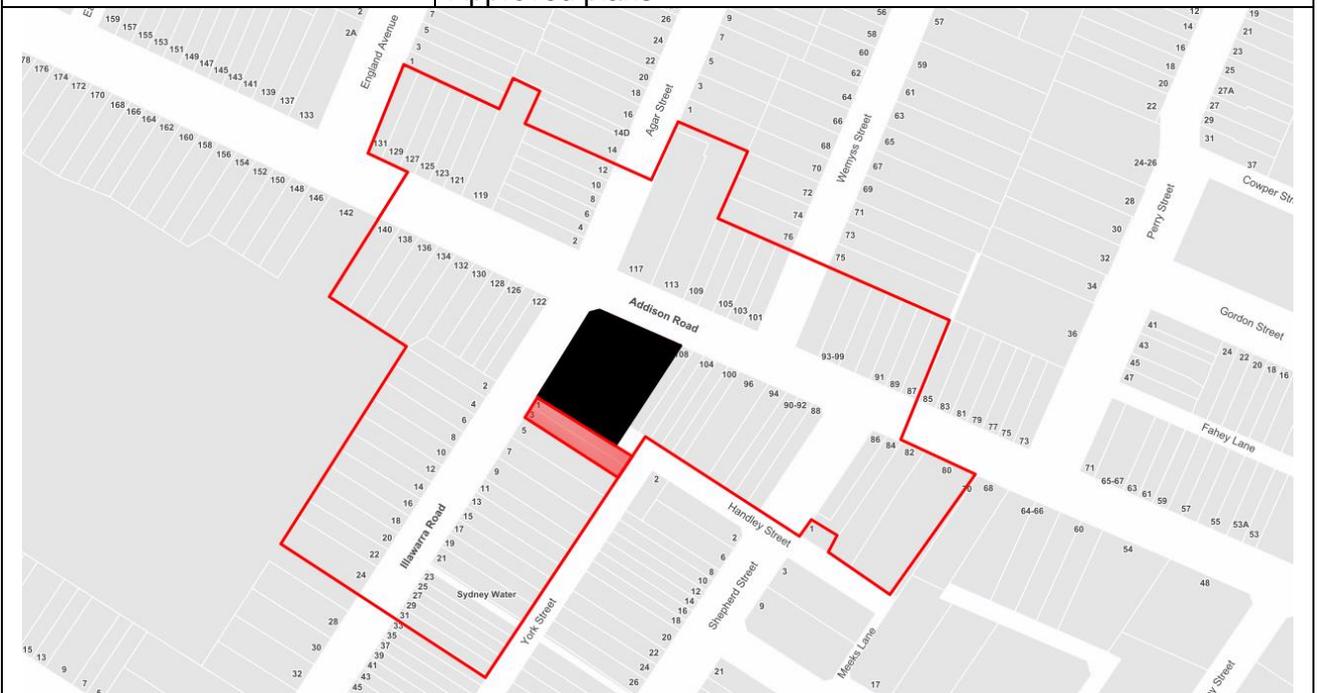




# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

|   |  |
|---|--|
| <b>Application No.</b>                            | DA201600172.02   |
| <b>Address</b>                                    | 110 Addison Road Marrickville  |
| <b>Proposal</b>                                   | To construct a support wall against the southern boundary wall to enable the retention of the existing southern boundary wall in its entirety and to setback the southern basement wall by 700mm |
| <b>Date of Lodgement</b>                          | 11 July 2019   |
| <b>Applicant</b>                                  | Equity Site Holdings P/L   |
| <b>Owner</b>                                      | Equity Site Holdings P/L   |
| <b>Number of Submissions</b>                      | 3 submission   |
| <b>Value of works</b>                             | \$9,724,000 (relates to whole development)   |
| <b>Reason for determination at Planning Panel</b> | Development subject to SEPP 65   |
| <b>Main Issues</b>                                | Privacy; Protection of neighbouring property   |
| <b>Recommendation</b>                             | Approved with Conditions   |
| <b>Attachment A</b>                               | Recommended modified conditions of consent   |
| <b>Attachment B</b>                               | Plans of proposed development  |
| <b>Attachment C</b>                               | Structural Assessment  |
| <b>Attachment D</b>                               | Land and Environment Court Order No. 1585 of 2016  |
| <b>Attachment E</b>                               | Approved plans   |



|                      |  |                  |  |  |          |
|----------------------|--|------------------|--|--|----------|
| <b>Subject Site</b>  |  | <b>Objectors</b> |  |  | <b>N</b> |
| <b>Notified Area</b> |  |                  |  |  |          |

## 1. Executive Summary

This report is an assessment of the application submitted to Council under Section 4.55 of the Environmental Planning and Assessment Act to modify Land and Environment Court (LEC) consent No. 1585 of 2016 dated 7 December 2016 to construct a support wall against the southern boundary wall to enable the retention of the existing southern boundary wall in its entirety and to setback the southern basement wall by 700mm at 110 Addison Road Marrickville.

The application was notified to surrounding properties and 3 submissions received.

The main issues that have arisen from the application include:

- Visual and acoustic privacy to 1 Illawarra Road; and
- Protection of structures and services attached to the existing southern boundary wall at 1 Illawarra Road.

The proposal generally complies with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011).

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered acceptable given the context of the site and the desired future character of the precinct. The application is therefore recommended for approval.

The application is referred to the Inner West Local Planning Panel for determination as the 'parent' development is subject to *State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development*.

## 2. Proposal

Approval is now sought to modify Land and Environment Court consent No. 1585 of 2016, dated 7 December 2016, to construct a support wall against the southern boundary wall to enable the retention of the existing southern boundary wall in its entirety and to setback the southern basement wall by 700mm. This includes the following:

- Construction of a support wall along the entire length of the existing southern boundary wall to enable the retention of the wall; and
- Providing a setback of 700mm to the southern wall of the basement to allow the footings of the existing boundary wall to be retained and to allow the basement shoring piles to provide structural support to the new support wall.

## 3. Site Description

The subject site is located on the southern side of Addison Road at the intersection of Addison Road, Agar Street and Illawarra Road, Marrickville. The site consists of 1 allotment and is generally square shaped with a total area of 1492.8 sqm and is legally described as Lot 1 in Deposited Plan 527129.

The site has a frontage to Addison Road of 33.16 metres and a secondary frontage of approximate 39.93 metres to Illawarra Road.

The site at 108 Addison Road supports a two storey mixed use building and the adjoining site at 1 Illawarra Road supports a two storey dwelling house. The adjoining properties support.

There is an existing masonry block wall at the southern boundary of the site adjoining the neighbouring property of 1 Illawarra Road. This wall is the subject of this application.

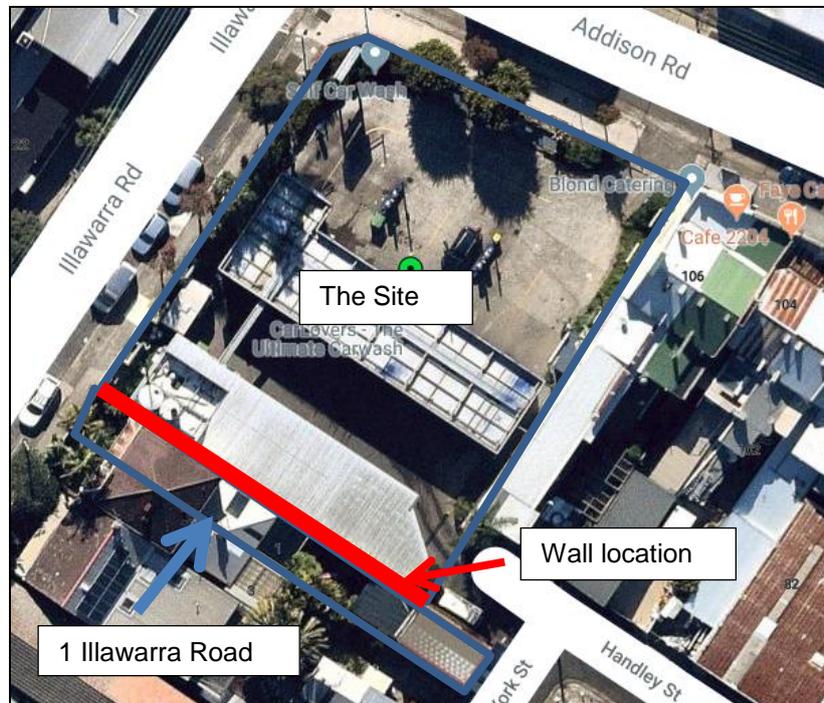


Image 1: Aerial view of Site with wall location shown in red

## 4. Background

### 4(a) Site history

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

| Application                  | Proposal  | Decision & Date                         |
|------------------------------|---|---|
| LEC consent No. 1585 of 2016 | To demolish existing improvements and construct a four storey with loft mixed use development with ground floor tenancies, 31 dwellings and basement car parking with strata subdivision into 35 lots                                 | Deferred Commencement – 7 December 2016 |
| DA201600172.01               | To modify the building finishes and materials, modify various façade elements and roof elements, the conversion of various balconies to winter gardens, modification of the rooftop plant and modify of various conditions of consent | Refused – 15 September 2017             |

|                |   |                             |
|----------------|---|-----------------------------|
| DA201600172.03 | To extend the deferred commencement period for Land and Environment Court Determination No. 1585 of 2016 dated 7 December 2016 for one year under Section 4.54 of the Environmental Planning and Assessment Act | Approved – 12 November 2018 |
|----------------|---|-----------------------------|

#### 4(b) Application history

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

| Date                                   | Discussion / Letter / Additional Information   |
|--|--|
| 9 August 2018                          | Request for evidence the applicant has consulted with the neighbouring property regarding a reduction in height of wall and preliminary discussion surrounding potential concerns of reducing the wall height.   |
| 9 November 2018                        | Council Officers undertook a site inspection at 1 Illawarra Road to determine the impacts of a reduction in wall height due to contradicting information put forward by the applicant and an objector.   |
| 14 November 2018                       | Email to applicant outlining a number of concerns with the application as submitted and suggesting withdrawal.   |
| 13 December 2018                       | Meeting held between Council Officers and applicant to discuss the issues presented by application.  |
| 9 April 2019                           | Request for addition information provided requesting amended plans, structural details and construction details to demonstrate any alterations to the boundary would maintain ongoing privacy of the neighbouring dwelling and would not impact services and structures attached to the boundary wall as per the court issued consent. |
| 28 May 2019, 30 May 2018 & 5 June 2019 | Information submitted proposing varying reductions in boundary wall height that did not fully address Council's concern.   |
| 19 June 2019                           | Request for additional information providing clarification around amended documents and how privacy impacts to 1 Illawarra Road were addressed and the potential impact to neighbouring services.  |
| 3 July 2019                            | Email from applicant advising the boundary wall could be retained in its entirety thereby addressing privacy concerns and complying with the existing conditions to maintain the neighbouring awning and services attached to the wall.  |
| 3 July 2018                            | Request for additional information reflecting the correspondence from above regarding full retention of the wall.  |
| 11 July 2019 and 22 July 2019          | Amended plans and structural details submitted showing retention of the existing boundary wall in its entirety.  |

The court determination required the retention of an existing boundary wall at the southern boundary of the site in order to protect the amenity of the neighbouring property at 1 Illawarra Road and to retain services and an awning at the neighbouring property which are attached to the boundary wall.



*Image 2: Awning and services attached to boundary wall at 1 Illawarra Road*

The subject modification application was lodged on 11 July 2018 and originally sought to substantially reduce the height of the southern boundary wall to 1.8 metres and was notified as follows:

*“An application under Section 4.55 of the Environmental Planning and Assessment Act to modify Land and Environment Court Order No. 1585 of 2016, dated 7 December 2016, to modify conditions relating to the boundary wall on the subject site adjoining 1 Illawarra Road so as to reduce the wall height to 1.8 metres”*

The applicant contended that works to the existing southern boundary wall were necessary as the wall would become structurally unstable once adjoining structures on the subject site are demolished. Given that the existing wall presents a significant lean and is upwards of 3 metres in height in some locations, Council accepted that some works will need to be undertaken to the wall to ensure its retention.

However, Council held numerous concerns surrounding the potential impacts to 1 Illawarra Road and the application failed to demonstrate how the neighbouring services and awning could reasonably be maintained if the wall height was reduced or how the amenity of the neighbouring property could be maintained.

Additionally, submissions were received from the neighbouring properties owners at 1 Illawarra Road which highlighted a number of valid concerns relating to the proposed reduction in wall height. After numerous discussions with the applicant surrounding Council’s concerns, a formal request for additional information was issued on 9 April 2019 which outlined with following three issues that any proposed modification to the boundary wall must address:

- “1. The retention of the services and awning of 1 Illawarra Road that are attached to the wall as per the conditions of consent*
- 2. The protection of 1 Illawarra Road during construction*
- 3. The ongoing visual and acoustic privacy of 1 Illawarra Road at the completion of the project”*

Throughout the assessment process, Council extensively negotiated with the applicant and reviewed a number of revised options for modifications to the existing wall which would both retain the existing services and awning attached to the wall at the neighbouring property and protect the amenity of the neighbouring dwelling, both during construction and once the development is complete.

While numerous solutions were considered, no substantial reduction in the wall height was able to retain the awning and services attached to the wall or protect the ongoing amenity of 1 Illawarra Road.

As such on 11 July 2019 and 22 July 2019, the applicant submitted a final solution that involves the retention of the existing southern boundary wall in its entirety in order to retain the services and awning attached to the wall and maintain the existing level of privacy to the neighbouring property. In order to overcome the structural issues that retention of the wall presents, a new support wall is proposed to be constructed against the boundary wall (wholly within the development site) to support the existing wall. These amended plans and details are the subject of this assessment report.

## 5. Assessment

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

### 5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 65 — Design Quality of Residential Apartment Development*
- *Marrickville Local Environmental Plan 2011*

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.

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

This modification application relates only to the construction of a small support wall to allow the retention of the existing southern boundary wall, as required by the existing conditions of consent. This part of the proposal is not subject to the provisions of *SEPP 65* and does not alter the approved design of the mixed use development having regard to *SEPP 65* and the ADG.

### 5(a)(ii) *Marrickville Local Environment Plan 2011 (MLEP 2011)*

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

- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 6.1 - Earthworks

#### (iv) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned B4 – Mixed Use under the *MLEP 2011*. The development is permitted with consent within the land use table. The development is consistent with the objectives of the B4 – Mixed Use zone.

#### (v) Clause 4.3 – Height of buildings

The proposal does not alter the existing approved height of the development and relates only to the construction of a small structural support wall.

#### (vi) Clause 4.4 – Floor space ratio

The proposal does not alter the existing approved floor space ratio of the development and relates only to the construction of a small structural support wall.

### 5(b) Draft Environmental Planning Instruments

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

- *Draft Marrickville Local Environmental Plan 2011 (Amendment 4)*

The following provides further discussion of the relevant issues:

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 the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

| Part of MDCP 2011                      | Compliance           |
|--|----------------------|
| Part 2.1 – Urban Design                | Yes – see discussion |
| Part 2.6 – Acoustic and Visual Privacy | Yes – see discussion |
| Part 2.10 – Parking                    | Yes – see discussion |

The following provides discussion of the relevant issues:

(i) Part 2.1 – Urban Design

The new structural support wall does not present any streetscape or design impacts as at the completion of the development it will be largely concealed by the approved large garden bed and planting along the southern boundary of the site.

(ii) Part 2.6 – Acoustic and Visual Privacy

The southern portion of the site adjoining 1 Illawarra Road will be a public thoroughfare at the completion of the development and the visual and acoustic privacy of the neighbouring property should be protected from the use of this public space.

As the application proposes retention of the southern boundary wall, the visual and acoustic privacy of the neighbouring property is maintained and will be protected during construction, and once the development is complete. The existing wall provides solid and extensive screening of the development site, which will ensure the privacy of 1 Illawarra Road is adequately protected.

(iii) Part 2.10 – Parking

The proposal retains the 36 car parking spaces approved by LEC Order No. 1585 of 2016.

However, in order to maintain the existing southern boundary wall, the approved southern wall of the basement is proposed to be setback 700mm from the property boundary. While the proposal requires a setback of the southern basement, this has no impact on the usability of the carpark and does not result in any changes to the approved layout of the basement.

The application was referred to Council's Development Engineer who reviewed the amended basement plan and confirmed the setback of the southern wall has no adverse impact on the basement as approved and the layout and aisle widths remained compliant with the relevant Australian Standards. The proposal is acceptable in this regard.

(iv) Other Matters

It is noted that the development as approved required the retention of the existing southern boundary wall and also approved the southern wall of the basement to be built to the property boundary. These elements of the original approval are in conflict with each other given it is not possible to retain the boundary wall if the ground beneath it is to be excavated to provide a basement.

As such, the setback of the basement wall and the construction of a structural support wall is necessary in order to ensure the development can comply with the existing conditions of consent imposed by the court which require the southern boundary walls retention in order to protect the amenity of the neighbouring property and structures at 1 Illawarra Road.

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

Under Section 4.55 of the Environmental Planning and Assessment Act 1979, the consent authority, 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; and
- e) take into consideration the matters referred to in Section 4.15 as are of relevance to the development the subject of the 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. The submissions received have been considered.

Amended plans were submitted for the proposal during the assessment process. The plans were considered to have a reduced or similar impact on the adjoining properties and as such, in accordance with Council's notification policy, were not required to be re-notified.

### 5(e) The Likely Impacts

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

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

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

### 5(g) Any submissions

The application was notified in accordance with Marrickville Development Control Plan 2011 for a period of 14 days to surrounding properties. A total of 3 submissions were received.

The submissions raised concerns regarding impacts the neighbouring properties of 1 Illawarra Road and 3 Illawarra Road. The issues raised are as follows:

- Excavation within close proximity of the property boundary will presents safety concerns for 1 Illawarra Road and potentially result in damage to property and buildings at 1 Illawarra Road and 3 Illawarra Road as a result of excavation;
- A reduction in the height of the boundary wall will present visual and acoustic privacy impacts to 1 Illawarra Road as a result of overlooking to their rear deck, yard and northern facing windows and use of the adjoining site as a public access area;
- A reduction in the height of the boundary wall will present security concerns to 1 Illawarra Road and 3 Illawarra Road;
- Safety of the neighbouring dwellings will be compromised during construction if the wall is removed or lowered in height; and
- Inconsistency in information submitted.

As the proposal now maintains the existing southern boundary wall entirely and does not include any reduction in height, the issues raised by the submissions have been addressed as follows:

- The height of the wall will be maintained and therefore the level of visual and acoustic privacy to the neighbouring properties will be maintained as per the original approval;
- The wall provides extensive and solid screening to the neighbouring properties from the development site;
- The height of the wall will be maintained therefore maintaining the safety and security of neighbouring buildings;
- The information submitted with the application is clear as to what modifications are being sought and the applicant rectified any documentation inconsistencies during the assessment;
- The amended scheme to retain the wall moves the required excavation further away from neighbouring buildings by providing a 700mm setback to the southern basement wall which was originally approved to be constructed at the property boundary;
- This modification application does not have scope to limit the extent of excavation already approved and existing conditions of consent will remain that require the protection of neighbouring buildings during excavation and construction.

Overall, the amended proposal maintains the existing boundary wall as per the requirements of the current consent. The solution to retain the wall will have minimal impacts on the neighbouring properties and maintain the longer term benefits of retention of the wall.

#### 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 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

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

- Development Engineering

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

## 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 the adjoining premises/properties and the streetscape and is considered to be in the public interest. The

development would result in significant impacts on the amenity of the adjoining properties and the streetscape and is not considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

## **9. Recommendation**

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, under Section 4.55 of the *Environmental Planning and Assessment Act 1979*, modify Land and Environment Court consent No. 1585 of 2016 dated 7 December 2016 to construct a support wall against the southern boundary wall to enable the retention of the existing southern boundary wall in its entirety and to setback the southern basement wall by 700mm at 110 Addison Road Marrickville, subject to the conditions listed in Attachment A.

## Attachment A – Recommended conditions of consent

### Recommended modified conditions of consent

- A. THAT the application under Section 4.55 of the Environmental Planning and Assessment Act 1979 to modify Land and Environment Court Order No. 1585 of 2016 dated 7 December 2016 be **APPROVED** and a modified Determination be issued with conditions 1 and 9 in Part B being modified in the following manner:
1. The development being carried out substantially in accordance with plans and details listed below:

| Plan and Issue No.  | Plan Name                               | Date Issued      | Prepared by                         |
|---------------------|---|------------------|-------------------------------------|
| DA000-B             | Standard Abbreviation 1                 | 21.10.16         | AN+A Architects                     |
| DA000-C             | Standard Abbreviation 2                 | 21.10.16         | AN+A Architects                     |
| DA001-B             | View 01 – Addison Road Perspective      | 21.10.16         | AN+A Architects                     |
| DA002-B             | View 02 – Addison Road Perspective      | 21.10.16         | AN+A Architects                     |
| DA010-I             | Basement Plan                           | 21.10.16         | AN+A Architects                     |
| DA011-K             | Ground Floor Plan                       | 21.10.16         | AN+A Architects                     |
| DA012-I             | Level 1 Plan                            | 21.10.16         | AN+A Architects                     |
| DA013-I             | Level 2 Plan                            | 21.10.16         | AN+A Architects                     |
| DA014-I             | Level 3 Plan                            | 21.10.16         | AN+A Architects                     |
| DA015-H             | Loft Level                              | 21.10.16         | AN+A Architects                     |
| DA016-D             | Roof Plan                               | 21.10.16         | AN+A Architects                     |
| DA103-C             | Pre/Post Adaptable Units – Level 3      | 21.10.16         | AN+A Architects                     |
| DA104-C             | Pre/Post Adaptable Units – Level 1 & 2  | 21.10.16         | AN+A Architects                     |
| DA150-D             | Addison Road Elevation - North          | 21.10.16         | AN+A Architects                     |
| DA151-D             | Illawarra Road Elevation - West         | 21.10.16         | AN+A Architects                     |
| DA152-D             | South Elevation                         | 21.10.16         | AN+A Architects                     |
| DA153-D             | East Elevation                          | 21.10.16         | AN+A Architects                     |
| DA160-C             | Section AA                              | 21.10.16         | AN+A Architects                     |
| DA161-D             | Section BB                              | 21.10.16         | AN+A Architects                     |
| DA162-C             | Section CC                              | 21.10.16         | AN+A Architects                     |
| DA163-E             | Section DD                              | 21.10.16         | AN+A Architects                     |
| DA165-C             | SEPP 65 Detail Facade                   | 21.10.16         | AN+A Architects                     |
| DA167-A             | 1 & 3 Illawarra Section                 | 21.10.16         | AN+A Architects                     |
| AR-LP01-B – Sheet 1 | Existing Trees and Tree Management Plan | 01/11/16         | BioDesign                           |
| AR-LP01-B – Sheet 2 | Landscape Plan – Ground Level           | 01/11/16         | BioDesign                           |
| AR-LP01-B – Sheet 3 | Landscape Plan – Level 1                | 01/11/16         | BioDesign                           |
| AR-LP01-B – Sheet 4 | Planting Plan – Ground Level            | 01/11/16         | BioDesign                           |
| AR-LP01-B – Sheet 5 | Planting Plan Level 1                   | 01/11/16         | BioDesign                           |
| AR-LP01-B – Sheet 6 | Sections and Elevations                 | 01/11/16         | BioDesign                           |
| BASIX Certificate   | 718770M_02                              | 30 November 2016 | Building Sustainability Assessments |

and details submitted with the application for development consent and as amended by the plans and details listed below:

| Plan No. and Issue | Plan Name                           | Date Issued | Prepared by               | Date Submitted |
|--------------------|-------------------------------------|-------------|---------------------------|----------------|
| SK-013 Issue D     | Ground Floor Plan                   | 22.07.2019  | AN+A Architects           | 22.07.2019     |
| SK-016 Issue C     | Section 3                           | 08.07.2019  | AN+A Architects           | 22.07.2019     |
| WD-154 Issue D     | Elevations                          | 08.07.2019  | AN+A Architects           | 22.07.2019     |
| WD010 Issue A      | Basement Plan                       | 08.06.2019  | AN+A Architects           | 22.07.2019     |
| (6 sheets)         | Boundary Wall Structural Assessment | 04.07.2019  | D'Ambrosio Consulting P/L | 11.07.2019     |

and details submitted to the Council on 11 July 2018, 11 July 2019 and 22 July 2019 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 (note there is reference to other specific documentation submitted by the applicant in some of the following conditions).

9. The proposal to remove the common boundary brick wall with No. 1 Illawarra Road and the polycarbonate roof to the dwelling at No. 1 Illawarra Road is not approved and those structures are to be retained and protected at all times. Works to stabilise and maintain the common brick wall must be undertaken in accordance with the Structural Assessment completed by D'Ambrosio Consulting P/L, referenced in condition 1. The Construction Certificate plans are to be amended accordingly.

Reason: To maintain the amenity of No. 1 Illawarra Road.

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









## Attachment C – Structural Assessment



D'Ambrosio Consulting Pty Ltd  
ACN 058 635 822 Structural Engineers  
Suite 4/153 Victoria Road Gladesville  
PO Box 251 Gladesville NSW 1675  
Tel (02) 9879 5577 Fax (02) 9879 5588  
Email: dambrosioconsulting@bigpond.com

Ref: S7200

4 July, 2019

The Project Architect  
Architects Nicholas & Associates  
6/1 Mary's Place  
SURRY HILLS NSW 2010  
Attn: Patrick Nicholas / Vanessa Edema

Dear Sir/Madam,

**Re: 110-112 Addison Rd, Marrickville - Structural Re-assessment – Boundary Wall with 1 Illawarra Rd.**

Council has requested that the existing boundary wall with 1 Illawarra Rd be kept as part of the redevelopment works at 110-112 Addison Rd. I had recommended that the boundary wall be removed in my earlier assessment dated 10 March, 2017 due to it having a notable "lean" and that it would be unstable given its 2800mm free-standing height once the existing awning structure within 110-112 Addison Rd is removed. The wall is a 230mm brickwall and can be made stable through the introduction of an "anchored", continuous 190mm reinforced block retaining wall (between 600mm and 1200mm in height), attached to its base, and supported off the new contiguous pile wall capping beam. The existing wall height can then remain due to the support to be provided by the supplementary reinforced 190mm blockwork wall and where the neighbour has an attached timber framed pergola. The existing brickwall will be attached to the new short 190mm reinforced blockwork wall via pairs of N12, galvanised anchor dowels spaced at 800mm horizontal centres, epoxy grouted into the existing brickwall, and built into the new 190 reinforced blockwork wall. Indicative details are shown on the accompanying sketch drawings SKA, SKB, SKC, SKD & SKE.

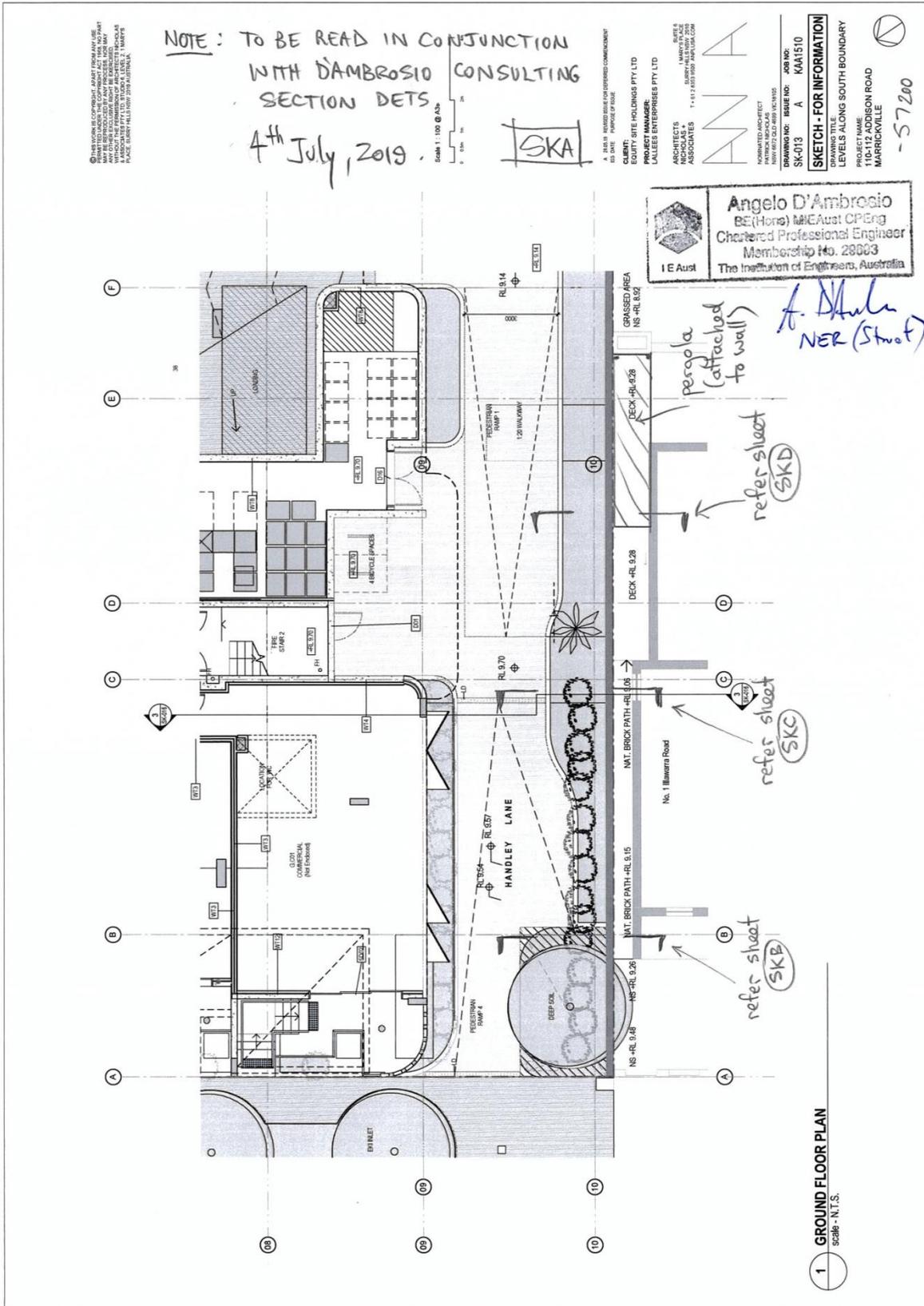
The "shoring piles" have been relocated along this boundary by some 700mm in towards the centre of the site. This should provide sufficient clearance for the piling rig to install the 9.0m deep piles along this elevation, and still allow for a continuous concrete capping beam to be poured parallel with the boundary wall footing which is to be maintained.

The sequence of works will involve removal of the current steel framed awning and progressive installation of the bored piers parallel with the wall. This boundary wall is wholly within the 110-112 Addison Rd property, and will be safe for the short time frame required to install the piles and new supporting reinforced blockwork wall. The existing neighbours services and pergola which have been attached to this wall could remain for the time being. The new 600mm shoring piles have been designed based on the recommended guidelines contained in the geotechnical engineers report, and will be safe to retain the existing masonry fence as well as the existing 2 storey house located at 1 Illawarra Rd. The new solution introduces a reinforced block retaining wall which will ultimately be used to contain the proposed garden beds along this side of the development.

Yours faithfully

A handwritten signature in blue ink that reads 'Angelo D'Ambrosio'.

**Angelo D'Ambrosio B.E.(Hons) MIEAust NPER3 (Structural)  
D'AMBROSIO CONSULTING P/L**

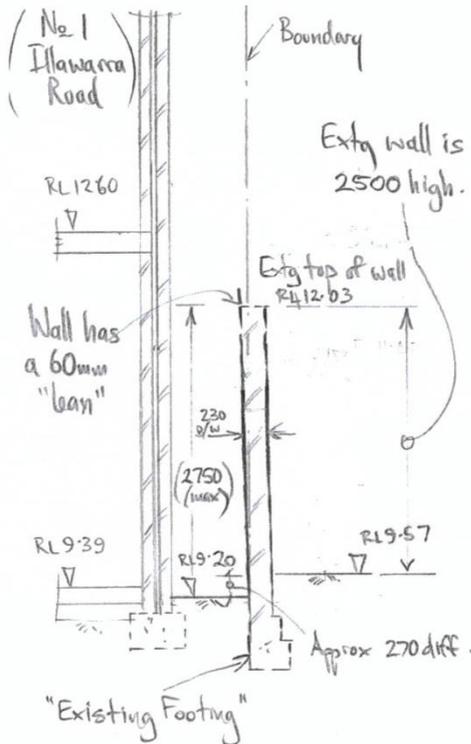




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4<sup>th</sup> July, 2019

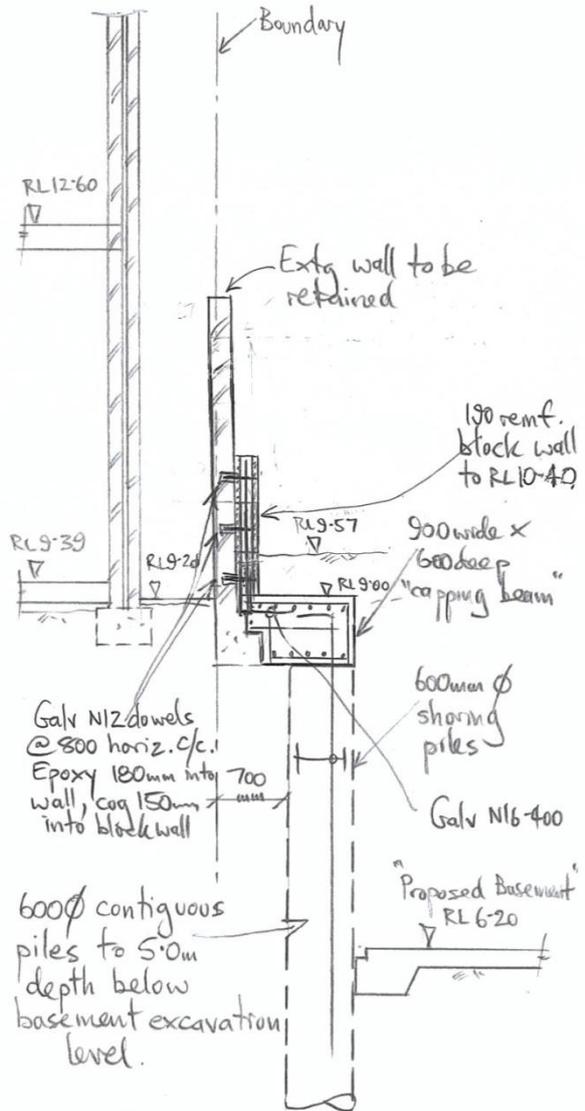
Re: 110-112 Addison Rd, Marrickville - (Amended Boundary Wall with 1 Illawarra Rd)



EXISTING CONDITIONS (GRID B)  
(Scale 1:50)



A. D'Ambrosio NER (Structural)



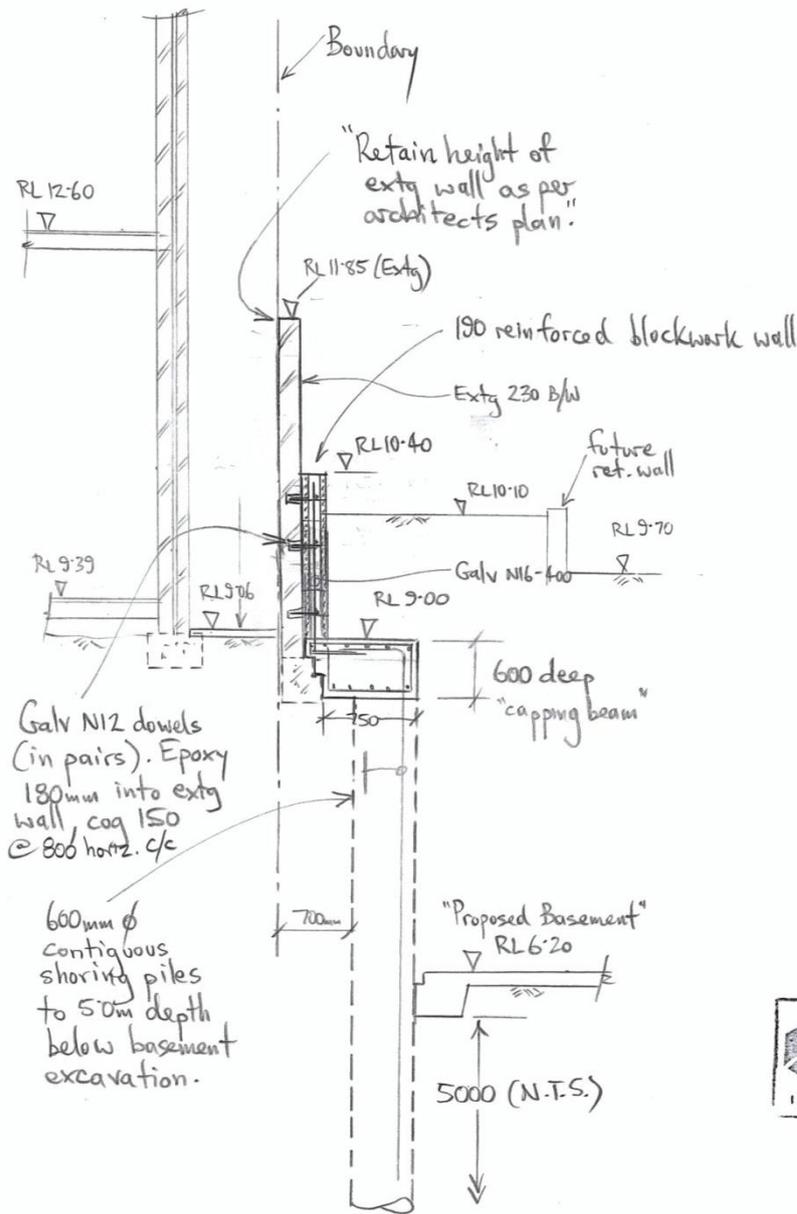
PROPOSED CONDITIONS (GRID B)  
(Scale 1:50)

SKB



Ref: S7200  
4<sup>th</sup> July, 2019

Re: 110-112 Addison Rd, Marrickville - Boundary Wall with  
1 Illawarra Rd.



A. D'Ambrosio NER  
Structural

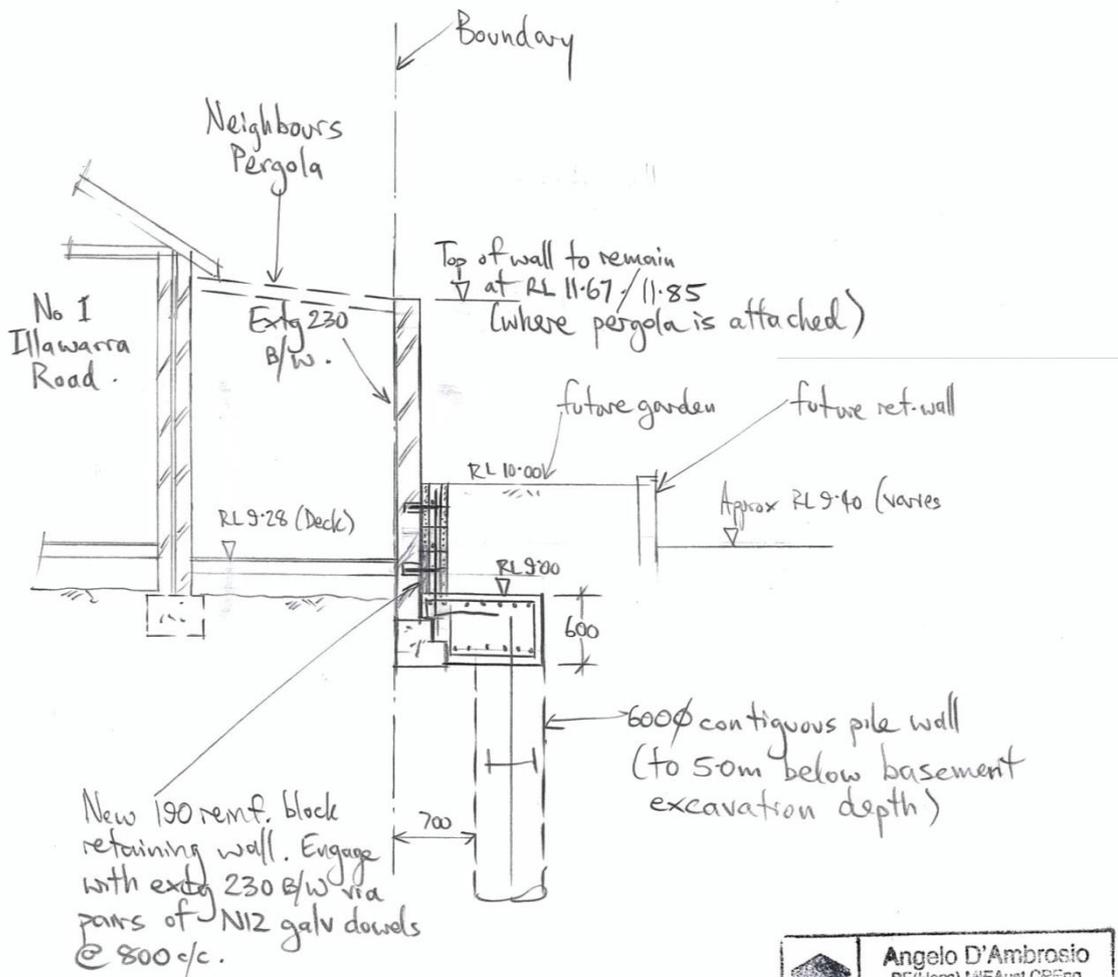
SECTION @ GRID (C) (Scale 1:50)

[SKC]

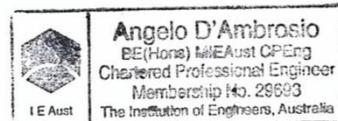


Ref: S7200  
4th July, 2019

Re: 110-112 Addison Rd, Marrickville - Boundary Wall with  
1 Illawarra Rd.



SECTION @ MIDWAY BETWEEN  
GRIDS (D) & (E) (Scale 1:50)



A. D'Ambrosio NER  
(Struct)

[SKD]



## Attachment D – Land and Environment Court Order No. 1585 of 2016

*Appeal No: 2016/188533*

### ANNEXURE “A”

#### CONDITIONS OF CONSENT

##### Equity Site Holdings Pty Ltd v Inner West Council

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#### PART A - DEFERRED COMMENCEMENT CONSENT

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

1. The stormwater drainage plans prepared by LP Consulting dated 13 April 2016 are to be amended to be consistent with the architectural and landscape plans referred to in condition 1 Part B of this Consent and Council's standards and are to be submitted to the Council's Development Engineer for approval. In addition, the plans shall be amended to include a non-return reflux valve on the outlet pipe and the DRAINS files used in the design of the OSD shall be submitted for review.

Reason: To ensure the stormwater drainage plans are consistent with the other approved plans.

2. An 800mm wide raised footpath with rolled kerb is to be provided adjacent to (and for the length of) the garage at the rear of No. 1 Illawarra Road. Plans for such footpath are to be submitted to the Council's Development Engineer for approval.

Reason: To ensure safe access to the rear yard of No. 1 Illawarra Road.

3. A Construction Management Plan (“CMP”) is to be prepared and submitted to the Council for approval. The CMP is to include at least the following matters:

(a) Structural details of the retention of the brick wall along the common boundary with No. 1 Illawarra Road during and after construction.

(b) The procedure for retention of utility services along the common boundary for No. 1 Illawarra Road.

Reason: To ensure the construction of the development is managed without adverse impacts on adjoining properties.

4. A revised Access Report addressing compliance with the relevant access provisions and with the architectural plans referred to in condition 1 of Part B is to be submitted to the Council for approval.

Reason: To ensure accessible access is provided for the development.

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5. A revised Waste Management Plan (“WMP”) is to be prepared and submitted to the Council for approval. The revised WMP is to include at least the following matters:
  - (a) Allocation of space for communal composting.
  - (b) The provision of waste chutes or interim recycling facilities on Levels 1, 2 and 3 of the building as required by C24 of Part 2.21.11 of Marrickville DCP 2011.
  - (c) Detailed access arrangements by residents to the waste and recycling facilities for each level of the building.
  - (d) The management of the residential waste, recycling and green bins such that the bins are presented to the corner of Handley Lane and Illawarra Road by a nominated person on the allocated day of collection (and their subsequent removal back to the waste storage area).
  - (e) Details of the private waste contractor and pick up times for the commercial waste which is to occur on-site with a suitable sized vehicle that must enter and leave the site in a forward direction.
  - (f) Details about the method and frequency of cleaning the waste, recycling and green bins and the bin storage rooms.

Reason: To ensure the efficient management of waste collection services.

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

**PART B – CONDITIONS OF CONSENT**

Once operative the Consent is subject to the following conditions:

1. Subject to any other conditions of this Consent, the development must be carried out in accordance with the plans and details listed below and the plans and documents approved by the Council pursuant to Part A of this Consent:

| Plan and Issue No. | Plan Name                          | Date Issued | Prepared by     |
|--------------------|------------------------------------|-------------|-----------------|
| DA000-B            | Standard Abbreviation 1            | 21.10.16    | AN+A Architects |
| DA000-C            | Standard Abbreviation 2            | 21.10.16    | AN+A Architects |
| DA001-B            | View 01 – Addison Road Perspective | 21.10.16    | AN+A Architects |
| DA002-B            | View 02 – Addison Road Perspective | 21.10.16    | AN+A Architects |
| DA010-I            | Basement Plan                      | 21.10.16    | AN+A Architects |
| DA011-K            | Ground Floor Plan                  | 21.10.16    | AN+A Architects |
| DA012-I            | Level 1 Plan                       | 21.10.16    | AN+A Architects |
| DA013-I            | Level 2 Plan                       | 21.10.16    | AN+A Architects |

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| Plan and Issue No.  | Plan Name                               | Date Issued      | Prepared by                         |
|---------------------|---|------------------|-------------------------------------|
| DA014-I             | Level 3 Plan                            | 21.10.16         | AN+A Architects                     |
| DA015-H             | Loft Level                              | 21.10.16         | AN+A Architects                     |
| DA016-D             | Roof Plan                               | 21.10.16         | AN+A Architects                     |
| DA103-C             | Pre/Post Adaptable Units – Level 3      | 21.10.16         | AN+A Architects                     |
| DA104-C             | Pre/Post Adaptable Units – Level 1 & 2  | 21.10.16         | AN+A Architects                     |
| DA150-D             | Addison Road Elevation - North          | 21.10.16         | AN+A Architects                     |
| DA151-D             | Illawarra Road Elevation - West         | 21.10.16         | AN+A Architects                     |
| DA152-D             | South Elevation                         | 21.10.16         | AN+A Architects                     |
| DA153-D             | East Elevation                          | 21.10.16         | AN+A Architects                     |
| DA160-C             | Section AA                              | 21.10.16         | AN+A Architects                     |
| DA161-D             | Section BB                              | 21.10.16         | AN+A Architects                     |
| DA162-C             | Section CC                              | 21.10.16         | AN+A Architects                     |
| DA163-E             | Section DD                              | 21.10.16         | AN+A Architects                     |
| DA165-C             | SEPP 65 Detail Facade                   | 21.10.16         | AN+A Architects                     |
| DA167-A             | 1 & 3 Illawarra Section                 | 21.10.16         | AN+A Architects                     |
| AR-LP01-B – Sheet 1 | Existing Trees and Tree Management Plan | 01/11/16         | BioDesign                           |
| AR-LP01-B – Sheet 2 | Landscape Plan – Ground Level           | 01/11/16         | BioDesign                           |
| AR-LP01-B – Sheet 3 | Landscape Plan – Level 1                | 01/11/16         | BioDesign                           |
| AR-LP01-B – Sheet 4 | Planting Plan – Ground Level            | 01/11/16         | BioDesign                           |
| AR-LP01-B – Sheet 5 | Planting Plan Level 1                   | 01/11/16         | BioDesign                           |
| AR-LP01-B – Sheet 6 | Sections and Elevations                 | 01/11/16         | BioDesign                           |
| BASIX Certificate   | 718770M_02                              | 30 November 2016 | Building Sustainability Assessments |

Reason: To confirm the details of the application submitted by the applicant (note there is reference to other specific documentation submitted by the applicant in some of the following conditions).

- The development must be carried out in accordance with the plans and documents approved by the Council pursuant to Part A of this Consent.

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

- The infill to the balustrade for the accessible ramp fronting Addison Road is to be clear glazing.

Reason: To confirm details of the finishes.

- The landscape plans are to be amended to include planting in the recessed area for the hydrant booster on Illawarra Road prior to the issue of a Construction Certificate.

Reason: To screen the hydrant booster.

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5. The common circulation corridors at Levels 1, 2 and 3 are to have fixed glass open louvres in accordance with Plan DA165 Issue C.  
Reason: To ensure adequate ventilation.
6. Units A.08 on Levels 1 and 2 and Unit A.07 on Level 3 are to have a transom (operable) window provided on the wall to the living/kitchen area that faces the open corridor.  
Reason: To ensure improved natural ventilation to those dwellings.
7. Deleted.
8. In accordance with the offer contained in the letter from Equity Site Holdings to the Council dated 25 October 2016, the developer is to use its best endeavours to, carry out and complete in a workmanlike manner, at the developers cost, those works to the dwellings at No. 1 and No. 3 Illawarra Road in accordance with the details shown on Plan DA 167 Issue A dated 21.10.16 except that the common boundary brick wall with No. 1 Illawarra Road and the polycarbonate roof is to be retained.  
Reason: To give effect to the offer by the Applicant.
9. The proposal to remove the common boundary brick wall with No. 1 Illawarra Road and the polycarbonate roof to the dwelling at No. 1 Illawarra Road is not approved and those structures are to be retained and protected at all times. The Construction Certificate plans are to be amended accordingly.  
Reason: To maintain the amenity of No. 1 Illawarra Road.
10. Any and all plant (including air conditioning) is not to project above the height of the roof.  
Reason: To ensure plant is screened from view.
11. A public right of way is to be created pursuant to section 88B of the Conveyancing Act 1919 along that part of the site marked "HANDLEY LANE" on Plan DA 011 Issue K. The right of way is to be a minimum of 5 metres in width; is to include a condition that it must not be varied, modified or released without the prior approval of Council; and is to be registered on title before the issue of an Occupation Certificate and at no cost to Council. The right of way is to be accessible to the public 24 hours a day and no gate or other obstruction is to be erected to restrict such access.  
Reason: To provide for and protect the rights of Council and the public to access the path at the rear.

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12. Works associated with any de-contamination of the site shall be in accordance with the Contaminated Land Management Act 1997, SEPP 55 (Remediation of Land) and associated current guidelines.  
Reason: To ensure the health, safety and wellbeing of the environment and people.
13. The dwellings on Levels 1, 2, 3 and the Loft Level must be used exclusively as a residential flat building and are not to be adapted for use as backpackers' accommodation, serviced apartments or a boarding house and must not be used for any industrial or commercial purpose.  
Reason: To ensure that the premises are used exclusively as a residential flat building.
14. No injury being 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 unreasonably affect the amenity of the neighbourhood.
15. The use of any plant and equipment must not give rise to:
  - a) transmission of unacceptable vibration to any place of different occupancy;
  - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level must 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.
16. 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 its operation does not adversely impact on the amenity of the surrounding neighbourhood.  
Reason: To protect the amenity of the surrounding neighbourhood.

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17. 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.
18. 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. If needed, the location of the substation must be integrated with the design of the building in a location to be determined in consultation with the Council.  
Reason: To provide for the existing and potential electrical power distribution for this development and for the area.
19. All building work must be carried out in accordance with the provisions of the Building Code of Australia.  
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.
20. The proposed and approved off-street car parking spaces (including at least 8 accessible car spaces) must be provided, paved, line-marked 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
21. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.  
Reason: To ensure the compliance of any advertisements or advertising structures with the requirements of Part 2.12 of Marrickville Development Control Plan 2011 - Signs and Advertising Structures
22. 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 prevent the public footpath from being obstructed.
23. All loading and unloading in connection with the use must be carried out wholly within the property.  
Reason: To prevent use and obstruction of the adjacent public thoroughfare.
24. All machinery must be installed in accordance with the manufacturer's specifications and must be maintained at all times if in use.

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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.

25. The hours of operation of the commercial suites (other than the café/restaurant) must be restricted to between the hours of 7.00am to 8.00pm Mondays to Fridays and 9.00am to 5.00pm on weekends and public holidays.

Reason: To ensure appropriate hours of operation having regard to the amenity of the locality.

26. The use of the café/restaurant suite must be the subject of a separate development application.

Reason: To assess the impacts of such a use.

27. The uses on site must be permissible with consent and not altered to another use without approval (except where a change may be permissible without consent in another Environmental Planning Instrument)

Reason: To ensure that the use is not expanded within the premises without the prior approval of Council.

28. An intercom system is to be installed on both the Illawarra Road entrance to the residential lobby and the internal entrance to the residential lobby to permit access by both able bodied persons and persons with a disability.

Reason: To ensure equitable access.

29. The proposed awning shall be of cantilever type and be set back at least 600mm from the kerb line. The proposed awning shall be designed so as to be easily removed if required in future. The awning shall include pedestrian lighting (Category P3-AS1158) and shall be maintained and owned by the property owner(s). The owner shall maintain, modify or remove the structure at any time if given notification by Council to do so. All works shall be at no cost to Council.

Reason: To ensure the awning complies with Council requirements.

30. 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

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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.

31. 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.

32. Owners and occupants of the proposed building are not eligible for any existing or future resident parking scheme for the area. The by-laws created upon registration of a strata plan with respect to the approved development must contain a clause reflecting this restriction.

Reason: To ensure the development does not reduce the amount of "on street" parking currently available.

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

33. Plans, sections and details of the proposed and approved awning shall be submitted to the Council for its written approval, to ensure appropriate structural details, dimensions and setbacks/clearances, with a traditional awning design being favoured.

Reason: To ensure the awning is safe, compatible with surrounds and appropriately detailed

34. That prior to the commencement of works a tree protection specification and tree protection plan prepared by the project arborist shall be submitted to Council for approval.

Reason: To protect the existing street trees from development related impacts.

35. 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 Inner West LGA, shall be engaged as project arborist for the duration of demolition and construction.

Reason: To provide professional guidance and ensure that the public tree adjacent to the subject property that is being retained is effectively managed and protected, and that other tree-related conditions are complied with appropriately.

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36. Prior to commencement of any excavation, demolition or construction work, all workers on the work site are to be made aware of the potential presence of Long-nosed Bandicoots as part of the site induction (including what they look like). A fact sheet on Long-nosed Bandicoots is available in TRIM 29724.10. Note: To the untrained eye, a Long-nosed Bandicoot may be mistaken for a rodent.

Reason: To avoid direct physical harm to Long-nosed Bandicoot, it is important that workers are aware of the potential for their presence and conservation significance

37. The person acting on this consent shall be 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 work commences, on the buildings at No. 108 Addison Road, No. 1 Illawarra Road and No. 3 Illawarra Road. This shall include external colour photographs and internal colour photographs. In the event that the consent of the adjoining property owners cannot be obtained to the preparation of the dilapidation reports, copies of the letter/s that have been sent via registered mail, other attempts at communication and any responses received shall be forwarded to the PCA before work commences.

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

38. 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.

39. 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.

40. 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 are to be located so that they will not cause a nuisance.

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

41. All demolition work must:
- 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
  - Where asbestos is to be removed it shall 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.
42. 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.
43. All services in the building being demolished are to 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.
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

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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 shall indicate:

- a) Where the builder's materials and waste are to be stored;
- b) Where the sediment fences are to be installed on the site;
- c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
- d) How access to the site will be provided.

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

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

47. The person acting on this consent shall submit a dilapidation report including colour photos to both the Council and the appointed Certifier showing the existing condition of the footpath and roadway adjacent to the site before the commencement of works.

Reason: To ensure the existing condition of Council's infrastructure is clearly documented.

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, visible on the site.

Reason: To provide a person that residents can contact.

49. A road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must 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 openings in the amount as provided for in Council's adopted fees and charges.

Reason: To ensure that all restoration works are in accordance with Council's Code.

50. The person acting on this consent must 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 and obtain consent prior to such use.

Reason: To ensure all necessary approvals have been applied for and obtained.

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51. The person acting on this consent must 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 must submit a hoarding application and pay all relevant fees before commencement of works.  
Reason: To secure the site and to maintain public safety.
52. Where scaffolding or hoardings are to be erected, street trees must be protected during construction works as follows:
- a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
    - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
    - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage;
    - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion, AND
    - (iv) Tree trunk and major branch protection are to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
  - b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
  - c) Materials or goods, including site sheds, must not be stored or placed:
    - (i) around or under the tree canopy; or
    - (ii) within 2 metres of tree trunks or branches of any street trees.
  - d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Tree Management Officer on ☐9335 2242, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.
- Reason: To ensure that all street trees are appropriately protected during demolition and construction works.

**BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

53. The recommendations for acoustic treatment, as outlined in the report by Acoustic Logic dated 11/04/2016, shall be incorporated with specific notes in the plans for issue of the Construction Certificate, including glazing, roof/ceiling construction and mechanical ventilation. The plans shall be accompanied with certification by a suitably qualified acoustical engineer that the proposed noise

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attenuation measures satisfy the requirements of Australian Standard 2021-2000.

Reason: To ensure the units are appropriately acoustically sealed, in accordance with recommendation made by a consulting acoustic engineer.

54. At least 6 adaptable dwellings shall be included in the development, with these being detailed in the plans for issue of the Construction Certificate.

Reason: To provide adaptable units, as proposed in the D.A. and to meet Council requirements and future needs of the community.

55. 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.

56. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Sydney Water's written advice that you have obtained the Notice of Requirements must be submitted to Council's satisfaction before the issue of a Construction Certificate.

Reason: To comply with the requirements of that Act.

57. A design verification from a qualified designer, being a statement in which the qualified designer verifies 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 Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat 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 Flat Development.

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58. 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.

59. Details of a building identification number to be erected to the front elevation of the development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure appropriate building identification number is erected on the development.

60. Plans and specifications 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. 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 EPA Regulation 2000).

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

61. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, incorporating details within the acoustic report listed in Condition 1, with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.

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

62. 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 \$521,091.99 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 24 November 2016.

**\*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).

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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. DC001686)**

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  | \$57,004.69  |
| Plan Administration   | \$10,217.51  |
| Recreation Facilities | \$446,809.20 |
| Traffic Facilities    | \$7,060.58   |

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.

63. 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).

NB: 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/levy\\_information/?levy\\_information/levy\\_calculator.stm](http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm)

**Reason:** To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

64. Before the issue of a Construction Certificate the owner or builder must sign a written undertaking that they are 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.

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

65. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:
- a) protect and support the adjoining premises from possible damage from the excavation, and
  - b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents shall be obtained prior to the required works commencing; and
  - c) at least 7 days notice must be 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.

Reason: To ensure that adjoining buildings are preserved and supported.

66. The person acting on this consent shall provide to Council a bond in the amount of \$36,893.40 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.

67. 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.

68. 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 and the Marrickville Public Domain Design Guide;

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- ii. The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- iii. New kerb and gutter along the frontage of the site. 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
- iv. Alignment levels to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath shall be set at 2.5%.

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. Note: If the requirements of this condition are inconsistent with the Landscape Plans approved by condition of Part B of this Consent, this condition is to prevail.

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

69. Before the issue of a Construction Certificate 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 shall be submitted to and approved by Council.

Reason: To ensure that the stormwater treatment facility is maintained.

#### SITE WORKS

70. Excavated site soils and groundwater require classification with the NSW EPA Waste Classification Guidelines: *Part 1 – Classifying waste* (EPA 2014) prior to disposal. Groundwater management and/or disposal shall meet all requirements and any necessary approval from the NSW Office of Water (Water Management Act 2000) and/or NSW Environmental Protection Authority (Protection of the Environment Operations Act 1997), or successors in title.

Reason: To provide for correct management disposal of waste and ground water.

71. Recycling and reuse of material from the site shall be utilised in accordance with the Waste Management Plan by Chanine Design, Revision B, dated 2/10/2014

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Reason: To minimize waste materials from the site

72. All excavation, demolition, construction and deliveries to the site necessary for the carrying out of development must be restricted to between 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.

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

73. 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.

74. 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;

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- 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.

75. 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 Building Code of Australia.

76. The applicant shall, within 14 days of notification of by Council, execute any and all maintenance works required by Council. In the event that the applicant fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security and Council may recover any costs in excess of the security from the applicant.

Reason: To ensure all drainage and road works are maintained within a reasonable time limit during a 12 month maintenance period

77. 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.

78. Satisfactory methods and/or devices shall 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.

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79. 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.
80. All roof and surface stormwater must 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.
81. The removal of trees shall be undertaken by an arborist with certificate 3 in arboriculture and in compliance with WorkCover NSW Code of Practice: Amenity Tree Industry 1998.  
Reason: To ensure correct tree removal methods.
82. Alignment levels for the site at all pedestrian access locations shall match the existing back of footpath levels at the boundary. Where new footpaths are proposed the alignment levels at the boundary shall match the adjacent existing top of kerb level plus 2.5% grade.  
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.

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

83. All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's standard plans and specifications. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the approved plans and specifications before the issue of the Occupation Certificate. In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works.  
Reason: To ensure that works are carried out to a proper standard
84. 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

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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 Regulation.

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

Reason: To comply with the provisions of the EPA Act.

86. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner shall obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must 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.

87. A Section 73 Compliance Certificate from Sydney Water must be submitted to Council before occupation of the premises.

Reason: To comply with the requirements of that Act.

88. A design verification from a qualified designer, being a statement in which the qualified designer verifies 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 Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat

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Development must be submitted to Council'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 Flat Development.

89. Prior to the issue of the occupancy certificate, the project arborist shall certify in writing to the Principal Certifying Authority that the tree protection specification and the conditions of consent relating to tree protection have been complied with or, if the conditions have been contravened, detail the extent and nature of the departure from the conditions. The Principal Certifying Authority shall report breaches of the conditions to Inner West Council.

Reason: To ensure compliance with conditions and thereby protect the trees being retained.

90. The landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved details and must be maintained at all times to Council's satisfaction.

Reason: To ensure adequate landscaping is maintained.

91. Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and prior to the occupation of the dwellings a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets AS2021- 2000 as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development. 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 being 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 to ensure that the proposed noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections of Australian Standard 2021-2000.

92. 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).

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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 Regulation 2000.

93. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.

94. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council and undertaken before occupation of the site.

Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.

95. 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 is permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before occupation of the site.

Reason: To ensure there is no encroachment onto Council's road.

96. All works required to be carried out in connection with drainage, alterations to kerb and guttering, footpaths and roads resulting from the development must be completed before the issue of an Occupation Certificate. Works must be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

Reason: To ensure that the person acting on this consent completes all required work.

97. Any redundant vehicular crossings to the site must 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 occupation of the site 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.

98. Before occupation of the site written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related

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work has been and constructed in accordance with the approved plans must be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, must be submitted to Council. Those 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.

99. 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

100. The applicant shall provide security, in a manner satisfactory to Council, for the proper maintenance of the road/drainage works in an amount of \$6,000.00 for a period of twelve (12) months from the date of completion of the Road/Drainage works as surety for the proper maintenance of the Road/Drainage works.

Reason: To provide security for the maintenance of Road/Drainage works for a 12 month maintenance period

101. 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

102. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.

Reason: To ensure that items of local heritage value are preserved.

103. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks

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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.

104. Deleted.

105. Deleted.

106. 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:

- a) The proprietor of the property shall be responsible for maintaining the stormwater treatment facility as outlined in the approved plans;
- b) 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.
- c) 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.

107. With 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.

108. All instruments under Section 88B of the Conveyancing Act 1919 used to create easements or right-of-ways shall include the condition that such

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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.

109. Deleted.

110. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site must 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 occupation of the site.

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.

**BEFORE THE ISSUE OF A STRATA SUBDIVISION CERTIFICATE**

111. The strata subdivision of the development must be carried out in accordance with the draft strata plans prepared by James Patrick Thorpe and submitted with the development application except where amendments are necessary to reflect the approved development as shown in the plans approved by condition 1 of Part B of this Consent. Final strata plans are to be submitted to and approved by Council. Such plans must be submitted together with the required fee for the approval of the final plan under the Strata Schemes (Freehold Development) Act 1973. One disabled car space being allocated to each adaptable dwelling. Car spaces must not be given separate strata lot numbers and all visitor parking spaces are to be included in common property.

Reason: To facilitate the subdivision of the land and to confirm the terms of Council's approval.

112. The submission of a final survey plan and 4 copies for the Strata subdivision.

Reason: To comply with Council's requirements.

113. All instruments under Section 88B of the Conveyancing Act used to create easements or right-of-ways must include the condition that such easements or right-of-ways must not be varied, modified or released without the prior approval of Council.

Reason: To ensure Council's interests are protected.

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114. The payment of the required fee, under Council's adopted fees and charges, for the approval of the final plan under the terms of the Strata Schemes (Freehold Development) Act 1973.

Reason: To comply with the requirements under the Environmental Planning and Assessment Act and the Strata Schemes (Freehold Development) Act 1973.



**DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE. ARCHITECTS DOCUMENTATION TO ARCHITECT BEFORE COMMENCING WORKS.**

**GENERAL NOTES:**  
 1. ALL WORK TO BE ACCORDING TO THE COMPANET ACT 1991 AND PART 36 OF THE LOCAL GOVERNMENT ACT 1995. ANY OTHER REGULATIONS SHOULD BE OBSERVED.  
 2. ALL WORK TO BE ACCORDING TO THE COMPANET ACT 1991 AND PART 36 OF THE LOCAL GOVERNMENT ACT 1995.  
 3. ALL WORK TO BE ACCORDING TO THE COMPANET ACT 1991 AND PART 36 OF THE LOCAL GOVERNMENT ACT 1995.  
 4. ALL WORK TO BE ACCORDING TO THE COMPANET ACT 1991 AND PART 36 OF THE LOCAL GOVERNMENT ACT 1995.

**DA GENERAL NOTATIONS LEGEND**

|        |   |            |                                |
|--------|---|------------|--------------------------------|
| BRB    | Brick Blotout   | FSL 00 000 | Finished structural level      |
| EPC    | Existing painted ceiling  | +RL 00 000 | Finished spot or surface level |
| EST    | Exposed structure   | +00 00     | Survey spot level              |
| K.F.R. | Kitchen joinery   | +00 00     | Existing level                 |
| PFC    | Painted fibre cement sheathing  | +FFL 00 00 | Spot level                     |
| PED    | New painted plasterboard bulkhead ceiling   | UNO        | Unless noted otherwise         |
| T.M.C. | Timber panel finish   | CCS        | Check on site                  |
| U.F.H. | New motorised blind system-Elinormaster 'Cornadi Perginets'                         | TOW        | Top of wall FL                 |
| AP     | Access panel to engineer's details  | ---        | Existing wall to remain        |
| ☒      | Diffuser/grille to engineer's details   | ---        | Structure to be demolished     |
| ☒      | Duct concealed in ceiling to engineer's details                                     | ---        | Brick masonry wall             |
| ART    | Air intake louvre/grille to engineer's details                                      | ---        | Concrete blockwork wall        |
| IN     | Linear A.C. diffuser to bulkhead to engineer's details                              | ---        | Stud wall                      |
| →      | Existing bulkhead diffuser to be demolished/replaced with new to engineer's details | ---        |                                |
| ---    | Linear A.C. diffuser to engineer's details  | ---        |                                |
| ---    | Emergency exit light (E) Existing   | ---        |                                |
| ---    | Waterproof plasterboard   | ---        |                                |
| ---    | Ceiling level from FSL  | ---        |                                |
| ---    | Height TBC from FFL   | ---        |                                |
| ---    | Painted plasterboard moisture resistant   | ---        |                                |
| ---    | Height from FSL   | ---        |                                |

**CEILING LEGEND**

|        |   |            |                        |
|--------|---|------------|------------------------|
| BRB    | Brick Blotout   | FCL 00 000 | Finished ceiling level |
| EPC    | Existing painted ceiling  | ---        |                        |
| EST    | Exposed structure   | ---        |                        |
| K.F.R. | Kitchen joinery   | ---        |                        |
| PFC    | Painted fibre cement sheathing  | ---        |                        |
| PED    | New painted plasterboard bulkhead ceiling   | ---        |                        |
| T.M.C. | Timber panel finish   | ---        |                        |
| U.F.H. | New motorised blind system-Elinormaster 'Cornadi Perginets'                         | ---        |                        |
| AP     | Access panel to engineer's details  | ---        |                        |
| ☒      | Diffuser/grille to engineer's details   | ---        |                        |
| ☒      | Duct concealed in ceiling to engineer's details                                     | ---        |                        |
| ART    | Air intake louvre/grille to engineer's details                                      | ---        |                        |
| IN     | Linear A.C. diffuser to bulkhead to engineer's details                              | ---        |                        |
| →      | Existing bulkhead diffuser to be demolished/replaced with new to engineer's details | ---        |                        |
| ---    | Linear A.C. diffuser to engineer's details  | ---        |                        |
| ---    | Emergency exit light (E) Existing   | ---        |                        |
| ---    | Waterproof plasterboard   | ---        |                        |
| ---    | Ceiling level from FSL  | ---        |                        |
| ---    | Height TBC from FFL   | ---        |                        |
| ---    | Painted plasterboard moisture resistant   | ---        |                        |
| ---    | Height from FSL   | ---        |                        |

**LIGHTING LEGEND**

|       |   |   |
|-------|---|---|
| LT.12 | Fluorescent Batten                        | CF-Ceiling fan  |
| LT.14 | T5 Fluorescent Batten under bar top       | L1-Pendant  |
| LT.05 | Low Voltage halogen downlight             | L2-Pendant  |
| LT.06 | Feature pendant                           | L3-Pendant  |
| LT.08 | Feature pendant incandescent light source | L4-Pendant  |
| LT.09 | Pendant to WC's incandescent light source | L5-Fluorescent downlight                                      |
| LT.13 | Heatlamps                                 | L6.2 x Downlight fitting                                      |
| LT.03 | Wall mounted incandescent light           | L7: Downlight   |
| LT.07 | Suspended pendant light                   | L8:Dimmable T5  |
| LT.01 | Low voltage halogen uplighter             | L9:Jorney downlight   |
|       | Emergency exit light                      | L10:Strip LED lighting  |
|       |   | L11:Exterior wall lights                                      |
|       |   | L12: Floor recessed uplights                                  |
|       |   | L13: Fluorescent battens                                      |
|       |   | L14: Surface mounted fitting                                  |
|       |   | L15: Exterior light fittings                                  |
|       |   | L16: Directional wall light                                   |
|       |   | L17: Recessed fluorescent wall light                          |
|       |   | L18: Ceiling GPO & metal hook for optional pendant suspension |
|       |   | H: Heat lamp to pass  |
|       |   | S: Speaker  |
|       |   | PJ: Projection screen   |

**Note:** Light locations pending location of existing lights. Locations of exit signs, smoke detectors, ac outlets to be advised.

**CEILING LEGEND**

BRB Brick Blotout  
 EPC Existing painted ceiling  
 EST Exposed structure  
 K.F.R. Kitchen joinery  
 PFC Painted fibre cement sheathing  
 PED New painted plasterboard bulkhead ceiling  
 T.M.C. Timber panel finish  
 U.F.H. New motorised blind system-Elinormaster 'Cornadi Perginets'  
 AP Access panel to engineer's details  
 ☒ Diffuser/grille to engineer's details  
 ☒ Duct concealed in ceiling to engineer's details  
 ART Air intake louvre/grille to engineer's details  
 IN Linear A.C. diffuser to bulkhead to engineer's details  
 → Existing bulkhead diffuser to be demolished/replaced with new to engineer's details  
 --- Linear A.C. diffuser to engineer's details  
 --- Emergency exit light (E) Existing  
 --- Waterproof plasterboard  
 --- Ceiling level from FSL  
 --- Height TBC from FFL  
 --- Painted plasterboard moisture resistant  
 --- Height from FSL

**Note:** All wet area ceilings to have moisture resistant painted plasterboard. Existing cornices to be retained where possible. Refer elec engs details for all lighting & power layouts to ceiling. All mechanical equipment locations are indicative. Refer mech engs layouts for position of air grilles, louvres & access panels. Remove all existing light fittings and grilles unless otherwise noted on interior design/mechanical DWGS. Allow acoustic treatment throughout to consultant's details. Remove all existing light fittings and grilles unless otherwise noted on interior design/mechanical DWGS.

**CLIENT:** EQUITY SITE HOLDINGS PTY LTD  
**PROJECT MANAGER:** CALLES ENTERPRISES PTY LTD  
**ARCHITECTS:** NICHOLAS & ASSOCIATES  
 11/111-113/115 STURDY HILLS DRIVE, NEWCASTLE NSW 1590  
 T + 61 2 893 8666 WWW.NA.COM.AU

**DRAWING NO.:** DA000-C  
**ISSUE NO.:** B  
**JOB NO.:** K441510

**DEVELOPMENT APPLICATION**  
 DRAWING TITLE: STANDARD ABBREVIATION 2  
 PROJECT NAME: 110-112 ADDISON ROAD MARRICKVILLE

NOTED: 21/02/2016 10:30 AM

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1 V1 ADDISON ROAD PERSPECTIVE - VIEW FROM THE OPPOSITE BOUNDARY  
CIRCA 1:100 @ A3

FINISHES SCHEDULE

- 01. HERRING BONE BRICK PAVING AROUND EXISTING SANDSTONE CURBS
- 02. TIMBER LINING TO BALCONY SOFFIT
- 03. BRICK BAGGED & PAINTED
- 04. WHITE BRICK LA PALMOMA - MIRO 230x110x75
- 05. ALUMINIUM LOUVRES
- 06. FAIR FACED CONCRETE
- 07. HORIZONTAL BORDERED OFF-FORM CONCRETE
- 08. VERTICAL BORDERED OFF-FORM CONCRETE
- 09. BRICK SCREEN
- 10. CORTEN STEEL SCREEN
- 11. WHITE BRICK LA PALMOMA - MIRO 230x110x75
- 12. SAFETY LAMINATE GLASS LOUVRES
- 13. RECYCLED BRICKS
- 14. DARK BRICK

DATE: 10/01/2024  
 TIME: 10:00 AM  
 CLIENT: EQUITY SITE HOLDINGS PTY LTD  
 ARCHITECTS: KIMBERLEY ARCHITECTS ASSOCIATES  
 DRAWING NO: DA001  
 ISSUE NO: B  
 JOB NO: KAA1510  
 PROJECT NAME: 110-112 ADDISON ROAD MARRICKVILLE  
 DEVELOPMENT APPLICATION  
 DRAWING TITLE: ADDISON ROAD PERSPECTIVE  
 PROJECT NO: 24/110-112-01  
 PLOTTED: 24/10/2024 10:02:58 PM

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1 V2 ILLAWARRA ROAD PERSPECTIVE - VIEW FROM THE OPPOSITE BOUNDARY

CIRCA 1:100 @ A3

FINISHES SCHEDULE

|  |  |  |                                      |  |                             |  |  |  |                        |  |                          |  |  |  |  |  |                      |  |                           |  |  |  |                                    |  |                 |
|--|--|--|--------------------------------------|--|-----------------------------|--|--|--|------------------------|--|--------------------------|--|--|--|--|--|----------------------|--|---------------------------|--|--|--|------------------------------------|--|-----------------|
|  | 01 - HERRING BONE BRICK PAVING AROUND EXISTING SANDSTONE CURBS |  | 02 - TIMBER LINING TO BALCONY SOFFIT |  | 03 - BRICK BAGGED & PAINTED |  | 04 - WHITE BRICK LA PALOMINA - MIRO 230x110x50 |  | 05 - ALUMINIUM LOUVRES |  | 06 - FAIR FACED CONCRETE |  | 07 - HORIZONTAL BORDERED OFF-FORM CONCRETE |  | 08 - VERTICAL BORDERED OFF-FORM CONCRETE |  | 09 - RECYCLED BRICKS |  | 10 - CORTEEN STEEL SCREEN |  | 11 - WHITE BRICK LA PALOMINA - MIRO 230x110x76 |  | 12 - SAFETY JALOUSIE GLASS LOUVRES |  | 13 - DARK BRICK |
|--|--|--|--------------------------------------|--|-----------------------------|--|--|--|------------------------|--|--------------------------|--|--|--|--|--|----------------------|--|---------------------------|--|--|--|------------------------------------|--|-----------------|

DATE: 12/08/2019  
 TIME: 10:00 AM  
 DRAWN BY: DAVID  
 CHECKED BY: DAVID

CLIENT: EQUITY SITE HOLDINGS PTY LTD  
 PROJECT NAME: V2 ILLAWARRA ROAD  
 ARCHITECTS: LALLESENTERPRISES PTY LTD

ARCHITECTS: LALLESENTERPRISES PTY LTD  
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 SYDNEY NSW 2000 AUSTRALIA  
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 EMAIL: INFO@LALLESENTERPRISES.COM.AU



FORWARDED PROJECT  
 NEW BRICK 02 9550 1111  
 NEW BRICK 02 9550 1111

DRAWING NO: DA002  
 ISSUE NO: B  
 JOB NO: KAA1510

DEVELOPMENT APPLICATION

DRAWING TITLE: V2 ILLAWARRA ROAD  
 PROJECT NAME: V2 ILLAWARRA ROAD  
 PROJECT ADDRESS: V2 ILLAWARRA ROAD  
 MARRICKVILLE

PLOTTED: 21/10/2019 8:52:47 PM



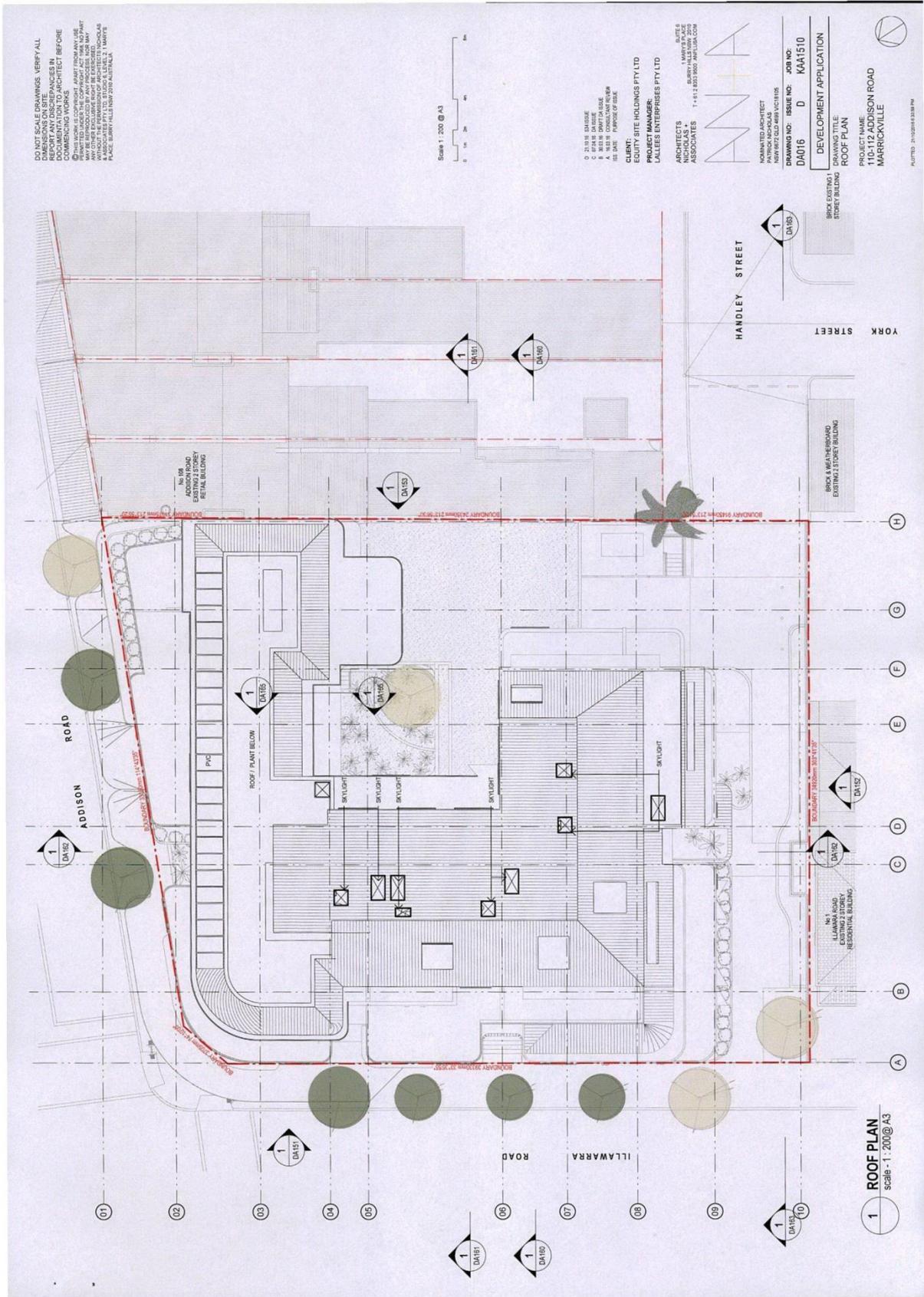




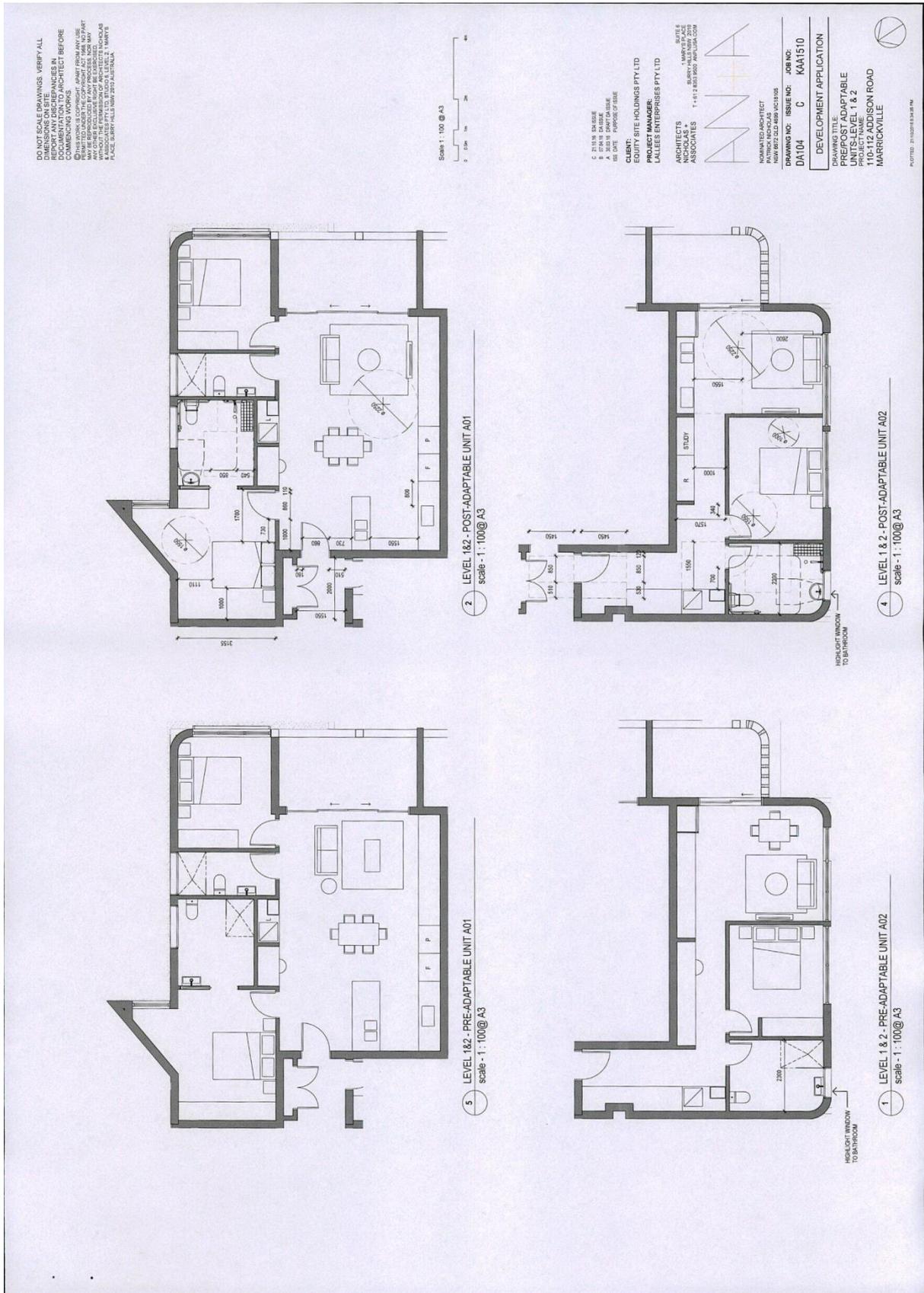




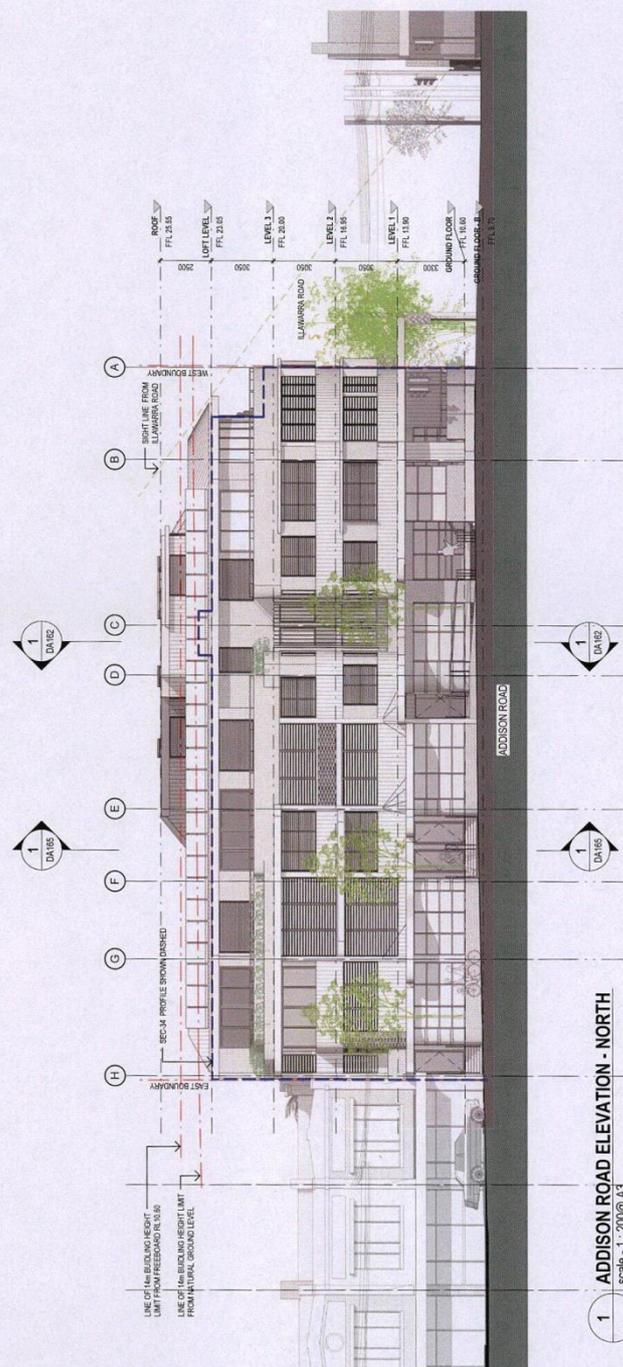








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Scale 1:200 @ A3

D. 20/11/18 DRAFT  
 C. 09/11/18 DRAFT  
 B. 08/11/18 DRAFT  
 A. 05/11/18 CONSULTATION  
 01/11/18 PURPOSE OF ISSUE

**CLIENT:**  
 EDURY SITE HOLDINGS PTY LTD  
 10/11/18 ARCHITECT  
 JALLES ENTERPRISES PTY LTD

**ARCHITECTS:**  
 MARRICKVILLE ARCHITECTS  
 1/11/18 2/03/2020 REVISED  
 ASSOCIATES

**REGISTERED ARCHITECT:**  
 NEW 9571 010 4899 VIC 111105  
 NEW 9571 010 4899 VIC 111105

**DRAWING NO.:** DA150  
**ISSUE NO.:** D  
**JOB NO.:** KA1510

**DEVELOPMENT APPLICATION:**  
 DRAWING TITLE: ADDISON ROAD ELEVATION -  
 PROJECT NAME: 110-112 ADDISON ROAD  
 MARRICKVILLE

PLOTTED: 21/10/2018 10:47 AM

1 ADDISON ROAD ELEVATION - NORTH  
scale - 1:200 @ A3



