, modify the service/parking area, internal reconfiguration of units and changes to window openings, realignment of central blade elements to the building facade and to modify a number of conditions of approval.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979. The assessment of the original DA under s. 4.15 of the Act remains relevant to this application.

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No 65—*Design Quality of Residential Apartment Development*
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy No 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.

The proposed modifications do not alter the adequacy of the development 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 Clause 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 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 modified approval for DA No. 201500499.01 provides a total area of communal open space of approximately 192.22m², or 15.21%, located primarily on Level 1, between the two towers. The proposed modification will slightly reduce the total area of communal open space in a small section of the southern pathway and a small section of landscaped area. This is a result of accommodating the private open space for proposed unit 108 and a shift north of the eastern stairwell.

The amount of landscaped area lost is approximately 6.39m². The slightly reduced landscaped area will continue to have adequate dimensions and shape to provide landscape character and opportunities for group and individual recreation and social interaction (refer to **Figure 1**). It is considered that the landscaped communal open space area will continue to achieve the objective of the ADG to provide an adequate area of communal open space to enhance residential amenity and to provide opportunities for landscaping.

It is considered that the useability of the communal open space will not be diminished with the proposed removal of a small section of pathway, as the eastern stairs will continue to be accessible to and from the approved pathway.

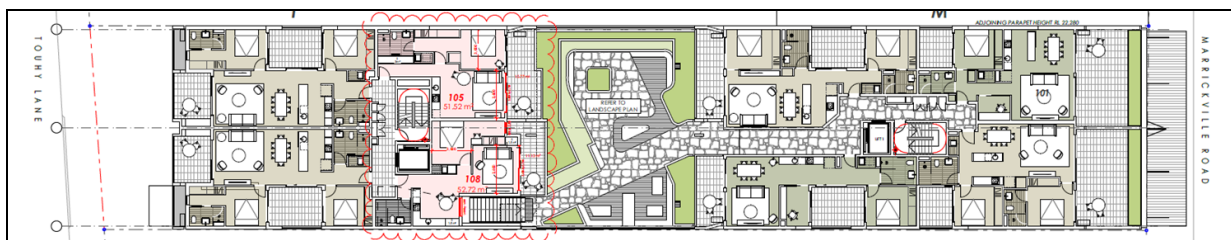


Figure 1: The landscaped area of communal open space is seen in the centre of frame with proposed Units 105 & 108 shaded pink and to the left.

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
Over 25 metres (9+ storeys)	12 metres	6 metres

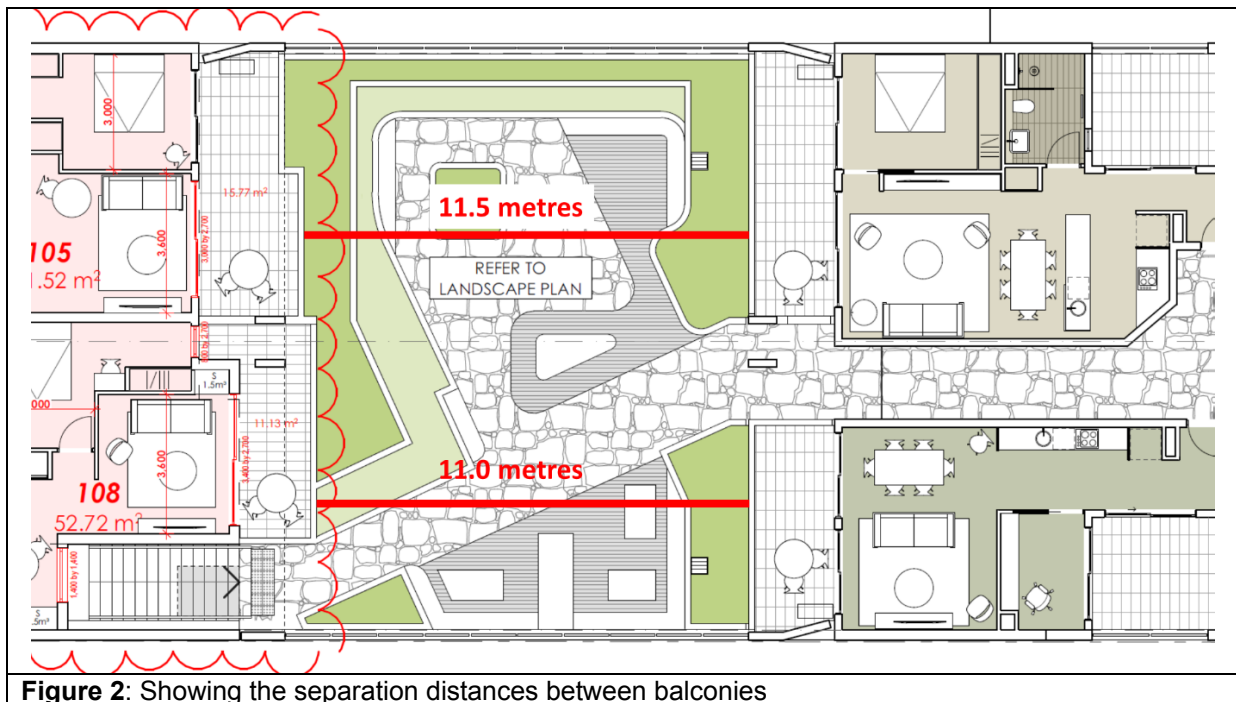
The ADG prescribes the following minimum required separation distances from buildings within the same site:

Up to four storeys/12 metres

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	12 metres
Habitable Rooms to Non-Habitable Rooms	9 metres
Non-Habitable Rooms to Non-Habitable Rooms	6 metres

Comment:

The proposed modifications will result in the edge of the balconies of both Units 105 and 108 moving further north than as previously approved and encroaching slightly over the landscaped communal open space (COS) area. This will result in both balconies being less than the desired 12 metres from the edge of balconies on the opposite side of the COS. The balcony of Unit 105 will have a separation distance of 11.5m and Unit 108 will have a separation distance of 11.0m (refer to **Figure 2**).



This minor variation from the ADG guideline is considered satisfactory in this instance because it has previously been determined in the consideration of the original DA that the proposal supports the desired future character of the area and provides acceptable residential amenity. In addition, the separation distance has been measured between the outside edge of two balconies. These balconies are located in front of living rooms and bedrooms and provide increased protection of the internal privacy of each apartment. To achieve this effect, an additional condition is recommended requiring solid or partially solid balustrades on each of the balconies affected.

Further, it is not considered desirable to require screening devices to be installed as these will negatively affect access to light and air. The approved landscaping of the COS area will aid in providing a privacy barrier (refer to **Figure 3**). As the proposed modifications will intrude into the approved COS area, a condition is included in the recommendation requiring the approved landscaping plan to be updated and to continue to include screening vegetation as per **Figure 3**.



Acoustic Privacy

To protect acoustic privacy the ADG requires that adequate building separation be provided within the development and from neighbouring buildings/adjacent uses. It also requires that window and door openings be generally orientated away from noise sources.

The proposed location of the balconies for proposed Units 105 and 108 is similar and almost unchanged from the approved balcony for Unit 105, with the exception that the private open space for proposed unit 108 will extend eastward slightly further than that of approved unit 105.

As the private open space for approved unit 105 was always adjacent to the approved communal open space, this interface will not change.

In addition, limitations pertaining to hours of usage for the communal open space can be imposed to ensure acoustic privacy is enjoyed by the occupants of proposed units 105 and 108. This is not an uncommon solution for Strata Corporations to ensure privacy and amenity for all residents.

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 proposed modifications do not change the ability of >70% of units in the development to achieve 2 hours of direct sunlight to living rooms and private open spaces between 9am and 3pm on June 21.

The proposed modifications maximise the north facing aspect and both proposed units have been designed to place living areas to the north and service areas to the south of each apartment, accordingly both proposed units will achieve adequate solar access to their internal rooms and balconies. This is enhanced because the northern walls of the two proposed units are designed with large windows and glass doors.

With the private open space of each proposed unit located adjoining the communal open space, greater solar access to the proposed units and their private open spaces is ensured due to the separation between the two towers.

Natural Ventilation

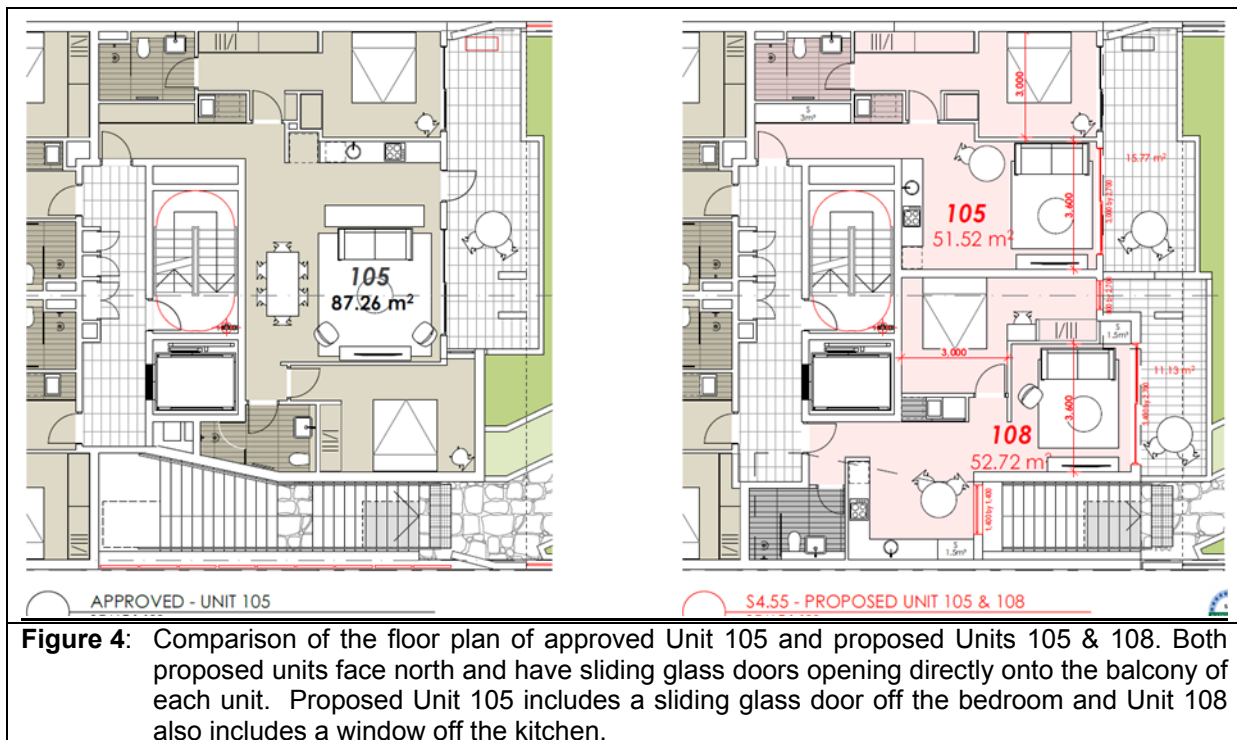
The ADG prescribes the following requirements for natural ventilation:

- 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 proposed modification to the approved 2-bedroom unit 105 will not alter the development’s compliance with the ADG requirement of 60% of dwellings achieving natural cross ventilation.

However, although 75% of units within the development will continue to be naturally cross-ventilated, the two proposed 1-bedroom units are not individually naturally cross ventilated as they are both single-aspect apartments. This does not represent a change from the approved Unit 105 which was also a single aspect apartment (refer to **Figure 4**).



Apartment Size

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
Studio apartments	35m ²
1 Bedroom apartments	50m ²
2 Bedroom apartments	70m ²
3 Bedroom apartments	90m 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:

Both proposed Units 105 (51.52m²) & 108 (52.72m²) exceed the minimum internal area for 1 bedroom apartments.

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:

While Unit 105 complies, the living room of Unit 108 has internal dimensions of 3.6m x 3.4m, resulting in a 200mm shortfall on a north/south axis. This room opens directly onto the balcony of the apartment thereby minimising any perception of this as a confined space. It is considered that the layout of both apartments includes dimensions that facilitate a variety of furniture arrangements and provide spaces for a range of activities and privacy between spaces within each apartment.

Private Open Space and Balconies

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

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	4m ²	-
1 Bedroom apartments	8m ²	2 metres
2 Bedroom apartments	10m ²	2 metres
3+ Bedroom apartments	12m ²	2.4 metres

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

The ADG also prescribes for apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3 metres.

Comment:

The balconies for each of the proposed units face north and are located adjacent to the living room to extend the living space. The area of each balcony exceeds the minimum required by the ADG (Unit 105 = 15.77m² and Unit 108 = 11.13m²) (refer to **Figure 4**).

Storage

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

Apartment Type	Minimum Internal Area
Studio apartments	4m ³
1 Bedroom apartments	6m ³
2 Bedroom apartments	8m ³
3+ Bedroom apartments	10m ³

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

Comment:

As per ADG requirements, a total of 6m³ in storage has been allocated to both proposed units with 3m³ located within the proposed units and 3m³ located within the basement.

5(a)(ii) [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#)

Residential buildings classified by the National Construction Code (NCC) as class 1, class 2 and parts of class 4 buildings are subject to BASIX. The proposed building is a Class 2 building.

This application is accompanied by a Class 2 Building Project Certification demonstrating that it is NatHERS compliant. Only assessments done using the NCC - Deemed-to-Satisfy - Star Rating compliance pathway and BASIX Simulation method are NatHERS compliant.

The proposed modifications are supported by a revised BASIX Certificate prepared by Greenworld Architectural Drafting (Certificate No. 663247M_04).

[Marrickville Local Environment Plan 2011 \(MLEP 2011\)](#)

The site is within the zoned B2 - *Local Centre* zone and the proposed modified development is permissible with consent.

This modification application was assessed against the following clauses of the Marrickville Local Environment Plan 2011 relevant to this application:

(i) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 2.5:1 (GFA of 3157.5m²) applies to the land under MLEP 2011.

The approved modified development has a GFA of 3,489m² which equates to a FSR of 2.76:1 on the 1,263m² site, which does not comply with the FSR development standard. This represents a breach of the development standard by 331.5m² or 10.5%.

The proposed modification will increase the FSR to 2.78:1, which is a variation of the development standard of 352m² or 11.15%.

The above figures are inclusive of 13 car parking spaces (approximately 174.5m²) within the basement that are above the parking requirements and are required to be included as GFA in accordance with MLEP 2011.

The modification of a development consent which results in a new or modified variation to a development standard, does not require the submission of an objection pursuant to clause 4.6 of MLEP 2011; however, Council is still required to conduct a merit assessment of any new breaches of a development standard. In this regard, the Applicant has made submissions in support of the increased variation of the development standard as follows:

The proposal before Council seeks to modify an approved 2-bedroom unit, located on the northern side of the southern tower at level 1, and construct two 1-bedroom units with private open space. The modification will see the approved Unit 105 split into Units 105 and 108.

Modification of the approved 2-bedroom unit into two 1-bedroom units will result in an increase in GFA by 20.76m², being an increase in FSR of 0.02:1. It should be noted that this increase in GFA will occur mostly over an existing void area, thereby increasing GFA without increasing bulk.

The increase in GFA and FSR are mostly the result of the extension of the eastern wall of proposed unit 108 by approximately 18m², most of which is over an existing void area above the eastern stairwell. The proposed bathroom and kitchen will be built over this void. The eastward extension of the lobby accounts for an additional GFA of approximately 1.5m², whilst an additional area of approximately 1m² will also be added to the total GFA increase in the north western corner of the living room in proposed unit 108.

The proposal before Council also seeks to push this stairwell north to accommodate the creation of unit 108. Furthermore, the lobby of the southern tower at Level 1 will be extended eastward approximately 1m to accommodate the entry door to proposed unit 108. Refer to First Floor Plan, drawing no. A-0102A submitted with this DA.

The proposal before Council results in a minor increase in GFA and FSR to that approved by the S96. The proposed modification will increase the development total GFA by 20.76m² from 3,488.73m² to 3,509.49m², resulting in an increased FSR of 0.02:1, from 2.76:1 to 2.78:1.

Adherence to the FSR approved under the S96 modification is unnecessary and unreasonable as the proposed modifications do not detract from the objectives of Floor Space Ration under the Marrickville Local Environmental Plan 2011. Those objectives are:

“(1) The objectives of this clause are:

- (a) to establish the maximum floor space ratio,*
- (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,*
- (c) to minimise adverse environmental impacts on adjoining properties and the public domain.”*

The following comments are offered in response:

The proposed modifications will be internal to the approved development ensuring the scale and bulk of the development is not altered. In addition, the façade of the approved development and its interaction with the streetscape, locality and desired future character of the area will be maintained as per the approved development.

Furthermore, the modification of the approved 2-bedroom unit into two 1-bedroom units will not impact upon the adjoining properties or the public domain as the proposed modifications will not alter the building envelope of the approved development, thereby maintaining any impacts approved by Council in the S96 modification. It is therefore considered that adherence to the FSR approved by the S96 modification are unnecessary and unreasonable.

The additional floor area is located in the centre of the site and accordingly will not be seen from the public domain. There would be no perceptible change to the massing, bulk and scale of the approved development.

Having regard to the above, it is considered that the modified development would generally retain the footprint/envelope of the approved building and does not cause any additional amenity impacts for adjoining properties or adversely alter its streetscape presentation.

The additional floor area associated with the proposed modifications is considered to be reasonable and would achieve the Clause 4.4 – Floor Space Ratio objectives within MLEP 2011. Therefore, compliance with the maximum FSR is therefore considered to be unreasonable and unnecessary in the circumstances. The proposed modifications involving a departure from the FSR development standard are supported.

(ii) Heritage Conservation (Clause 5.10)

The site is located within the vicinity of a heritage conservation area (C30 – Civic Precinct Conservation Area) and adjoins a heritage item namely St Clement's Church, Hall and Rectory, including interiors (Item I111). The building is also identified a contributory building in accordance with Part 8 of MDCP 2011.

The proposed modifications would not have any significant impacts on the heritage item, the nearby heritage conservation area or the contributory building itself.

5(b) Draft Environmental Planning Instruments

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

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

5(c) Development Control Plans

The application has been assessed and does not give rise to any issues relating to the provisions of Marrickville Development Control Plan 2011 that are not dealt with in other sections of this report, especially the assessment of the proposed modification under SEPP 65 and the Apartment Design Guide.

5(d) Section 4.55 of the Environmental Planning and Assessment Act

Under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, Council, when considering a request to modify a Determination must:

- a) Be satisfied that the development as modified is substantially the same development as the development for which consent was originally granted
- b) Consult with any relevant authority or approval body
- c) Notify the application in accordance with the regulations
- d) Consider any submissions made
- e) Take into consideration the matters referred to in Section 4.15 that are relevant to the development the subject of the modification application.

The development being modified is substantially the same development as the development for which consent was originally granted. No authorities or bodies were required to be consulted. The application was notified in accordance with the regulations and Council's policy and no submissions were received. The heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application.

5(e) The Likely Impacts

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

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

This site is considered suitable to accommodate the proposed modified development, and this has been demonstrated in the assessment of the application.

5(g) Any submissions

The application was notified in accordance with Council's Policy for a period of 14 days to surrounding properties. No submissions were received.

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

Not applicable

6(b) External

Not Applicable.

7. Section 7.11 Contributions

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. The proposed modifications result in one additional residential unit. As such, the section 94 contributions have been recalculated with condition 55 updated accordingly.

8. Conclusion

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

9. Recommendation

- A. That the Inner West Local Planning Panel, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, APPROVE the application under Section 4.55 of the Environmental Planning and Assessment Act 1979 to modify Modified Determination No. 201500499.01 dated 31 May 2017 to carry out changes so as to divide a 2 bedroom unit into 2 x 1 bedroom units and increasing their extent, increasing the total number of units to 40 and to carry out other changes to the stairwell along the eastern boundary at 326-330 Marrickville Road, MARRICKVILLE NSW 2204 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Attachment A – Recommended conditions of consent

A. THAT the application under Section 4.55 of the Environmental Planning and Assessment Act 1979 to modify Determination No.201500499.01 dated 31 May 2017 be **APPROVED** and a modified Determination be issued with the Determination being modified in the following manner:

(i) That condition 1 and 55 being amended to read:

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

Drawing, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
A-0101	Basement 1 and 2 Plans	-	Benson McCormack	10.09.2015
A-0102, Revision B	Ground + First Floor Plans	09.02.16	Benson McCormack	12.02.2016
A-0103, Revision B	Levels 2 to 5 Floor Plans	09.02.16	Benson McCormack	12.02.2016
A-0104, Revision B	Roof Plan	09.02.16	Benson McCormack	12.02.2016
A-0201, Revision B	Marrickville Rd Elevation	09.02.16	Benson McCormack	12.02.2016
A-0207	Marrickville Rd Detailed Elevation	-	Benson McCormack	10.09.2015
A-0202, Revision B	Touhy Lane Elevation	09.02.16	Benson McCormack	12.02.2016
A-0203, Revision B	East Elevation	09.02.16	Benson McCormack	12.02.2016
A-0204, Revision B	West Elevation	09.02.16	Benson McCormack	12.02.2016
A-0205, Revision B	Building M Elevations	09.02.16	Benson McCormack	12.02.2016
A-0206, Revision B	Building T Elevations	09.02.16	Benson McCormack	12.02.2016
A-0221, Revision B	Sections AA	09.02.16	Benson McCormack	12.02.2016
A-1206, Revision B	Finishes	09.02.16	Benson McCormack	12.02.2016
A-1207	Colours & Materials Schedule	-	Benson McCormack	10.09.2015
A-1204	Adaption Plan	-	Benson McCormack	10.09.2015
Reference No.2015-426	Acoustic Report	03.09.2015	Acoustic Noise & Vibration Solutions	10.09.2015
Report E22670AA	Preliminary Site Investigation	03.09.2015	Environmental Investigations Australia	10.09.2015
Report E22670GA	Geotechnical Desktop Study	01.09.2015	Environmental Investigations Australia	10.09.2015

Certificate number: 663247M	BASIX Certificate	03.09.2015	Greenworld Architectural Drafting	10.09.2015
LPDA 16-127/1, Issue A	Landscape Site Plan	September 2015	Conzept Landscape Architects	10.09.2015
LPDA 16-127/2, Issue A	Detail Landscape Plan	September 2015	Conzept Landscape Architects	10.09.2015
LPDA 16-127/3, Issue A	Details and Specification	September 2015	Conzept Landscape Architects	10.09.2015

and details submitted to Council on 10 September 2015 and 12 February 2016 with the application for development consent and as amended by the plans and details listed below:

Drawing, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
A-0102, Issue D	Ground + First Floor Plans	24.02.2017	Benson McCormack	10.05.2017
A-0103, Issue D	Levels 2 to 5 Floor Plans	24.02.2017	Benson McCormack	24.02.2017
A-0203, Issue D	East Elevation	24.02.2017	Benson McCormack	24.02.2017
A-0204, Issue D	West Elevation	24.02.2017	Benson McCormack	24.02.2017
A-0205, Issue D	Building M Elevations	24.02.2017	Benson McCormack	24.02.2017
A-0206, Issue D	Building T Elevations	24.02.2017	Benson McCormack	10.05.2017
A-0221, Issue D	Sections AA	24.02.2017	Benson McCormack	10.05.2017
Certificate number: 663247M_03	BASIX Certificate	17.05.2017	Greenworld Architectural Drafting	18.05.2017

As amended by details submitted to Council on 24 February 2017, 10 May 2017 and 18 May 2017 with the application under Section 96 of the Environmental Planning and Assessment Act and as amended by the plans and details listed below:

Drawing, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
As amended by A-0102A Issue B	Level 1 Floor Plans.4.55 Application	December 2018	Benson McCormack	19.12.2018
Certificate number: 663247M_034	BASIX Certificate	28.09.2018	Greenworld Architectural Drafting	09.10.2018

and details submitted to the Council and on 9 October 2018 and 19 December 2018 with the application under Section 4.55 of the Environmental Planning and Assessment Act and the following conditions.

Reason: To confirm the details of the application as submitted by the applicant.

55. Section 7.11 Contribution

- a) This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.
- b) Before the [issue of a Construction Certificate/issue of a Subdivision Certificate/commencement of works/commencement of use], the Council must be paid a monetary contribution of \$9696.56 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 12 March 2019.

*NB Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC002542)

- c) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:
- d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.
- e) The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*.

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

Reason: To ensure provision is made for the increase in demand for public amenities and services required as a consequence of the development being carried out.

(ii) That the following additional conditions be included in the Determination:

- 1C. Balconies located in front of living rooms and bedrooms of Units 103, 104, 105 and 108 are to have solid balustrades on each of the balconies. Details are to be provided to the satisfaction of the certifying authority prior to the issue of a construction certificate.

Reason: To protect the internal privacy of each apartment.

- 1D. The approved landscaping plans referred to in Condition 1 are to be updated and are to include suitable screening vegetation on the northern and southern sides, in front of the balconies located in front of the living rooms and bedrooms of Units 103, 104, 105 and 108. Details are to be provided to the satisfaction of the certifying authority prior to the issue of a construction certificate.

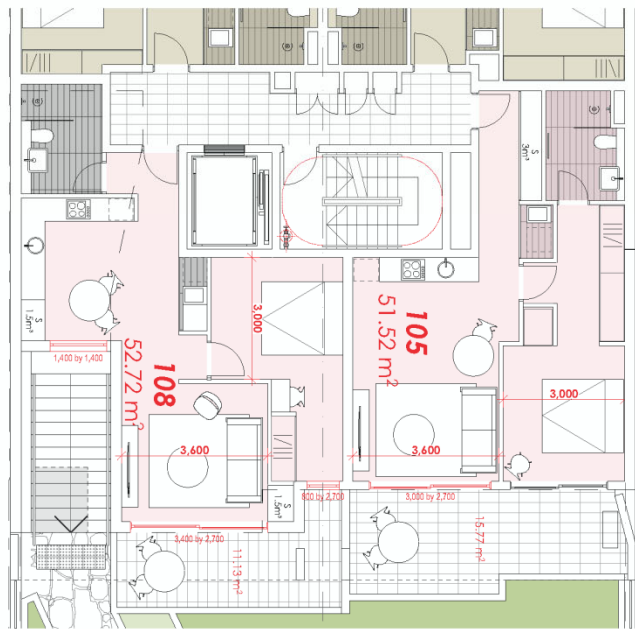
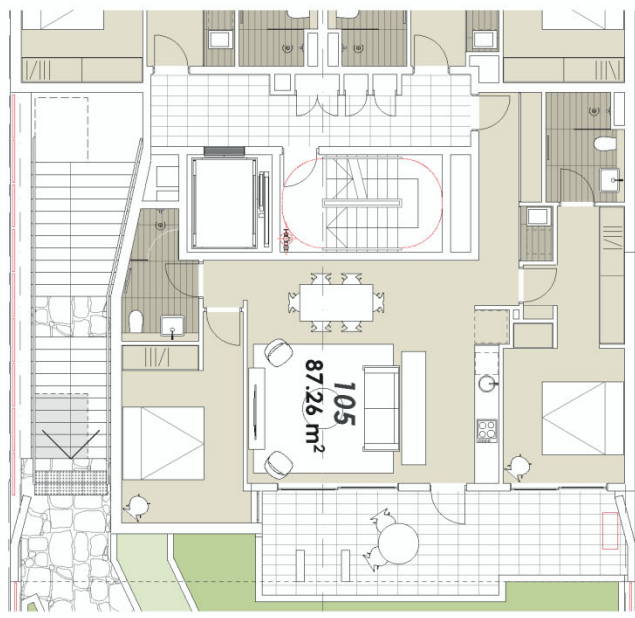
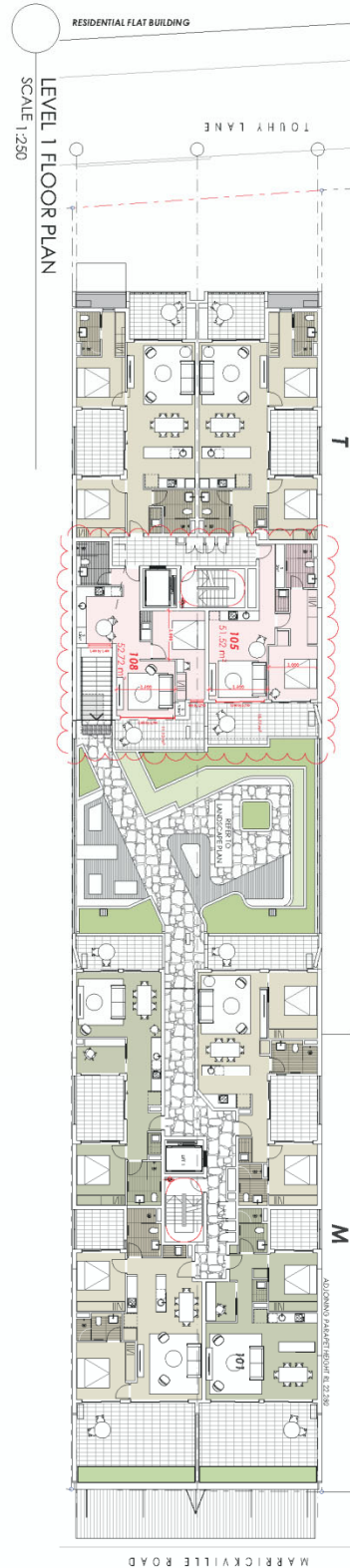
Reason: To protect the internal privacy of each apartment.

- 1E. The communal open space comprising the Level 1 central terrace must be available for the use of all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

A By-law is to be registered with the strata scheme restricting the hours when persons may use the communal open space area (other than to travel through) to between 7.00am and 10.00pm Monday to Saturday and between 7.00am and 9.00pm on a Sunday or a public holiday. The by-law is to include provisions limiting the uses of the common property and the behaviour of residents so as not to create noise that will disturb other residents.

Reason: To protect the aural privacy and of all residents.

Attachment B – Plans of proposed development



KINDRED

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APPROVED - UNIT 105
SCALE 1:100

\$4.55 - PROPOSED UNIT 105 & 108
SCALE 1:100

CLIENT
ASTUTE
Shop 1, 454-458 Liverpool Rd
Sydney NSW 2158

PROJECT DETAILS
KINDRED
332-333 Marrickville Road
Marrickville NSW 2204

PROJECT NORTH

SCALE
AS SHOWN

PROJECT NO.
1519A

DRAWING
FIRST FLOOR PLAN

DRAWING NO.
A-0102A

ISSUE
B

ARCHITECT
benson mcconnack
15/155-157 Sydney Rd
Sydney NSW 2150
Phone: (02) 9550 7252
www.bensonmcconnack.com.au

S4.55 APPLICATION

BM

Attachment C- Consent Determination No. 201500499.01



DA201500499 CLEN1

31 May 2017

MODIFIED DETERMINATION NO. 201500499

BENSON MCCORMACK ARCHITECTS
 Studio 5 505 Balmain Road
 LILYFIELD NSW 2040

Dear Sir/Madam

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 ("the Act")
 NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Pursuant to Section 81 of the Act, notice is hereby given of the determination by the Council of **Development Application No. 201500499** to retain the existing front portion of the building and demolish the remainder of the premises and construct a 6 storey mixed use development with 2 commercial tenancies and associated car parking/loading areas on the ground floor level, 39 dwellings on the upper floors and 2 basement car parking levels relating to property situated at:

326-330 MARRICKVILLE ROAD, MARRICKVILLE

In determining this application, the Council considered all matters listed under Section 79C of the Act that are relevant to the Development Application.

The Development Application was determined on 14 April 2016 by the granting of **CONSENT** subject to the following conditions:

GENERAL

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

Drawing, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
A-0101	Basement 1 and 2 Plans	-	Benson McCormack	10.09.2015
A-0102, Revision B	Ground + First Floor Plans	09.02.16	Benson McCormack	12.02.2016
A-0103, Revision B	Levels 2 to 5 Floor Plans	09.02.16	Benson McCormack	12.02.2016
A-0104, Revision B	Roof Plan	09.02.16	Benson McCormack	12.02.2016
A-0201, Revision B	Marrickville Rd Elevation	09.02.16	Benson McCormack	12.02.2016

Customer Service Centres

Petersham | P (02) 9335 2222 | E council@marrickville.nsw.gov.au | 2-14 Fisher Street, Petersham NSW 2049

Leichhardt | P (02) 9367 9222 | E leichhardt@lmc.nsw.gov.au | 7-15 Wetherill Street Leichhardt NSW 2040

Ashfield | P (02) 9716 1800 | E info@ashfield.nsw.gov.au | 260 Liverpool Road Ashfield NSW 2131

A-0207	Marrickville Rd Detailed Elevation	-	Benson McCormack	10.09.2015
A-0202, Revision B	Touhy Lane Elevation	09.02.16	Benson McCormack	12.02.2016
A-0203, Revision B	East Elevation	09.02.16	Benson McCormack	12.02.2016
A-0204, Revision B	West Elevation	09.02.16	Benson McCormack	12.02.2016
A-0205, Revision B	Building M Elevations	09.02.16	Benson McCormack	12.02.2016
A-0206, Revision B	Building T Elevations	09.02.16	Benson McCormack	12.02.2016
A-0221, Revision B	Sections AA	09.02.16	Benson McCormack	12.02.2016
A-1206, Revision B	Finishes	09.02.16	Benson McCormack	12.02.2016
A-1207	Colours & Materials Schedule	-	Benson McCormack	10.09.2015
A-1204	Adaption Plan	-	Benson McCormack	10.09.2015
Reference No.2015-426	Acoustic Report	03.09.2015	Acoustic Noise & Vibration Solutions	10.09.2015
Report E22670AA	Preliminary Site Investigation	03.09.2015	Environmental Investigations Australia	10.09.2015
Report E22670GA	Geotechnical Desktop Study	01.09.2015	Environmental Investigations Australia	10.09.2015
Certificate number: 663247M	BASIX Certificate	03.09.2015	Greenworld Architectural Drafting	10.09.2015
LPDA 16-127/1, Issue A	Landscape Site Plan	September 2015	Conzept Landscape Architects	10.09.2015
LPDA 16-127/2, Issue A	Detail Landscape Plan	September 2015	Conzept Landscape Architects	10.09.2015
LPDA 16-127/3, Issue A	Details and Specification	September 2015	Conzept Landscape Architects	10.09.2015

and details submitted to Council on 10 September 2015 and 12 February 2016 with the application for development consent and as amended by the plans and details listed below:

Drawing, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
A-0102, Issue D	Ground + First Floor Plans	24.02.2017	Benson McCormack	10.05.2017
A-0103, Issue D	Levels 2 to 5 Floor Plans	24.02.2017	Benson McCormack	24.02.2017
A-0203, Issue D	East Elevation	24.02.2017	Benson McCormack	24.02.2017
A-0204, Issue D	West Elevation	24.02.2017	Benson McCormack	24.02.2017
A-0205, Issue D	Building M Elevations	24.02.2017	Benson McCormack	24.02.2017
A-0206, Issue D	Building T Elevations	24.02.2017	Benson McCormack	10.05.2017
A-0221, Issue D	Sections AA	24.02.2017	Benson McCormack	10.05.2017
Certificate number: 663247M_03	BASIX Certificate	17.05.2017	Greenworld Architectural Drafting	18.05.2017

and details submitted to the Council on 24 February 2017, 10 May 2017 and 18 May 2017 with the application under Section 96 of the Environmental Planning and Assessment Act and the following conditions.

Reason: To confirm the details of the application as submitted by the applicant.

- 1A. After the demolition of the existing structures and prior to excavation, a Detailed Site Investigation is required to be undertaken and submitted to Council in accordance with the recommendations in the Preliminary Site Investigation, Report E22670AA, prepared by Environmental Investigations Australia, dated 3 September 2015 and the requirements of the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites must be submitted to and approved by Council. Should remediation works be required, a Remediation Action Plan must accompany the Detailed Site Investigation
Reason: To comply with the requirements of State Environmental Planning Policy No.55 – Remediation of Land.
- 1B. Before any demolition works, a Hazardous Materials Assessment is required to be undertaken and submitted to Council in accordance with the recommendations in the Preliminary Site Investigation, Report E22670AA, prepared by Environmental Investigations Australia, dated 3 September 2015.
Reason: To comply with the requirements of State Environmental Planning Policy No.55 – Remediation of Land.

2. The development is approved to a maximum height of 37.5 metres above Australian Height Datum (AHD). Should the height be exceeded a new application must be submitted in accordance with the Civil Aviation (Building Control) Regulations 1988.

Reason: To ensure compliance with the approval granted under the Civil Aviation (Building Control) Regulations 1988.

3. Should the height of any temporary structure and/or equipment be greater than 15.24 AEGH metres, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Reason: To ensure compliance with the approval granted under the Civil Aviation (Building Control) Regulations 1988.

4. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations; Sydney Airport Corporation Limited advises that approval to operate construction equipment (i.e. Cranes) should be obtained prior to any commitment to construct.

Reason: To ensure compliance with the approval granted under the Civil Aviation (Building Control) Regulations 1988.

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

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

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

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

Reason: To ensure the development is carried out in accordance with this Determination.

6. In order to ensure the architectural and urban design excellence of the development is retained:

- i) The design architect is to have direct involvement in the design documentation, contract documentation and construction strategies of the project;
- ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
- iii) Evidence of the design architect's commission is to be provided to the Council prior to the release of the construction certificate.
- iv) The design architect of the project is not to be changed without prior notice and approval of the Council's Director Planning and Environmental Services.

Reason: To ensure design excellence is maintained.

7. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes identified in condition 1. No changes may be made to these drawings except by way of an application under section 96 of the *Environmental Planning and Assessment Act 1979*.
Reason: To ensure the final built development has an appearance that accords with the approved materials and finishes.
8. Site remediation works being carried out for the site in accordance with Detailed Site Investigation Report and Remediation Action Plan submitted in accordance this determination. Once these works have been carried out a validation report is to be submitted to Council prepared in accordance with the requirements of the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites to Council's satisfaction.
Reason: To ensure that the site is suitable for the intended use.
9. Where units or dwellings are provided with separate individual hot water systems, these must be located within the internal area of the unit/dwelling and not on any balcony or terrace.
Reason: To ensure the aesthetics of the building and architecture are maintained.
10. Separate Development Consent or Complying Development Certificate must be obtained for the use of the ground floor shops/commercial suites prior to the occupation of that part of the premises.
Reason: To advise the applicant of the necessity of obtaining Council approval for the use of the shops/commercial suites prior to their occupation.
11. The ongoing use of the ground floor commercial tenancies complying with the following requirements at all times:
 - a) The areas to be used as shops must be restricted to the ground floor commercial tenancies;
 - b) The shop window display areas must be maintained at all times with no roller shutters being installed across the shopfronts;
 - c) The hours of operation are restricted to between the hours of 7.00am to 7.00pm Monday to Saturday and not at any time on Sundays or Public Holidays;
 - d) All loading and unloading in connection with the use must be carried out wholly within the property from the dedicated loading space within the site, during the approved hours of operation and in such a manner so as to not cause an inconvenience to the public;
 - e) No storage of goods or equipment external to any building on the site is permitted; and
 - f) No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.
Reason: To ensure that the commercial uses are confined to the ground floor shop areas, to preserve the streetscape and character of the area and to ensure that the operation of the premises does not interfere with the amenity of the locality.

12. Each dwelling must be used exclusively as a single dwelling and not be adapted for use as backpackers' accommodation, serviced apartments or a boarding house and not be used for any industrial or commercial purpose.
Reason: To ensure that the proposed dwellings are used exclusively as single dwellings.
13. A minimum of 8 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
Reason: To make reasonable provision in the development to provide residential accommodation suitable for people with a disability.
14. Compliance at all times with the recommendations contained in *Geotechnical Desktop Study, Report No. E22670 GA, dated 1 September 2015* and prepared by *Environmental Investigations Australia*.
Reason: To ensure excavation is appropriately managed.
15. The development shall provide a minimum of 32 off-street car parking spaces that are linemarked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. The car parking spaces must be allocated as follows:
 - a) A minimum of 21 car parking spaces being allocated to the residential dwellings;
 - b) 8 adaptable car parking spaces, one per adaptable dwelling; and
 - c) 3 car parking spaces being allocated to the ground floor retail/commercial tenancies.

All accessible car spaces must be appropriately marked as disabled car parking spaces.
Reason: To ensure practical off-street car parking is available for the use of the premises in accordance with Part 2.10 of Marrickville Development Control Plan 2011.
16. A bicycle storage area with a minimum of 24 bicycle spaces must be provided, paved, linemarked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.
Reason: To ensure practical off-street car parking is available for the use of the premises.
17. 2 off-street motorcycle parking spaces must be provided, paved, linemarked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.
Reason: To ensure practical off-street car parking is available for the use of the premises.
18. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
Reason: To ensure adequate manoeuvrability to all car parking spaces and that the spaces are used exclusively for parking.

19. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.
20. The use of the premises, including any plant and equipment, must not give rise to:
- transmission of unacceptable vibration to any place of different occupancy;
 - a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
- Reason: To prevent loss of amenity to the area.
21. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to 'offensive noise' as defined by The Protection of the Environment Operations Act 1997 (NSW). In this regard the roller door to the car parking entry is to be selected, installed and maintained to ensure their operation does not adversely impact on the amenity of the surrounding neighbourhood.
Reason: To protect the amenity of the surrounding neighbourhood.
22. All machinery must be installed in accordance with the manufacturer's specifications and must be maintained at all times if in use.
Reason: To ensure that such machines are properly installed and maintained so as to prevent noise generation, vibration and any other disturbances to adjoining premises.
23. All trees, covered by Part 2.20 of Marrickville Development Control Plan 2011 - Tree Management, not requiring removal to permit the erection of the development must be retained.
Reason: To preserve existing mature trees on the property.
24. Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any advertisements or advertising structures. The shop windows must not be painted with advertisements and no flashing lights are to be installed on the premises.
Reason: To confirm the terms of Council's approval.
25. 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.
Reason: To ensure that the development is adequately serviced.

26. Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition. In addition the by-laws of any future residential strata plans created for the property shall reflect this restriction.
Reason: To ensure the development does not reduce the amount of "on street" parking currently available.
27. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
Reason: To provide for adequate site drainage.
28. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
Reason: To provide for the existing and potential electrical power distribution for this development and for the area.
29. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the water may be stored separately on site and reused for the watering of landscaped areas.
Reason: To ensure that there are no dry-weather flows of any seepage water directed to the kerb.
30. All trade waste must be stored within the site boundaries and contained in such a manner so as not to cause a nuisance.
Reason: To provide for correct storage of wastes.
31. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).
32. The domestic waste bins are not to be placed adjacent to Tuohy Lane until after 7.00pm on the day prior to collection and are to be returned to their storage location within the building within two (2) hours of the bins being collected by Council. All bins must be presented and kept in a neat and tidy manner. The owner's corporation being responsible to ensure compliance with this condition.
Reason: To ensure waste collection is appropriately managed.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

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

33. The existing services mounted to the side of the building at No.326-330 Marrickville Road which service the adjoining building at No.324B Marrickville Road must be re-located prior to any demolition works. Evidence of the relocation be submitted to the Certifying Authority's satisfaction.

Reason: To ensure the existing services are appropriately managed.

34. Prior to the commencement of works, an arborist, who has a minimum AQF Level 5 qualification in arboriculture and who does not prune or remove trees in the Marrickville LGA, shall be engaged to provide a 'Tree Protection Plan' that complies with section 2.20 Tree Management of the Marrickville DCP, Appendix 1.8.3. This shall be submitted to and be approved by Council before commencing works. This arborist shall also be engaged as a project arborist for the duration of demolition and construction.

Reason: To provide professional guidance and ensure that the trees on the property are effectively managed and protected.

35. All trees adjacent to the site not approved for removal must be protected at all times during demolition and construction, in accordance with Council's Tree Preservation Order. Details of the method(s) of protection of such trees must be submitted to and be approved by Council before commencing works.

Reason: To ensure that all street trees are appropriately protected during demolition and construction works.

36. All approved protection measures must be installed prior to commencing any work and must be maintained for the duration of construction.

Reason: To ensure that all trees are appropriately protected during demolition and construction works.

37. No work must commence until:

- a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall be notified within 2 days of the appointment; and
- b) A minimum of 2 days written notice given to Council of the intention to commence work.

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

38. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.

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

39. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.

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

Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

40. All demolition work must:

- a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
- b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.

Reason: To ensure that the demolition work is carried out safely.

41. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

Reason: To protect the amenity of the area.

42. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.

Reason: To ensure that the demolition work is carried out safely.

43. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.

Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

44. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.

Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.

Reason: To secure the area of the site works maintaining public safety.

45. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:
- The name, address and telephone number of the PCA;
 - A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

46. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan must indicate:
- Where the builder's materials and waste are to be stored;
 - Where the sediment fences are to be installed on the site;
 - What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
 - How access to the site will be provided.

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

Reason: To prevent soil erosion and sedimentation of the stormwater network.

47. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining properties at 318, 324B and 332-334 Marrickville Road, if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

Reason: To catalogue the condition of the adjoining properties for future reference in the event that any damage is caused during work on site.

48. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.

Reason: To provide a person that residents can contact.

49. If new street numbers or a change to street numbers (this includes unit and shop numbers) are required, a separate application must be made to and approved by council prior to those street numbers being displayed.

Reason: To ensure that the building is easily identifiable.

50. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
Reason: To ensure all necessary approvals have been applied for.
51. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.
Reason: To ensure that all restoration works are in accordance with Council's Code.
52. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.
Reason: To secure the site and to maintain public safety
53. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc.
Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.
54. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.
Reason: To ensure the existing condition of Council's infrastructure is clearly documented.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

55. Section 94 Contribution

- a) This condition is imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.
- b) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of \$598,043.74 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 15 May 2017.

***NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC001888)

- c) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:
- | | |
|-----------------------|--------------|
| Community Facilities | \$73,073.97 |
| Plan Administration | \$11,726.44 |
| Recreation Facilities | \$519,963.58 |
| Traffic Facilities | \$-6,720.26 |
- d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.
- e) The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*.

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

Reason: To ensure provision is made for the increase in demand for public amenities and services required as a consequence of the development being carried out.

56. Deleted
57. Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).
- NOTE:** The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.
- For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.
<http://www.lspc.nsw.gov.au>.
- Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.
58. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.
Please refer to the web site www.sydneywater.com.au for:
- Quick Check agents details - see Plumbing, building and developing then Quick Check agents and
 - Guidelines for Building Over/Adjacent to Sydney Water Assets – see Plumbing, building and developing then Plan submissions or telephone 13 20 92.
- The stamped plans must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
- Reason: To ensure compliance with Sydney Water requirements.
59. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
- Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
60. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.
Reason: To ensure the aesthetics of the building and architecture are maintained.

61. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure adequate mail collection facilities are provided.

62. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure appropriate lighting is provided to create a safe living environment.

63. Deleted.

64. Plans fully reflecting the selected commitments listed in BASIX Certificate submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

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

Reason: To ensure that the BASIX commitments are incorporated into the development.

65. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels and in accordance with details being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

Reason: To reduce noise levels within the development from aircraft and road noise.

66. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction addressing the requirements of The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards)

Reason: To ensure that the premises are accessible to all persons

67. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating the following:

- a) Access to the premises via the principal places of entries to the building, complying with AS 1428.1- 2009 'Design for access and mobility';
- b) An accessible toilet complying with AS 1428.1- 2009 'Design for access and mobility' being provided for the commercial tenancies;
- c) The stair lifts and lift design must comply with AS 1735.12 -1999 'Lifts, escalators and moving walkways Part 12: Facilities for persons with disabilities' as a minimum requirement;
- d) A minimum of 8 adaptable dwellings being provided complying with AS 4299-1995 "Adaptable Housing"; and
- e) A minimum of 8 accessible residential car spaces must be provided for people with a disability that are directly accessible to the entrance to the building. The car parking must be designed to comply with AS 1428.1 - 2009 'Design for access and mobility - General requirements for access - buildings' and AS 2890.1 1 'Off-street car parking'.

Reason: To ensure that the premises provide equitable access to all persons.

68. The person acting on this consent shall provide to Council a bond in the amount of \$15,500 and pay the related Section 138 (Roads Act) inspection fee of \$209.00 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.

Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.

69. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

70. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:

- i. The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc shall be reconstructed and upgraded in accordance with the Street Tree Masterplan, the Draft Marrickville Public Domain Code and Draft Technical Manual or Council's standard plans and specification in place for Marrickville Road at the time the works are undertaken.
- ii. The existing mosaic within the Marrickville Road footpath shall be incorporated into the footpath design;
- iii. The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- iv. New kerb & gutter and road pavement adjustments along the rear of the site along the new road alignment (this shall include necessary transitions of the kerb alignment along neighbouring properties). The kerb type (concrete or stone) shall

be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Infrastructure Services Division on 9335 2000; and

- v. Alignment levels to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations.

Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate with all works completed prior to the issue of an Occupation Certificate.

Reason: To provide for essential improvement works to the public domain consistent with Council's desired future character for the area

71. The site stormwater drainage shall be constructed generally in accordance with concept stormwater drainage plans 2015-120-H1 to 2015-120-H7 submitted by Burgess, Arnott & Grava P/L dated August 2015 subject to the following amendments:
- Detailed calculations for sizing of the OSD system including orifice plate size and storage volume to be provided for assessment;
 - The MUSIC file (sqz file) used in the design of the water quality treatment system shall be submitted for review;
 - A WSUD Strategy Report and a MUSIC model shall be provided to ensure the treatment measures proposed meet Council's water quality targets; and
 - A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken;

Evidence of compliance with the above conditions shall be submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To ensure that the site use of potable water is minimised and that the quality of stormwater discharged off site is improved.

SITE WORKS

72. All demolition, construction and associated work necessary for the carrying out of the development must be restricted to between the hours of 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above, no work is to be carried out on any Saturday that falls adjacent to a Public Holiday.

All trucks and vehicles associated with the construction, including those delivering to or removing material from the site, only having access to the site during the hours referred to in this condition. No waste collection skips, spoil, excavation or demolition material from the site or building materials associated with the construction of the development being deposited on the public road, footpath, public place or Council owned property without Council's approval, having first been obtained. The developer must ensure that all contractors associated with the development are fully aware of these requirements.

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

73. Notwithstanding the above condition, all remediation works must be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays with no works being carried out on Sundays and Public Holidays or any Saturday that falls adjacent to a Public Holiday.
Reason: To ensure that the remediation works are only carried out during the hours of operation permitted under Part 2.24 of Marrickville Development Control Plan 2011 – Contaminated Land.
74. The disposal of contaminated soil must be carried out in accordance with the requirements of the New South Wales Department of Environment, Climate Change and Water.
Reason: To provide for correct disposal of wastes.
75. During any construction works and activities, no injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
Reason: To ensure the construction of the development does not affect the amenity of the neighbourhood.
76. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.
77. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'. Enquiries are to be made with Council's Infrastructure Services Division.
Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.
78. All demolition work must be carried out in accordance with the following:
- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
 - b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
 - c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;

- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
- e) the generation of dust and noise on the site must be controlled;
- f) the site must be secured to prohibit unauthorised entry;
- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

79. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another certifying authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:

- a) At the commencement of the building work;
- b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
- c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

80. All fill imported on to the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site must also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b) Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Reason: To ensure that imported fill is of an acceptable standard.

81. If it is necessary to excavate below the level of the base of the footings of a building on the adjoining allotments, including a public place such as footways and roadways, the person acting on this consent must ensure:

- a) At least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work; and
- b) That any building is preserved and protected from damage.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained. Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

82. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

83. Satisfactory methods and/or devices must be employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.

Reason: To prevent soil particles from being tracked and deposited onto the streets surrounding the site.

84. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.

Reason: To ensure all works are contained within the boundaries of the allotment.

85. A clear unobstructed path of travel of not less than 1,000mm must be provided to all exits and paths of travel to exits.

Reason: To provide safe egress in case of fire or other emergency.

86. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals to be installed in the commercial tenancies must have a minimum 3 Star WELS rating.
NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
Reason: To conserve water.
87. New or replacement toilets in the commercial tenancies must have a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient.
NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
Reason: To conserve water.
88. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary. For vehicular access off rear laneways the level at the boundary shall match the invert level of the adjacent gutter plus 150mm at both sides of the vehicle entry. **Note:** This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the issued alignment levels. Failure to comply with this condition will result in vehicular access being denied.
Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design or existing road and footpath levels.
89. All roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.
Reason: To provide for adequate site drainage.

BEFORE OCCUPATION OF THE BUILDING

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

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

91. Occupation of the building must not be permitted until such time as:
- All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
 - The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
 - An Occupation Certificate has been issued.

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

92. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:
- 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
 - Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

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

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

93. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
- A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
 - Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.

Reason: To ensure compliance with Sydney Water requirements.

94. Upon the completion of any remediation works stated in the RAP the person acting on this consent must submit to Council a Validation and Monitoring Report. The report must be conducted in accordance with the NSW Environment Protection Authority's "*Guidelines for Consultants Reporting on Contaminated Sites 1998*".

Reason: To ensure that the remediated site complies with the objectives of the RAP.

95. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of an Occupation Certificate.
- Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
96. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
- Reason: To ensure that all of the BASIX commitments have been fulfilled and to comply with the requirements under Section 154B of the Environmental Planning and Assessment Regulations 2000.
97. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.
- Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.
98. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate must be prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.
- Reason: To reduce noise levels within the dwellings from aircraft and road noise and to ensure that the noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

99. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.
Reason: To ensure that the building is easily identifiable.
100. Before the issue of an Occupation Certificate, the Certifying Authority must be satisfied that all landscape works have been undertaken in accordance with the approved plan and conditions of consent.
Reason: To ensure that the landscape works are consistent with the development consent.
101. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
Reason: To ensure person acting on this consent completes all required work.
102. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. 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 shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council
103. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
Reason: To ensure there is no encroachment onto Council's Road.
104. The existing whiteway lighting scheme and any existing meter box shall be maintained and incorporated into the design of the development. Any defects (including the need to install a "special small service") in the system shall be repaired at no cost to Council and before the issue of the Occupation Certificate.
Reason: To ensure adequate lighting is provided for pedestrians adjacent to the site.
105. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.

106. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.
107. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of the Occupation Certificate.
Reason: To provide suitable means of public road vehicle and pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.
108. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage and quality measures have been constructed in accordance with the approved plans and the approved WSUD Strategy Report shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.
Reason: To ensure drainage works are constructed in accordance with approved plans.
109. With the regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate. The Positive Covenant shall include the following:
- The proprietor of the property shall be responsible for maintaining the stormwater treatment facility as outlined in the approved WSUD Strategy Report;
 - The Proprietor shall have the stormwater quality treatment facilities inspected annually by a competent person and must provide the WSUD maintenance plan approved under this Consent to competent person to record the annual inspections; and
 - The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all elements of the stormwater quality treatment facilities to ensure that the water quality targets provided in the design of the system are achieved; and recover the costs of any such works from the proprietor.
- Reason: To ensure that the integrity of the stormwater quality treatment facilities is maintained.
110. With the regard to the On Site Detention System (OSD), a Positive Covenant in accordance with supplement 7 of Marrickville Council Stormwater and On Site Detention Code shall be placed on the Title in favour of Council before the issue of the Occupation Certificate.
Reason: To ensure that the integrity of the OSD system is maintained and to comply with Marrickville Council Stormwater and On Site Detention Code.

111. All instruments under Section 88B of the Conveyancy Act used to create positive covenants, easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.

Reason: To ensure Council's interests are protected.

112. A strip of land at the rear of the site along Touhy Lane as detailed for dedication on plan A-0102 shall be dedicated to Council as public road before the issue of a Construction Certificate so as to allow for the re-alignment of the offset boundary.

Reason: To provide adequate vehicle access adjacent to the site and to re-align the offset boundary.

113. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

Reason: To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- Contact "Dial Before You Dig" before commencing any building activity on the site.

- Useful Contacts

BASIX Information	☎ 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 131441 www.lspc.nsw.gov.au
Marrickville Council	☎ 9335 2222 www.marrickville.nsw.gov.au Copies of all Council documents and application forms can be found on the web site.
NSW Food Authority	☎ 1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	☎ 131 555 www.environment.nsw.gov.au
Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

All conditions imposed by the Council must be observed. Breach of a condition is a breach of the Act and may also constitute an offence.

Yours faithfully

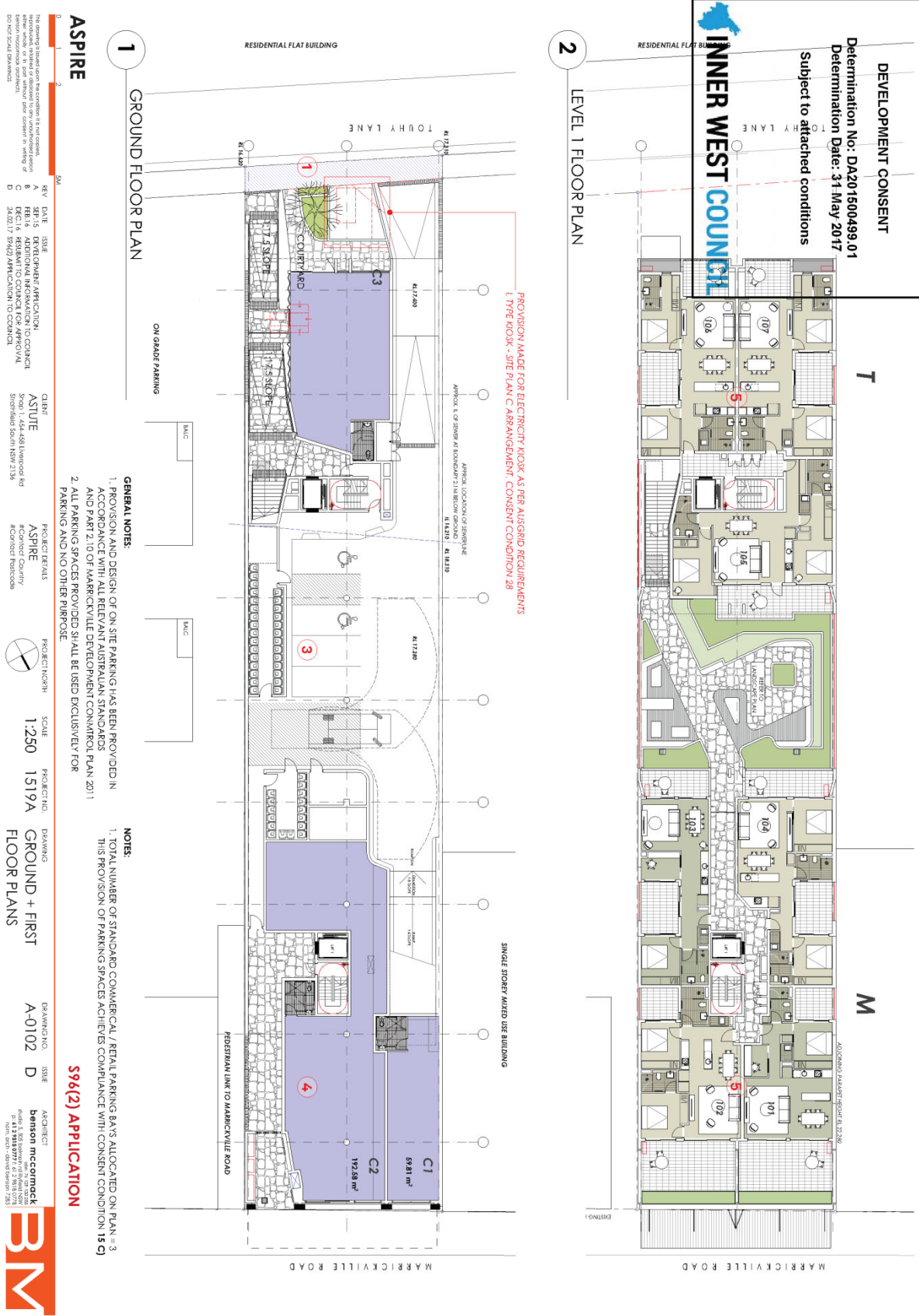
A handwritten signature in black ink, appearing to be 'H Atwal', written over a light grey rectangular background.

Harjeet Atwal
Acting Team Leader Development Assessment

Enquiries: Patrick Nash on .93925369

Ref: **D3A** TRIM Doc. 58478.17

Attachment D – Approved Plans Determination No. 201500499.01



ASPIRE

REV. DATE. ISSUE

A. FEB. 16. ASPIRE OF APPL. CANTON

B. FEB. 16. ADDITIONAL INFORMATION TO COUNCIL

C. DEC. 16. RESUBMIT TO COUNCIL FOR APPROVAL

D. 24.02.17. S96(2) APPLICATION TO COUNCIL

CLIENT: ASPIRE
 Shop 1, 462-468 Liverpool Rd
 Inner West Council NSW 2158

PROJECT DETAILS: ASPIRE
 #Contract Country
 #Contract / Parcels

PROJECT NORTH

SCALE: 1:250

PROJECT NO: 1519A

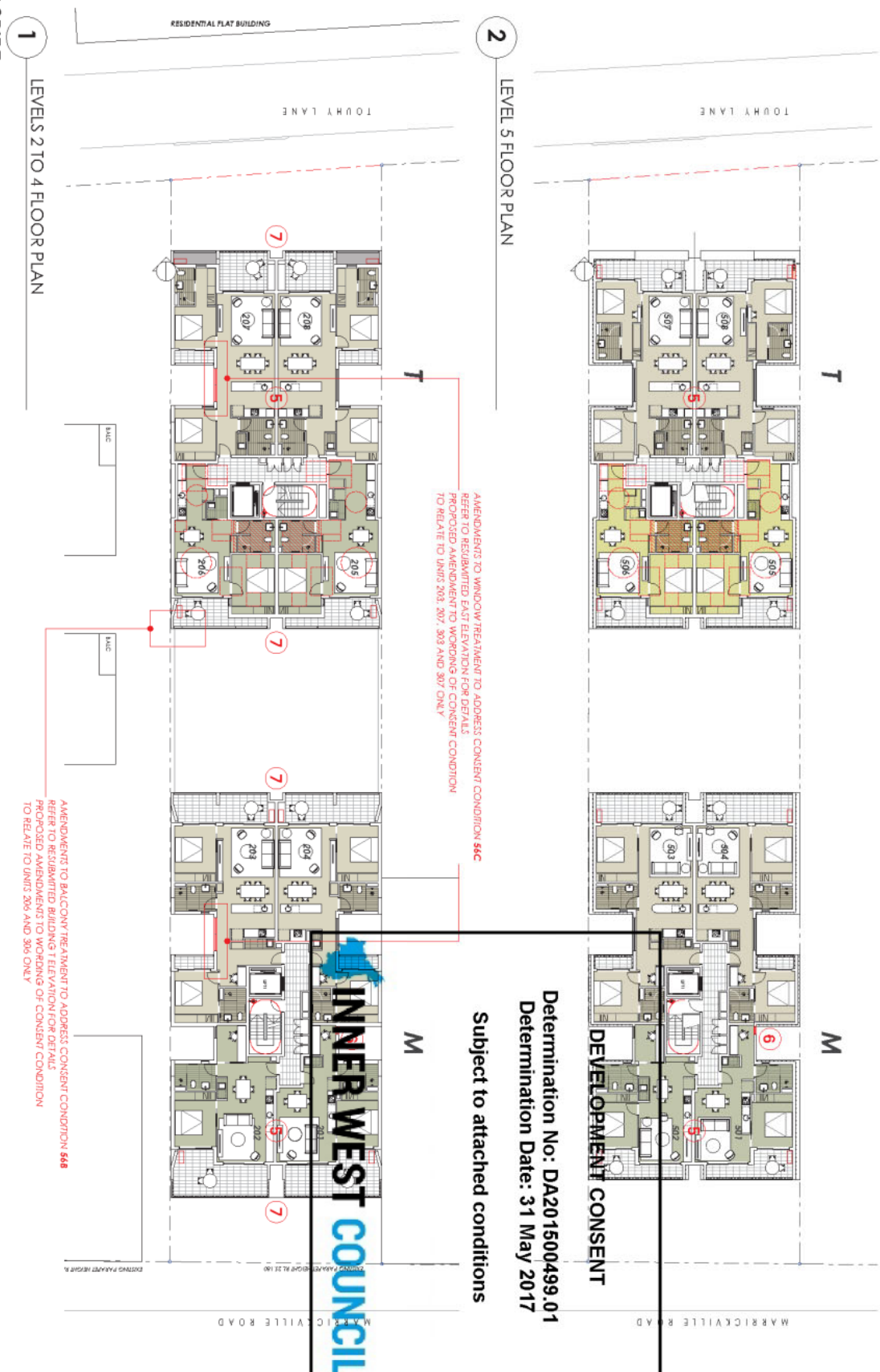
DRAWING: LEVELS 2 TO 5 FLOOR PLANS

DRAWING NO.: A-0103

ISSUE: D

ARCHITECT: **bertoni mcconnick**
 5/4-6/6, 2001 Liverpool Rd, Sydney NSW
 Ph: 9391 9391 Fax: 9391 9392
 www.bertoni.com.au

S96(2) APPLICATION

ASPIRE

The drawing is issued upon the condition that it is not to be reproduced, stored in a retrieval system, or used for any purpose other than that for which it was prepared without the written consent of the author.

REV.	DATE	ISSUE
A	FEB. 16	ORIGINAL APPROVAL
B	FEB. 16	ADDITIONAL INFORMATION TO COUNCIL
C	DEC. 16	RESUBMIT TO COUNCIL FOR APPROVAL
D	24.02.17	S96(2) APPLICATION TO COUNCIL

CLIENT
ASPIRE
 Shop 11, 46-48 Liverpool Rd
 Strathfield NSW 2159

PROJECT DETAILS
ASPIRE
 #Council Ref: 2017/00000

PROJECT NO. 1519A

SCALE 1:250

PROJECT NO. 1519A

DRAWING EAST ELEVATION

DRAWING NO. A-0203

SCALE D

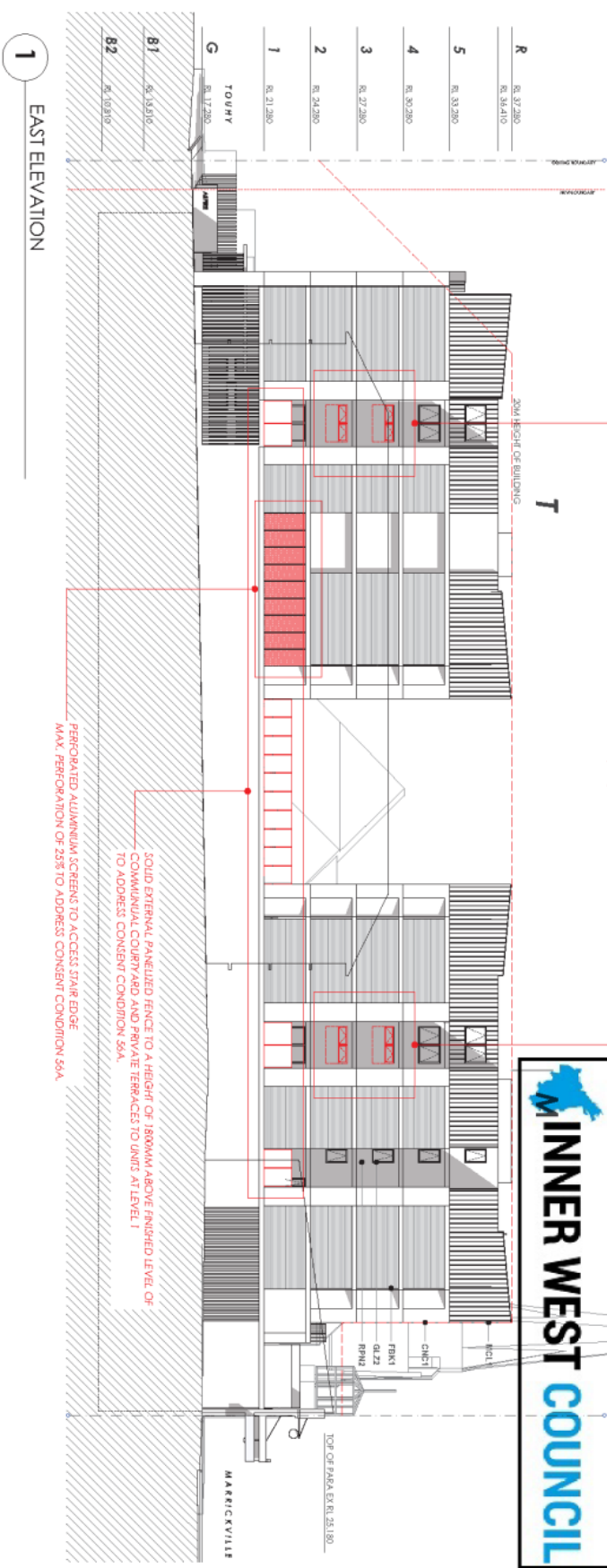
ARCHITECT **bentley mcconnick**

ARCHITECT **bentley mcconnick**

ARCHITECT **bentley mcconnick**



S96(2) APPLICATION



DEVELOPMENT CONSENT

Determination No: DA201500499.01

Determination Date: 31 May 2017

Subject to attached conditions

ASPIRE

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

REV DATE ISSUE

A FEB 16 PROPOSED APPROVAL

B DEC 16 ADDITIONAL INFORMATION TO COUNCIL

C DEC 16 RESUBMIT TO COUNCIL FOR APPROVAL

D 24.OCT.17 SHEDD APPLICATION TO COUNCIL

CLIENT: ASTUTE
 Step 1, 44-448 Liverpool Street and South Street

PROJECT DETAILS: ASPIRE
 Contact: Emily Sherwood

PROJECT NO: 1:250
 PROJECT: 1519A
 DRAWING: WEST ELEVATION

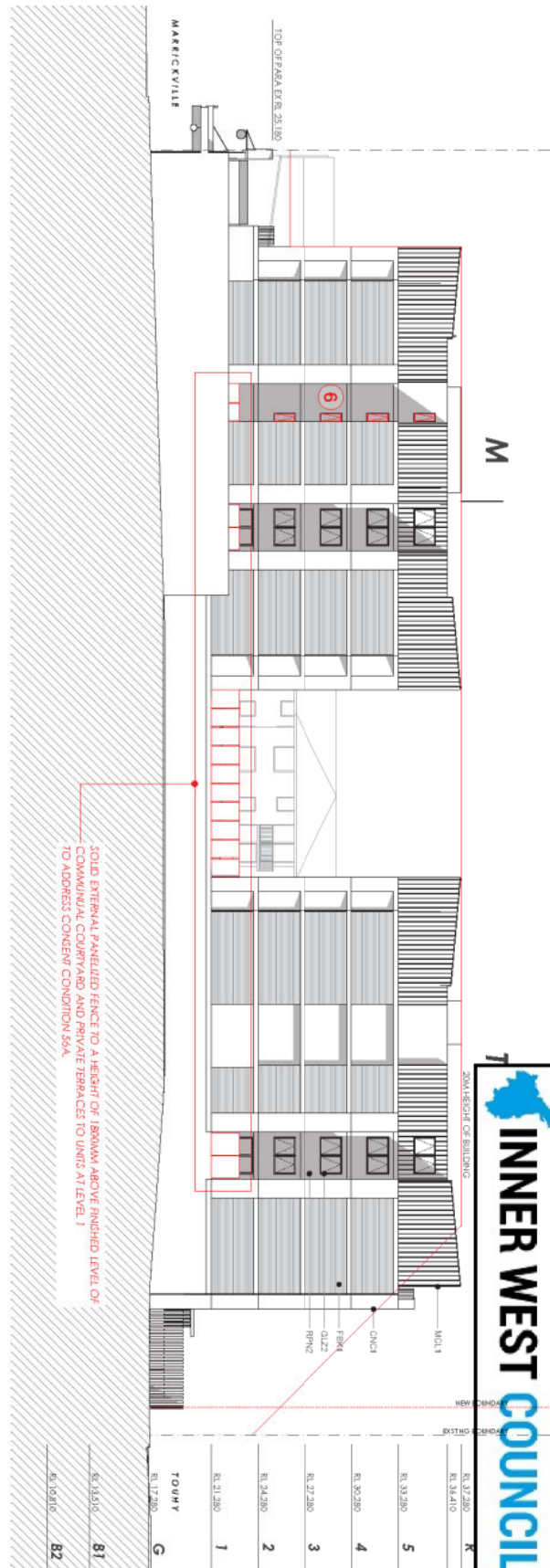
DRAWING NO: A-0204
 ISSUE: D

ARCHITECT: **benson mcconnick**
 5/8-5/6, 507-509 Liverpool Street
 Phone: 021 921 9211 Fax: 021 921 9200



S96(2) APPLICATION

1 WEST ELEVATION



7

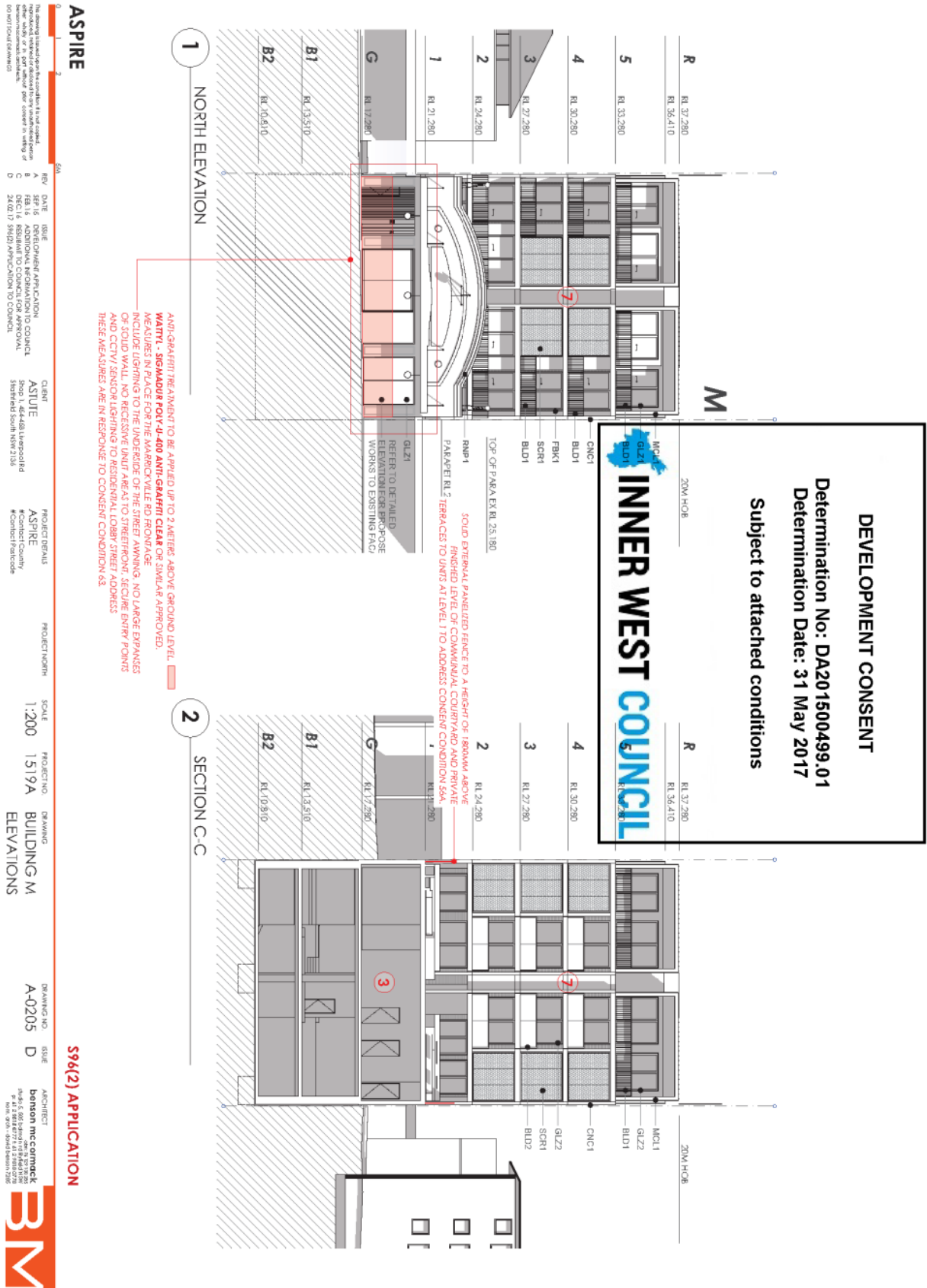
INNER WEST COUNCIL

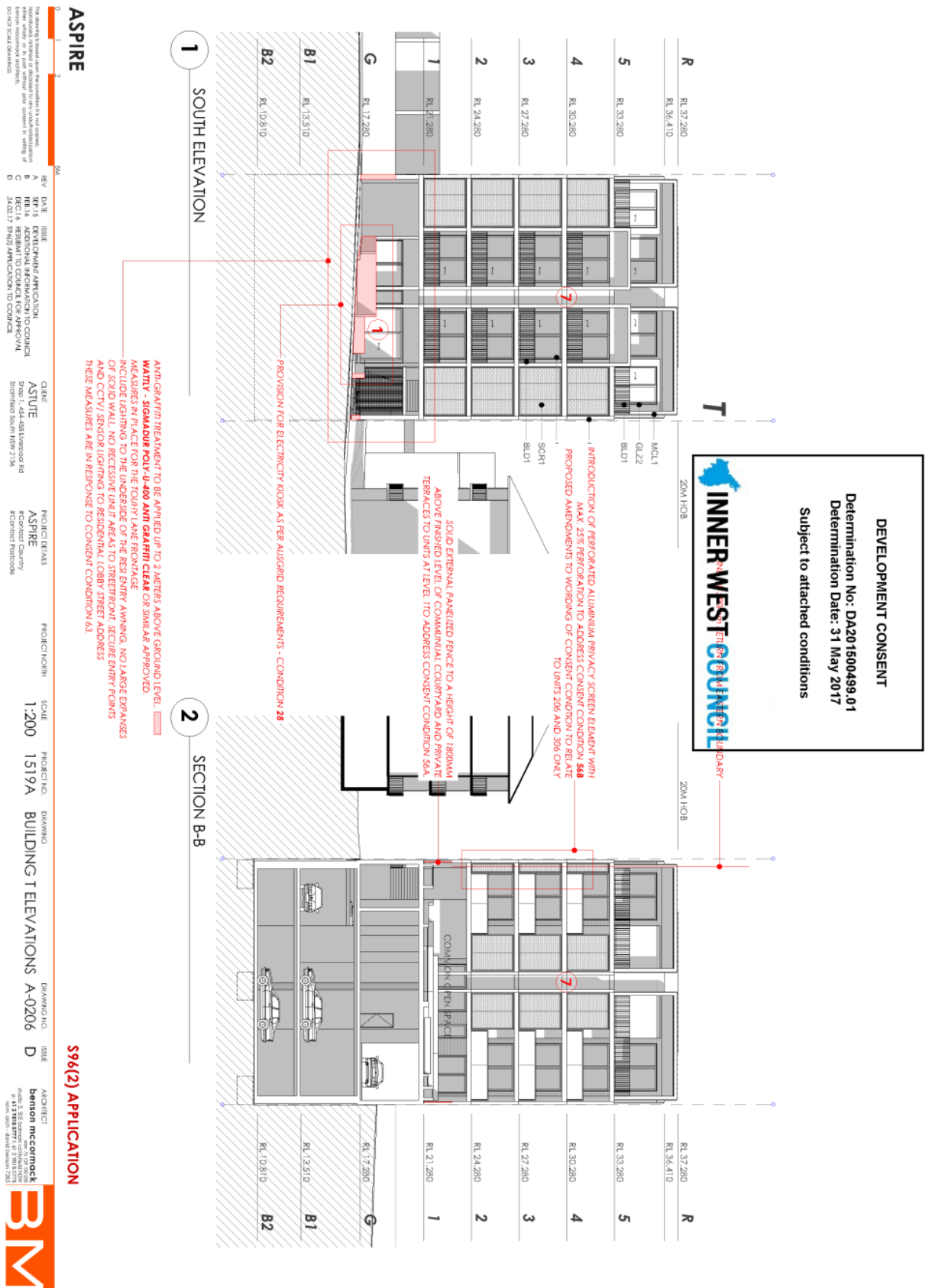
DEVELOPMENT CONSENT

Determination No: DA201500499.01

Determination Date: 31 May 2017

Subject to attached conditions





DEVELOPMENT CONSENT
 Determination No.: DA201500499.01
 Determination Date: 31 May 2017
 Subject to attached conditions

INNER WEST COUNCIL

ASPIRE

384(2) APPLICATION

REV	DATE	ISSUE	CLIENT	PROJECT DETAILS	PROJECT NO.	SCALE	PROJECT NO.	DRAWING	DRAWING NO.	ISSUE	ARCHITECT
A	11/11/17	DEVELOPMENT APPLICATION TO COUNCIL	ASPIRE	ASPIRE	1-200	1519A	BUILDING T ELEVATIONS	A-0206	D		benson mcconnick
B	12/11/17	REVISION TO CONSENT FOR APPROVAL									
C	24/02/17	FINAL APPLICATION TO COUNCIL									
D											

PROJECT NO. 1519A
 DRAWING NO. A-0206

ARCHITECT: **benson mcconnick**
 1/100 WILSON STREET, SYDNEY NSW 2051
 PH: (02) 9550 2200
 WWW.BENSONMCCONNICK.COM.AU

ASPIRE

The standard format for the drawings is as shown in the table below. The drawings are to be prepared in accordance with the ASPIRE standard. The drawings are to be prepared in accordance with the ASPIRE standard. The drawings are to be prepared in accordance with the ASPIRE standard.

REV	DATE	ISSUE
A	15/05/2017	DEVELOPMENT APPLICATION
B	15/05/2017	DEVELOPMENT APPLICATION TO COUNCIL
C	15/05/2017	DEVELOPMENT APPLICATION TO COUNCIL
D	24/02/17	394(2) APPLICATION TO COUNCIL

CLIENT
ASTUTE
Shop 1, 454-468 Liverpool Rd
Sutherland South NSW 2156

PROJECT DETAILS
PROJECT NO. 1519A
DRAWING SECTIONS AA

PROJECT NO. 1519A
DRAWING SECTIONS AA

DRAWING NO. A-0221
ISSUE D

ARCHITECT
benson mcconnick
15/150 Elizabeth Street, Sydney NSW 2000
Phone: 02 9550 1234 Fax: 02 9550 1235



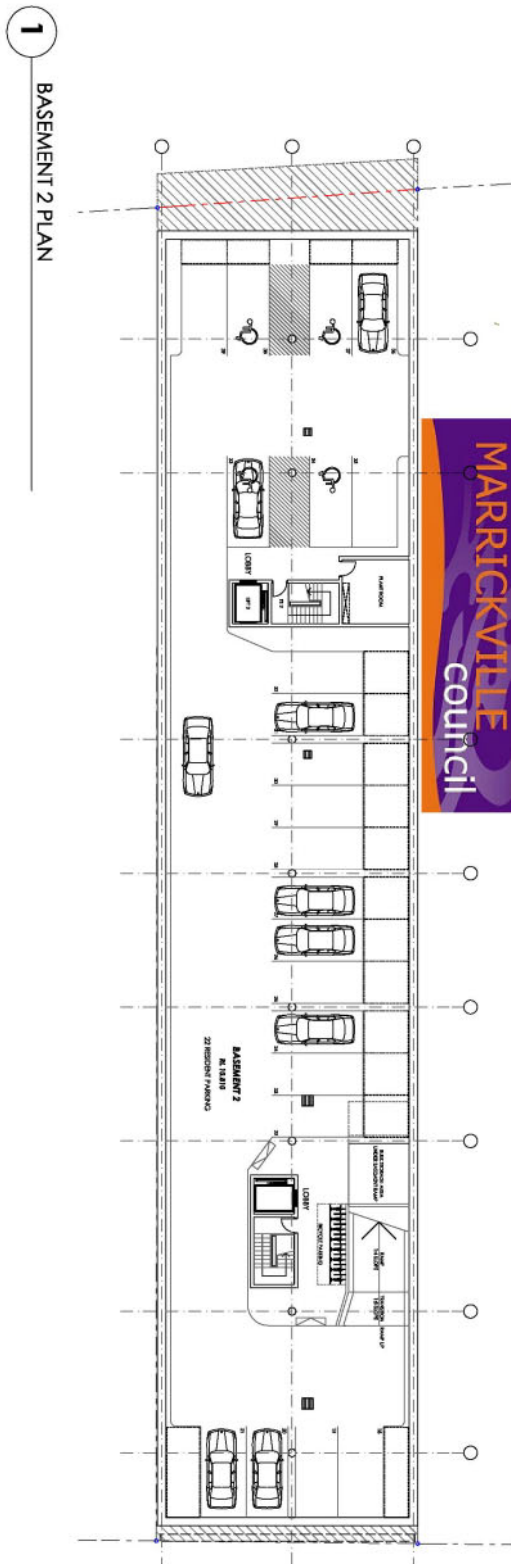
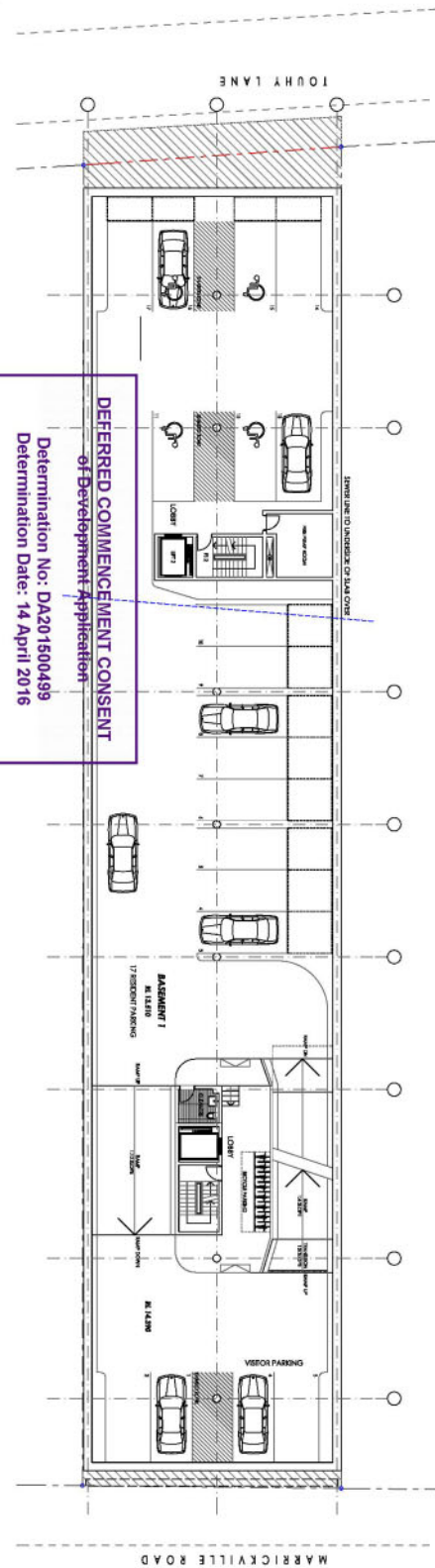
394(2) APPLICATION



DEVELOPMENT CONSENT

Determination No: DA201500499_01
Determination Date: 31 May 2017
Subject to attached conditions

INNER WEST COUNCIL



ASPIRE

0 1 2 SM

REV DATE ISSUE

CLIENT
ASTUTE
Shop 1, 454-456 Liverpool Rd
Sharnfield South NSW 2135

PROJECT DETAILS
ASPIRE
Bayside Council

PROJECT NORTH

SCALE
1:250

PROJECT NO.
1519A

DRAWING
BASEMENT 1 AND 2
PLANS

DRAWING NO.
A-0101

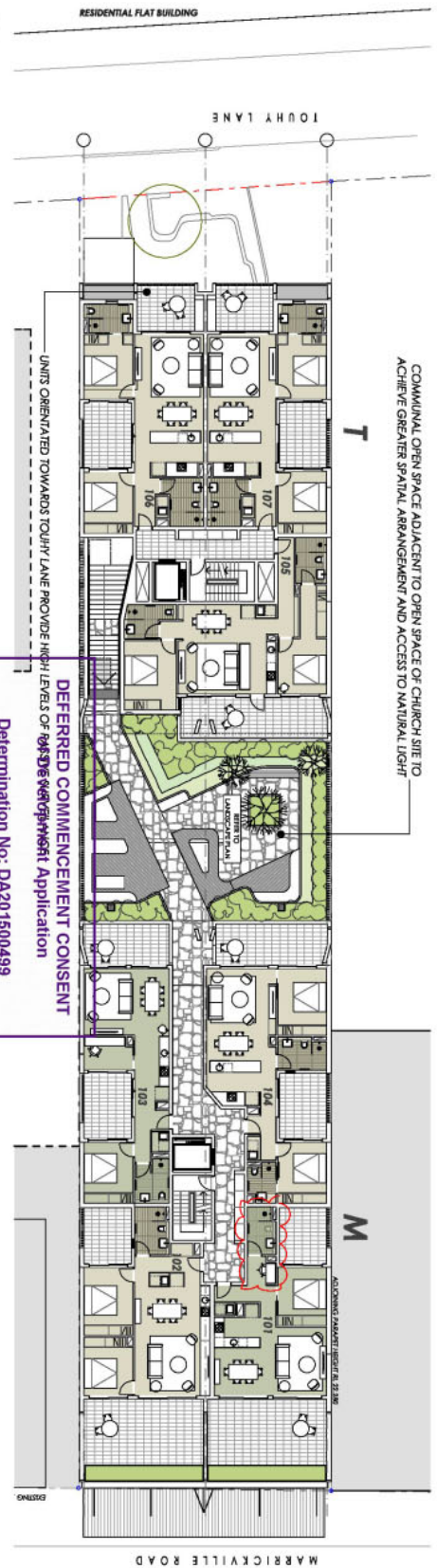
ISSUE

ARCHITECT
DENISON MCCORMACK
1/145 & 1/147 Bayside Rd
North Sydney NSW 1585
Phone: 0025 9391 0000 Email: denison@dmcc.com.au

DEVELOPMENT APPLICATION

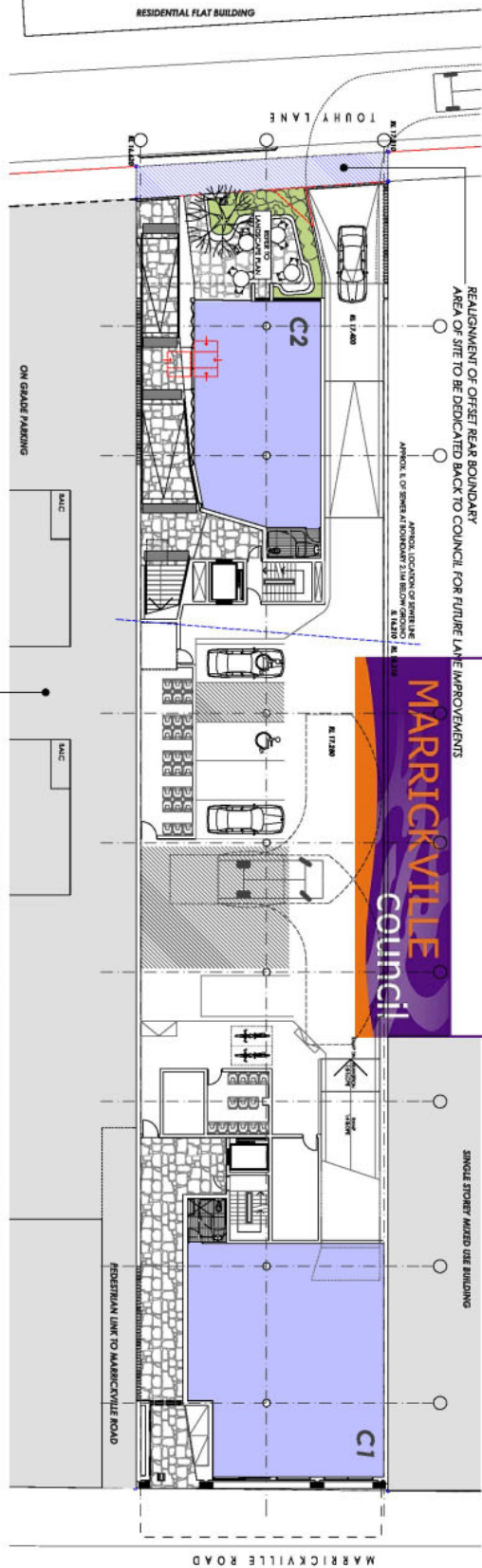
DM

The drawings, layout, form, and conditions in this contract represent a development application for a development project. It is not to be used for any other purpose without the written consent of the architect. It is the responsibility of the client to ensure that the drawings are used in accordance with the conditions of the contract. DO NOT SCALE DRAWINGS



2 LEVEL 1 FLOOR PLAN

DEFERRED COMMENCEMENT CONSENT
 Determination No: DA201500499
 Determination Date: 14 April 2016
 Subject to attached conditions



1 GROUND FLOOR PLAN

DEVELOPMENT APPLICATION

ASPIRE

This drawing is based upon the conditions in the consent, and does not represent the actual site conditions. The drawing is not to be used for any other purpose without the consent of the architect.

REV	DATE	ISSUE
1	09/02/16	COUNCIL REQUEST FOR ADDITIONAL INFORMATION
2		

CLIENT: ASTUTE
 5700 L. 454-456 Liverpool Rd
 Stirling NSW 2158

PROJECT DETAILS: ASPIRE, ASPIRE COMMERCIAL, ASPIRE COMMERCIAL

PROJECT NORTH

SCALE: 1:250

PROJECT NO.: 1519A

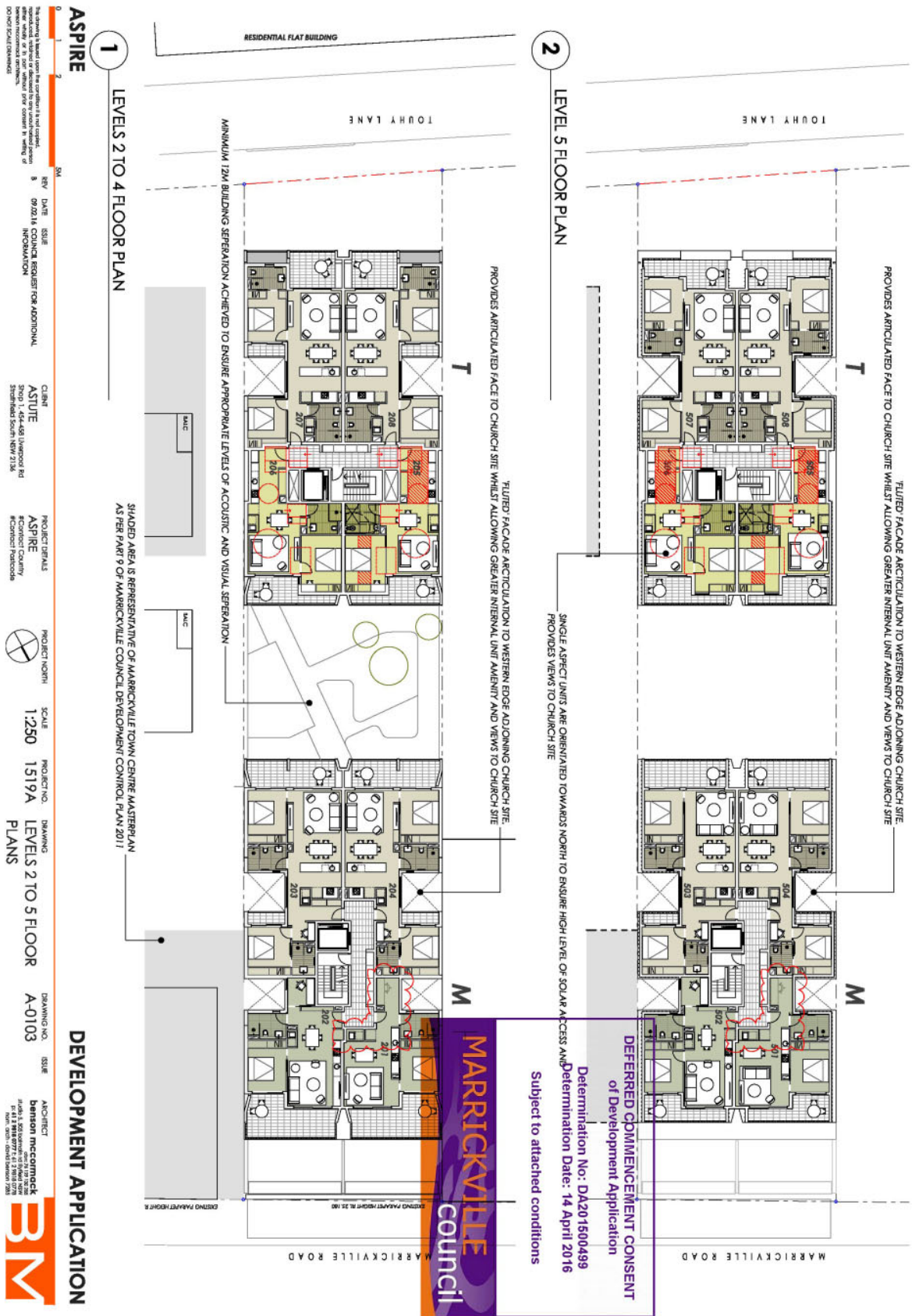
DRAWING: GROUND + FIRST FLOOR PLANS

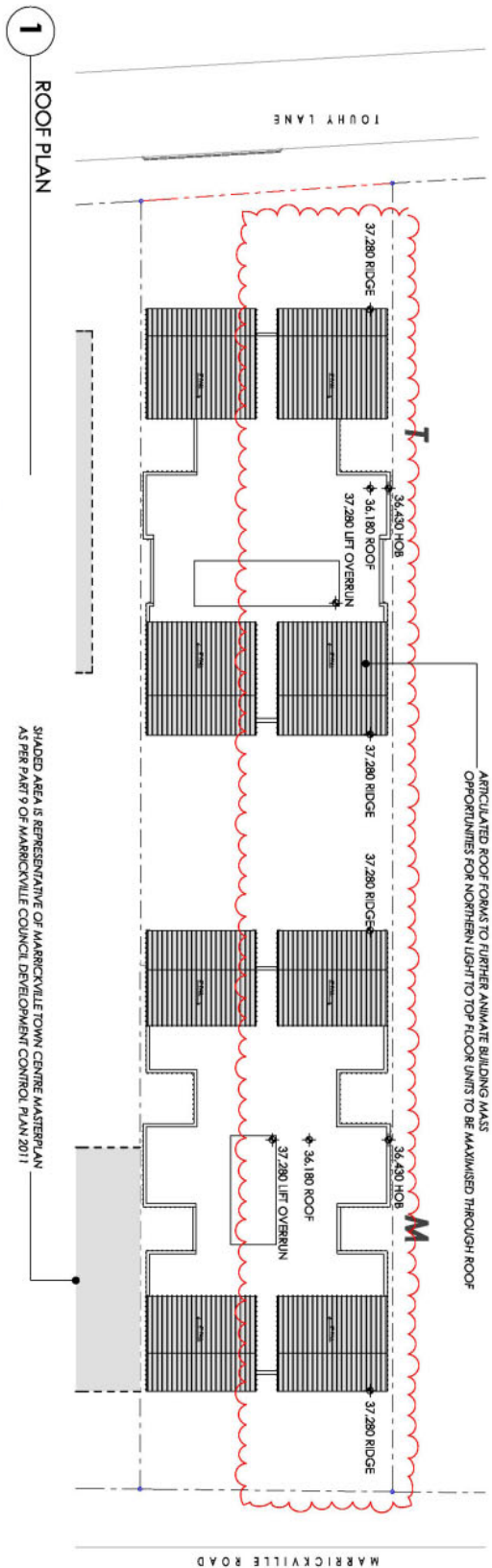
DRAWING NO.: A-0102

ISSUE:

ARCHITECT: **benison mccormick**
 1/115 L. 202 Stirling Rd
 Stirling NSW 2158
 Ph: 02 9651 1111 Fax: 02 9651 1111 Email: benison@benisonmccormick.com.au







DEFERRED COMMENCEMENT CONSENT
of Development Application
Determination No: DA201500499
Determination Date: 14 April 2016
Subject to attached conditions

MARRICKVILLE
Council

ASPIRE

The drawings, if issued, must be certified in a suitably signed, stamped, and dated form by the architect or other suitably qualified person. The drawings, if issued, must be certified in a suitably signed, stamped, and dated form by the architect or other suitably qualified person. The drawings, if issued, must be certified in a suitably signed, stamped, and dated form by the architect or other suitably qualified person.

REV	DATE	ISSUE
3	09/02/18	COUNCIL REQUEST FOR ADDITIONAL INFORMATION

CLIENT: **ASTUTE**
Shop 1, 454-458 Liverpool Rd
Sydney NSW 2158

PROJECT DETAILS:
ASPIRE
MARRICKVILLE COUNCIL



SCALE: 1:250
PROJECT NO.: 1519A
DRAWING: ROOF PLAN

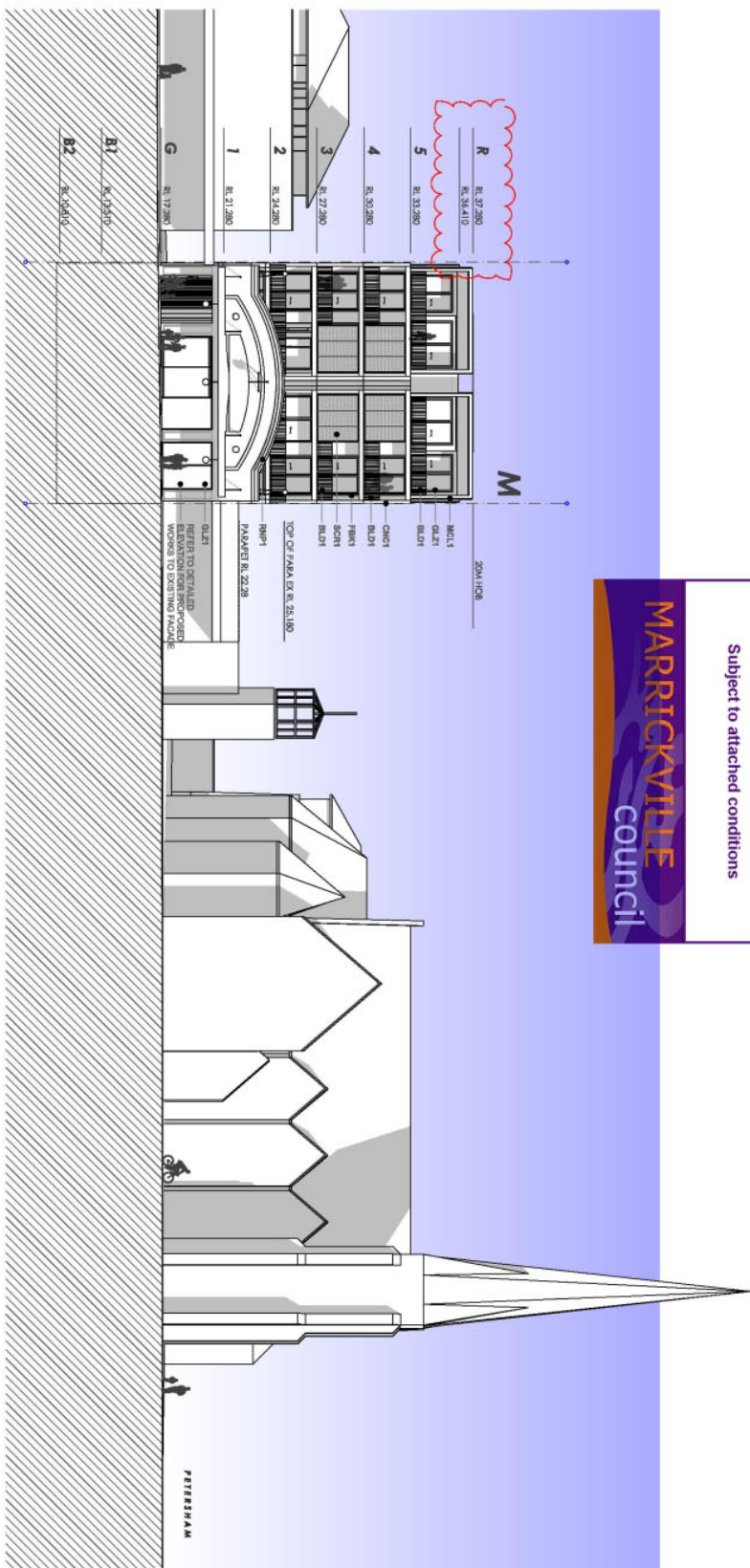
DRAWING NO.: A-0104

DEVELOPMENT APPLICATION

ARCHITECT:
benison mcconnick
14/261-1, 150 ROYAL AVENUE, SYDNEY NSW
NSW 2010 | 02 9551 5500 | 02 9551 5500

DEFERRED COMMENCEMENT CONSENT
 of Development Application
 Determination No: DA201500499
 Determination Date: 14 April 2016
 Subject to attached conditions

MARRICKVILLE
 council



ASPIRE

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

REV DATE ISSUE

8 09/02/16 COUNCIL REQUEST FOR ADDITIONAL INFORMATION

CLIENT: **ASTUTE**
 Shop 1, 484-486 Liverpool Rd
 Strathfield South NSW 2136

PROJECT DETAILS: **ASPIRE**
 #Contract Country: #Contract Location

PROJECT NO: 1519A

SCALE: 1:250

DRAWING: MARRICKVILLE RD ELEVATION

DRAWING NO.: A-0201

ISSUE: DEVELOPMENT APPLICATION

ARCHITECT: **benison meccormack**
 ARCHITECTS & ASSOCIATES PTY LTD
 15/159A LIVERPOOL ROAD, STRATHFIELD SOUTH NSW 2136
 PH: (61) 02 9611 1500 FAX: (61) 02 9611 1599

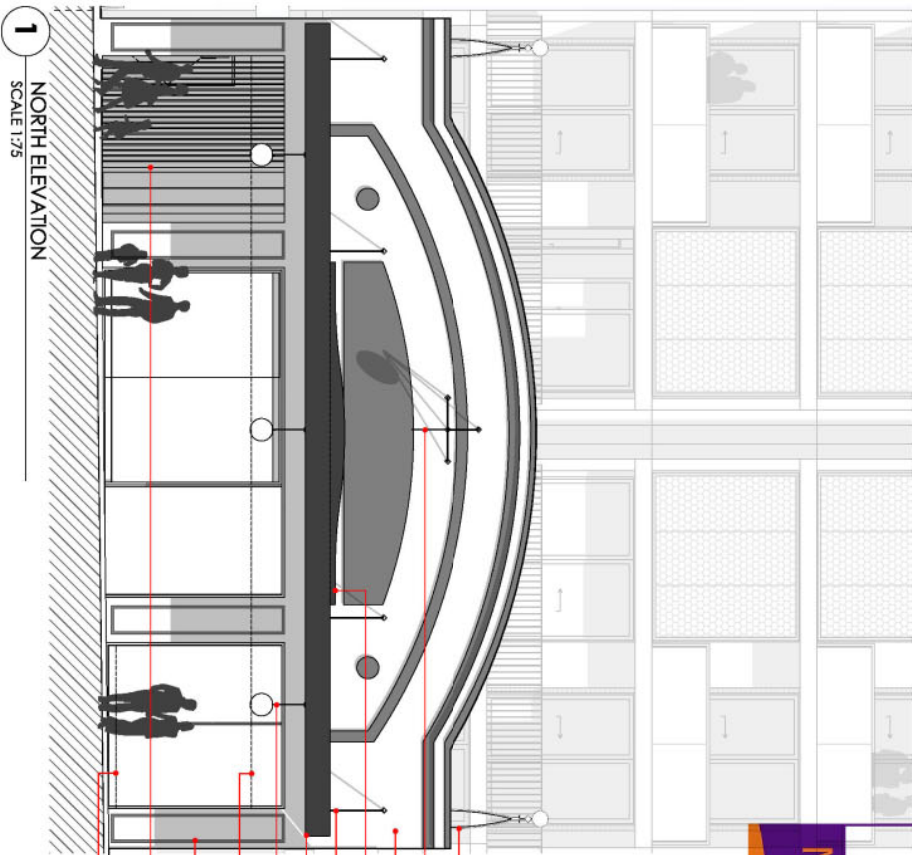
BM



HISTORICAL PHOTOGRAPH (Late 1920s)
Originally built 1926 and occupied by Schweikert & Sons



EXISTING PHOTOGRAPH
Occupied by electronics store Bing Lee



1 NORTH ELEVATION
SCALE 1:75

- PROPOSED WORKS TO ORIGINAL FACADE**
- REINSTATE ORIGINAL METAL FINIALS
 - REINSTATE ORIGINAL SIGNAGE
 - MAKE GOOD RENDERED FACADE PAINT FINISH
 - REINSTATE ORIGINAL DECORATIVE PROFILED AWNING
 - MAKE GOOD EXISTING METAL AWNING HANGERS
 - MAKE GOOD EXISTING AWNING PAINT FINISH
 - RETAIN AND RESTORE EXISTING LIGHT FITTINGS
 - CAREFULLY REMOVE EXISTING SIGNAGE PANELS
 - INVESTIGATE CONDITION OF ORIGINAL BUILDING FABRIC
 - REINSTATE OR MAKE GOOD TO ORIGINAL DECORATIVE TILES TO COLUMNS
 - REMOVE EXISTING SHOPFRONT GLAZING FOR NEW RESIDENTIAL ENTRY LINK
 - NEW ALUMINIUM FRAMED SHOPFRONT GLAZING
 - REMOVE EXISTING SILL

DEFERRED COMMENCEMENT CONSENT
of Development Application

Determination No: DA201500499
Determination Date: 14 April 2016
Subject to attached conditions

ASPIRE

The drawings have been prepared in accordance with the Australian Standards AS 1100 and AS 1101. The drawings are intended to be used for construction purposes only. The client is responsible for ensuring that the drawings are used in accordance with their intended purpose. The drawings are not to be used for any other purpose without the written consent of the architect.

REV	DATE	ISSUE

CLIENT
ASTUTE
Shop 1, 454-456 Liverpool Rd
Sydney NSW 2158

PROJECT DETAILS
ASPIRE
Marrickville Council

PROJECT NORTH

SCALE
1:75

PROJECT NO.
1519A

DRAWING
MARRICKVILLE ROAD
DETAILED ELEVATION

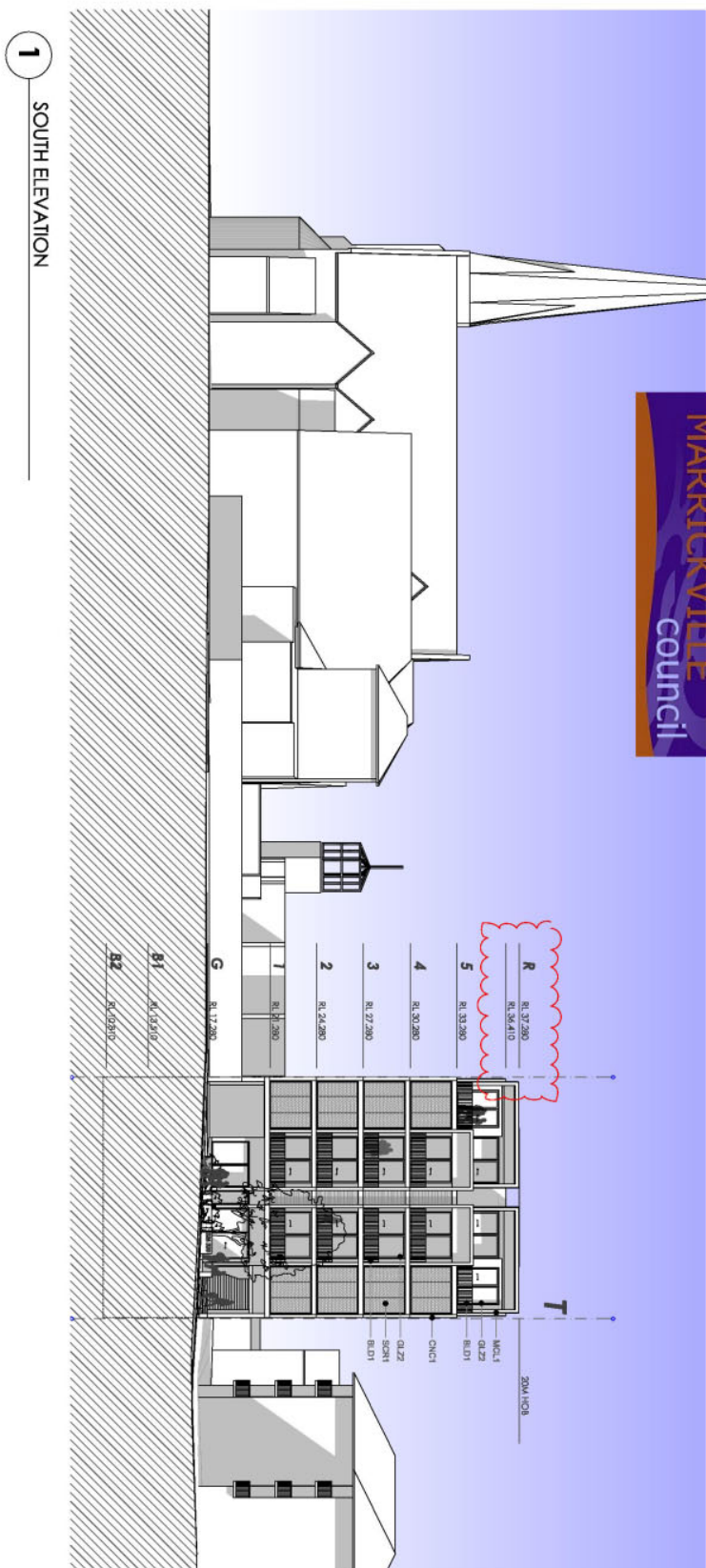
DRAWING NO.
A-0207

ARCHITECT
daniela mcconnock
ARCHITECTS
10/101-1011/1013
MARRICKVILLE NSW 2158
PH: (02) 9551 0001 FAX: (02) 9551 0002

DEVELOPMENT APPLICATION

**DEFERRED COMMENCEMENT CONSENT
of Development Application**

Determination No: DA201500499
Determination Date: 14 April 2016
Subject to attached conditions

1 SOUTH ELEVATION

ASPIRE

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

REV DATE ISSUE

9 09/01/16 COUNCIL REQUEST FOR ADDITIONAL INFORMATION

CLIENT: **ASTUTE**
Shop 1, 44-46 Liverpool Rd
Strathfield South NSW 2136

PROJECT DETAILS: **ASPIRE**
ASPIRE
ASPIRE
ASPIRE

PROJECT NORTH

SCALE: 1:250

PROJECT NO: 1519A

DRAWING: TOUHY LANE ELEVATION

DRAWING NO: A-0202

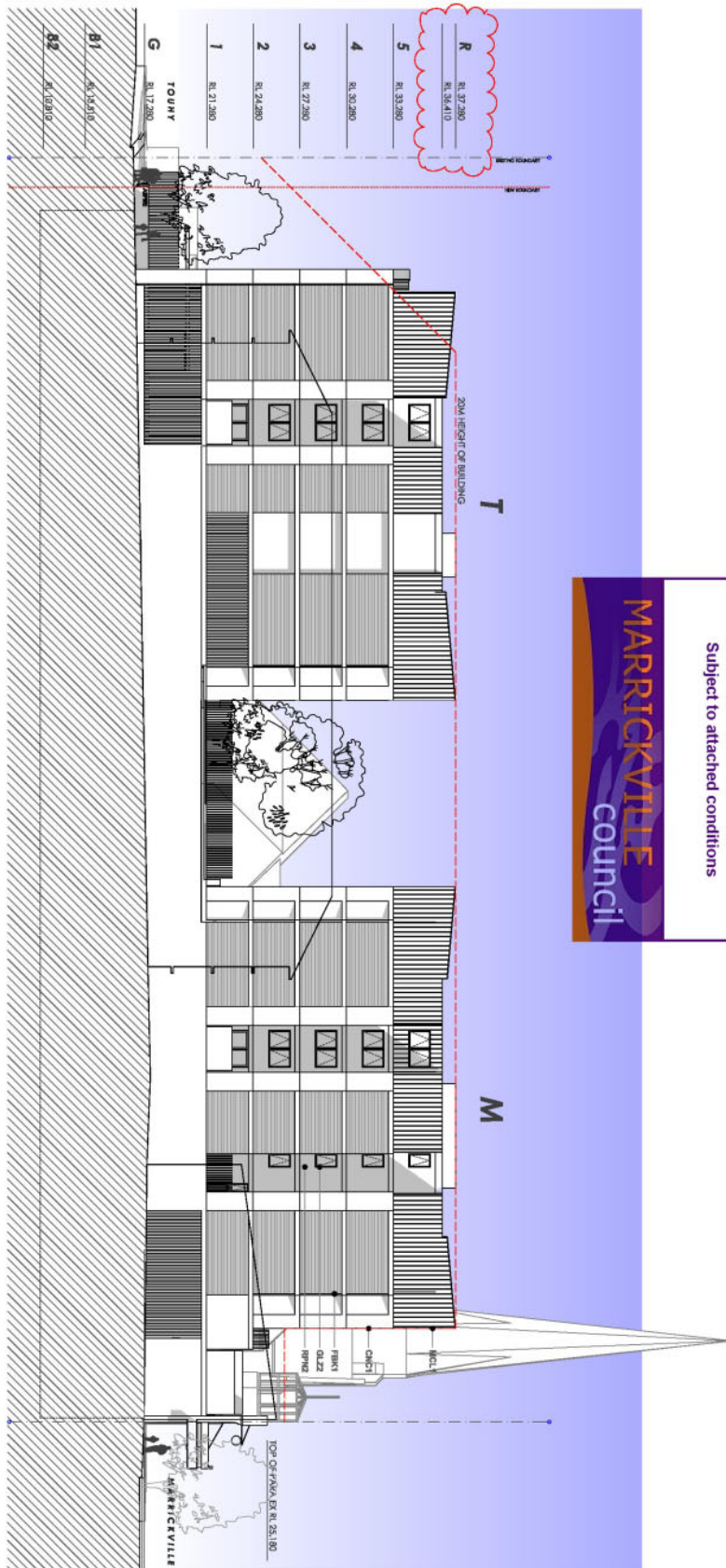
ISSUE

ARCHITECT: **bannon mccormack**
14/65, 150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000

DEVELOPMENT APPLICATION



DEFERRED COMMENCEMENT CONSENT
of Development Application
Determination No.: DA201600499
Determination Date: 14 April 2016
Subject to attached conditions



1 EAST ELEVATION

ASPIRE

The drawings have been prepared by the architect and checked, approved, sealed, and issued by the architect. The architect is not responsible for any errors or omissions in the drawings or for any consequences arising from the use of the drawings. THE ARCHITECT'S SEAL IS A REQUIREMENT OF THE ARCHITECTS ACT 1997 (NSW).

REV	DATE	ISSUE
8	09/02/16	INCORPORATION
9	09/02/16	COUNCIL REQUEST FOR ADDITIONAL INFORMATION

CLIENT: **ASTUTE**
 Step 1, 45-48 Liverpool Rd
 Strathfield South NSW 2136

PROJECT DETAILS: **ASPIRE**
 Macquarie County
 Macquarie Park NSW

PROJECT NO: 1519A
 DRAWING: EAST ELEVATION

SCALE: 1:250

DRAWING NO.: A-0203

ISSUE

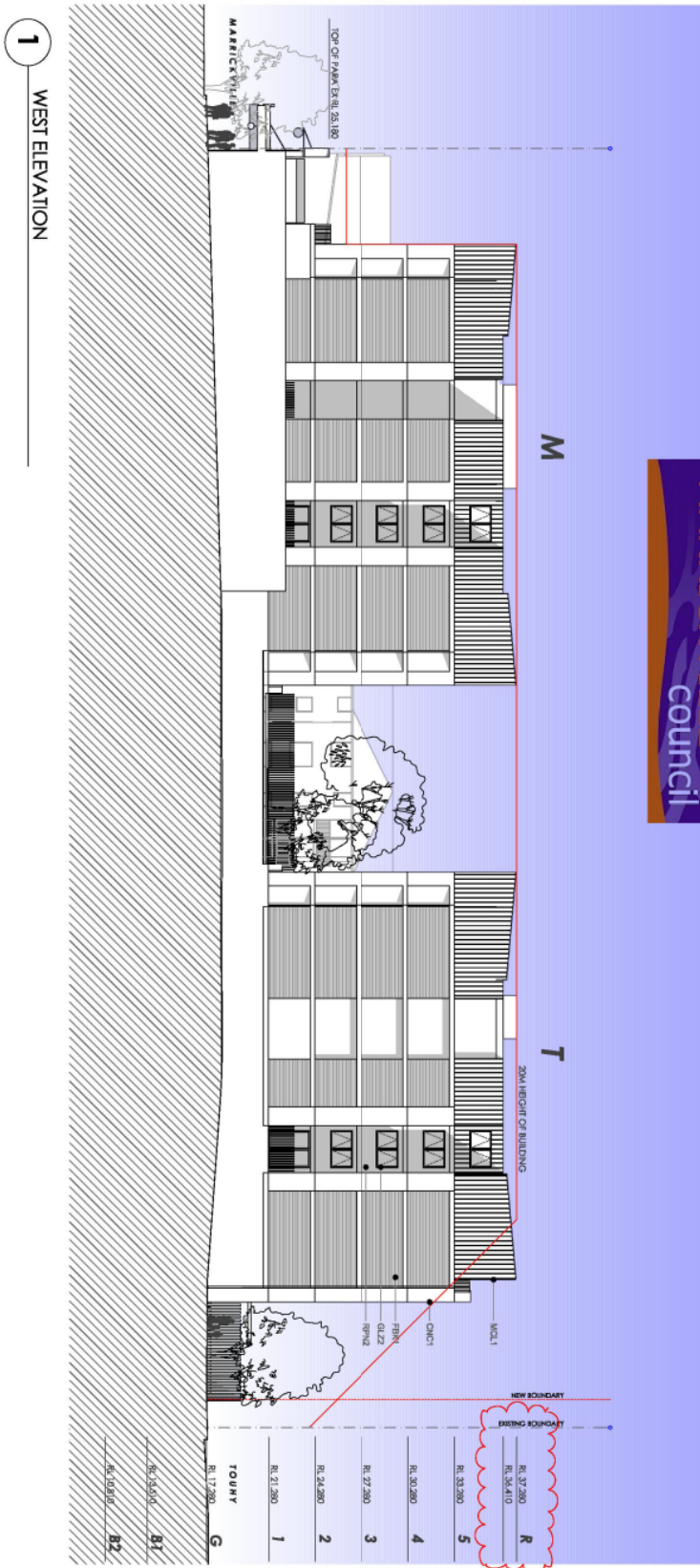
ARCHITECT: **benson mccormack**
 11/155 St. George Street, Sydney NSW 2000
 Ph: (02) 9231 1233, Fax: (02) 9231 7333

BM

DEVELOPMENT APPLICATION

DEFERRED COMMENCEMENT CONSENT
 of Development Application
 Determination No: DA201500499
 Determination Date: 14 April 2016
 Subject to attached conditions

MARRICKVILLE
 council



ASPIRE

0 1 2 3 M

REV DATE ISSUE

8 09/02/16 COUNCIL REQUEST FOR ADDITIONAL INFORMATION

CLIENT: **ASTUTE**
 Shop 1, 454-466 Liverpool Rd
 Strathfield South NSW 2136

PROJECT DETAILS: **ASPIRE**
 #Contract Country
 #Contract Reference

PROJECT NORTH

SCALE: 1:250

PROJECT NO: 1519A

DRAWING: WEST ELEVATION

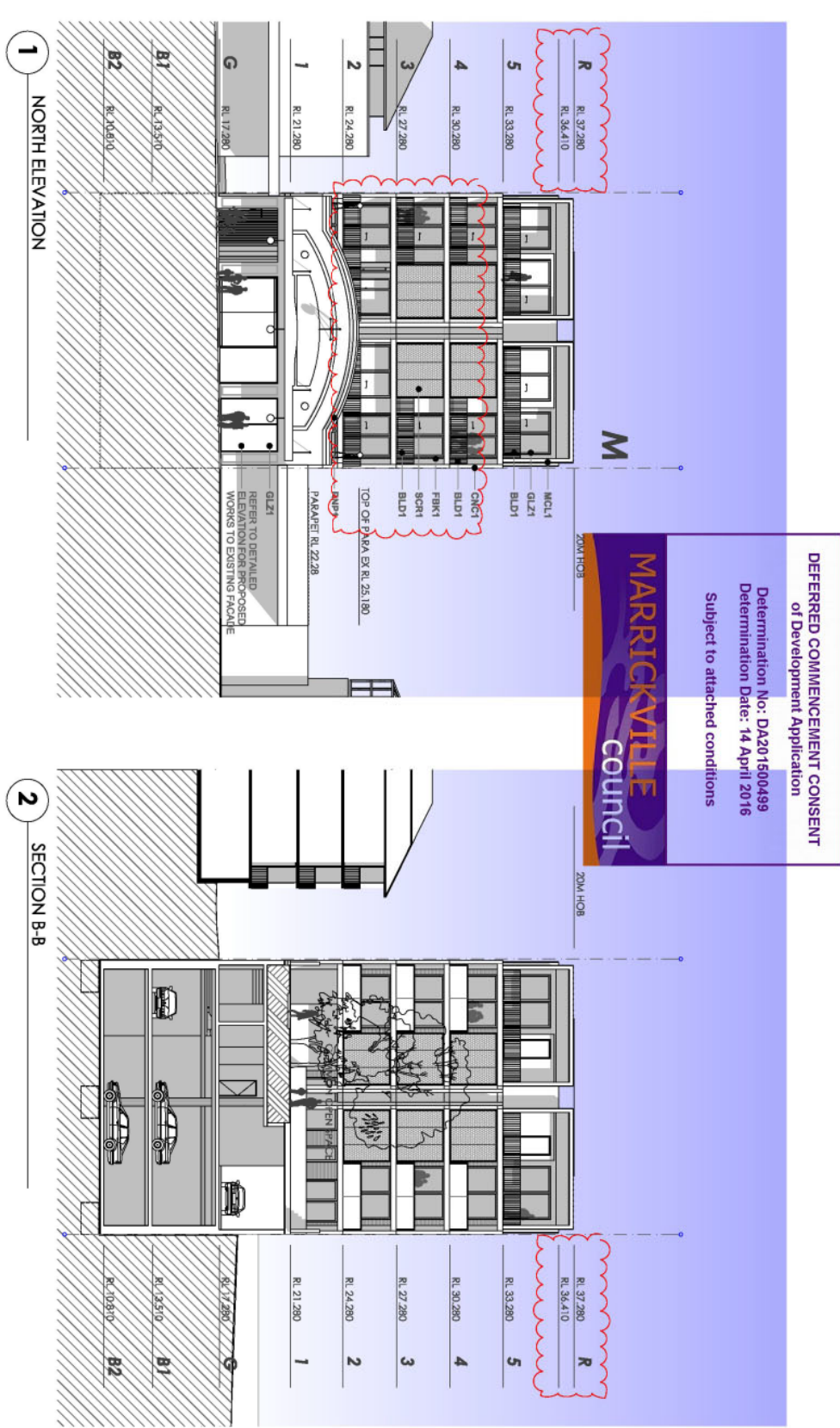
DRAWING NO: A-0204

ISSUE

ARCHITECT: **Bentson McCormick**
 1/151-153 Liverpool Rd
 Strathfield NSW 2136
 Ph: (02) 9371 3333
 Fax: (02) 9371 3334
 www.bentsonmccormick.com.au

BM

DEVELOPMENT APPLICATION



ASPIRE

The drawings have been prepared in accordance with the requirements of the Building Code of Australia and the Building Regulations 2012. The drawings are not to be used for any other purpose without the written consent of the architect.

REV DATE ISSUE
 8 09/2016 COUNCIL REQUEST FOR ADDITIONAL INFORMATION

CLIENT: **ASTUTE**
 Shop 1, 454-458 Liverpool Rd
 SHIRAZIA NSW 2158

PROJECT DETAILS: **ASPIRE**
 #CONSULT COMMUNITY
 #CONSULT PARADE

PROJECT NORTH

SCALE: 1:200

PROJECT NO.: 1519A

DRAWING: BUILDING M ELEVATIONS

DRAWING NO.: A-0205

ISSUE

ARCHITECT: **Benson McCormick**
 11/105 S. 33rd Street
 Suite 101, Omaha, NE 68105
 PH: 402.333.9799 FAX: 402.333.9798

BM

ASPIRE

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

REV DATE ISSUE

8 09/02/16 COUNCIL REQUEST FOR ADDITIONAL INFORMATION

CLIENT ASTUTE
Shop 1, 451-461 Liverpool Rd
Sheffield South NSW 2138

PROJECT DETAILS
#PROJECT ASPIRE
#CLIENT COUNTY
#CONTACT PARADES

PROJECT NORTH

SCALE 1:200

PROJECT NO. 1519A

DRAWING BUILDING T ELEVATIONS A-0206

DRAWING NO. A-0206

ISSUE

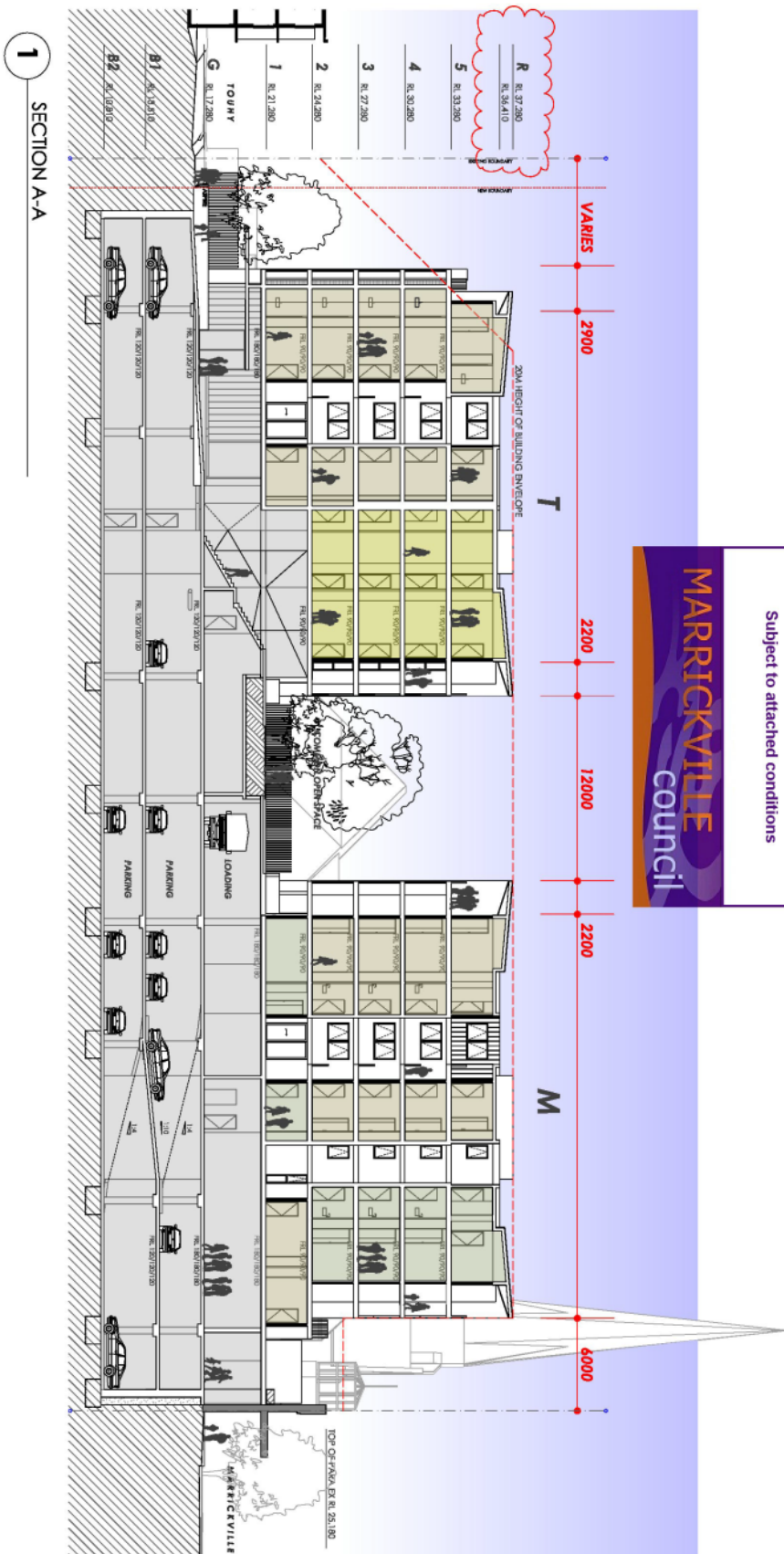
ARCHITECT
#ARCHITECT benson mcconnell
#ADDRESS 155 ROBERTSON ST SYDNEY NSW
#PHONE (02) 9550 3333
#WEBSITE WWW.BENSONMCCONNELL.COM.AU

DEVELOPMENT APPLICATION



DEFERRED COMMENCEMENT CONSENT
 of Development Application
 Determination No: DA201500499
 Determination Date: 14 April 2016
 Subject to attached conditions

MARRICKVILLE
 Council



ASPIRE

0 1 2 KM

REV DATE ISSUE

8 09/02/16 COUNCIL REQUEST FOR ADDITIONAL INFORMATION

CLIENT: ASTUTE Shop 1, 46-48 Liverpool Rd Strathfield NSW 2135

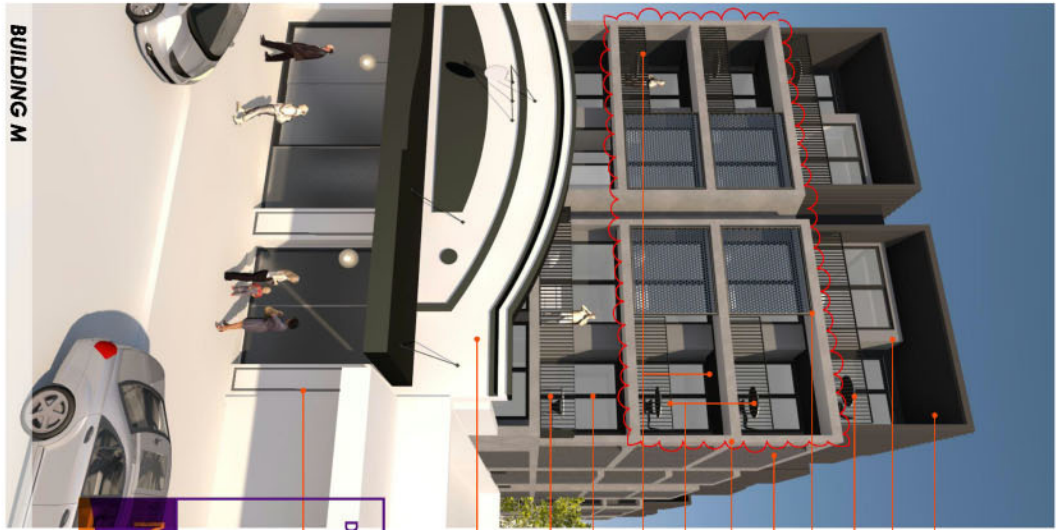
PROJECT DETAILS: PROJECT NO: 1519A DRAWING: SECTIONS AA

DRAWING NO: A-0221

ARCHITECT: **benison mccormack** 1/46-48 LIVERPOOL RD STRATHFIELD NSW 2135

BM

DEVELOPMENT APPLICATION



BUILDING M

- MCL1 METAL WALL AND ROOF CLADDING
- RPN2 RENDER AND PAINT
- BLD1 PALISADE BALUSTRADE
- SCR1 FIXED PERFORATED METAL SCREEN
- FBK1 PATTERNED FACE BRICK
- CNCL1 PRE-CAST CONCRETE
- GLZ1 CLEAR GLAZING IN ALUMINIUM FRAME
- RPN3 RENDER AND PAINT
- BLD1 PALISADE BALUSTRADE
- RPN1 RENDER AND PAINT

RPN3
RENDER AND PAINT

CNCL1
PRE-CAST CONCRETE

GLZ1
CLEAR GLAZING IN ALUMINIUM FRAME

DEFERRED COMMENCEMENT CONSENT
refer to the attached files
 Determination No: DA201500499
 Determination Date: 14 April 2016
 Subject to attached conditions

MARRICKVILLE
council



BUILDING T

- MCL1 METAL WALL AND ROOF CLADDING
- RPN2 RENDER AND PAINT
- BLD1 PALISADE BALUSTRADE
- SCR1 FIXED PERFORATED METAL SCREEN
- FBK1 PATTERNED FACE BRICK
- CNCL1 PRE-CAST CONCRETE
- GLZ1 CLEAR GLAZING IN ALUMINIUM FRAME
- RPN3 RENDER AND PAINT
- BLD1 PALISADE BALUSTRADE
- GLZ1 CLEAR GLAZING IN ALUMINIUM FRAME

RPN3
RENDER AND PAINT

CNCL1
PRE-CAST CONCRETE

GLZ1
CLEAR GLAZING IN ALUMINIUM FRAME

BLD1
PALISADE BALUSTRADE

GLZ1
CLEAR GLAZING IN ALUMINIUM FRAME

ASPIRE

0 1 2 KM

REV DATE ISSUE

8 09/2016 COUNCIL REQUEST FOR ADDITIONAL INFORMATION

CLIENT ASTUTE
Shop 1, 454-460 Liverpool Rd
Strathfield South NSW 2136

PROJECT DETAILS
PROJECT NAME ASPIRE
PROJECT LOCATION ASPIRE
PROJECT CONTACT CONTACT: PARODIA

PROJECT MONTH

SCALE NTS

PROJECT NO. 1519A

DRAWING FINISHES

DRAWING NO. A-1206

ISSUE

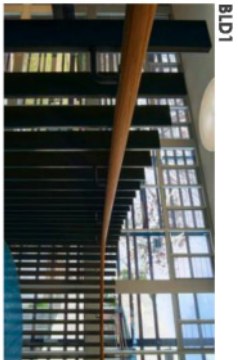
ARCHITECT **benson incormack**
1/151-153 Liverpool Rd
Strathfield NSW 2136
Tel: (02) 9551 5555

BM

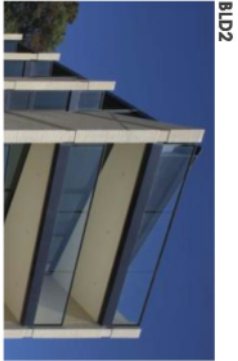
DEVELOPMENT APPLICATION

COLOURS & MATERIALS SCHEDULE

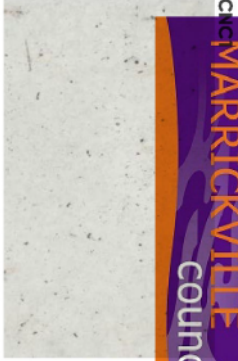
DEFERRED COMMENCEMENT CONSENT
 of Development Application
 Determination No: DA201500499
 Determination Date: 14 April 2016
 Subject to attached conditions



BID1
 PAISADE BALUSTRADE
 FINISH SW/EGC TO G. JAMES ANODOSED ALUMINIUM 'BLACK'



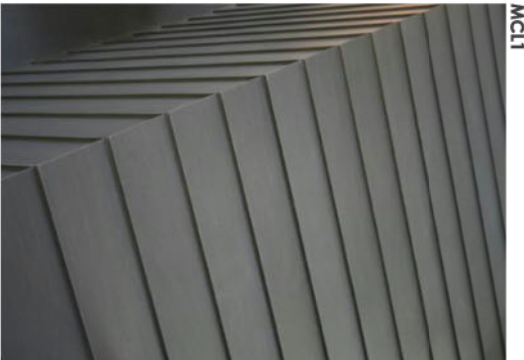
BID2
 FRAMED CLEAR GLAZING BALUSTRADE
 FINISH TO FRAME SW/EGC TO G. JAMES ANODOSED ALUMINIUM 'BLACK'



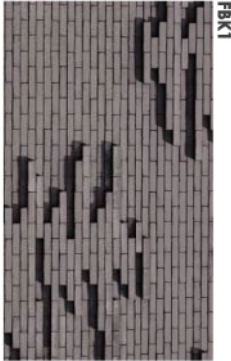
CNC1
 PRE-CAST CONCRETE
 NATURAL PRE-CAST CONCRETE SURFACE



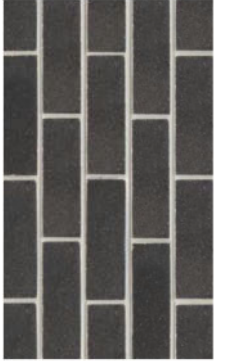
GLZ1
 CLEAR GLAZING IN ALUMINIUM FRAME
 FINISH TO FRAME SW/EGC TO G. JAMES ANODOSED 'BLACK SLAVE'



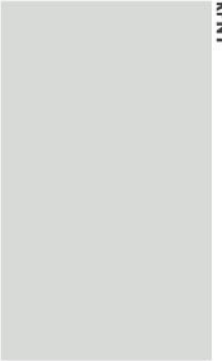
MCL1
 METAL WALL AND ROOF CLADDING
 FINISH COLOUR SW/EGC TO COLORBOND 'NAVY/VIVID GREY'



FBK1
 PATTERNED FACE BRICKWORK
 SW/EGC TO AUSTRAL BRICKS 'BONVAL BRANNIKY GRANITE'



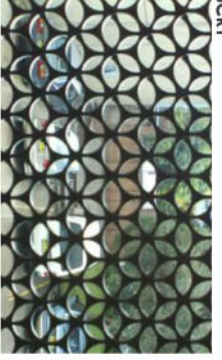
FBK2
 SW/EGC TO AUSTRAL BRICKS 'BONVAL BRANNIKY GRANITE'



RPN1
 RENDER & PAINT
 FINISH COLOUR SW/EGC TO 'RISK'



RPN2
 RENDER & PAINT
 FINISH COLOUR SW/EGC TO 'RISK'



SCR1
 FIXED PERFORATED METAL SCREEN
 FINISH COLOUR SW/EGC TO G. JAMES ANODOSED 'BLACK'

ASPIRE

0 1 2 SM
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REV	DATE	ISSUE

CLIENT
ASTUTE
 Shop 1, 454-456 Liverpool Rd
 SHIRLAND SOUTH NSW 2138

PROJECT DETAILS
ASPIRE
 #CONTACT County
 #CONTACT Parramatta

PROJECT NORTH

SCALE
NTS
 1:519A

PROJECT NO.
1519A

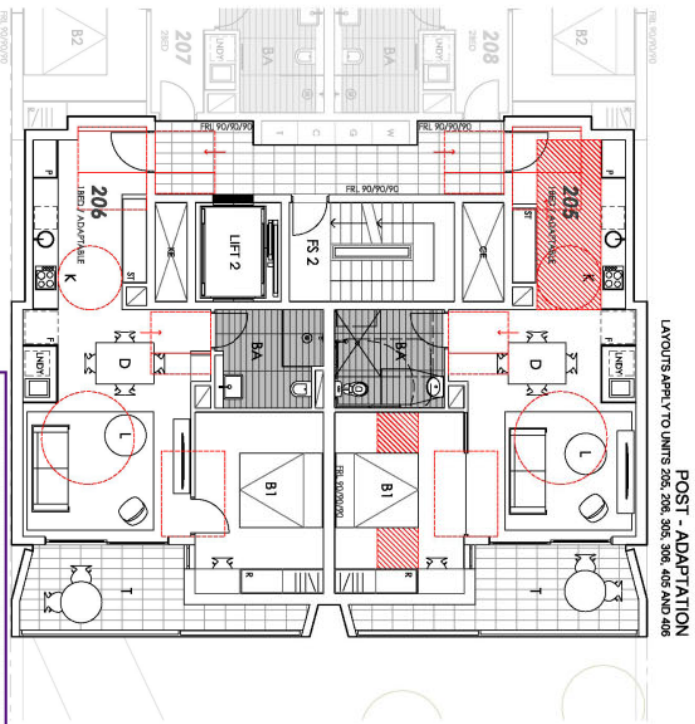
DRAWING
COLOURS & MATERIALS
 SCHEDULE

DRAWING NO.
A-1207

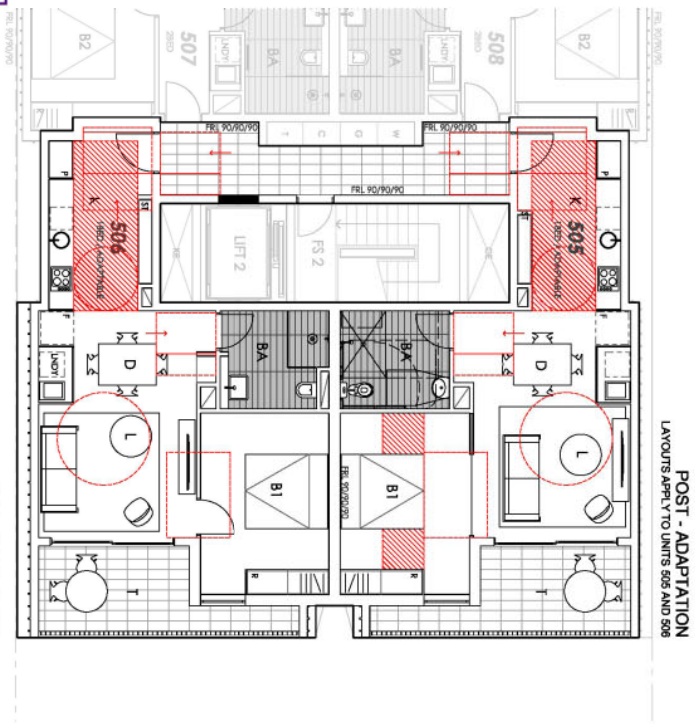
ISSUE
ARCHITECT
benson mccoomb
 ARCHITECTS
 1/101-103 Macquarie Street
 SYDNEY NSW 2000
 PH: (02) 9231 7233



DEVELOPMENT APPLICATION



1 TYPICAL LEVEL 2 - 4



2 LEVEL 5 - AHD33.280

ASPIRE

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

REV DATE ISSUE

CLIENT
ASTUTE
Shop 1, 45-46/47 Liverpool Rd
Sydney NSW 2150

PROJECT DETAILS
ASPIRE
4000sqm Quay
4000sqm Quay

PROJECT NORTH

SCALE
1:100

PROJECT NO.
1519A

DRAWING
ADAPTION PLAN

DRAWING NO.
A-1204

ISSUE

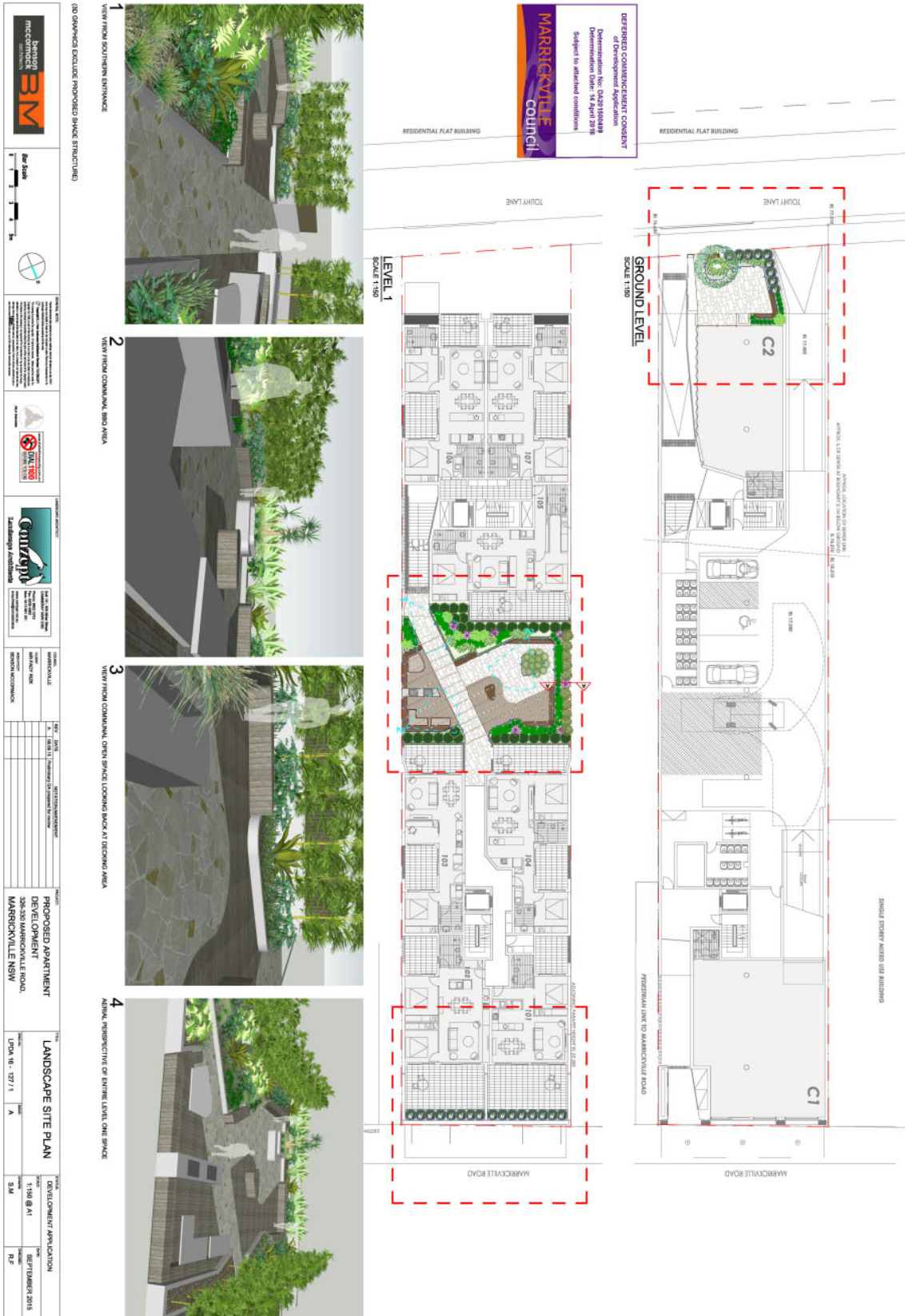
ARCHITECT
Benson McCormick
10/11-13/15 Kent Street
Sydney NSW 2000

MARRICKVILLE
Council

DEVELOPMENT APPLICATION

BN

PRE - ADAPTATION
LAYOUTS APPLY TO UNITS 205, 206, 305, 306, 405 AND 406
of Development Application
Determination No: DA201500499
Determination Date: 14 April 2016
Subject to attached conditions





LANDSCAPE WORK SPECIFICATION	
<p>1.4.2 SPECIFICATIONS</p> <p>The landscape work shall be completed in accordance with the following specifications:</p> <ol style="list-style-type: none"> The contractor shall provide a detailed landscape plan for the site, including the location and size of all plants, trees, and other landscape features. The contractor shall ensure that all plants and trees are sourced from reputable suppliers and are suitable for the local climate and soil conditions. The contractor shall ensure that all plants and trees are planted in accordance with the landscape plan and are watered and maintained throughout the project. The contractor shall ensure that all landscape work is completed in a timely and professional manner. 	<p>1.4.3 MATERIALS</p> <p>The contractor shall use the following materials for the landscape work:</p> <ul style="list-style-type: none"> Plants and trees: Sourced from reputable suppliers and suitable for the local climate and soil conditions. Soil: High quality topsoil, suitable for the growth of plants and trees. Gravel: High quality, washed gravel, suitable for use as a mulch or drainage layer. Concrete: High quality, precast concrete, suitable for use as a planter or water feature.

			<p>PROPOSED APARTMENT DEVELOPMENT 328-330 MARRICKVILLE ROAD, MARRICKVILLE NSW</p>		<p>DEVELOPMENT APPLICATION DATE: 08/11/2015 NO: 16/15018/01</p>	
			<p>SCALE: 1:50</p>	<p>DATE: 14/04/2016</p>	<p>SCALE: 1:10</p>	<p>DATE: 14/04/2016</p>

