



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201700110.02
Address	109-111 Parramatta Road, Camperdown NSW 2050
Proposal	Application under Section 4.55(2) of the Environmental Planning and Assessment Act to modify Determination No. 201700110.01 dated 21 February 2018 to add a fifth floor to the approved 4 storey mixed use building; delete car stackers and construct a basement level car park; reconfigure all floors to accommodate a lift and new atrium.
Date of Lodgement	30 August 2018
Applicant	Acemon Pty Ltd C/- CMT Architects Australia
Owner	Acemon Pty Ltd
Number of Submissions	13 submissions objecting to the modified development
Value of works	\$3,687,978.00
Reason for determination at Planning Panel	<ol style="list-style-type: none"> 1. This application is the subject of 10 or more unique submissions by way of objection. 2. State Environmental Planning Policy No 65- <i>Design Quality of Residential Apartment Development</i> applies and is 4 or more storeys in height. 3. The proposed modified development contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.
Main Issues	<ul style="list-style-type: none"> • Building height and FSR • Architectural Excellence • Issues raised in submissions
Recommendation	Approval
Attachment A	Recommended modified and additional conditions of consent
Attachment B	Plans of proposed modified development
Attachment C	Notice of Determination No. 201700110.01
Attachment D	Approved Plans Determination No. 20170011.01



LOCALITY MAP

Subject Site		Objectors	↑ N
Notified Area		Supporters	
Note: Due to scale of map, not all objectors could be shown.			

1. Executive Summary

This report concerns an application under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify Determination No. 201700110.01 dated 21 February 2018 to;

1. Add a fifth floor to the approved 4 storey mixed-use building to accommodate an additional four (4) residential units.
2. Delete the approved car stackers and add a basement carpark which will result in an increase in the number of on-site car parking spaces from eight (8) to ten (10).
3. Make various design modifications to reconfigure each other level of the building as a result of design refinement.

The modified design will increase the FSR from 1.64:1 to 2.06:1 (an increase in GFA of 188.2m²), which increases the variation from the permitted 1.5:1 FSR under the MLEP 2011 from 9.3% to 37.3%. This is the result of the proposed new fifth floor and a minor increase in the size of the ground floor commercial tenancy.

The height of the development will also increase by 2.125m from the approved height of 14.425m to 16.55m. The variation above the permitted 14m Maximum Building Height under the MLEP 2011 will increase from 3.04% to 18.21%.

The modified design has been reviewed by Council's Architectural Excellence Panel (AEP) and in summary, the Panel is satisfied that the modified development will not have a substantially greater impact than the approved development. The AEP accepts that there is opportunity to increase the height (and therefore the FSR) of the development as positive precedents have been set by adjoining and nearby development approvals along Parramatta Road. Consistency with the Parramatta Road Urban Corridor Transformation Strategy was also a consideration of the AEP.

The development as modified is considered to be substantially the same development for the purposes of s4.55(2) of the *Environmental Planning and Assessment Act 1979* (the Act).

The modified development has been considered in accordance with the matters referred to in s.4.15 (1) of the Act and found to be satisfactory. Amendments to the application were submitted during the assessment process and these were considered to be design improvements which reduced the expected impact on surrounding and adjoining properties and were therefore not required to be renotified.

The application was notified in accordance with Council's policy until 6 November 2018 and 13 submissions were received, all objecting to the application. The issues raised in submissions are summarised as:

- Building Height and FSR (as size and bulk of the building),
- Traffic and Parking,
- Visual and Aural Privacy,
- Overshadowing
- Heritage Impacts and;
- Zoning.

It is considered that each of these matters has been adequately addressed by the modified development.

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

2. Proposal

The approved development on this site is a 4 storey mixed use development with 1 commercial tenancy on the ground floor and car parking at ground level and 12 residential units (nine (9) x studio + one (1) x 1 bedroom + two (2) x 2 bedroom). State Environmental Planning Policy No 65 – *Design Quality of Residential Apartment Development* applies to the development.

The proposed modifications will result in a 5 storey mixed use development with 1 commercial tenancy on the ground floor, car parking on the ground floor and basement and 16 residential units (12 x studio + two (2) x 1 bedroom + two (2) x 2 bedroom).

The proposed modifications include:

- The addition of a fifth floor with four (4) additional apartments (1 x 1 bedroom + 3 x studio), which will increase the number of apartments from 12 to 16;
- Deletion of the approved car stackers extending down into a lower ground floor and lift pit and the addition of a basement carpark for seven (7) parking spaces;
- Addition of an atrium to all above ground floors, through to the roof;
- Minor modifications to the first, second, third floor and reduction or reworking of the layout of residential units to accommodate the relocated lift and new atrium space;
- Maintaining the number of three (3) adaptable apartments (Units 1.04, 2.04 & 3.04); and,
- Reconfiguration of the ground floor commercial area and car parking to:
 - Increase the commercial GFA by 7m² from 71m² to 78m²
 - Add one accessible and two standard parking spaces
 - Relocate the lift servicing all floors and basement
 - Reconfiguration of ground floor back-of-house areas to accommodate the new vehicular ramp and altered ground floor parking arrangements.

The total number of car spaces are proposed to increase from eight (8) to ten (10). The modified parking layout includes four (4) accessible spaces.

The area of the site is 451.2m². The FSR of the approved development is 1.64:1 and FSR of the modified development will equal 2.06:1. The approved FSR equates to a variation of 9.3% and the proposed FSR is a variation 37.3% above the 1.5:1 FSR permissible under clause 4.4 of the MLEP 2011.

Note: In 'real' terms, the approved Gross Floor Area equals 742.9m², which is 66.1m² above the maximum permissible on this site. The proposed modifications will increase the total GFA of the development to 931.1m², (an increase of 180.2m² of residential floor space and 8m² of commercial floor space), which is 254.3m² above the maximum permissible on this site.

The height of the development will increase by 2.125m from the approved height of 14.425m (RL32.175) to 16.55m (RL34.30). The approved height is a variation of 0.425m or 3.04% and the proposed height is a variation of 2.55m or 18.21% above the 14m Maximum Building Height permissible under clause 4.3 of the MLEP 2011 at RL31.75.

3. Site Description

109 - 111 Parramatta Road, Camperdown is a single level commercial building (refer to **Figures 1 and 2**). The site is legally known as Lot 1 in DP 91868 and is located on the southern side of Parramatta Road, between Mallett and Australia Streets, with rear lane access from Victory Lane (refer to **Figure 3**). The site is a rectangular parcel of land, with a northern frontage to Parramatta Road of 14.175m, an eastern side boundary of 25.89m, a southern (rear) frontage to

Victory Lane of 14.175m, and a western boundary of 31.94m, providing a total site area of 451.7m².

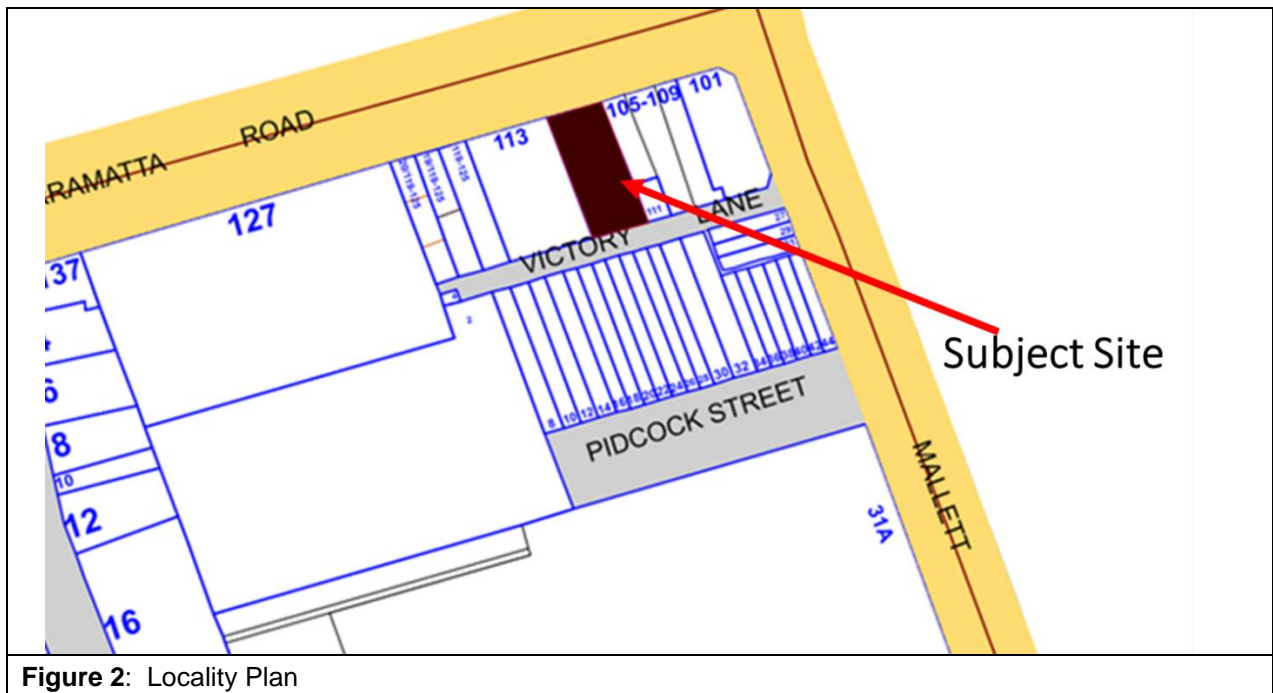
The height and bulk of development along this part of Parramatta Road is varied. Existing developments have active street frontages comprising commercial/retail uses on the ground floor. Residential uses are generally within shop top housing developments. The area is currently in transition with new, larger scale mixed use-developments under construction or subject to recent development consent.



Figure 1: The front of the site on Parramatta Road.



Figure 2: The rear of the site



4. Background

4(a) Site history

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

- Determination No. 201700110, dated 12 September 2017, refused consent to demolish existing improvements on the site and construct a 4 storey mixed use development with 1 commercial tenancy on the ground floor and car parking at ground level and 12 residential units.
- The reasons for refusal were:
 1. *The consent authority cannot be satisfied pursuant to clause 7(1)(b) of State Environmental Planning Policy No. 55 –Remediation of Land based on the information submitted with the application and the further required sampling of the site that is required to be carried out. The proposal does not demonstrate compliance with Part 2.24 of MDCP 2011.*
 2. *The proposal does not demonstrate compliance with the objectives of Part 2.10 of MDCP 2011 in that vehicles cannot enter and exit the site in a forward direction and there is insufficient accessible car parking spaces provided.*
 3. *The proposal does not demonstrate compliance with the controls for waste management contained within Part 2.21 of MDCP 2011 in relation to the residential component of the development.*
- A review request under s82A of the *Environmental Planning and Assessment Act 1979* was submitted to Council on 17 October 2017. The applicant submitted amended plans and additional information to address the reasons for refusal under Determination No. 201700110.
- The plans submitted under the s82A review proposed a variation to the FSR development standard under clause 4.4 of the MLEP 2011 (refer to **Section 2**). The roof top

communal area was deleted, reducing the maximum height exceedance of the lift overrun compared to the refused proposal from 2.8 metres to 0.425m (refer to **Section 2**).

- Council considered the s82A review application to be satisfactory and the Applicant's request under clause 4.6 of the MLEP 2011 to vary the FSR and Height of Buildings development standard to be justified. Consent was granted on 21 February 2018.

The following outlines the relevant development history of the **adjoining site to the west at 113-117 Parramatta Road, Camperdown**.

- Determination No. 201600538 dated 15 June 2017 approved a development application to demolish existing improvements and construct a 5 storey mixed use development with associated basement car parking on this property.
- Similar to the subject site, a maximum building height of 14m under MLEP 2011 applies to this property. The approved development has a maximum building height of 17.13m, which is a variation of 22.35% above the maximum building height development standard. The Applicant's request under clause 4.6 of the MLEP 2011 was considered justified because, *inter alia*, Parramatta Road and its visual catchment contain a number of buildings similar or taller in height that set an existing built form character including the following:
 - 119-125 Parramatta Road adjoining the site to the west contains a 5 storey development;
 - 139-143 Parramatta Road to the west of the site contains a 5 to 6 storey development fronting Parramatta Road and 5 storey development along Denison Street;
 - 163-185 Parramatta Road to the west of the site contains a 4 to 6 storey development;
 - 2 Cardigan Lane to the west of the site contains a 6 storey development; and
 - 187 Parramatta Road to the west of the site contains a 5 storey development.

In summary, the development was considered to result in a consistent streetscape appearance to Parramatta Road.

- A maximum floor space ratio (FSR) of 1.5:1 applies to the land under MLEP 2011. The area of the site is 674.7m². The approved development has a GFA of 1,720m² which equates to a FSR of 2.54:1, which represents a variation from the FSR development standard of 708m² or 70%.
- One application to modify the approved development under Section 96 of the Environmental Planning and Assessment Act 1979 was approved on 24 February 2018, to amend condition 39 to modify the location of construction vehicular access. The amendment to condition 39 is to allow Victory Lane to be used by construction vehicles for some stages of the development.

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
30.08.2018	Application lodged with Council.
19.02.2019	Applicant submitted a written response to the submissions received by Council, which included a quantitative analysis to demonstrate the proposal will have substantially the same impacts as the approved built form.
26.02.2019	<p>Proposed modifications were considered by Council's Architectural Excellence Panel (AEP). In summary the AEP concluded that the proposed development will not have a substantially greater impact than the approved development, and it is generally supported.</p> <p>The AEP did make a number of detailed comments and requested additional information to be submitted for review by the AEP as follows:</p> <ol style="list-style-type: none"> <i>"1. The panel considers that, although the proposed development exceeds the development standard maximum FSR, and the prescribed maximum height of 14m for the subject site, there is the opportunity for some increase in height to the building, given the positive precedent set for building height by the adjoining approval and its consistency with the desired future character established by the PRCUTS (Parramatta Road Corridor Urban Transformation Strategy). However, the panel requests that drawings be provided sufficient to allow a direct comparison and correlation with the prevailing datums of the adjoining development at 113-117 Parramatta Road.</i> <i>2. The above comments are subject to the applicant demonstrating there will be no adverse effects created from either an increase in overshadowing or from privacy considerations to adjoining properties.</i> <i>3. The panel supports the proposed architectural expression of the upper floor (off form concrete), but queried whether a better outcome could be achieved if, instead of the proposed c. 3.5m setback to Parramatta Road, the upper building envelope to this elevation aligns with the adjoining approved development, and an increased rear setback is instead provided to the rear (Victory Lane). This was suggested to reduce the impact of the additional massing on the neighbouring residences to the rear and is subject to clarification regarding consistency with the approved height, alignments and datums evident within the adjoining building.</i> <i>4. The proposed atrium to all above ground floors - open to the sky - is supported, on the basis that it provides enhanced natural cross ventilation.</i> <i>5. The panel queried the design of the accessible ramp provided from Victory Lane to the commercial address on Parramatta Road, and considered that the extent and switchback layout of the ramp makes for a difficult and convoluted access route for people with a disability. The panel would encourage a more efficient alternative access strategy possibly involving a platform lift.</i> <i>6. The previous approved scheme had the advantage of minimising ground disturbance to the rear of the site, as no basement car parking was provided. The panel notes the significance of the tree canopy to Victory Lane and expresses concern regarding the potential for damage to the eucalypts directly behind the site as a result of excavation for the basement in the proposed new scheme. The panel requests confirmation from an appropriate expert that these works can be executed without damage to the structural roots of the trees (which are likely to run into the site), and consider that the proposed development should not be supported if the works are likely to compromise the integrity of the tree."</i>

28.03.2019	<p>Applicant submitted revised architectural plans in response to the recommendations of the AEP. Also included was a brief response to the issues raised by the Panel, and the requested supporting documentation.</p> <p>The revised plans considered and adopted the recommendations of the Panel and provides a range of design improvements. The key aspects of the revised design are:</p> <ul style="list-style-type: none"> • A 500mm lower overall building height, accomplished by reducing the ground floor to ceiling height from 4550mm to 4050mm. • Extending the balustrades of the upper level and reducing the 2.14m roof slab setback to Parramatta Road to align with the proposed building line of the adjoining property at Nos. 113-117 Parramatta Road. • Skylights are proposed to maintain the penetration of natural light into to the upper level private open spaces and habitable rooms. • The upper level has been set back from the rear boundary between 7.89m-6.79m to the proposed terrace, and an additional 3.46m to the southern wall of the proposed two bedroom apartment. • Extending the atrium to the ground floor to improve the cross ventilation. • Deletion of the ground floor switchback ramp and replace it with a platform lift, steps, and plant area. The revision provides additional space for the extension of the atrium to the ground floor, improving sunlight and across ventilation to the ground floor. The revised design improves accessibility. <p>In addition, the response was accompanied by an Arboricultural Statement (separately submitted) prepared by Dr Trevor J. Hawkeswood, which provided a report on a large Lemon Scented Gum <i>Corymbia citriodora</i> (Myrtaceae) tree situated 9m from the rear boundary of the site on an adjacent residential property on the opposite side of Victory Lane. Dr. Hawkeswood concluded that the tree has a Structural Root Zone (SRZ) of 3.5 metres, which is less than the distance from the subject site and hence it is most unlikely that any roots of this tree will be affected by earthworks on the subject property.</p>
28.05.2019	<p>The additional information submitted by the Applicant was considered by the AEP. The Panel clearly stated that they required diagrammatic evidence in response to Points 1 and 2 (as listed above).</p> <p>Point 1 – while the table submitted by the Applicant comparing floor levels is useful, the drawings that the Panel required is a ‘before and after’ (to compare and contrast) 3D massing study to include adjoining sites.</p> <p>Point 2 – the Panel required the issues of overshadowing and privacy be demonstrated by the submission of shadow diagrams and sight lines.</p> <p>An undertaking was given to the Applicant that once the required information was submitted, then the information would be circulated to the Panel members electronically for their review and comment.</p>
04.07.2019	<p>Applicant submitted the requested additional information requested by the AEP. Submitted drawings provide a diagrammatic response to the three points raised by the AEP regarding 3D massing, solar access and privacy to the adjoining properties, and clarification of the upper building envelope. Submitted photomontages of the revised proposal are included as Figures 4, 5 and 6.</p>
16.07.2019	<p>The AEP was satisfied that the submitted material addresses the concerns raised by the Panel.</p>



Figure 4: Photomontage showing the relationship of the **approved** development on the site against the approved development on the adjoining site to the west, 113-117 Parramatta Road.

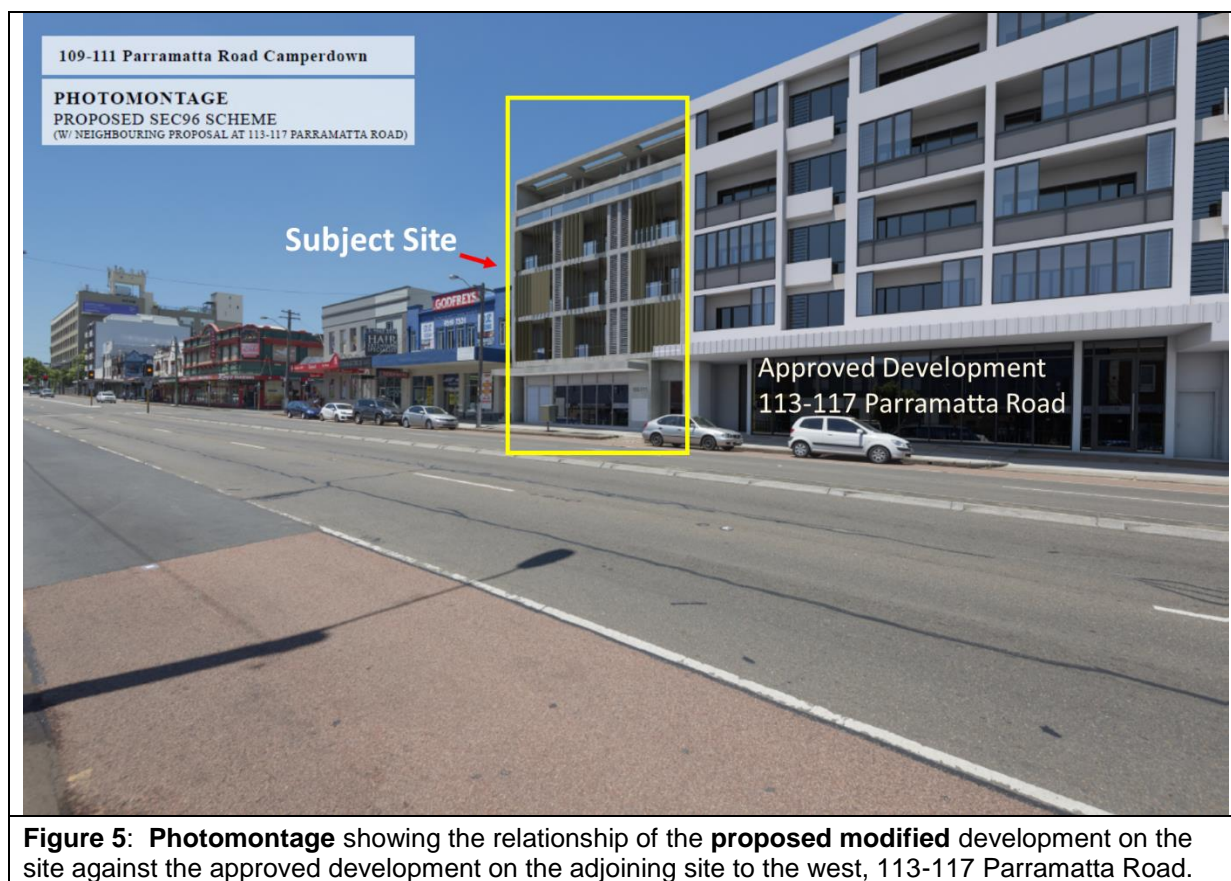


Figure 5: Photomontage showing the relationship of the **proposed modified** development on the site against the approved development on the adjoining site to the west, 113-117 Parramatta Road.



Figure 6: Photomontage of the side and rear of the **proposed modified** development.

5A. Section 4.55 Assessment

Under Section 4.55 (2) and (3) of the Environmental Planning and Assessment Act, 1979, the consent authority, when considering a request to modify a Determination (except under s.4.55 (1)), may modify the consent if:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
 - (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
 - (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*
- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as*

are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The development as proposed to be modified is considered to be substantially the same as the development for which consent was originally granted. The application was notified in accordance with the regulations and Council's policy. The submissions received are considered in **Section 5(f)**.

The proposed development is not integrated development for the purposes of Division 4.8 of the Act.

Amendments to this modification application were submitted during the assessment process. The amendments were considered to have a reduced or similar impact on the adjoining properties and in accordance with Council's notification policy, were not required to be re-notified.

The heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as are of relevance to the application, have been taken into consideration in the assessment of this application.

5. Assessment

The following is a summary of the assessment of the application in accordance with Sections 4.55 and 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 55—Remediation of Land
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Marrickville Local Environment Plan 2011 (MLEP 2011)

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. Supporting SEPP 55, the Marrickville DCP 2011 (MDCP 2011) provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The previous s.82A review provided modified plans and additional information to address the reasons for refusal concerning site contamination. A RAP was submitted with the s.82A review request (prepared by Benviron Group, dated November 2017) and it was found that there are contaminants of environmental concern on the site.

The key recommendation of the RAP is that subject to the implementation of the remediation and validation works contained in the report, the site will be suitable for the development. As part of the remediation strategy, excavation and removal of infill contaminated material is recommended. A condition of consent is included in the original determination requiring compliance with the recommendations of the RAP. An *unexpected finds* condition was also included. It is not considered necessary to modify or add to these conditions.

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

The modified 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 (9) 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 Design Verification Statement from Chris Tsioulos, registered architect (Registration No. 5143) of CMT Architects, was submitted with this modification application verifying that he designed, or directed the design, of the development. The modified development is considered acceptable having regard to the design quality principles listed in SEPP 65.

Apartment Design Guide

The Apartment Design Guide (ADG) contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of SEPP 65 certain requirements contained within MDCP 2011 do not apply. In this regard the objectives, design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The following provides further discussion of the ADG issues relevant to the proposed modified design:

- **Solar and Daylight Access**

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

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

12 of the 16 units (75%) will face North and therefore will have solar access in accordance with the above controls. This ratio of units facing North is maintained on the proposed new level.

The remaining 25% of the dwellings do not receive the prescribed solar access between 9:00am and 3:00pm in mid- winter. Notwithstanding, these dwellings are oversized, have generous balconies, which provide good ventilation and are generally considered to be dwellings with good internal amenity. This ratio of units is not changed from the approved development.

- **Natural Ventilation**

The ADG prescribes the following requirements for natural ventilation:

- *At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the*

building. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.

- Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.

The proposed four (4) new dwellings maintain a similar layout to the units on the floors below. While all units in the building are best described as single aspect design, they have good size window openings and will achieve satisfactory natural ventilation. Units benefitting from direct access to the atrium will have improved natural ventilation above the approved design.

- **Apartment Size**

All apartments within the development comply with the ADG minimum size.

- **Private Open Space and Balconies**

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

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

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

All proposed new apartments are provided with primary balconies that exceed the minimum area and minimum depth as per above.

- **Storage**

The development provides enough storage within the apartments to comply with the minimum size as per the requirements of the ADG.

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

A revised BASIX Certificate was submitted with the application (Certificate number: 665739M_05 dated 14 August 2018).

5(a)(iv) State Environmental Planning Policy (Infrastructure) 2007

- **Development with frontage to classified road (Clause 101)**

The site has a frontage to Parramatta Road, a classified road. Under Clause 101 (2) of *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure) the consent authority must be satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

The application was referred to Roads and Maritime Services (RMS) for comment. RMS raised no objections with the application with regard to ingress and egress to the site which is from Victory Lane at the rear of the site.

- **Impact of road noise or vibration on non-road development (Clause 102)**

Clause 102 of the SEPP Infrastructure relates to the impact of road noise or vibration on non-road development on land in or adjacent to a road corridor or any other road with an annual average daily traffic volume of more than 20,000 vehicles. Under this clause, a development for the purpose of a building for residential use is required to include appropriate measures to ensure that certain noise levels are not exceeded.

The applicant submitted a Noise Assessment Report (prepared by Koikas Acoustics Pty Ltd dated 26 July 2018 as an addendum to the report on the approved development) with the application that demonstrates that the modified development will provide suitable insulation against the transmission of aircraft and road traffic noise and will comply with the LA_{eq} levels stipulated in Clause 102 of the SEPP.

5(a)(v) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is within the Sydney Harbour Catchment as shown on the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Sydney Harbour Catchment Map (Amendment 2016).

An assessment has been made of the matters set out in Division 2 of the Plan. It is considered that the carrying out of the proposed modified development is generally consistent with the objectives listed in clause 13 for the Sydney Harbour Catchment and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

5(a)(vi) Marrickville Local Environment Plan 2011 (MLEP 2011)

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.7 - Demolition
- Clause 4.3 – Height of Buildings
- Clause 4.4 - Floor Space Ratio
- Clause 5.9 - Preservation of Trees or Vegetation
- Clause 5.10 - Heritage Conservation
- Clause 6.2 – Earthworks
- Clause 6.5 - Development in areas subject to Aircraft Noise

The following table provides an assessment of the proposed modifications against the applicable development standards:

Standard (maximum)	Approved Development	% Non-compliant	Modified Development	% Non-compliant	Complies
Floor Space Ratio Permitted: 1.5:1	1.64	9.3%	2.06:1	37.3%	No
Height of Building Permitted: 14 metres	14.425m	3.04%	16.55m	18.21%	No

The following provides further discussion of the relevant issues:

(i) Aims of the Plan (Clause 1.2)

Clause 1.2 relates to the aims of the MLEP 2011, and includes the following relevant aims:

“(2) The particular aims of this Plan are as follows:

- (a) to support the efficient use of land, vitalisation of centres, integration of transport and land use and an appropriate mix of uses,*
- (b) to increase residential and employment densities in appropriate locations near public transport while protecting residential amenity,*
- (d) to promote sustainable transport, reduce car use and increase use of public transport, walking and cycling,*
- (e) to promote accessible and diverse housing types including the provision and retention of affordable housing,*
- (f) to ensure development applies the principles of ecologically sustainable development,*
- (g) to identify and conserve the environmental and cultural heritage of Marrickville,*
- (h) to promote a high standard of design in the private and public domain.”*

The development is considered to be consistent with the above aims of MLEP 2011 for the following reasons:

- The development provides an appropriate mix of housing types;
- The development provides for increased residential and employment density in a location well serviced by public transport, which will reduce the demand for private car use;
- All dwellings within the development are satisfactory when measured against the design criteria set out in the ADG as discussed earlier in this report and enjoy a high level of internal amenity; and
- The development utilises high quality materials and finishes and presents a development that is generally consistent with Council's controls for the site.

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

The site is zoned B2 – *Local Centre* under the MLEP 2011. The modified development remains permissible with Council's consent under the zoning provisions applying to the land. The development is considered acceptable having regard to the objectives of the zone.

(iii) Height (Clause 4.3)

A maximum building height of 14 metres applies to the property under MLEP 2011. The proposed modified development has a maximum building height of 16.55m which does not comply with the height development standard. The proposed height represents a departure of

2.55m or 18.21% from the development standard.

In support of this departure from the height development standard, it is important to note that Parramatta Road is currently undergoing a transition in response to the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), which is the NSW Government's 30-year plan to inform planning within the corridor. The site is identified within the Camperdown frame boundary as an area for potential uplift. The proposed fifth floor to the approved development is consistent with the desired future character of the area and is well below the maximum envisioned building height of 24m and FSR of 2.1:1. Parramatta Road and its visual catchment contain a number of buildings similar or taller in height that set an existing built form character.

In response to the comments from Council's Architectural Excellence Panel, the proposed fifth floor has been recessed and massed behind the predominant front and rear building lines to minimise any potential impacts on adjoining properties. The stepping of the upper levels of the building provides an appropriate height transition between the development and the properties to the rear fronting Pidcock Street and backing onto Victory Lane (refer to **Figure 6**). The proposed modifications have been considered by Council's AEP and found to be consistent and contextually compatible with adjacent and nearby developments.

Council has supported a number of development applications on neighbouring properties within the corridor that exceed the building height and FSR standards. In addition, a number of nearby properties east of Mallett Street along Parramatta Road within the City of Sydney Local Government Area are subject to a maximum 22 metre building height under the Sydney Local Environmental Plan 2012. These developments, ranging from 5 storeys to 7 storeys, have a street frontage to Parramatta Road and are within the visual catchment of the site.

The proposal is similar to the approved built form at 113-117 Parramatta Road, which has a maximum building height of 17.13 metres (refer to **Section 4(a)**) and the 4 part 5 storey mixed use development on 119 – 125 Parramatta Road approved under Determination No. 200700516. In determining the application for 113-117 Parramatta Road, the Panel at its meeting on 13 June 2017, concluded that there is no public benefit in maintaining strict compliance with the standard.

Having regard to the proposed height of the development, the proposal is considered acceptable for the following reasons:

- The development achieves a building height that is consistent with the developments on the adjoining site to the west at 113-117 Parramatta Road;
- The visual catchment of this section of Parramatta Road contain several buildings, within the Inner West local government area, similar or taller in height that set an existing built form character. These include the following:
 - 119-125 Parramatta Road to the west of the site contains a 5 storey development;
 - 139-143 Parramatta Road to the west of the site contains a 5 to 6 storey development fronting Parramatta Road and 5 storey development along Denison Street;
 - 163-185 Parramatta Road to the west of the site contains a 4 to 6 storey development; and
 - 187 Parramatta Road to the west of the site contains a 5 storey development.
- Accordingly, it is considered that the modified development will result in a consistent streetscape appearance to Parramatta Road; and
- As discussed throughout this report, the additional building height will not result in unreasonable impacts and the modified development will generally satisfy Council's controls in relation to acoustic and visual privacy, solar access and overshadowing and visual bulk and scale.

(iv) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 1.5:1 applies to the land under MLEP 2011. The proposed modified development has a gross floor area (GFA) of 931.1m² which equates to an FSR of 2.06:1, which does not comply with the FSR development standard. The development results in a departure of 254.3m² or 37.3% from the development standard.

Having regard to the discussion under *Height* (above) the proposed FSR of the modified development, the proposal is considered acceptable with the following additional reasons:

- The proposed variation from the FSR development standard is considerably less than the approved variation (70%) on the adjoining site to the west at 113-117 Parramatta Road;
- Parramatta Road and its visual catchment contain a number of buildings which present a similar FSR that set an existing character; and
- The additional gross floor area will not result in any unacceptable amenity impacts for surrounding properties in relation to acoustic and visual privacy, solar access and overshadowing or visual bulk and scale.

5(b) Draft Environmental Planning Instruments

5(b)(i) Draft Environment SEPP

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for several water catchments and waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

5(b)(ii) Draft Marrickville Local Environmental Plan 2011 (Amendment 4)

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 contains an additional Clause in the LEP to be known as Clause 6.19 – Design Excellence which aims to deliver the highest standard of architectural, urban and landscape design in the LGA. The clause would be applicable to the development site as it has a maximum permitted building height of more than 14 metres and requires an assessment of whether the proposal exhibits design excellence. The quality of the proposed design has been assessed under Section 5(a)(iv) and under Clause 1.2 of MLEP 2011 as part of this assessment and considered to be satisfactory.

5(c) Development Control Plans

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

Part	Compliance
Part 2.5 Equity of Access and Mobility	No (refer to discussion below)
Part 2.6 Visual and Acoustic Privacy	Yes
Part 2.7 Solar Access and Overshadowing	Yes
Part 2.9 Community Safety	Yes
Part 2.10 Parking	Yes
Part 2.16 Energy Efficiency	Yes
Part 2.18 Landscaping and Open Spaces	Yes
Part 2.20 Tree Management	Yes
Part 2.21 Site Facilities and Waste Management	Yes
Part 2.25 Stormwater Management	Yes
Part 4.2 Multi Dwelling Housing and Residential Flat Buildings	Yes
Part 5 Commercial and Mixed Use Development	No (refer to discussion below)
Part 8 Heritage	Yes
Part 9 Strategic Context	Yes

The following provides discussion of particular issues relevant to the proposed modifications:

(i) Equity of Access and Mobility (Part 2.5)

Part 2.5 of MDCP 2011 specifies the minimum access requirements including the following accessible facilities in accordance with the relevant Australian Standards:

MDCP 2011 Requirement	Proposed	Consistency
Residential Component		
For developments with five (5) or more dwellings, one adaptable dwelling per five or part thereof.	The proposed 16 dwellings require the provision of 3.25 adaptable dwellings, and it is Council's practice to round up. Therefore, four (4) adaptable dwellings are required but only three (3) are provided.	No (see discussion below)

Appropriate access for all persons through the principal entrance of a building and access to any common facilities	A level entry of sufficient width has been provided.	Yes
One (1) accessible parking space for every adaptable dwelling	Four (4) accessible parking spaces are proposed.	No (see discussion below)
One (1) accessible visitor's parking space for every four accessible parking spaces or part thereof, designed in accordance with relevant Australian Standards.	One (1) accessible visitor parking space is required. None are proposed.	No (see discussion below)
Commercial Component		
A continuous path of travel through the main entrance	Appropriate access is provided throughout the development.	Yes
Access to common facilities.	There are no common facilities.	N/A
At least one (1) accessible space in car parks of 10 or more car spaces	One (1) car space is provided on ground level accessed directly from Victory lane at the rear.	No (see discussion below)

Based on the assessment provided in table above, the proposed modified development has a shortfall of one (1) adaptable dwelling as prescribed by Part 2.5 of MDCP 2011. An adaptable dwelling accommodates the changing needs of residents over time (e.g. ageing) without the need to demolish or substantially modify the existing structure and services. An adaptable dwelling needs to be designed in accordance with the relevant Australian Standard (Australian Standard AS4299-1995 *Adaptable Housing*) which provides guidance for designing dwellings to accommodate varying degrees of physical ability over time.

It is considered that the proposed modified development can accommodate an additional adaptable unit and therefore satisfy the requirements of MDCP 2011 for unit numbers but not for accessible car parking spaces. It is not important which level of the building the additional adaptable unit is on as the installation of the vertical lift will provide appropriate access.

The original consent included a condition (Condition 12) specifying the provision of three (3) adaptable dwellings.

It is therefore considered appropriate to modify this condition to require four (4) adaptable units to be provided but, for the reasons outlined below, it will no longer be practicable for this condition to require one (1) disabled parking space to be allocated to each adaptable dwelling. To address this and meet the intent of the provisions of MDCP 2011, without expansion of the basement (as the additional units require the provision of an additional accessible parking space), it is considered that the 4th unit which is required to be adaptable, be a "Silver Standard Liveable" apartment. This ensures the unit meets the intent of the DCP provisions, yet does not require the stringent enforcement of parking amendments for an accessible space which would further eliminate parking spaces within an already constrained basement.

As noted previously, while the proposed modified development can provide accessible car parking spaces for four (4) adaptable dwellings, this will leave a shortfall of one (1) accessible visitor parking space. It is considered that a re-design of the modified parking arrangements to provide this missing space is not feasible without reducing the number of standard car parking spaces.

The proposed modified development is also required to provide one (1) accessible visitor parking space for the commercial tenancy.

One (1) accessible parking space is provided at the rear of the ground floor and this is accessed directly from Victory Lane. It is considered that this space is appropriately located on-site to best serve as an accessible visitor parking space servicing both the residential and commercial components of the building. The acceptance of this arrangement is in-line with the approved parking arrangements which have a shortfall of one (1) accessible residential space and one (1) accessible visitor space. This was considered reasonable by Council for the following reasons:

- *The parking non-compliance is relatively minor; and*
- *The site is located within close proximity to frequent public transport services, being located adjacent to bus stops servicing Parramatta Road.*

The same reasons continue to be valid for this site and for accepting the shortfall of on-site accessible visitor parking spaces.

Despite the above, the requirements of MDCP 2011 are effectively superseded by the introduction of the Premises Standards. An assessment of whether or not these aspects of the proposal fully comply with the requirements of relevant Australian Standards and the Premises Standards has not been undertaken as part of this application. That assessment would form part of the assessment under the Premises Standards at the Construction Certificate stage of any proposal.

(ii) Acoustic and Visual Privacy (Part 2.6)

The proposed modifications satisfy the recommendations of the AEP that a sufficient rear setback be provided to Victory Lane. This was suggested to minimise the impacts; especially privacy and overshadowing; of the additional massing of the new upper floor on the neighbouring residences to the rear. The modifications set back the proposed upper level from the rear boundary between 7.89m-6.79m to the proposed terrace, and an additional 3.46m to the wall of the proposed two bedroom apartment.

As a result, it is considered that the recessed nature of the fifth floor the proposal is unlikely to generate additional privacy impacts when compared to the approved built form. Windows to habitable rooms in the rear elevation have been minimised, and where they are provided are substantially separated from nearby properties by the laneway and existing vegetation. Balustrade planting and mature vegetation along Victory Lane will further reduce potential privacy impacts.

In summary, the layout and design of the development and the separation distances between the habitable areas of residential units and residential properties in Pidcock Street will protect the visual and acoustic privacy currently enjoyed by residents of adjoining residential properties. The modified development will also maintain a high level of acoustic and visual privacy for the future occupants of the development itself. The modified development is considered reasonable having regard to the provisions of Part 2.6 of MDCP 2011.

(iii) Solar Access and Overshadowing (Part 2.7)

The development has a rear frontage to Victory Lane and the opposite side of Victory Lane to the south of the site is single and two storey dwellings fronting Pidcock Street. These dwellings are on allotments that are aligned north (rear) / south (front – Pidcock Street). They have rear areas of private open space facing north and located directly to the south of the subject site; however, it is noted that the majority of the dwellings fronting Pidcock Street have parking structures along Victory Lane.

The approved development will cause some overshadowing impacts on the residential properties on the opposite side of Victory Lane. However, the overshadowing is, for the most part, over carports and garages that exist at the rear of these allotments. In addition to this, there are significant trees growing at the rear of these sites. As such, some of the overshadowing depicted on the shadow diagrams is therefore likely to fall within existing

shadows cast by these trees.

The proposed modified design was amended in line with the recommendation of the AEP to reduce the building height by 500mm. This lowering of the building, combined with the rear setback from Victory Lane, minimises additional overshadowing on neighbouring properties. The Applicant has submitted shadow diagrams, and these demonstrate that the modified development will result in minimal increased overshadowing of the private open space of the dwellings to the south of the site with frontage to Pidcock Street when compared to the approved development (refer to **Figure 7**).

The impacts of the proposal on solar access are similar to the approved built form.

In the decision of the Land and Environment Court in *Parsonage v Ku-ring-gai [2004] NSWLEC 347; (2004) 139 LGERA 5354*, the Court noted that “overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.” Having regard to this decision, and without placing too much weight on the shadowing caused by the existing trees along Victory Lane, it is quite apparent in Figure 7 that these trees impact the ability of residential properties in Pidcock Street from receiving the prescribed 2 hours of solar access mid-winter.

Approved - 9:00am 21 June	Proposed – 9:00am 21 June
Approved - 12.00 noon 21 June	Proposed -12:00 noon 21 June



(iv) Parking (Part 2.10)

Existing conditions 8, 9 and 10 require the following on-site parking to be provided:

8. *8 off-street car parking spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. The parking must be allocated as follows:*
 - a) *A minimum of 4 non-accessible car parking spaces being allocated to the residential dwellings;*
 - b) *2 accessible car parking spaces being allocated to the residential dwellings;*
 - c) *1 visitor car parking space; and*
 - d) *1 commercial parking space.*

All accessible car spaces must be provided and marked as disabled car parking spaces.

Reason: *To ensure that practical off-street car parking is available for the development.*

9. *8 off-street bicycle parking 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 that practical off-street bicycle parking is available for the development.*

10. *1 off-street motorcycle parking space 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 that practical off-street motorcycle parking is available for the development.*

These conditions accept the provision of a lesser amount of on-site parking than required by the MDCP 2011. As previously discussed in this report (refer to **Equity of Access and Mobility (Part 2.5)**), the approved development has a shortfall of 1 accessible residential space and 1 accessible visitor space, and it is considered reasonable to accept the same shortfall (which is a lesser proportion of the total car parking) for the proposed modified development.

The modified development provides for 10 off-street parking spaces, including four (4) accessible spaces. The property is located within in Parking Area 2 under Part 2.10 of MDCP 2011. Based

on Part 2.10 of the DCP, parking requirements for the additional units are calculated as follows:

MDCP 2011 Car Parking Requirement	Additional Car Parking Required
0.4 spaces per studio	3 x 0.4 = 1.2 car spaces
0.5 spaces per one-bedroom unit	1 x 0.5 = 0.5 car spaces
1 space per 10 units for visitors	0.4x 10 = 0.4 car spaces
TOTAL ADDITIONAL REQUIRED	2.1 car spaces (rounded down to 2)

On this basis the modified proposal will generate demand for an additional two (2) off-street car parking spaces. The proposal provides a total of 10 off-street parking spaces which is two (2) spaces above the approved development, and this complies with Council's requirements for the additional units.

(v) Building Form (Part 5.1.3)

○ Massing and Setbacks (Part 5.1.3.3)

The front massing of the modified design is considered acceptable as it will be consistent in streetscape presentation with other developments approved, under construction, or completed along Parramatta Road. The modified rear building envelope is contained within the required rear boundary building envelope as prescribed.

○ Mixed Use Development (Part 5.1.5.1)

The residential component of the development includes the following dwelling mix:

	Required	Approved	Proposed
Dwelling Mix - Studios	5% - 20%	9 (75%)	12 (75%)
1 bedroom	10% - 40%	1 (8.5%)	2 (12.5%)
2 bedroom	40% - 75%	2 (17%)	2 (12.5%)
3+ bedroom	10% - 45%	0	0 (0%)

Both the approved and the modified development do not comply with the dwelling mix requirements except for 1-bedroom dwellings in the modified proposal. Despite being contrary to the above dwelling mix, the mix of apartment sizes in the modified development is an improvement over the approved development and is considered acceptable as it:

- Provides a small number of dwellings in total;
- Provides a range of dwelling types and sizes to meet the needs of the community; and,
- Responds to an identified market demand.

(vi) Heritage (Part 8)

The proposal adjoins the Camperdown Park Heritage Conservation Area (HCA) to the rear and the approved development was assessed as being acceptable on heritage grounds.

The revised modifications have been found to be acceptable by the AEP and no heritage issues were raised. The additional level has been recessed compared to the floors below, minimising the potential for views from the HCA towards the additional floor. In addition, it is considered that the rear of the additional floor will remain largely obscured by the tree canopy along Victory Lane.

5(d) The Likely Impacts

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

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

The site is zoned B2 – *Local Centre* under the MLEP 2011. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

Notice of the application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified in accordance with Council policy. The closing date for submissions was 6 November 2018. A total of 13 objections were received raising the following key issues:

- Building Height and FSR (as size and bulk of the building),
- Traffic and Parking,
- Visual and Aural Privacy,
- Overshadowing
- Heritage Impacts and;
- Zoning.

11 of the 13 objectors reside in Pidcock Street, which is at the rear (south) of the site (refer to **Figure 2**). The rear boundaries of these objector's properties separated from the site by Victory Lane. Each of these key issues has been addressed throughout this report.

One other issue included in a number of submissions relates to the control of demolition and construction activities and traffic. It is considered that this issue will be adequately controlled by the existing conditions of consent.

5(g) The Public Interest

The proposed modification is not considered contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers:

Architectural Excellence Panel (AEP)	Comments of the Panel have been discussed throughout this report. In summary, the AEP concluded that the proposed development will not have a substantially greater impact than the approved development, and it is generally supported.
Landscape Officer	<i>"The proposed basement excavation is within the Tree Protection Zone (TPZ in accordance with AS4970 'Protection of trees on development sites') of the Lemon Scented Gum however does not constitute a major encroachment into the TPZ and is not likely to have any significant impact (if any at all) on the tree. Any roots that are encountered must be cut cleanly using a</i>

	<p><i>sharp and fit for purpose tool and not ripped or damaged by excavating equipment. Conditions provided.</i></p> <p><i>It was noted at the site inspection that the tree canopy will require some pruning to clear the rear façade and construction scaffolding. Conditions are provided in relation to this work."</i></p>
Development Engineer	<p>"Condition 8 shall be amended as follows</p> <p><i>10 off-street car parking spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. The parking must be allocated as follows:</i></p> <ul style="list-style-type: none"> <i>a) A minimum of 6 non-accessible car parking spaces being allocated to the residential dwellings;</i> <i>b) 2 accessible car parking spaces being allocated to the residential dwellings;</i> <i>c) 1 visitor car parking space; and</i> <i>d) 1 commercial parking space.</i> <p><i>All accessible car spaces must be provided and marked as disabled car parking spaces.</i></p> <p><i>Reason: To ensure that practical off-street car parking is available for the development.</i></p> <p>Planner's Comments:</p> <p>No objection is raised to the principle of this arrangement, however keeping in mind the discussion previously in this report under Part 2.5 and 2.10 of MDCP 2011, it is recommended that this modified condition be amended to specify that the parking be allocated as follows:</p> <ul style="list-style-type: none"> • Eight (8) car parking spaces be allocated to the residential dwellings, of which three (3) are to be accessible parking spaces; • 1 car parking space be allocated to the commercial tenancy; and • the ground floor accessible parking space be nominated as a visitor parking space <p>Condition 60 shall be amended as follows</p> <p><i>The parking layout shall conform with the submitted plans SEC96 1.99 A and SEC96 2.00.B, dated 3 August 2018.</i></p> <p><i>A design certificate confirming the parking layout was designed in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking and submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.</i></p> <p>Condition 60A shall be deleted.</p> <p>Condition 58 shall be amended as follows</p> <p><i>The site stormwater drainage shall be constructed generally in accordance with Stormwater Drainage Plans D1 (Rev E), D2 (Rev A), D3 (Rev E), D3A (Rev A), D4 (Rev D) and D5 (Rev D) submitted by LMW Design Group Pty Ltd subject to the following amendments;</i></p> <ul style="list-style-type: none"> <i>i. Details of the proposed water re-use including a detailed schematic of connection of the rainwater tank to all toilets, laundry and external taps (for irrigation) shall be provided in accordance with the deemed to comply requirements of Part 2.17 of Marrickville Development Control 2011;</i> <i>ii. The BASIX Certificate must be amended to include the above re-use measures;</i> <p><i>Evidence of compliance with the above conditions shall be</i></p>

	<p><i>submitted to and approved by Council before the issue of a Construction Certificate.</i></p> <p><i>Reason: To ensure that the site use of potable water is minimised and that the quality of stormwater discharged off site is improved."</i></p>
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6(b) External

The application was referred to the following external bodies:

Roads and Maritime Services (RMS)	<p>The application was referred to the RMS on 18 October 2018. Acknowledgment of receipt of Council's referral was received on 22 October 2018.</p> <p>No objections have been raised and no additional conditions have been recommended.</p>
Ausgrid	<p>On 20 November 2018, Ausgrid advised that there is no objection to the modified development subject to conditions.</p>

7. Section 7.11 Contributions

Additional Section 7.11 contributions are payable for the modified proposal as the carrying out of the development would result in an increased demand for public amenities and public services within the area. A modified condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in SEPP 65, Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011. The development will not result in any significant impacts on the amenity of adjoining premises or the streetscape. The application is considered suitable for approval subject to the imposition of modified conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to Section 4.55 of the Environmental Planning and Assessment Act, 1979 modify Development Consent **DA201700110.01** as outlined in **Attachment A**.

Attachment A – Recommended modified conditions of consent

- A. **THAT** the application under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979 to modify Determination No.201700110.01 dated 21 February 2018 be **APPROVED** and a modified Determination be issued with the Determination being modified in the following manner:

(i) **That conditions 1, 4, 8, 12, 44, 50, 58 and 60 being amended to read:**

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA 1.00 Issue C	Site Plan	02 March 2017	CMT Architects Australia Pty Ltd	12 January 2017
S82A 1.99 Issue B	Lower Ground Floor Plan	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 2.00 Issue B	Ground Floor Plan	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 2.01 Issue C	First Floor Plan	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 2.06 Issue B	First Floor Plan (adaptable)	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 1.00 Issue B	Second Floor Plan	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 2.07 Issue B	Second Floor Plan (adaptable)	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 2.03 Issue C	Third Floor Plan	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 2.08 Issue B	Third Floor Plan (adaptable)	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 2.05 Issue B	Roof Plan	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 3.00 Issue B	Section AA	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 4.00 Issue B	North Elevation	21 October 2016	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 4.01 Issue B	East Elevation	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 4.02 Issue B	South Elevation	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 4.03 Issue B	West Elevation	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 3.01 Issue B	Detailed Sections (D1)	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 3.02 Issue B	Detailed Sections (D2)	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 3.03 Issue B	Detailed Sections (D3)	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
-	Materials and Finishes	-	CMT Architects Australia Pty Ltd	17 October 2017
665739M_04	BASIX Certificate	17 January 2018	CMT Architects Pty Ltd	17 January 2018

E1547-2	Remediation Action Plan	November 2017	Benviron Group	13 November 2017
2801R20161216as ParramattaRdCam perdownV3.docx	Environmental Noise Assessment	22 December 2016	Koikas Acoustics Pty Ltd	17 October 2017
Report No. G119	Primary Geotechnical Assessment Report	December 2016	Benviron Group	17 October 2017
-	Design Verification Statement	13 March 2017	CMT Architects Australia Pty Ltd	17 October 2017

and details submitted to Council on 17 October 2017, 13 November 2017, 12 January 2017 and 17 January 2018 with the application for development consent and as amended by the plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
SEC96 1.00 Issue C	Site Plan	03.08.18	CMT Architects Australia Pty Ltd	23.05.19
SEC96 1.01 Issue B	Site Analysis Plan	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 1.99 Issue A	Basement Plan	03.08.18	CMT Architects Australia Pty Ltd	23.05.19
SEC96 2.00 Issue B	Ground Floor Plan	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 2.01 Issue B	First Floor Plan	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 2.01a Issue B	First Floor Plan (adaptable)	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 2.02 Issue B	Second Floor Plan	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 2.02a Issue B	Second Floor Plan (adaptable)	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 2.03 Issue B	Third Floor Plan	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 2.03a Issue B	Third Floor Plan (adaptable)	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 2.04 Issue B	Fourth Floor Plan	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 2.05 Issue B	Roof Plan	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 3.00 Issue B	Section AA & BB & Driveway Section	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 3.01 Issue B	Section AA	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 4.00 Issue B	North & South Elevation	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 4.01 Issue B	North Elevation	22.03.19	CMT Architects Australia Pty Ltd	23.05.19

SEC96 4.02 Issue B	South Elevation	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 4.03a Issue B	West Elevation	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 4.03b Issue B	West Elevation	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 4.04a Issue B	East Elevation	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
SEC96 4.04b Issue B	East Elevation	22.03.19	CMT Architects Australia Pty Ltd	23.05.19
<i>Not Applicable</i>	Materials and Finishes	-	CMT Architects Australia Pty Ltd	03.08.18
665739M_05	BASIX Certificate	14.08.18	CMT Architects Pty Ltd	03.08.18
2801R20180726 as109-111 Parramatta Rd Camperdowns96 .docx	Review of Noise Impacts to Level 4	26.07.18	Koikas Acoustics Pty Ltd	03.08.18
<i>Not Applicable</i>	Design Verification Statement	16.08.2018	Chris Tsioulos, registered architect – (No. 5143)	03.08.18
<i>Not Applicable</i>	Arboricultural Impact Statement for a <i>Corymbia citriodora</i> (Myrtaceae) adjacent to 111 Parramatta Road, Camperdown, New South Wales	23.03.19	Dr Trevor J. Hawkeswood of Advanced Arborist Reporting	23.05.19

and details submitted to the Council on 3 August 2018, 23 May 2019 and 4 July 2019 with application **DA201700110.02** 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.

4. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes prepared by CMT Architects Australia Pty Ltd, submitted to Council on 3 August 2018 and as amended by the following conditions of consent. Unless specified by the following conditions of consent, no changes may be made to these drawings except by way of an application under section 96 of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure the final built development has an appearance that accords with the approved materials and finishes.

8. Ten (10) off-street car parking spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. The parking must be allocated as follows:

- Eight (8) car parking spaces be allocated to the residential dwellings, of which three (3) are to be accessible parking spaces;
- One (1) car parking space be allocated to the commercial tenancy; and
- The ground floor accessible parking space be nominated as a visitor parking space

All accessible car spaces must be provided and marked as disabled car parking spaces.

Reason: To ensure that practical off-street car parking is available for the development.

12. A minimum of three (3) adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility and one (1) Silver Standard Livable apartment must be provided in accordance with the Livable Housing Design Guidelines. One disabled parking space must be allocated to each adaptable dwelling (i.e. 3 disabled parking spaces).

Reason: To make reasonable provision in the development to provide residential accommodation suitable for people with a disability.

44. a) This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.
- b) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of \$215,543.23 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 13 August 2019.

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

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

(CONTRIBUTION PAYMENT REFERENCE NO. DC002695)

- 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 | \$26,149.54 |
| Plan Administration | \$4,226.30 |
| Recreation Facilities | \$187,901.96 |
| Traffic Facilities | \$-2,734.56 |
- 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.

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.

Noise attenuation measures must be incorporated into the development complying with the Environment Noise Assessment Report submitted with the application (dated 22 December 2016, completed by Koikas Acoustics Pty Ltd) and the addendum report (Review of Noise Impacts to Level 4 completed by Koikas Acoustics Pty Ltd dated 26 July 2018) and complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance 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 and State Environmental Planning Policy 2007 (infrastructure).

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

58. The site stormwater drainage shall be constructed generally in accordance with Stormwater Drainage Plans D1 (Rev E), D2 (Rev A), D3 (Rev E), D3A (Rev A), D4 (Rev D) and D5 (Rev D) submitted by LMW Design Group Pty Ltd subject to the following amendments;
- i. Details of the proposed water re-use including a detailed schematic of connection of the rainwater tank to all toilets, laundry and external taps (for irrigation) shall be provided in accordance with the deemed to comply requirements of Part 2.17 of Marrickville Development Control 2011;
 - ii. The BASIX Certificate must be amended to include the above re-use measures;

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

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

60. The parking layout shall conform with the submitted plan SEC96 1.99A and SEC96 2.00 B, dated 3 August 2018.

A design certificate confirming the parking layout was designed in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking and submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

Reason: To ensure the functionality, safety and efficiency of the car stacker system

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

- 75A. If tree roots are required to be severed (for the basement excavation) for the purposes of constructing the approved works, they shall be cut cleanly (not ripped by excavating equipment) using a sharp and fit for purpose tool. The pruning shall be undertaken by a minimum Level 3 (AQF 3) qualified Arborist.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Arborist to the satisfaction of the Principal Certifying Authority

- 75B. Canopy pruning of the following tree which is necessary to accommodate the approved building works shall be undertaken by a minimum Level 3 (AQF 3) qualified Arborist.

Schedule	
Tree/location	Approved works
<i>Corymbia citriodora</i> (Lemon Scented Gum) located in the rear adjacent property, across the laneway.	Building clearance by one (1) metre.

The person acting on this consent has approval under Council's Tree Management Controls to achieve a clearance of the structure. Pruning is limited to those branches that will come into direct contact the built structure. All pruning shall be carried out to sections 5, 6 and 7.3.3 of the Australian Standard AS4373—Pruning of amenity trees.

Where a tree's canopy or root system has developed across property boundaries, consent to undertake works on the tree does not permit a person acting on the consent to trespass on adjacent lands. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent shall meet the requirements of the Access To Neighbouring Lands Act 2000 to seek access.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

(ii) That the following condition be deleted from the Determination:

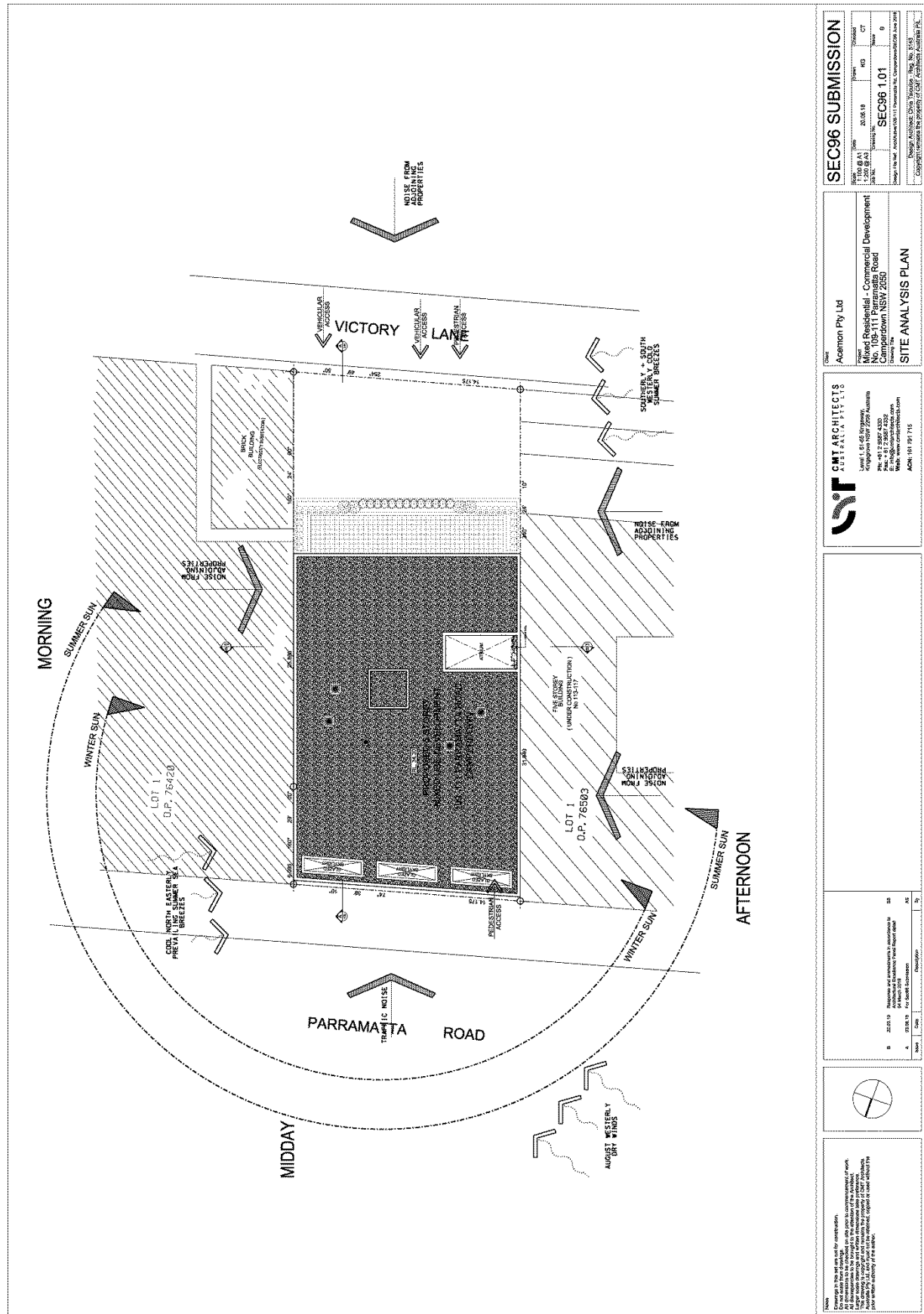
~~60A. The Principal Certifying Authority shall ensure that an Operation and Management Plan has been prepared and implemented for the car stacker. The Plan shall set out the following, at a minimum:~~

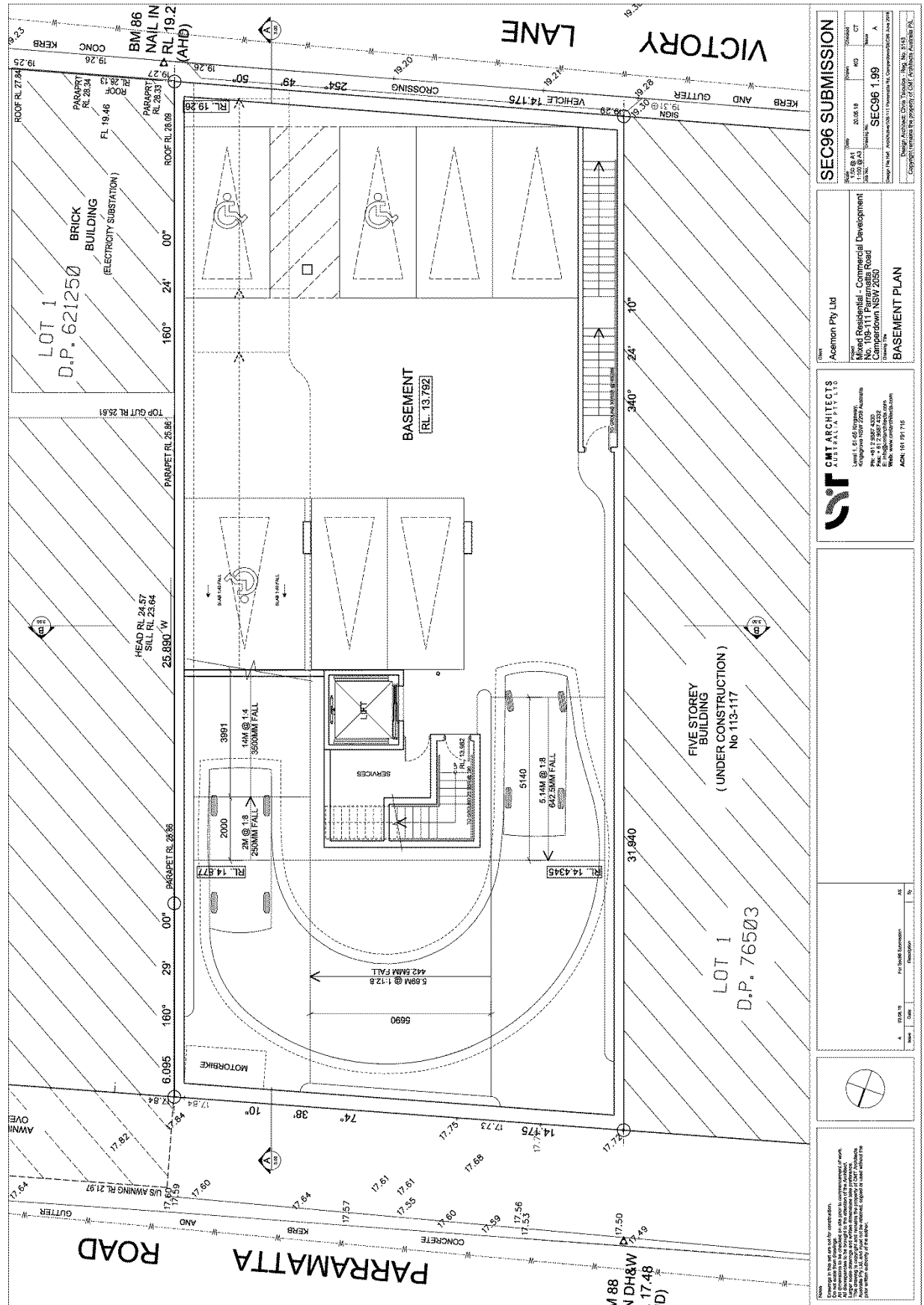
- ~~i. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.~~
- ~~ii. The proposed method of management of the facility, including procedures, directions to users, safety protection systems, emergency response plan in the event of mechanical failure, etc.~~
- ~~iii. Any person required to operate the parking system must be trained to do so.~~

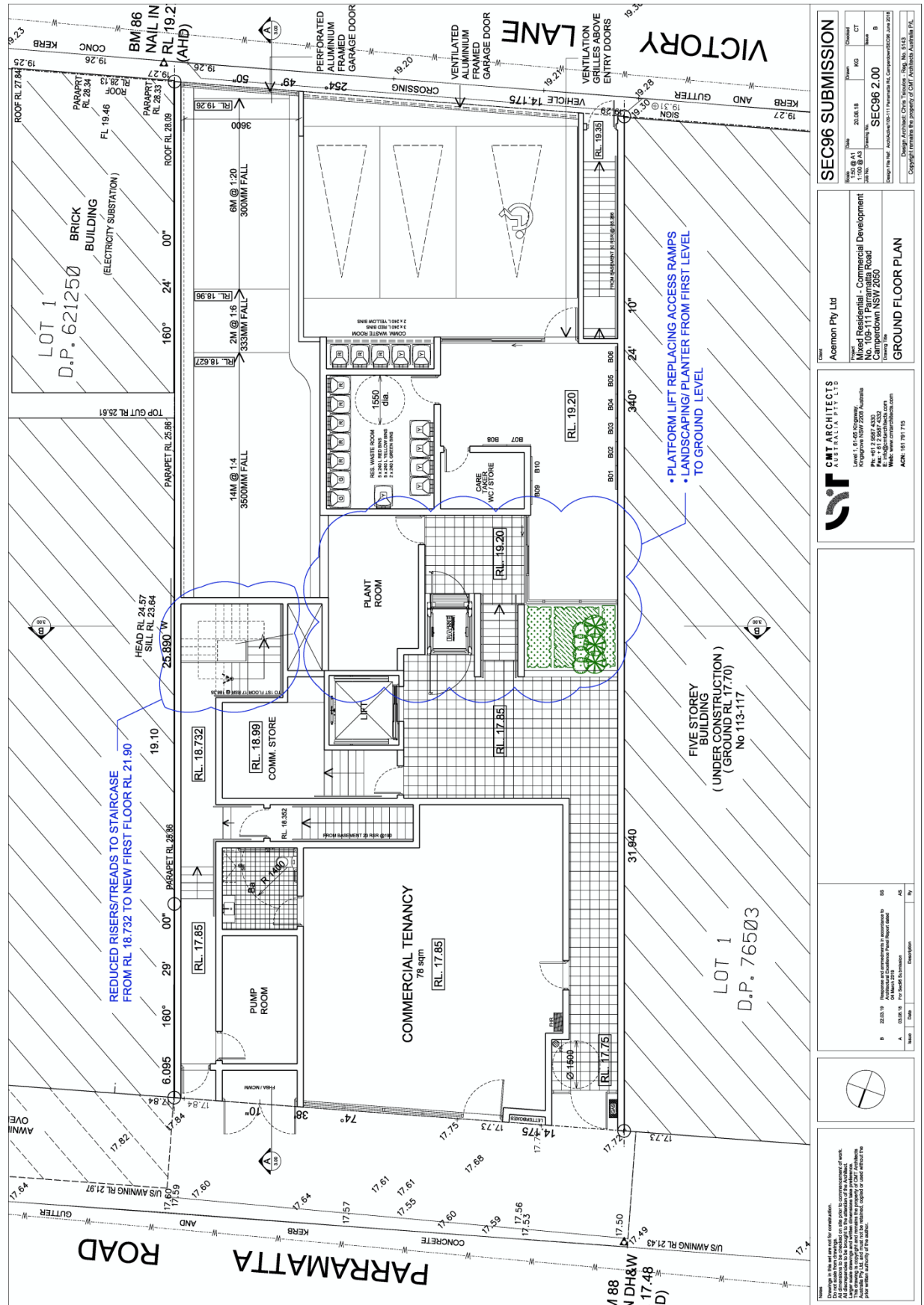
~~The Plan shall be prepared by a suitably qualified professional and provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.~~

Reason: To ensure the functionality, safety and efficiency of the car stacker system

[illegible]







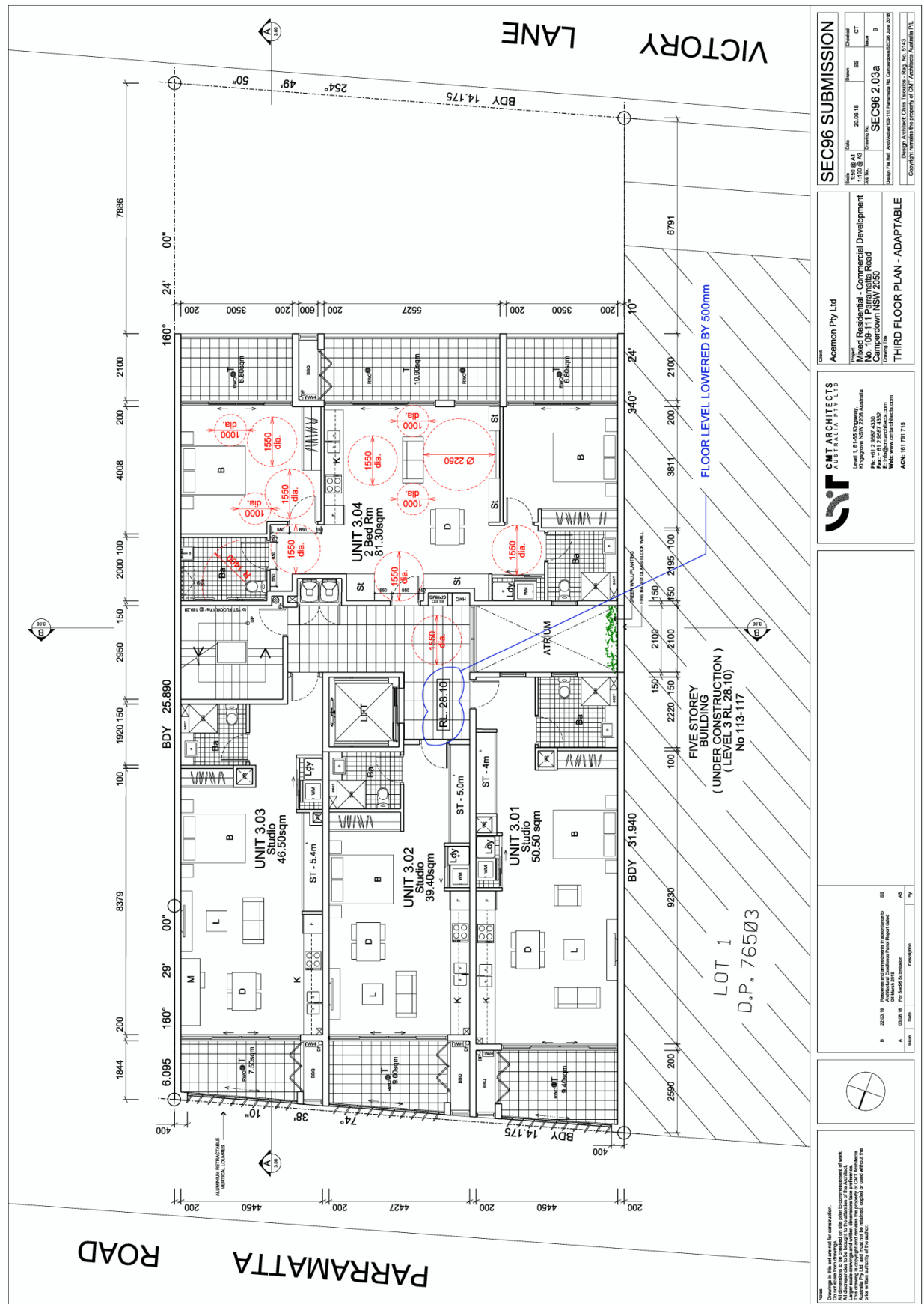




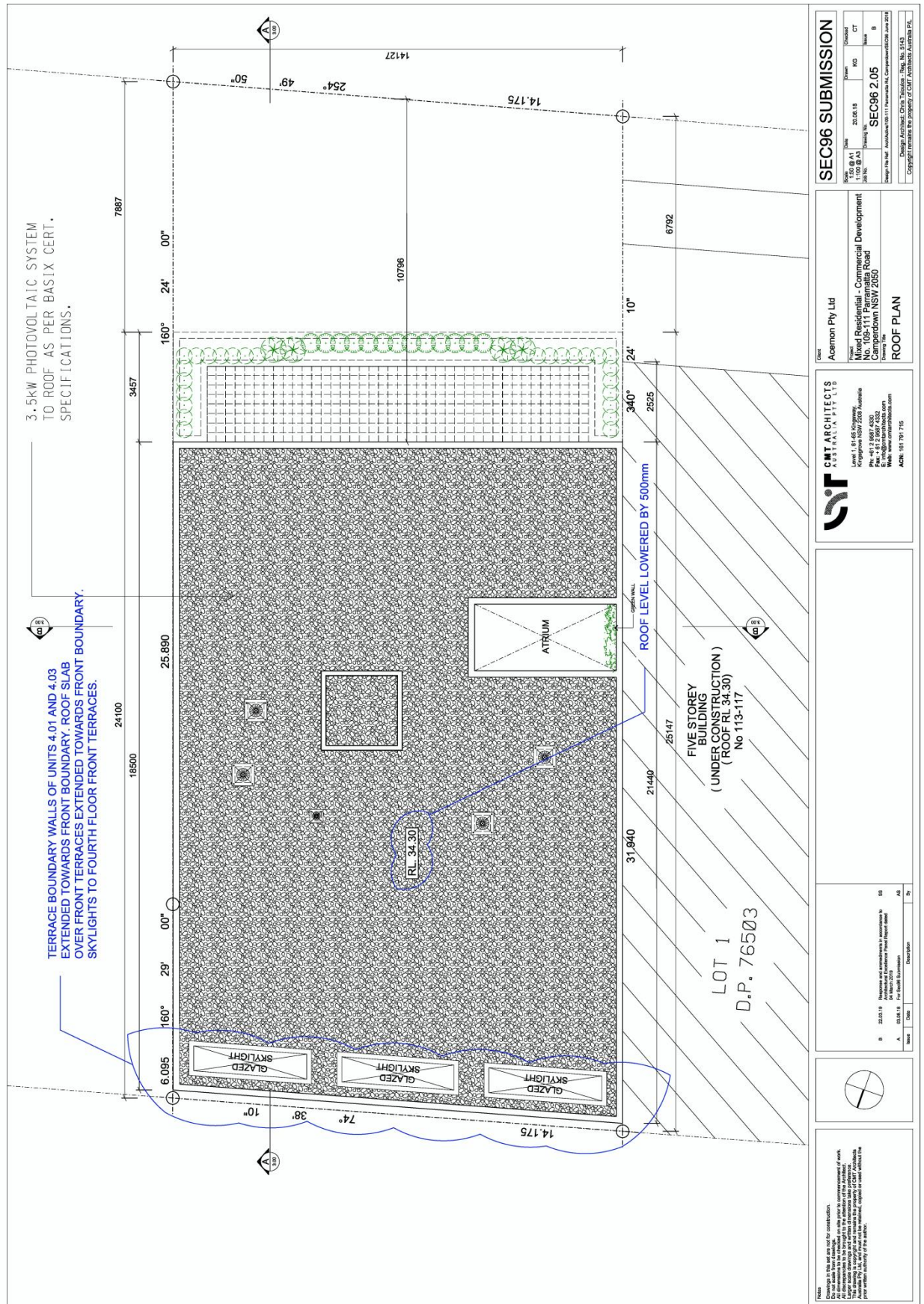












SEC96 SUBMISSION

Project No.	150 @ A1	Scale	1:500	Drawn	KT	Checked	CT
Project Name	SEC96 2.05						
Project No.	150 @ A1	Scale	1:500	Drawn	KT	Checked	CT
Project Name	SEC96 2.05						

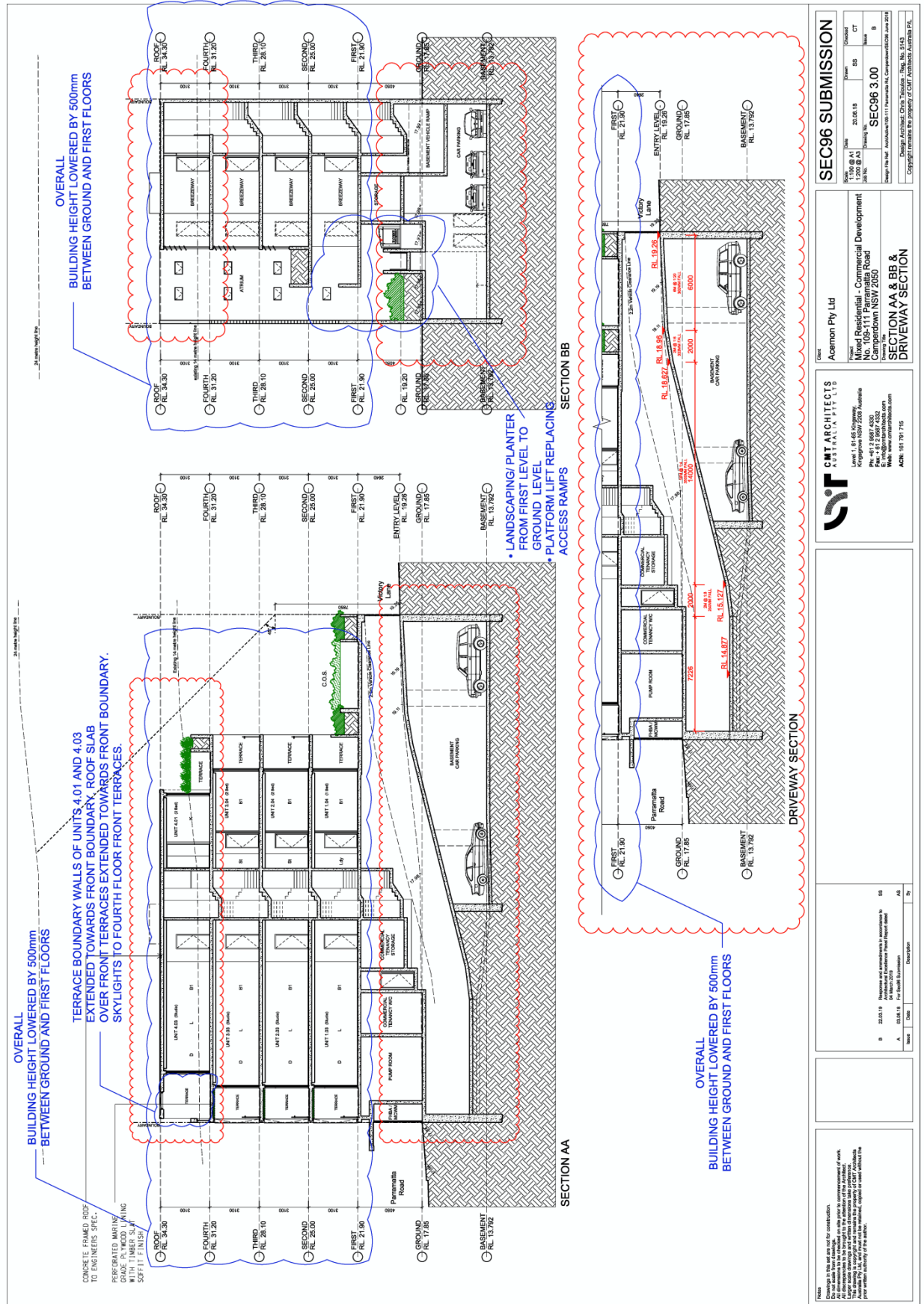
Design Architect: Chris T. Scallan - Reg. No. 1413
Copyright remains the property of CMT Architects Australia Pty.

Acumon Pty Ltd
 108-111 Paramatta Road
 Camperdown NSW 2050
ROOF PLAN

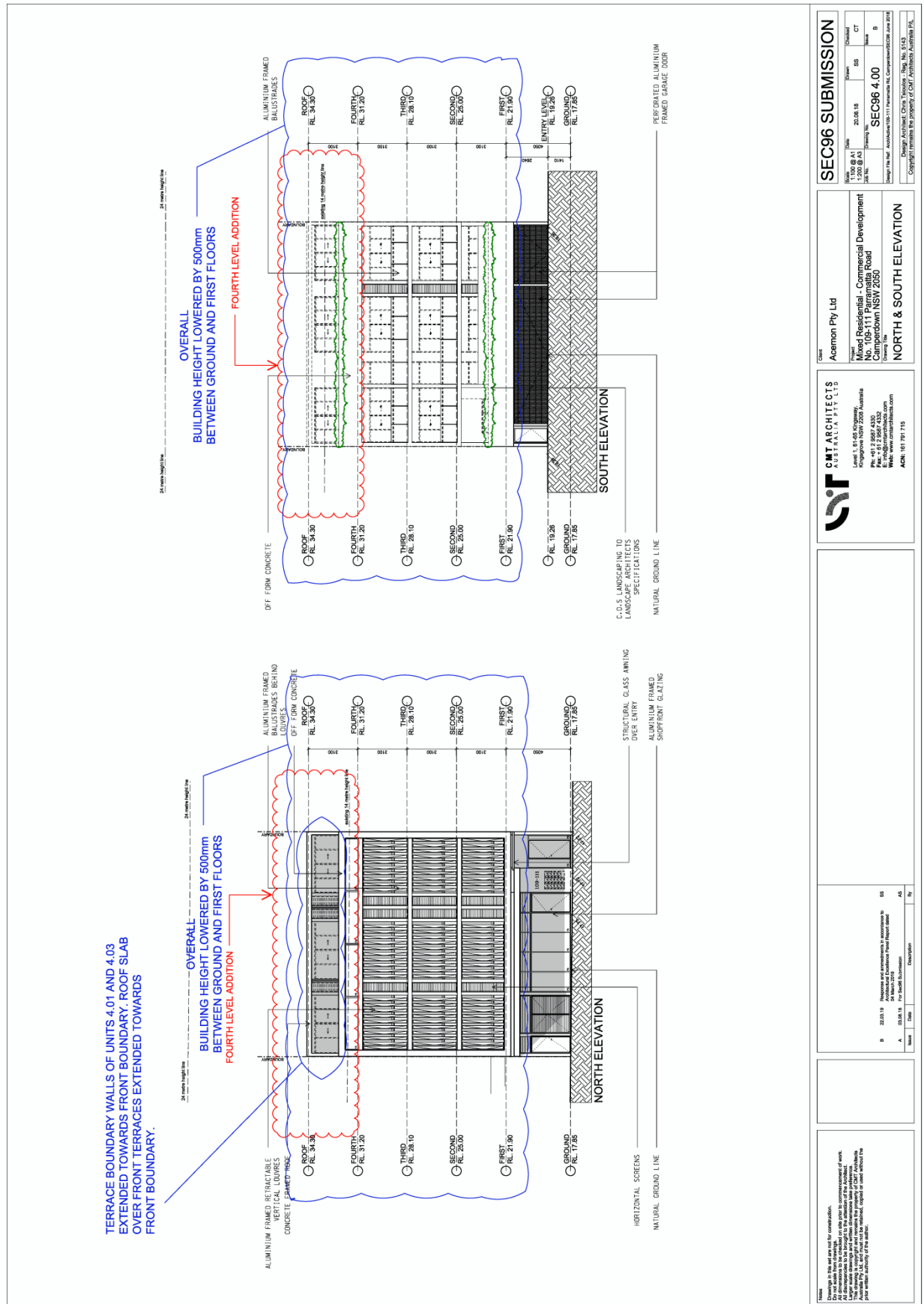
CMT ARCHITECTS
 Level 1, 14-15 Kingway,
 Kingsgrove NSW 2206 Australia
 Tel: +61 2 9507 4333
 Fax: +61 2 9507 4334
 Web: www.cmtarchitects.com.au
 ACH: 101 791 715

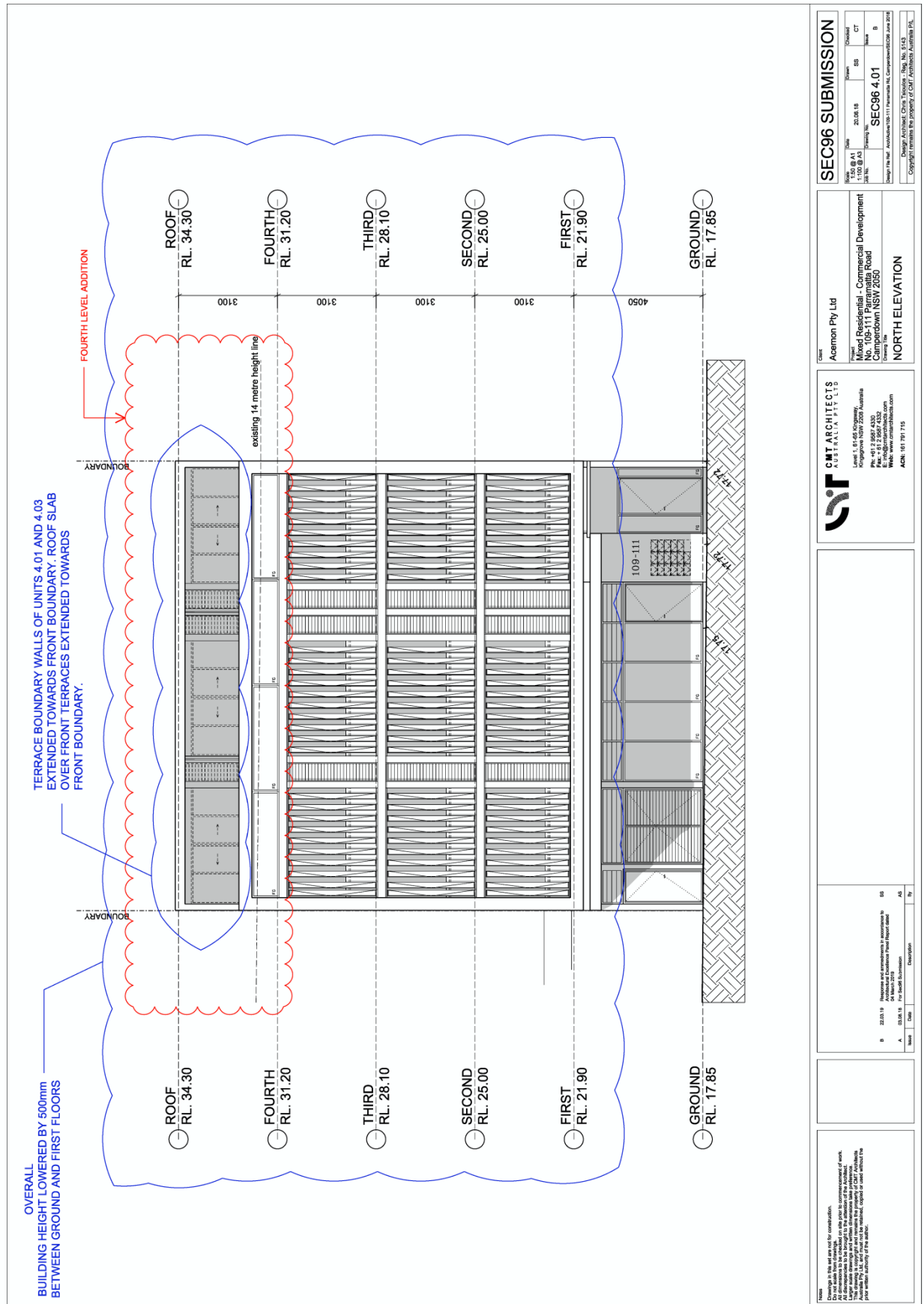
No.	Date	Description	By
1	22.03.19	Revisions and amendments in accordance with Council's comments on the Development Application	AS
2	10.06.19	Final Design Submission	AS

Notes:
 Drawings in this set are for contribution only. All dimensions to be checked on the ground. The owner is responsible for ensuring that the drawings are used in accordance with the provisions of the relevant legislation. The drawings are not to be used for any other purpose without the prior written authority of the architect.

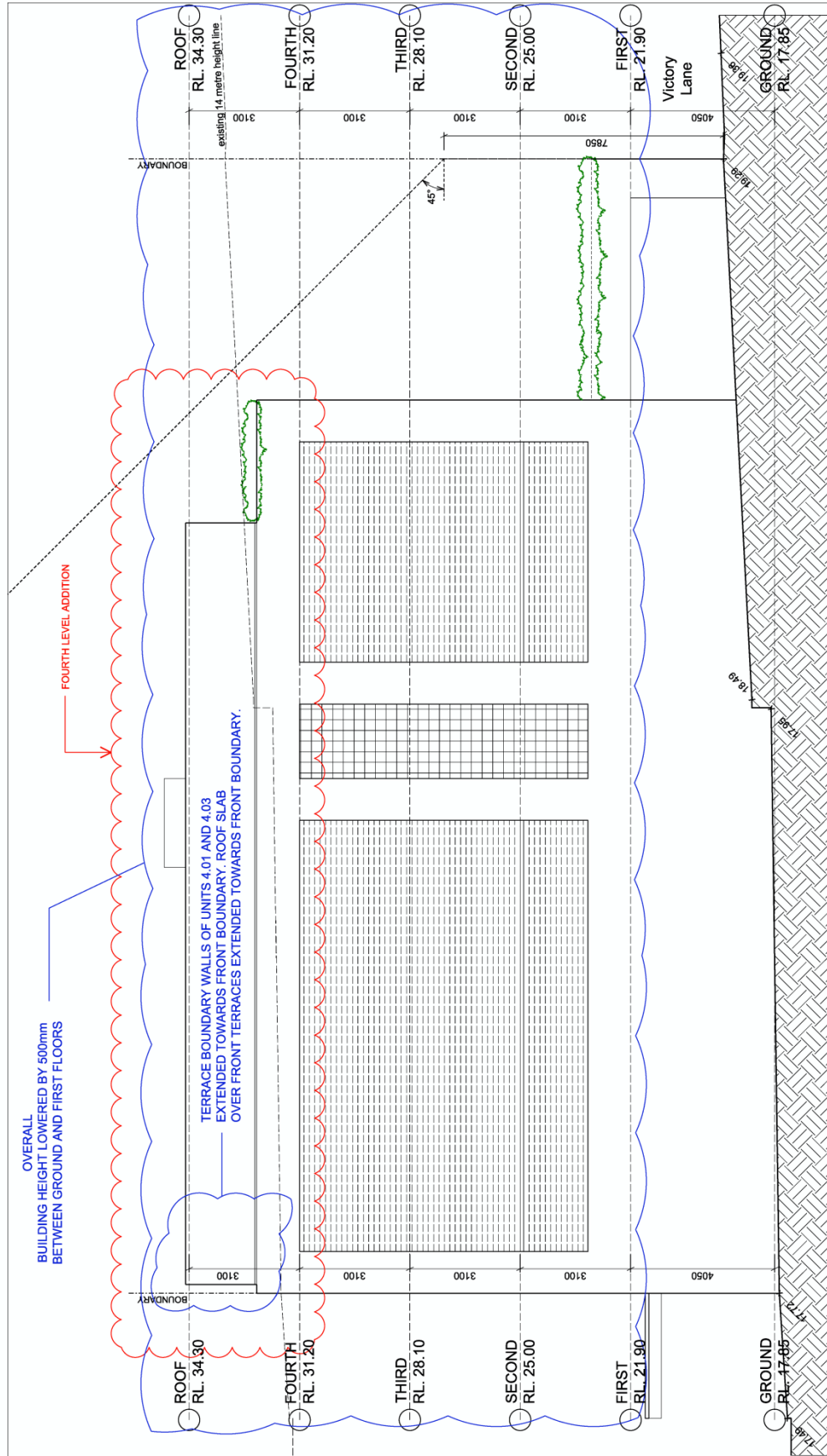












SEC96 SUBMISSION

Project: 100-111 Parramatta Road
 Drawing No: SEC96 4.03b
 Date: 20.08.18
 Design: Chris T. Scallan
 Copyright: remains the property of CMT Architects Australia Pty. Ltd.

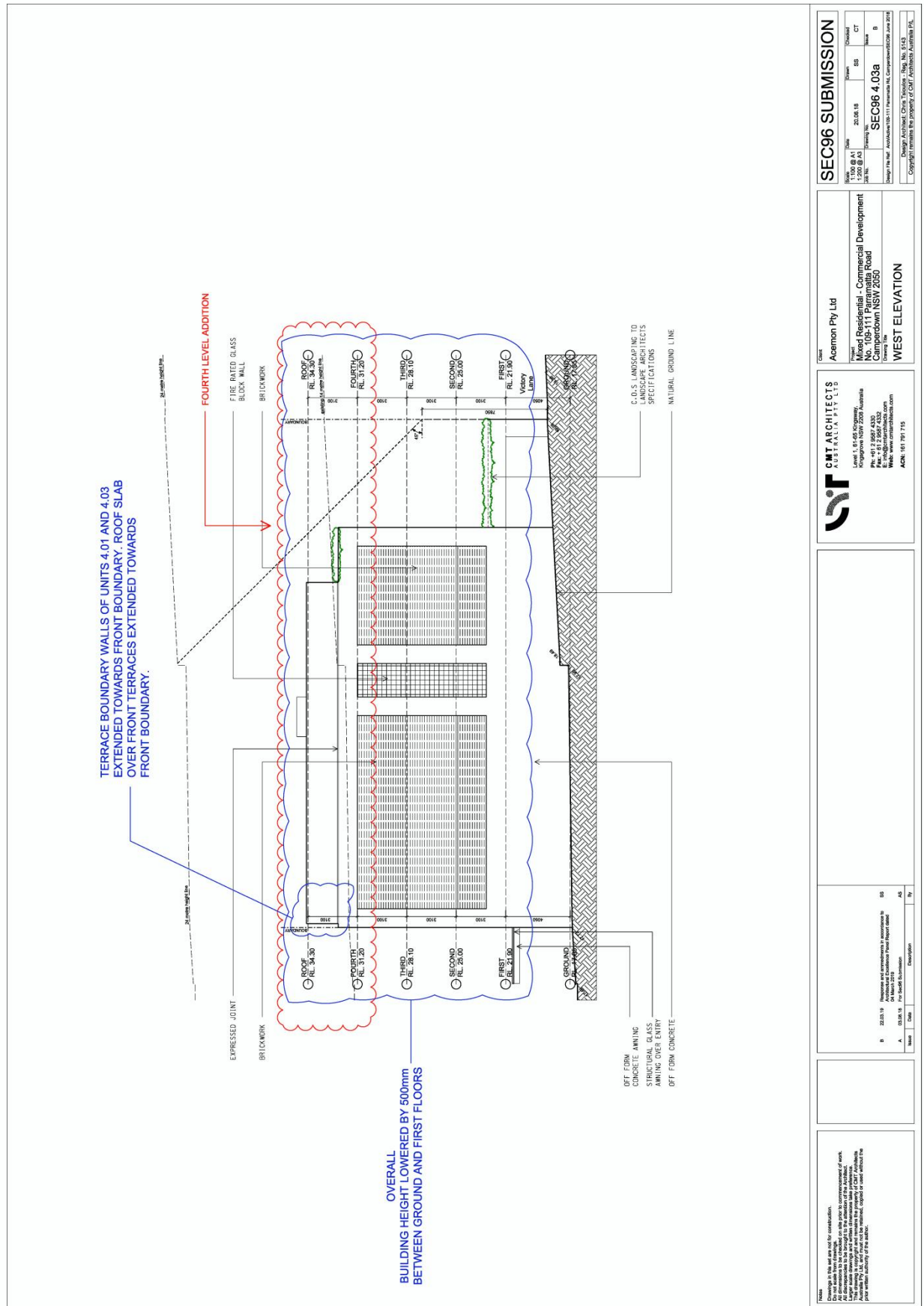
WEST ELEVATION

Client: Acamron Pty Ltd
 Project: Mixed Residential - Commercial Development
 No. 100-111 Parramatta Road
 Camperdown NSW 2050
 Drawing No: SEC96 4.03b
 Date: 20.08.18
 Design: Chris T. Scallan
 Copyright: remains the property of CMT Architects Australia Pty. Ltd.

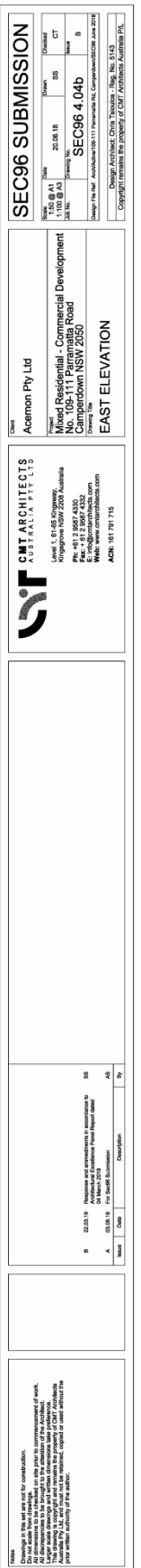
CMT ARCHITECTS
 Level 1, 54-55 Goughway,
 Kingsgrove NSW 2208 Australia
 Phone: +61 2 9567 6334
 Fax: +61 2 9567 6334
 Email: info@cmtarchitects.com.au
 Web: www.cmtarchitects.com.au
 ACH: 181 791 715

Rev	Date	Description	By
A	20.08.18	For SEC96 Submission	AS
B	22.03.19	Revisions and amendments in accordance to Council's comments on the SEC96 Submission	AS

Drawings in this set are not for construction.
 All dimensions are to be finished unless otherwise stated.
 The drawings are prepared in accordance with the standards of the Australian Standards AS/NZS 1546:2011.
 The drawings are prepared in accordance with the standards of the Australian Standards AS/NZS 1546:2011.
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Attachment C – Notice of Determination – DA201700110.01



DA201700110 CLEN1

REVIEWED DETERMINATION NO. 201700110

21 February 2018

CMT ARCHITECTS AUSTRALIA PTY LTD
 Steve Siganakis
 Level 1, 61-65 Kingsway
 KINGSGROVE NSW 2208

Dear Sir

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ("THE ACT")
 NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Pursuant to Section 81 of the Act, notice is hereby given of the determination by the Council of **Development Application No. 201700110** to demolish existing improvements and construct a 5 storey mixed use development with 1 commercial tenancy on the ground floor and car parking at ground level and 12 residential units relating to property situated at:

111 PARRAMATTA ROAD, CAMPERDOWN

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

The Development Application was determined on 21 February 2018 by the granting of **CONSENT** subject to the following conditions:

GENERAL

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA 1.00 Issue C	Site Plan	02 March 2017	CMT Architects Australia Pty Ltd	12 January 2017
S82A 1.99 Issue B	Lower Ground Floor Plan	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 2.00 Issue B	Ground Floor Plan	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 2.01 Issue C	First Floor Plan	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 2.06 Issue B	First Floor Plan (adaptable)	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017

P.O. Box 14 Petersham 2049 | P (02) 9392 5000 | E council@innerwest.nsw.gov.au

Customer Service Centres | Petersham 2-14 Fisher Street | Leichhardt 7-15 Wetherill Street | Ashfield 260 Liverpool Road

Sec82A 1.00 Issue B	Second Floor Plan	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 2.07 Issue B	Second Floor Plan (adaptable)	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 2.03 Issue C	Third Floor Plan	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 2.08 Issue B	Third Floor Plan (adaptable)	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 2.05 Issue B	Roof Plan	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 3.00 Issue B	Section AA	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 4.00 Issue B	North Elevation	21 October 2016	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 4.01 Issue B	East Elevation	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 4.02 Issue B	South Elevation	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 4.03 Issue B	West Elevation	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 3.01 Issue B	Detailed Sections (D1)	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 3.02 Issue B	Detailed Sections (D2)	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
Sec82A 3.03 Issue B	Detailed Sections (D3)	10 October 2017	CMT Architects Australia Pty Ltd	12 January 2017
-	Materials and Finishes	-	CMT Architects Australia Pty Ltd	17 October 2017
665739M_04	BASIX Certificate	17 January 2018	CMT Architects Pty Ltd	17 January 2018
E1547-2	Remediation Action Plan	November 2017	Benviron Group	13 November 2017
2801R20161216as ParramattaRdCam perdownV3.docx	Environmental Noise Assessment	22 December 2016	Koikas Acoustics Pty Ltd	17 October 2017
Report No. G119	Primary Geotechnical Assessment Report	December 2016	Benviron Group	17 October 2017
-	Design Verification Statement	13 March 2017	CMT Architects Australia Pty Ltd	17 October 2017

and details submitted to Council on 17 October 2017, 13 November 2017, 12 January 2017 and 17 January 2018 and as amended by the following conditions.

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

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

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

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

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

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

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

Reason: To ensure design excellence is maintained.

4. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes prepared by CMT Architects Australia Pty Ltd, submitted to Council on 17 October 2017 and as amended by the following conditions of consent. Unless specified by the following conditions of consent, no changes may be made to these drawings except by way of an application under section 96 of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure the final built development has an appearance that accords with the approved materials and finishes.

5. Where units or dwellings are provided with separate individual hot water systems, these must be located within the internal area of the unit/dwelling and not on any balcony or terrace.

Reason: To ensure the aesthetics of the building and architecture are maintained.

6. Separate Development Consent or Complying Development Certificate must be obtained for the use of the ground floor shops/commercial suites prior to the occupation of that part of the premises.

Reason: To advise the applicant of the necessity of obtaining Council approval for the use of the shops/commercial suites prior to their occupation.

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

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

Reason: To ensure that the commercial uses are confined to the ground floor shop areas, to preserve the streetscape and character of the area and to ensure that the operation of the premises does not interfere with the amenity of the locality.

8. 8 off-street car parking spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. The parking must be allocated as follows:

- a) A minimum of 4 non-accessible car parking spaces being allocated to the residential dwellings;
- b) 2 accessible car parking spaces being allocated to the residential dwellings;
- c) 1 visitor car parking space; and
- d) 1 commercial parking space.

All accessible car spaces must be provided and marked as disabled car parking spaces.

Reason: To ensure that practical off-street car parking is available for the development.

9. 8 off-street bicycle parking 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 that practical off-street bicycle parking is available for the development.

10. 1 off-street motorcycle parking space 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 that practical off-street motorcycle parking is available for the development.
11. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
Reason: To ensure adequate maneuverability to all car parking spaces and that the spaces are used exclusively for parking.
12. A minimum of 3 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility. One disabled parking space must be allocated to each adaptable dwelling.
Reason: To make reasonable provision in the development to provide residential accommodation suitable for people with a disability.
13. The following is a waste condition:
- a) The owners of the property appointing a designated person(s) responsible for moving waste bins from their usual storage space in the basement to the place to the collection point for the storage of domestic bins being in accordance with details to be submitted to Council's satisfaction;
 - b) The domestic bins only being placed in the approved collection point after 7.00pm on the day prior to collection and are to be returned to their storage location within the building within 2 hours of the bins being collected by Council. The owner's corporation being responsible to ensure compliance with this condition.
 - c) Tenants (commercial and residential) shall be advised to anticipate heightened noise levels during garbage collection;
 - d) Should the waste conditions not be met, Council reserves the right to reconsider servicing the site for garbage collection, in accordance with Council's Fees and Charges;
 - e) No compaction of waste is permitted within the development in accordance Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management; and
 - f) The person acting on this consent shall advise any purchaser or prospective tenant of this condition.
- Reason: To ensure the appropriate collection and disposal of waste generated on the site and to ensure that the use does not interfere with the amenity of the surrounding neighbourhood and does not affect the commercial operation of the building.
14. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.

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 shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
- Reason: To prevent loss of amenity to the area.
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 their operation does not adversely impact on the amenity of the surrounding neighbourhood.
- Reason: To protect the amenity of the surrounding neighbourhood.
17. Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any advertisements or advertising structures. The shop windows must not be painted with advertisements and no flashing lights are to be installed on the premises.
- Reason: To confirm the terms of Council's approval.
18. 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.
19. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
- Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).
20. All roof-top plant and associated equipment must be located within the approved building envelope as detailed in the plans listed in Condition 1.
- Reason: To confirm the terms of this consent.
21. Site remediation works must be carried out for the site in accordance with the Remediation Action Plan, Report No. E1547-2, prepared by Benviron Group, dated November 2017.
- Reason: To ensure that the site is suitable for the intended use.

22. If during site works there are significant unexpected occurrences, site works shall immediately cease. A suitably qualified environmental consultant shall be engaged to assess the site and determine if remediation is required in accordance with the NSW Environmental Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites 2011*. Any unexpected occurrences and management plans to address these occurrences shall be reported to and approved by Council. Note that Council may request that a NSW EPA Accredited Site Auditor review any proposed remedial or management plans.
Reason: To ensure compliance with SEPP 55.
23. 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 to 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.
24. Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition. In addition the by-laws of any future residential strata plans created for the property shall reflect this restriction.
Reason: To ensure the development does not reduce the amount of "on street" parking currently available.
25. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
Reason: To provide for adequate site drainage.
26. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
Reason: To provide for the existing and potential electrical power distribution for this development and for the area.
27. 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.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

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

27. 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.

28. 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.

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

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

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

30. All demolition work must:

- a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
- b) Where asbestos is to be removed it 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.

31. 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.

32. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
Reason: To ensure that the demolition work is carried out safely.
33. 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.
34. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:
- a) The name, address and telephone number of the PCA;
 - b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
- Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.
35. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan 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 must be constructed and maintained on site while work is carried out.
Reason: To prevent soil erosion and sedimentation of the stormwater network.
36. If new street numbers or a change to street numbers (this includes unit and shop numbers) are required, a separate application must be made to and approved by Council prior to those street numbers being displayed.
Reason: To ensure that the building is easily identifiable.

37. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining properties at 113 Parramatta Road, 111 Parramatta Road and 105 – 109 Parramatta Road, if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.
Reason: To catalogue the condition of the adjoining properties for future reference in the event that any damage is caused during work on site.
38. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
Reason: To ensure all necessary approvals have been applied for.
39. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.
Reason: To ensure that all restoration works are in accordance with Council's Code.
40. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.
Reason: To secure the site and to maintain public safety
41. A detailed Traffic Management Plan to cater for construction traffic must be submitted to Council's satisfaction before commencement of works. Details must include proposed truck parking areas, construction zones, crane usage, truck routes etc. All construction traffic must comply at all times with the approved Traffic Management Plan. In addition an approval shall be obtained from Roads and Maritime Services (RMS) for a construction zone on Parramatta Road in front of the site and access point for construction vehicles and a copy must be submitted to Council. The developer must ensure that all construction workers and contractors are fully aware of the approved Traffic Management Plan. It should be noted that Parramatta Road is a Classified State Road.
Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

Please refer to the web site www.sydneywater.com.au for:

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

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

Reason: To ensure compliance with Sydney Water requirements.

43. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To comply with the requirements under State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

44. 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 \$156,247.93 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 17 January 2018.

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

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

(CONTRIBUTION PAYMENT REFERENCE NO. DC002151)

- 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	\$19,170.51
Plan Administration	\$3,063.69
Recreation Facilities	\$137,573.54
Traffic Facilities	\$-3,559.80

- 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.

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

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

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.
<http://www.lspc.nsw.gov.au>.

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

46. Plans fully reflecting the selected commitments listed in the amended BASIX Certificate required by this determination must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

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

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

47. 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.

48. Adequate clothes drying facilities must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure adequate outdoor clothes drying facilities are provided.

49. Reticulated gas infrastructure, with a separate meter for each dwelling must be provided to each dwelling in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To provide the potential to reduce greenhouse emissions.

50. Noise attenuation measures must be incorporated into the development complying with the Environment Noise Assessment Report submitted with the application (dated 22 December 2016, completed by Koikas Acoustics Pty Ltd) and complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance 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 and State Environmental Planning Policy 2007 (Infrastructure).

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

51. An amended schedule of materials and finishes is to be provided to the Certifying Authority's satisfaction before the issue of a Construction Certificate indicating the 'off-form concrete walls' on the external elevations are of a natural colour.

Reason: To improve the urban design outcome of the development.

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

Reason: To ensure that the remediated site complies with the objectives of the RAP and SEPP 55.

53. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction addressing the requirements of The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards)
Reason: To ensure that the premises are accessible to all persons
54. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating the following:
- a) Access to the premises via the principal places of entries to the building, complying with AS 1428.1- 2009 'Design for access and mobility';
 - c) The lift design must comply with AS 1735.12 -1999 'Lifts, escalators and moving walkways Part 12: Facilities for persons with disabilities' as a minimum requirement;
 - d) A minimum of 3 adaptable dwellings being provided complying with AS 4299-1995 "Adaptable Housing"; and
 - f) A minimum of 2 car parking spaces (2 accessible residential car spaces) must be provided for people with a disability that are directly accessible to the entrance to the building. The car parking must be designed to comply with AS 1428.1 - 2009 'Design for access and mobility - General requirements for access - buildings' and AS 2890.1 1 'Off-street car parking'.
- Reason: To ensure that the premises provide equitable access to all persons.
55. The person acting on this consent shall provide to Council a bond in the amount of \$12,892.40 and pay the related Section 138 (Roads Act) inspection fee of \$206.00 (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.
56. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.
57. 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.

58. The site stormwater drainage shall be constructed generally in accordance with Stormwater Drainage Plans D1 (Rev C), D2 (Rev A), D3 (Rev C), D4 (Rev B) and D5 (Rev B) submitted by LMW Design Group Pty Ltd subject to the following amendments;
- Details of the proposed water re-use including a detailed schematic of connection of the rainwater tank to all toilets, laundry and external taps (for irrigation) shall be provided in accordance with the deemed to comply requirements of Part 2.17 of Marrickville Development Control 2011;
 - The BASIX Certificate must be amended to include the above re-use measures; Evidence of compliance with the above conditions shall be submitted to and approved by Council before the issue of a Construction Certificate.
- Reason: To ensure that the site use of potable water is minimised and that the quality of stormwater discharged off site is improved.

59. 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:
- 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;
 - The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
 - Reinstatement of missing kerb with Bluestone kerb on Parramatta Road and new concrete kerb and gutter (including infill footpath) adjacent to the property in Victory Lane at the rear of the site;
 - A 40mm Mill and Fill treatment for the road pavement in Victory Lane for the full width of the property; and
 - 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.
- Reason: To provide for essential improvement works to the public domain consistent with Council's desired future character for the area

60. The parking layout shall conform with the submitted plan SEC82A 2.00B, dated 11 January 2018, and the details for the car stacker (Date Sheet Wohn Parklift 440-1,6).

The design of the car stacker shall address the following criteria:

- a) Ensure operating noise and vibration levels are limited to acceptable levels in accordance with appropriate standards and any plant equipment is housed in noise attenuating housing as required/appropriate.
- b) Provide manufacturer specifications.
- c) Provide operational details/management plan of the entire facility, demonstrating safe and functional access for all users, including details of safety protection systems for users and nonusers.

The design shall be certified by a suitably qualified Civil Engineer and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Details demonstrating compliance with the requirements of this condition shall be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

Reason: To ensure the functionality, safety and efficiency of the car stacker system

- 60A. The Principal Certifying Authority shall ensure that an Operation and Management Plan has been prepared and implemented for the car stacker. The Plan shall set out the following, at a minimum:

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
- b) The proposed method of management of the facility, including procedures, directions to users, safety protection systems, emergency response plan in the event of mechanical failure, etc.
- c) Any person required to operate the parking system must be trained to do so.

The Plan shall be prepared by a suitably qualified professional and provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure the functionality, safety and efficiency of the car stacker system

SITE WORKS

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

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

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

62. During any construction works and activities, no injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

Reason: To ensure the construction of the development does not affect the amenity of the neighbourhood.

63. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.

Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

64. 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 construction of the development does not affect the amenity of the neighbourhood

65. All demolition work must be carried out in accordance with the following:

- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;

- c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
- e) the generation of dust and noise on the site must be controlled;
- f) the site must be secured to prohibit unauthorised entry;
- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

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

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

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

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

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

67. 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 must be obtained prior to the required works commencing; and
- c) at least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice must include complete details of the work.

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

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.

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

68. 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.

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

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

70. 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.

71. The disposal of contaminated soil must be carried out in accordance with the requirements of the New South Wales Department of Environment, Climate Change and Water.

Reason: To provide for correct disposal of wastes.

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

BEFORE OCCUPATION OF THE BUILDING

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

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

77. 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 Environmental Planning and Assessment Act.

78. 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.

79. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

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

Reason: To ensure compliance with Sydney Water requirements

80. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of an Occupation Certificate.
- Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
81. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
- Reason: To ensure that all of the BASIX commitments have been fulfilled and to comply with the requirements under Section 154B of the Environmental Planning and Assessment Regulations 2000.
82. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.
- Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.
83. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination, and prior to the occupation of the development a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2000 and State Environmental Planning Policy 2007 (Infrastructure) as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate 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 development from aircraft and to ensure that the noise attenuation measures incorporated into the development satisfactorily comply with the relevant sections of Australian Standard 2021-2000.
84. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of Council before being displayed.
- Reason: To ensure that the building is easily identifiable.

85. Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery to arrange the following number of bins in relation to the residential component of the approved development:

- 4 x 240 litre bins for general waste streams; and
- 4 x 240 litre for recycling waste streams.

Reason: To ensure an adequate number of waste and recycling bins service the development.

86. 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.

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

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

88. 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

89. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.

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

90. 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.

91. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council. This shall include adjustments for the installation of a new butterfly hinged grate and pit.
Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.
92. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.
93. Before occupation of the site written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans being submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.
Reason: To ensure drainage works are constructed in accordance with approved plans.
94. The existing overhead power cables along the Parramatta Road frontage of the site must be relocated underground with appropriate street lighting new poles being installed at no cost to Council and before the issue of an Occupation Certificate. The street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid and must meet lighting category required by RMS. Plans shall be submitted to and approved by Council before submission to Ausgrid for implementation.
Reason: To ensure appropriate lighting is provided to create a safe environment and to protect the amenity of the surrounding neighbourhood from the emission of light.
95. With the regard to the On Site Detention System (OSD), a Positive Covenant in accordance with supplement 7 of Marrickville Council Stormwater and On Site Detention Code shall be placed on the Title in favour of Council before the issue of the Occupation Certificate.
Reason: To ensure that the integrity of the OSD system is maintained and to comply with Marrickville Council Stormwater and On Site Detention Code.

96. All instruments under Section 88B of the Conveyancing Act used to create easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.
Reason: To ensure Council's interests are protected.
97. 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.
98. The Operation and Management Plan for the car stacker shall be implemented and kept in a suitable location on site at all times.
Reason: To provide for essential improvement works to the public domain consistent with Council's desired future character for the area

ADVISORY NOTES

- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

BASIX Information

☎ 1300 650 908 weekdays 2:00pm - 5:00pm
www.basix.nsw.gov.au

Department of Fair Trading

☎ 13 32 20
www.fairtrading.nsw.gov.au
 Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Before You Dig	 1100 www.dialbeforeyoudig.com.au
Landcom	 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	 131441 www.lspc.nsw.gov.au
NSW Food Authority	 1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	 131 555 www.environment.nsw.gov.au
Sydney Water	 13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

This consent is effective and operates from 21 February 2018. The consent will lapse unless the proposed development is commenced in accordance with Section 95 of the Act.

Under Section 97 of the Act you may, within six (6) months of receipt of this notice, appeal to the Land and Environment Court if you are dissatisfied with the Council's determination.

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

Yours faithfully

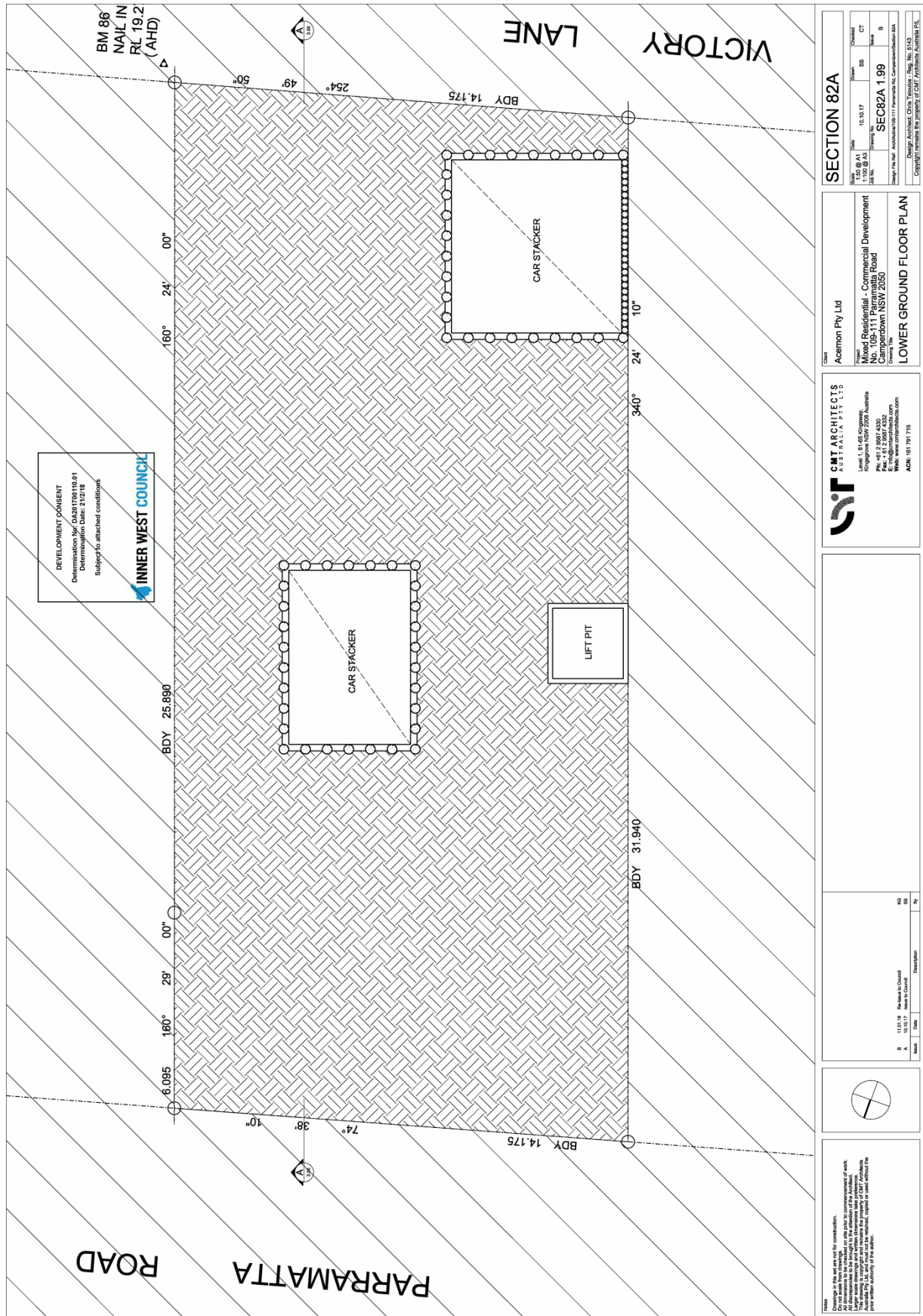


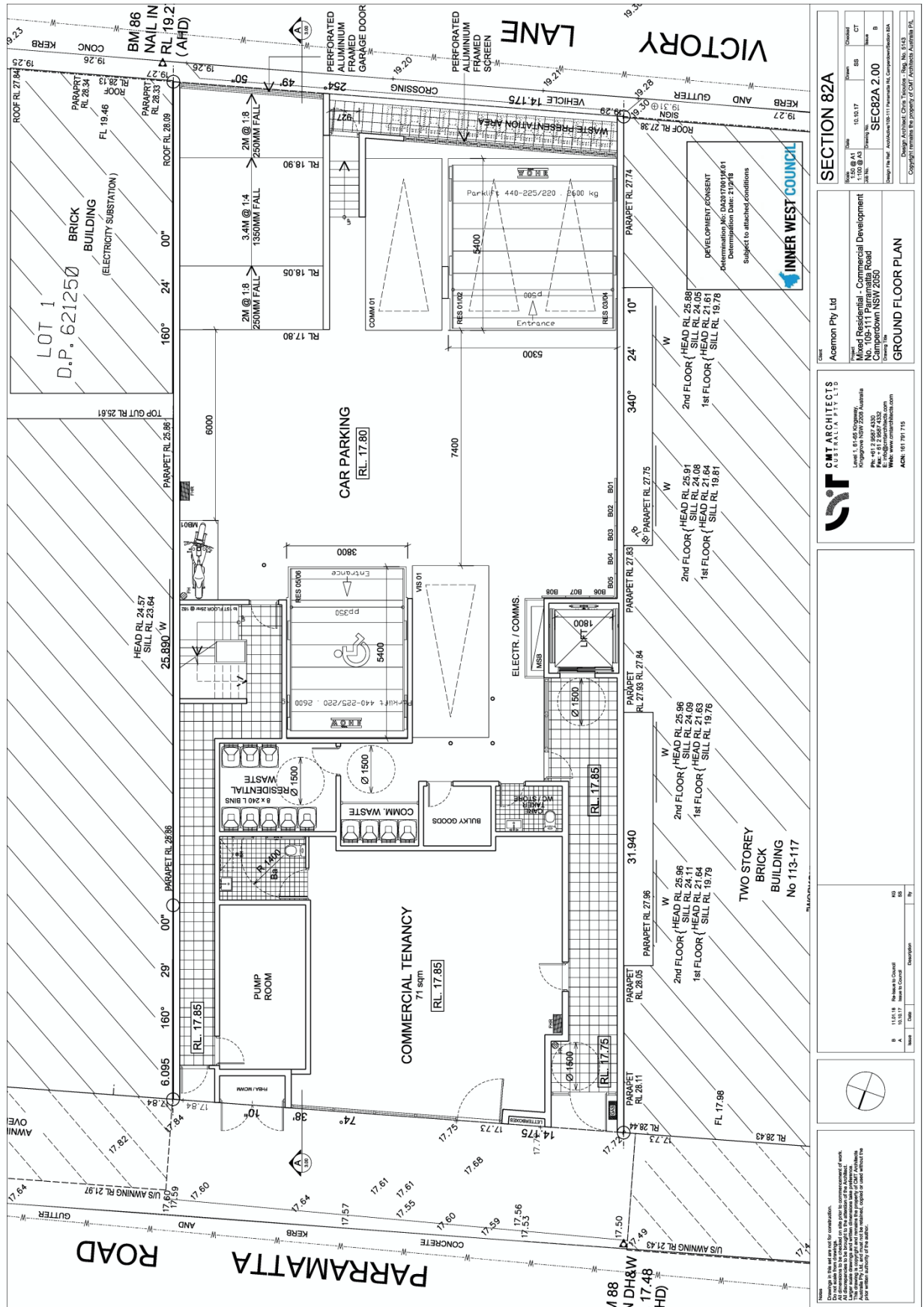
Ruba Osman
Team Leader Development Assessment

Enquiries: Albert Madrigal on .93925375

Ref: **D1A** TRIM Doc. 14989.18

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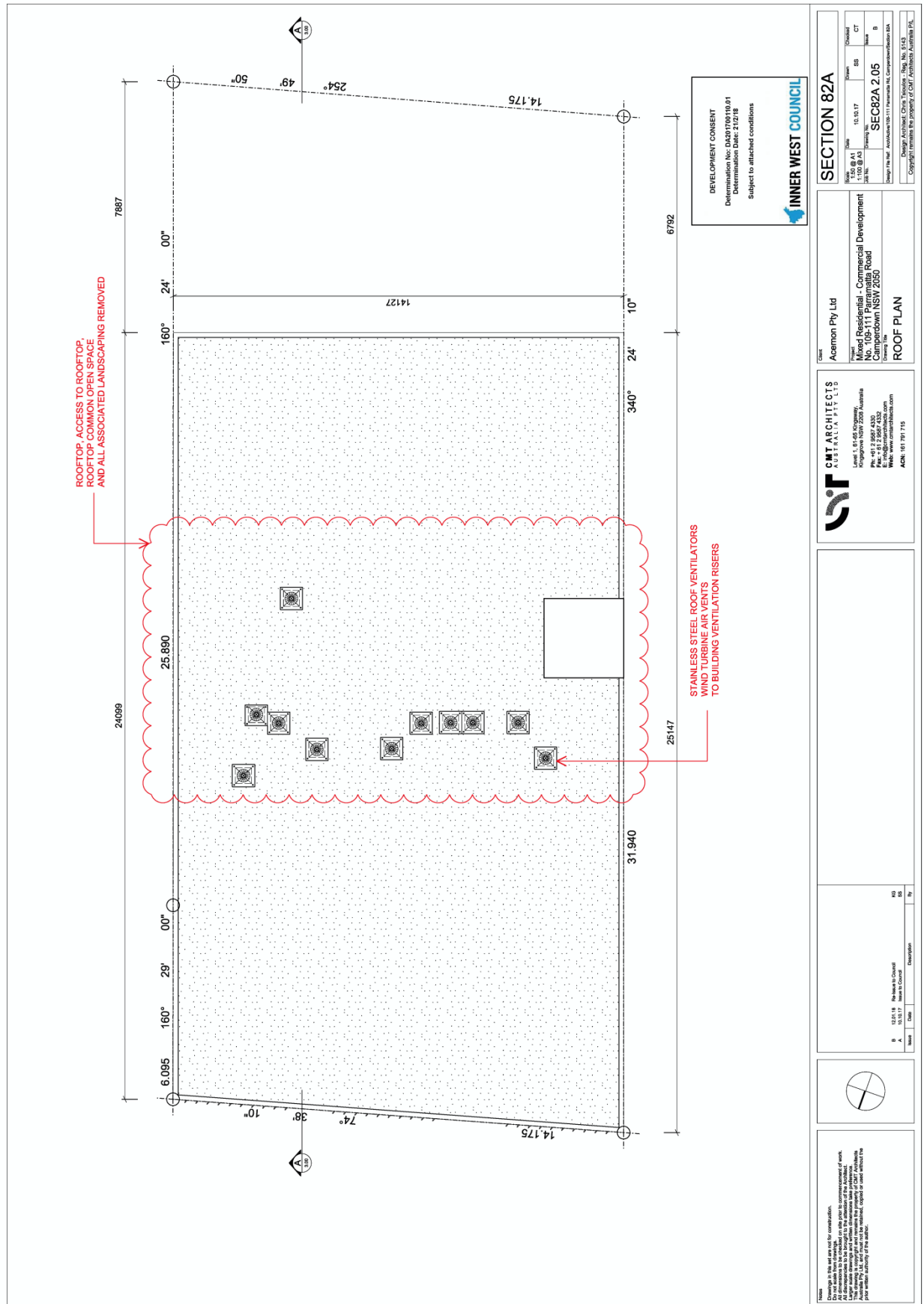


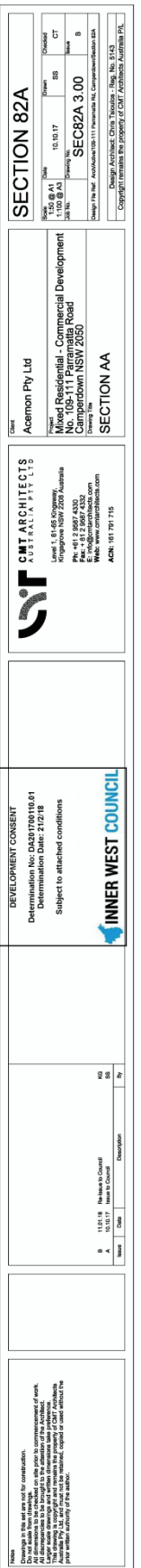




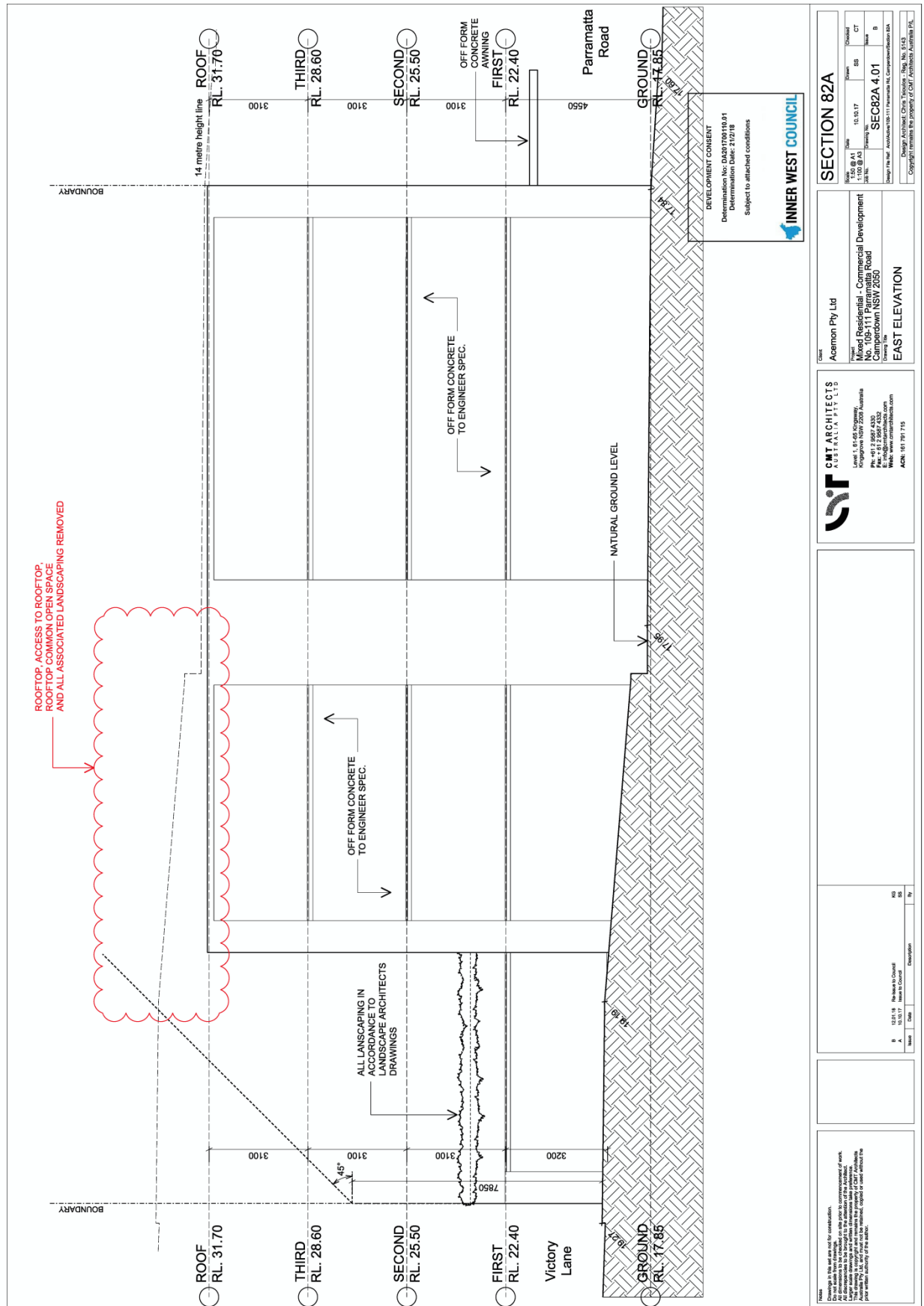








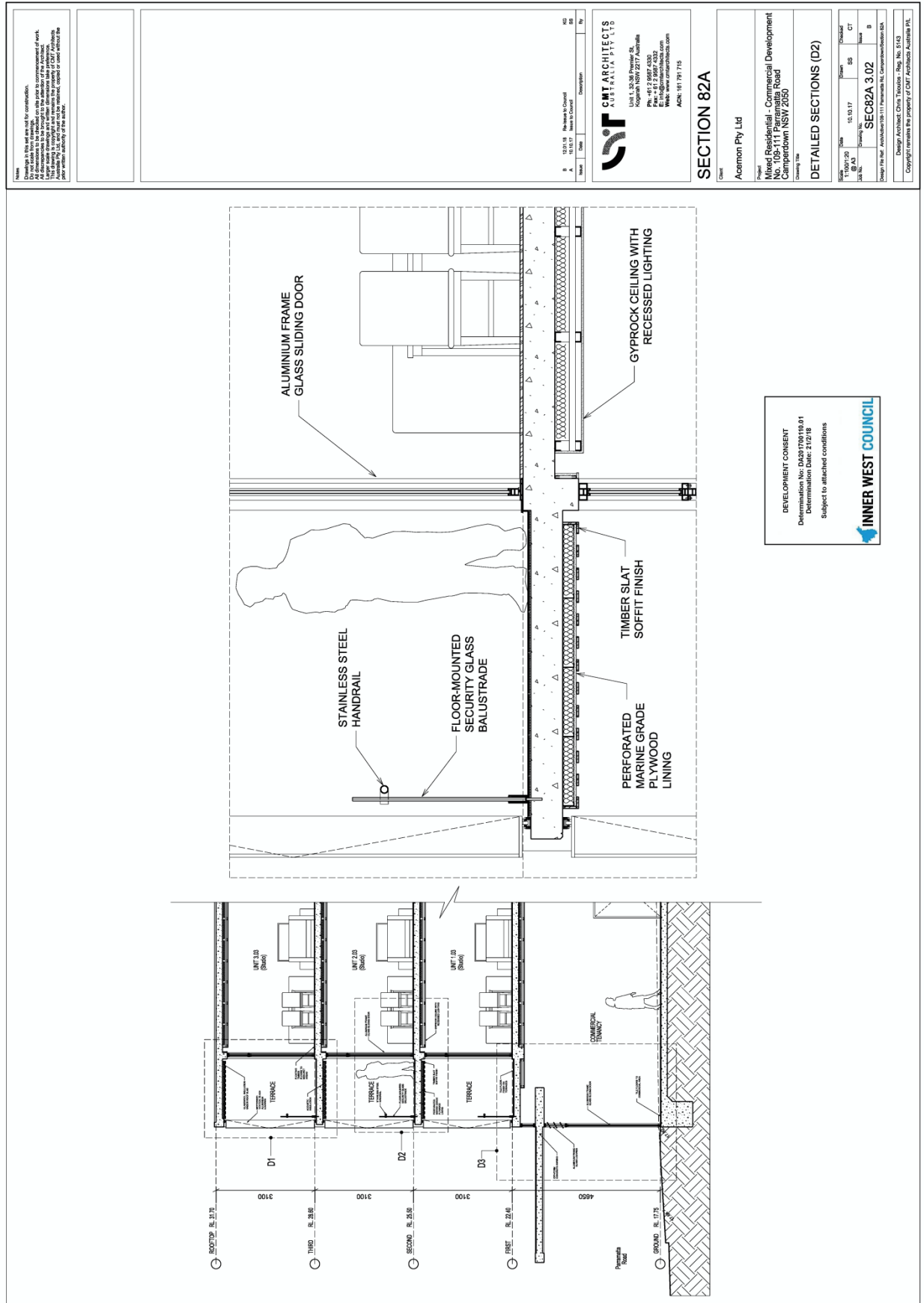


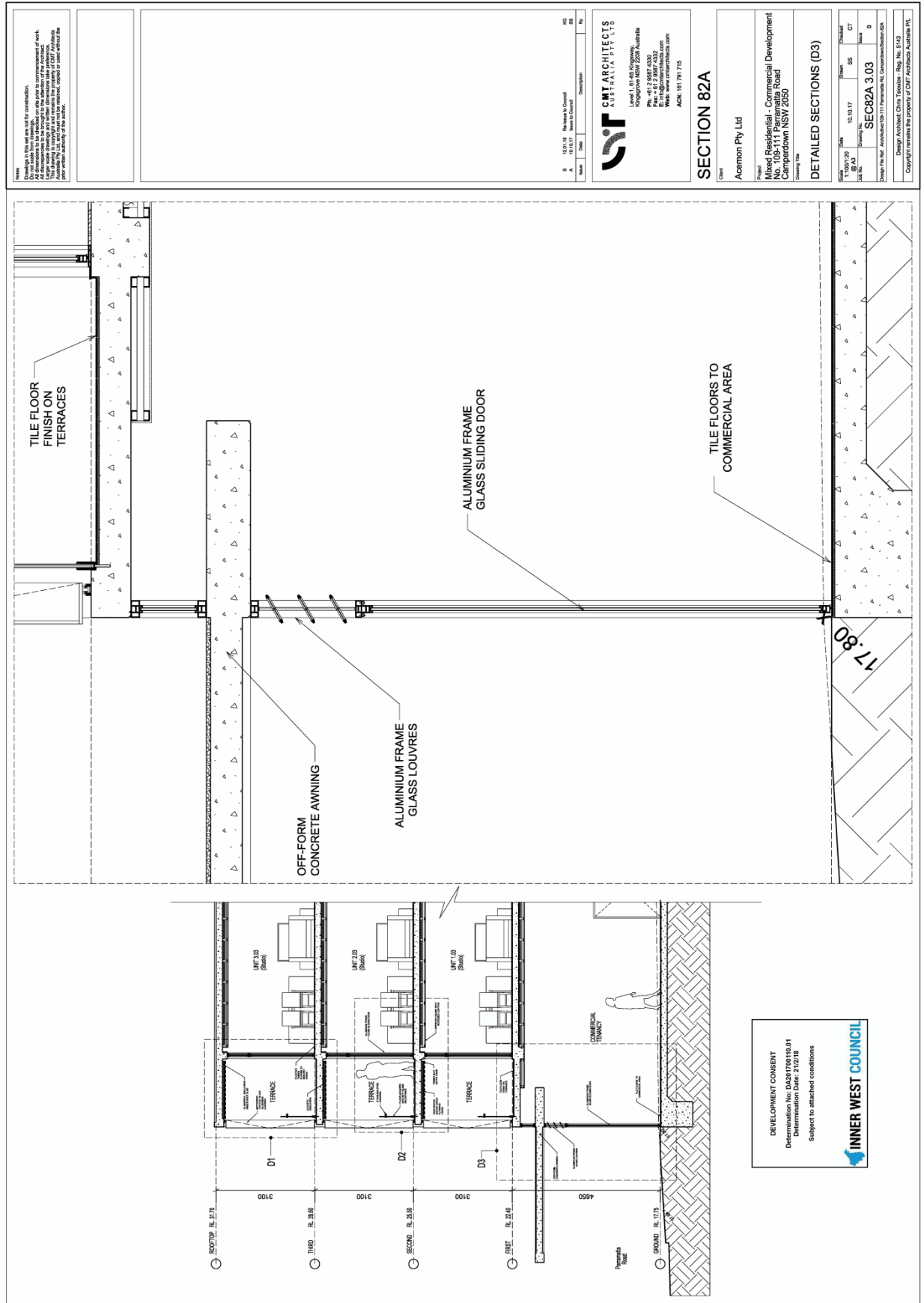




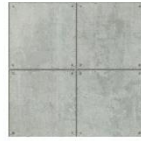
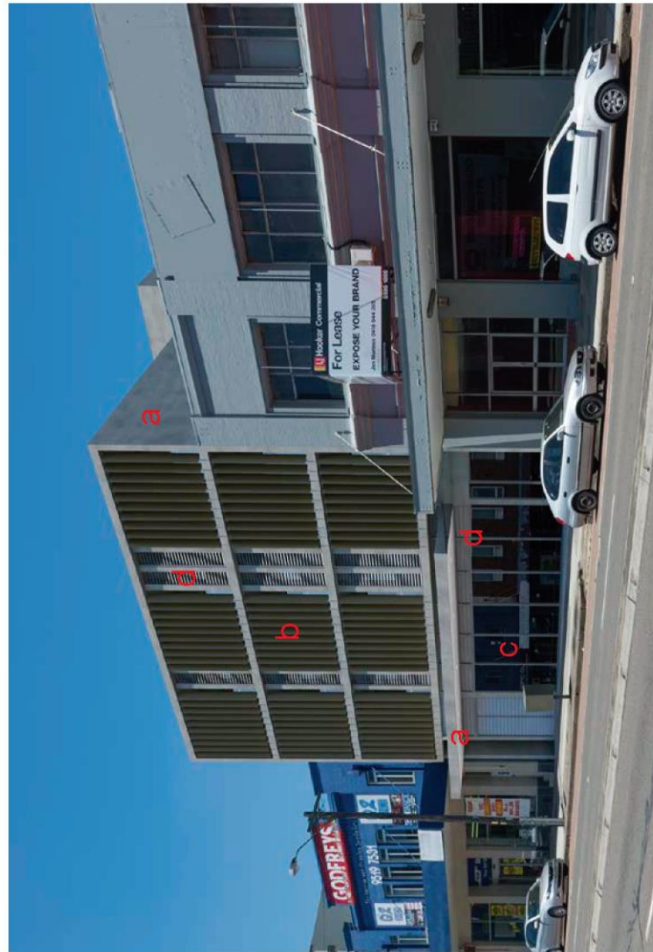








MATERIALS & FINISHES - 109 -111 Parramatta Road, CAMPERDOWN



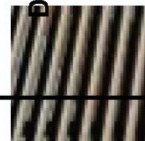
a Off-form Concrete



b Light Bronze Retractable Louvres™
(by Advanced Design Innovations)



c Aluminium Framed Glazing
(clear glass & anodised) by TREND3



DEVELOPMENT CONSENT

Determination No: DA201700110-01
Determination made by Council on 12/18
Determination made by Council on 12/18
(by Advanced Design Innovations)

Subject to attached conditions

Unit 1, 32-36 Premier St,
Kogarah N.S.W. 2217
Australia
Tel: +61 2 95874330
Fax: +61 2 95874332
info@cmtarchitects.com

