



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201800498
Address	391 Illawarra Road, Marrickville
Proposal	To demolish part of the premises and carry out alterations and additions to erect a part 4 part 5 storey shop top housing development with ground floor commercial and 5 residential units above basement.
Date of Lodgement	30 November 2018
Applicant	Chapman Planning Pty Ltd
Owner	Mr G Kokkinakos & Ms C Kokkinakos
Number of Submissions	2 submissions
Value of works	\$1,398,385
Reason for determination at Planning Panel	Development to which State Environmental Planning Policy No 65 applies and is 5 storeys in height
Main Issues	Nil
Recommendation	Deferred Commencement Consent
Attachment A	Recommended conditions of consent
Attachment B	Architectural Plans



LOCALITY MAP

Subject Site		Objectors		N
Notified Area		Supporters		

1. Executive Summary

This report concerns an application to demolish part of the premises and carry out alterations and additions to erect a part 4 part 5 storey shop top housing development with ground floor commercial and 5 residential units above basement. The application was notified in accordance with Council's Notification Policy and 2 submissions were received.

During the assessment process the proposal was amended to address a number of concerns raised by Council officers relating to materials and finishes, access, internal amenity of units and other matters. The amended proposal was not required to be re-notified in accordance with Council's Notification Policy.

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development; State Environmental Planning Policy (Infrastructure) 2007; and Marrickville Local Environmental Plan 2011 (MLEP 2011).

The proposal is also generally consistent with Marrickville Development Control Plan 2011 (MDCP 2011) and is considered to result in a form of development which is consistent with the surrounding mixed use developments and is consistent with objectives of the B2 Local Centre zone. The site is located within the strategic precinct of the Marrickville Town Centre and is subject to the development scenarios contained within Part 9.40 of MDCP 2011. The proposal varies from the strategic precinct controls in relation to the storey height control, however is still considered acceptable on merit.

The application was referred to Council's Architectural Excellence Panel who requested a number of changes to the proposal. Amended Plans were submitted to Council on 30 July 2019 satisfactorily addressing some of those matters, with the other matters considered acceptable on merit.

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered to be acceptable given the context of the site.

Notwithstanding, legal right of access to the rear of the site for vehicular and pedestrian access has not been demonstrated. Amended landscape plans are also required to be submitted. Therefore the application is recommended for Deferred Commencement consent subject to those matters being resolved.

2. Proposal

Approval is sought to demolish part of the premises and carry out alterations and additions to erect a part 4 part 5 storey shop top housing development with ground floor commercial and 5 residential units above basement. The works include the following:

- Demolition of the rear portion of the existing building;
- Restoration of the original period shopfront and internal portion of the ground and first floor level;
- New basement level containing waste services, storage and bicycle parking;
- New vehicular access for 1 car, entry lobby and commercial tenancy on the ground floor; and
- 4 levels of residential accommodation with 2 x studio dwellings on the first floor level, 1 x 1 bedroom dwelling on the second floor level, and 2 x 1 bedroom dwellings split.

3. Site Description

The site is known as 391 Illawarra Road, Marrickville and is located on the eastern side of Illawarra Road between Grove Street and Blamaire Lane. The site is legally described as Lot 3 in Deposited Plan 2595, is a rectangular shaped allotment with a 5.03m frontage to Illawarra Road, a maximum length of 32.39m and an area of 153sqm.

The subject site currently contains an existing two storey shop top housing development with commercial premises at ground level and a residential unit at first floor level. The site fronts Illawarra Road and to the rear of the site is an unformed lane.

The area is generally characterised by shop top housing development fronting Illawarra Road and low density residential development to the east of the site.

The site is adjoined by Nos. 393 and 395 Illawarra Road to the south which, together with the subject site, forms a row of three attached mixed use buildings. To the north east of the site at No. 389 Illawarra Road is a single storey church building with hall behind. To the west of the site is characterised by low scale shoptop housing developments and to the east of the site is generally characterised by low density residential development.

4. Background

4(a) Site history

On 8 August 2017 a Pre-DA was submitted seeking advice on a proposal to demolish the existing building and construct a 4 storey mixed use development containing a commercial premises on the ground floor and 5 residential units above. Council provided Pre-DA advice that raised a number of significant concerns, including the desire to maintain and restore the existing 2 storey building fronting Illawarra Road.

On 6 March 2018 a subsequent Pre-DA was submitted seeking advice on a proposal to demolish part of the premises, retain the existing shopfront and dwelling above and construct a 5 storey mixed use development containing car parking and a commercial premises on the ground floor and 7 residential units above. Council provided Pre-DA advice that raised a number of main concerns, namely the extent of the variation to the FSR development standard and urban design matters.

On 30 November 2018 the subject development application was submitted to Council.

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
30 November 2018	Application submitted to Council.
18 July 2019	Request for Information (RFI) letter issued requesting amendments to the building envelope, façade treatment, internal layout, and materiality. In addition, clarification was sought with respect to the use of the rear lane way.
9 July 2019	Amended plans submitted to Council indicating increased front and rear setbacks, internal changes and elevations resolving AEP comments regarding materials and expression.
30 July 2019	Final set of amended plans submitted to Council.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; and
- Marrickville Local Environmental Plan 2011.

The following sections provide 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. MDCP 2011 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has not been used in the past for activities which could have potentially contaminated the site; given its historic commercial and residential use. Notwithstanding, an In-Situ Waste Classification Report, prepared by Canopy Enterprises, dated September 2018 was submitted with the application in lieu of a Preliminary Site Investigation. The report outlines that soil samples were undertaken and analysed to confirm if contaminants were present on the site. The findings outlined that the fill layer encountered is classified as General Solid Waste (GSW) non-putrescible in accordance with the requirements of the Waste Guidelines.

Given the above, it is considered that the site will not require remediation in accordance with *SEPP 55*.

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

Clause 101 - Development with frontage to Classified Road

The site has a frontage to Illawarra Road which is a classified road. Vehicular access to the property is provided from the rear of the site and as such it is considered that the development would not affect the safety, efficiency and ongoing operation of the classified road. Notwithstanding, legal right of access to the rear of the site for vehicular and pedestrian access has not been demonstrated and therefore the application is recommended for the issue of a Deferred Commencement consent subject to those matters being resolved.

The development is a type of development that is sensitive to traffic noise or vehicle emissions and the Acoustic Report submitted with the application details the measures to be installed to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

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

The site is located in or adjacent to a road corridor. The applicant submitted a Noise Assessment Report with the application that demonstrates that the development will comply with the LAeq levels stipulated in Clause 102 of the SEPP.

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

The development is subject to the requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65). SEPP 65 prescribes 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 statement from a qualified Architect was submitted with the application verifying that they designed, or directed the design of, the development.

The development is generally acceptable having regard to the 9 design quality principles.

Apartment Design Guide

The ADG contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP, the requirements contained within MDCP 2011 in relation to visual privacy, solar and daylight access, common circulation and spaces, apartment sizes and layout, ceiling heights, private open space and balconies, natural ventilation and storage have no effect. In this regard, the objectives, design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The development has been assessed against the relevant design criteria within Part 3 and 4 of the ADG as follows:

Communal and Open Space

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

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

The development does not provide any communal open space. The ADG prescribes that where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:

- provide communal spaces elsewhere such as a landscaped roof top terrace or a common room;
- provide larger balconies or increased private open space for apartments; and/or

- demonstrate good proximity to public open space and facilities and/or provide contributions to public open space.

The development is located on a small 153sqm lot, is located within a dense urban area and within a local centre. The lack of communal open space is considered acceptable given the following:

- The development has demonstrated good proximity to two parks, including 200m from McNeilly Park to the north west and 300m from Louisa Lawson Reserve to the south west; and
- The majority of dwellings are provided with areas of private open space in the form of balconies.

Visual Privacy/Building Separation

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

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

The development is generally built to all side boundaries which is consistent with the street context. Given the separation of the development from adjoining sites to the east and west by existing roads, the development achieves sufficient separation.

The development provides a nil northern and southern boundary setback. The development does not provide any windows along these elevations, with the exception of fire rated glass blocks on the ground floor level. In this regard, no visual privacy concerns are raised and it is anticipated that any redevelopment of the adjoining sites will also provide nil side boundary setbacks.

Pedestrian access and entries

The ADG prescribes design guidance on the treatment and location of pedestrian entries.

Given the significance of the existing building on site and Council's desire to restore the original shopfront layout and entry, the pedestrian entry to the commercial tenancy on the ground floor is located on Illawarra Road and there is insufficient space for a residential entry at this location. The residential entry to the development is located at the rear lane. The location of the entry from the rear is acceptable given the following:

- Conditions are included in the recommendation requiring the rear lane to be upgraded in accordance with Council's standards;
- The rear lane is well lit, with street lighting at the entrance to the lane at its intersection with Blamaire Lane as well as directly above the pedestrian entrance to the subject site;
- The total length of travel from the start of the lane at its intersection with Blamaire Lane to the pedestrian entrance is only 40 metres;
- The proposed balconies at the rear of the development will provide passive surveillance over the laneway; and
- The pedestrian entry is provided with a new awning and sensor lighting.

Given the above and the heritage considerations restricting residential entry to the rear lane, the development is acceptable.

Notwithstanding, legal right of access to the rear of the site for pedestrian access has not been demonstrated and therefore the application is suitable for the issue of a Deferred Commencement consent subject to those matters being resolved.

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.

80% of dwellings within the development receive solar access in accordance with the above controls. All of the dwellings receive an appropriate level of solar access given the context and orientation of the site.

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

60% of dwellings within the development are naturally ventilated.

Unit 03 has been designed as a cross-through apartment and has a 22.4 metre depth. Whilst exceeding the overall depth requirement, the development provides living and kitchen areas adjacent to the western glazing and a bedroom adjacent to the eastern glazing and provides bathroom, storage and laundry areas in the centre which are mechanically ventilated. The development is acceptable in this regard.

Ceiling Heights

The development provides floor to ceiling heights in accordance with the ADG controls.

Apartment Size

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

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

- *Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.*
- *Habitable room depths are limited to a maximum of 2.5 x the ceiling height.*

- *In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.*
- *Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).*
- *Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).*
- *Living rooms or combined living/dining rooms have a minimum width of:*
 - *3.6 metres for studio and 1 bedroom apartments.*
 - *4 metres for 2 and 3 bedroom apartments.*
- *The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.*

The development provides apartments that comply with the above requirements.

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

The development provides the following areas of private open space (POS) for each dwelling:

Unit No.	Size	Primary POS	Secondary POS	Complies with min. depth?
Unit 01	Studio (39sqm)	5.7sqm	-	Yes
Unit 02	Studio (64sqm)	Nil	-	No
Unit 03	1 bedroom (80sqm)	31.7sqm	8.3sqm	Yes
Unit 04	1 bedroom (51sqm)	8sqm	5.8sqm	No
Unit 05	1 bedroom (59sqm)	4.4sqm	5.7sqm	No

As indicated above, Units 01 and 03 comply with the POS controls.

Unit 02 is not provided with any area of POS. The dwelling is a large studio measuring 64sqm which is oversized by 19sqm as per the ADG minimum size. The dwelling is contained within the existing built form of the period dwelling and therefore due to preservation of this form the provision of a balcony is not practical. Given the oversized unit and the proximity of the site to 2 nearby parks, the absence of POS is acceptable.

Units 04 and 05 are provided with a total area of POS measuring 13.8sqm and 10.1sqm respectively, albeit split over 2 levels, which are collectively greater than the ADG minimum requirement (8sqm). Given the small size of the dwellings and split level arrangement, it is considered that a balcony on each level, servicing the bedroom and living room is a suitable arrangement having regard to internal amenity of the dwellings.

Common Circulation and Spaces

The ADG prescribes that the maximum number of apartments off a circulation core on a single level is 8. The maximum number of units accessible off a single level is 2, which complies with the ADG requirement.

Storage

The development provides sufficient storage within the apartments and basement level complying with the minimum size as per the requirements of the ADG.

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

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

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

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

- (i) Clause 1.2 - Aims of the Plan
- (ii) Clause 2.3 - Land Use Table and Zone Objectives
- (iii) Clause 2.7 - Demolition
- (iv) Clause 4.3 - Height of Buildings
- (v) Clause 4.4 - Floor Space Ratio
- (vi) Clause 4.6 - Exceptions to Development Standards
- (vii) Clause 6.2 – Earthworks
- (viii) Clause 6.5 - Development in areas subject to Aircraft Noise

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

Standard (maximum)	Proposal	% of non- compliance	Complies
Floor Space Ratio 2.5:1	2.49:1	N/A	Yes
Height of Building 20 metres	17 metres	N/A	Yes

The following provides further discussion of the relevant issues:

(ix) Aims of the Plan (Clause 1.2)

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

- “(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,*
- (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 assists in providing a mix of housing types;
- The development provides alternative modes of transport on site including bicycle parking and constrains the provision of car parking in accordance with Council's controls; and
- The development utilises high quality materials and finishes and presents a development that is generally consistent with Council's controls for the site.

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

The property is zoned B2 – Local Centre under the provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011). Ground floor commercial premises and residential accommodation in the form of shop top housing is permissible within the zone.

The development is acceptable having regard to the objectives of the B2 Local Centre – zone.

(xi) Demolition (Clause 2.7)

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

(xii) Height (Clause 4.3)

A maximum building height of 20 metres applies to the site under MLEP 2011.

The development has a maximum height of 17 metres which complies with the height of buildings development standard.

(xiii) Floor Space Ratio (Clause 4.4)

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

The development has a gross floor area (GFA) of 381sqm which equates to a FSR of 2.49:1 on the 153sqm site which complies with the FSR development standard.

(xiv) Earthworks (Clause 6.2)

Clause 6.2 of MLEP 2011 requires the consent authority to have regard to certain matters where earthworks that require development consent are proposed. The applicant has submitted a Preliminary Geotechnical Investigation Report which addresses excavation.

The development includes excavation for a basement level, which subject to conditions included in the recommendation, is unlikely to have a detrimental impact on environmental functions or processes, neighbouring sites, cultural or heritage items or features of the surrounding land.

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

Clause 6.5 applies to development on land that is in an ANEF contour of 20 or greater, and the consent authority considers is likely to be adversely affected by aircraft noise.

The subject property is located within the 20 - 25 Australian Noise Exposure Forecast (2033) Contour and as such is likely to be affected by aircraft noise.

Clause 6.5(3) of MLEP 2011 reads as follows:

- “(3) Before determining a development application for development to which this clause applies, the consent authority:*
- (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and*
 - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and*
 - (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.”*

The proposed development seeks consent to construct 5 new dwellings, increasing the number of dwellings on land and the number of people that will be exposed to aircraft noise.

In accordance with Table 2.1 Building Site Acceptability Based on ANEF Zones of AS 2021—2000 Acoustics – Aircraft Noise Intrusion – Building siting and construction, residential accommodation within the identified exposure range is unacceptable without attenuation.

The applicant submitted an acoustic impact statement prepared by Acoustic Logic indicating attenuation measures required to achieve suitable indoor noise amenity levels in accordance with Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.”

The proposal is considered to satisfy the provisions of Clause 6.5 (3) of MLEP 2011 and the acoustic assessment should be included as part of the approved plans and documents listed in condition 1 of any consent granted.

5(b) Draft Environmental Planning Instruments

5(b)(i) ***Draft Marrickville Local Environment 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)(v)(i) Clause 1.2 of MLEP 2011 as part of this assessment.

In light of the above, the application was referred to the Architectural Excellence Panel (AEP) on 3 April 2019 and the following recommendations were made:

- Preference was outlined for the residential access to be from Illawarra Road;
- Clarification regarding ownership of the rear laneway was requested;
- Support was provided for the retention of the existing commercial shop, as it was considered it makes a positive contribution to the character of the streetscape;
- Preference was given for adjoining sites to be included as part of the development site and if this could not be realised, a reduction in building scale/form was recommended;
- Careful consideration was recommended of the treatment of the north-eastern wall of the development, as it would be highly visible until such time the adjoining site was redeveloped; and
- Clarification was required with respect to the provision of the adaptable unit.

Amended plans were submitted by the applicant addressing some of the matters raised. Notwithstanding, as outlined within this report, the remaining matters are considered satisfactory on merit and the proposal generally complies with the aims, objectives and design parameters contained in SEPP 65 and the MLEP 2011, respectively. In addition, the proposal generally accords with the MDCP 2011 and is considered to result in a form of development which is consistent with the surrounding mixed use developments and the objectives of the B2 Local Centre zone. In this regard, it is considered the proposal is considered satisfactory with respect to the draft LEP amendment.

5(c) Development Control Plans

5(c)(i) *Marrickville Development Control Plan 2011*

The application 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 – see discussion
Part 2.6 Visual and Acoustic Privacy	Yes – see discussion
Part 2.7 Solar Access and Overshadowing	Yes – see discussion
Part 2.9 Community Safety	Yes – see discussion
Part 2.10 Parking	No – see discussion
Part 2.16 Energy Efficiency	Yes
Part 2.18 Landscaping and Open Spaces	Yes – see discussion
Part 2.21 Site Facilities and Waste Management	Yes – see discussion
Part 2.24 Contaminated Land	Yes
Part 2.25 Stormwater Management	Yes

Part 5 Commercial and Mixed Use Development	No – see discussion
Part 9 Strategic Context	No – see discussion

The following provides discussion of the relevant issues:

PART 2 – Generic Provisions

(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 5 dwellings require the provision of one (1) adaptable dwelling.	Yes
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	1 accessible parking spaces servicing 1 adaptable dwellings	No
Commercial Component		
A continuous path of travel through the main entrance	A level entrance is provided throughout.	Yes

Table 1 - Assessment of proposal against Part 2.5

Based on the assessment provided in Table 1 above, the proposal satisfies the relevant provisions of Part 2.5 of MDCP 2011, with the exception of car parking. The matter of car parking is discussed in more detail later in this report under Section 5(c)(v).

(ii) Acoustic and Visual Privacy (Part 2.6)

Part 2.6 of MDCP 2011 contains objectives and controls relating to acoustic and visual privacy. Whilst the ADG prescribes privacy controls which effectively prevail over the controls contained in MDCP 2011, the controls contained in MDCP 2011 are still a relevant matter for consideration. To ensure the development maintains acoustic and visual privacy for the surrounding residential properties and for future occupants of the development, the following aspects are discussed:

- All windows and balconies face towards the front and rear of the site in accordance with Council's controls;
- All areas of private open space face towards the rear and front of the site respectively, in accordance with Council's controls and as such no concern is raised in relation to visual privacy from these spaces. The rear-facing balconies to levels 2 and 4 service bedrooms and the balconies to levels 1 and 3 are not of sufficient depth to enable entertaining. In addition, the orientation/alignment of the balconies is such that only views across roofs of nearby dwellings are enabled and not principal living areas or

rear yards. Furthermore, planting to the edge of the balconies will restrict some downward views from those spaces. Therefore no concern is raised in relation to visual and acoustic privacy on the low scale residential located to the east of the site; and

- The balconies along the western side of the development generally provide views over Illawarra Road and no concern is raised in this regard.

The proposal is considered to comply with the visual and acoustic privacy controls under MDCP 2011. The layout and design of the development would ensure that the visual and acoustic privacy currently enjoyed by residents of adjoining residential properties is protected. The development maintains a high level of acoustic and visual privacy for the surrounding residential properties and would ensure a high level of acoustic and visual privacy for future occupants of the development itself.

A Noise Impact Assessment report was submitted with the application which provided recommendations for materials and finishes at the construction stage. These recommendations are designed to ensure that the noise intrusion impact from aircraft noise and Illawarra Road onto future occupants of the development is mitigated and to ensure adverse acoustic impacts onto neighbouring properties is also alleviated.

Given the above the development is reasonable having regard to the objectives and controls relating to visual and acoustic privacy as contained in MDCP 2011.

(iii) Solar Access and Overshadowing (Part 2.7)

Overshadowing

The shadow diagrams submitted with the application illustrate the extent of overshadowing as a result of the development. Given the orientation of the allotment, being primarily east to west, the proposal will result in additional overshadowing impacts on the properties located directly south at 393, 395 and 397 Illawarra Road, respectively. Notwithstanding, surrounding buildings located north and north-east of the subject site appear to currently cause extensive overshadowing of properties to the south, including the subject site.

The additional shadows are predominantly cast between 9am and 11am, impacting a small number of the first, floor north facing windows at the rear of 397 Illawarra Road. The remaining impact affects the roofs and rear areas of the existing two storey, mixed use buildings at 393 and 395 Illawarra Road, respectively.

Having regard to the desired future character of the zone and the current planning controls, it is considered the adjoining properties located directly south of the site would develop in a similar manner to the subject proposal; with balconies orientated to the north and south respectively, allowing for all north facing apartments to receive sufficient solar access under the ADG. In addition, a variation could be considered in-line with the subject proposal with respect to the provision of rooftop communal open space; thereby eliminating the potential for future overshadowing impacts.

Considering the above, the development is considered acceptable having regard to Part 2.7 of MDCP 2011.

(iv) Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains objectives and controls relating to community safety. The Statement of Environmental Effects submitted with the application demonstrates the way in which consideration has been made of the four CPTED principles contained in Section 2.9.3.

As outlined previously, given the significance of the existing building on-site and Council's desire to restore the original shopfront layout and entry, the pedestrian entry to the commercial tenancy on the ground floor is located on Illawarra Road and there is insufficient space for a residential entry at this location. The residential entry to the development is located at the rear lane. Although it is acknowledged that it would be more desirable for the entry to be located from the primary street frontage, being Illawarra Road, the proposal is still considered acceptable having regard to community safety in that:

- The rear lane is well lit, with street lighting at the entrance to the lane at its intersection with Blamaire Lane as well as directly above the pedestrian entrance to the subject site;
- The total length of travel from the start of the lane at its intersection with Blamaire Lane to the pedestrian entrance is only 40 metres; and
- The pedestrian entry is provided with a new awning and sensor lighting.

With respect to the development generally from a community safety perspective, the following is noted:

- The development has been designed to overlook and provide passive surveillance over Illawarra Road and Blamaire Lane, respectively; and
- No roller shutters are provided for the commercial premises.

A condition is included in the recommendation requiring the entrance to the premises being well lit and to comply with the relevant Australian Standard to avoid excessive light spillage. Having regard for the above, the development satisfies Part 2.9 of MDCP 2011.

(v) Parking (Part 2.10)**Car, Bicycle and Motorcycle Parking Spaces**

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

Component	Control	Required	Proposed	Complies?
Car Parking				
Resident Car Parking	0.2 car parking space per studio or 1 bedroom unit	4 x studio/1 bed units = 1 space	0 spaces	No
Accessible Resident Car Parking	1 car parking space per 1 adaptable dwelling	1 adaptable dwelling = 1 accessible space	0 spaces	No
Commercial Car Parking	1 space per 80sqm GFA for customers and staff	54sqm GFA = 1 space	1 space	Yes
	Total required:	3 spaces	1 space	No
Bicycle Parking				
Resident Bicycle Parking	1 bicycle parking space per 2 units	5 units = 3 spaces		

Component	Control	Required	Proposed	Complies?
Commercial Bicycle Parking	1 per 300sqm GFA for staff	54sqm GFA = 0 spaces	5 spaces	
	Total required:	3 spaces	5 spaces	Yes + 2
Motorcycle Parking				
Motorcycle Parking	5% of the total car parking requirement	3 car parking spaces required = 0 spaces		
	Total required:	0 spaces	0 spaces	Yes

Assessment of proposal against Part 2.10 of MDCP 2011

As detailed in the table above, the development does not comply with Council's parking controls. The development provides 1 car parking space and results in a shortfall of 2 car parking spaces. Notwithstanding, the shortfall is acceptable given the following:

- The site is located within walking distance of Marrickville Railway Station (approximately 150m), as well as high frequency bus services to and from the CBD;
- The site is quite constrained in area limiting its ability to provide the prescribed parking, including that no access could be achieved to a basement level; and
- The development provides a large proportion of smaller dwelling types which generally result in a reduced demand for car parking.

It is noted that legal right of access to the rear of the site for vehicular access has not been demonstrated and therefore the application is recommended for Deferred Commencement consent subject to those matters being resolved.

(vi) Landscaping and Open Spaces (Part 2.18)

Landscaped area

Part 2.18.11.7 of MDCP 2011 provides the following controls for mixed use development:

“C25 Landscaped area

Landscape areas for mixed use developments will be determined on merit and depend on the overall streetscape and the desired future character for the area/precinct.

The development has a frontage to Illawarra Road and is required to provide a nil front boundary setback. As such, it is not appropriate to provide pervious landscaping within the front setback of the development on ground floor level.

Considering the context of the site, being within a local centre, the development is assessed as providing sufficient private open space. A landscape plan was submitted with the application. The landscape plan has not been updated to reflect the updated architectural plans and therefore a Deferred Commencement condition is included in the recommendation requiring this to be submitted.

(vii) Site Facilities and Waste Management (Part 2.21)

Recycling and Waste Management Plan

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application and is considered to be adequate.

Residential Waste

The development includes 5 units and would generate 360L of waste based on the calculation of 72L per dwelling. A minimum of 2 x 240L recycling, 2 x 240L general waste bins are required to be provided for the development.

A total of 6 x 240L bins are provided in the waste storage area in the basement. There is considered to be a sufficient quantity of waste bins to accommodate the required recycling and general waste under Part 2.21.

Control C27 requires that for residential flat buildings a dedicated room or caged area of at least 12m³ must be provided for the temporary storage of discarded bulky items which are awaiting removal. An area measuring 4.5cbm has been provided for bulky items on the lower ground floor level. There is sufficient space in the bin room and the temporary bin collection area to accommodate additional bulky goods and therefore the proposal is acceptable.

Commercial Waste

The commercial tenancy has an area of 54sqm of which the proposed use is to be the subject of a separate application. A bin storage area is proposed on the lower ground floor level of the development with a capacity to accommodate 3 x 240L bins. Any application for the use of the ground floor tenancy will need to demonstrate that sufficient services are provided for recycling and general waste under Part 2.21 of MDCP 2011.

PART 5 - COMMERCIAL AND MIXED USE DEVELOPMENT

Part 5.1.3.3 contains massing and setback controls for commercial and mixed use developments. However, the strategic context controls contained in Part 9.40 of the DCP provide more site specific massing and setback controls.

(viii) Building form (Part 5.1.3)

5.1.3.1 Floor space ratio

The matter of FSR is discussed earlier under Section 5(a)(v)(xii) of this report.

5.1.3.2 Height

The matter of building height is discussed earlier under Section 5(a)(v)(xiii) of this report.

5.1.3.3 Massing and Setbacks

Part 5.1.3.3 contains massing and setback controls for commercial and mixed use developments.

Front massing

Part 5.1.3.3 of MDCP 2011 includes the following controls for front massing for new infill development:

- “C7 For new infill developments, where the HOB standard is set as 14 metres or greater, the street front portion of the building mass in the front 6 metres must have a maximum height (measured from footpath level up to highest point on the front portion of the building) of 12 metres and contain a maximum of three storeys.*
- C8 The street front portion of the building mass generally must be built to the predominant front building line, which will usually require alignment with the street front boundary (zero front setback) to reinforce a continuous street fronting building edge to the streetscape.*
- C9 Side setbacks are generally not permitted in the front portion of the building where zero side setbacks are the typical pattern of the streetscape.”*

The development provides a 2 storey street front massing, positively retaining the existing period building form with a maximum height not exceeding 12 metres. The development provides a nil front boundary setback and nil side boundary setbacks which is consistent with the developments on Illawarra Road generally.

Upper level massing

Control C11 of Part 5.1.3.3 of MDCP 2011 specifies the following control for upper level massing:

- “C11 Upper levels above the street front portion of the building mass must be setback a minimum 6 metres from the street front of the building (required to both frontages when the site is located on the corner of two major streets), except for 0.9 metres roof projection of the topmost dwelling occupancy level.”*

The development provides additional upper level massing to Illawarra Road which is set back a minimum 6 metres from the front setback which is acceptable.

Rear massing

Control C13 of Part 5.1.3.3 of MDCP 2011 specifies the following control for rear massing:

- “C13 Where the rear boundary adjoins a lane:*
 - i. The rear building envelope must be contained within the combination of the rear boundary plane and a 45 degree sloping plane from a point 7.5 metres vertically above the lane ground level, measured at the rear boundary, and contain a maximum of two storeys on the rear most building plane;*
 - ii. Notwithstanding point i., building envelopes may exceed the above building envelope control where it can be demonstrated that any rear massing that penetrates above the envelope control will not cause significant visual bulk or amenity impacts on neighbouring properties to the rear;*
 - iii. The rear building envelope must contribute positively to the visual amenity of the laneway, and encourage rear lane activation through measures such as providing appropriate lighting and opportunities for passive surveillance.*

The development provides a 2 storey rear lane massing, with the ground and first floor level both providing nil rear boundary setback.

The proposed third, fourth and fifth floors all encroach within the rear building envelope to varying degree. Whilst not complying with the above control, it has been demonstrated that the rear massing penetrating outside the building envelope control will not cause significant visual bulk or amenity impacts on the neighbouring residential properties to the rear, located on Grove Street. Further, façade planters are proposed in-front of the rear, balcony balustrades to soften the building's appearance when viewed from the rear.

Having regard to the above, the development is generally consistent with the massing and setbacks controls as discussed above and acceptable on merit.

5.1.4.4 Building Depth

Part 5.1.3.4 of MDCP 2011 specifies the following controls for building depth of relevance to the proposed development:

"C16 For building levels on the first floor and above that are designed for residential premises:

- i. The building envelope depth must be:
 - a. A maximum depth of 22 metres; and
 - b. Generally a minimum depth of 10 metres.
- ii. The internal plan depth must be:
 - a. A maximum depth of 18 metres; and
 - b. Generally a minimum depth 10 metres.

NB Freestanding buildings or parts of buildings where there are windows on multiple sides may have greater depth if they still achieve satisfactory direct solar access and natural light and ventilation."

The buildings have a maximum building envelope depth of generally less than 22 metres. All apartments have windows on multiple sides and whilst not complying with the minimum internal depth of 10 metres, all have been assessed as providing sufficient internal amenity in accordance with the objectives of the control and the ADG, respectively.

(ix) Building Detail (Part 5.1.4)

5.1.4.1 Building Frontages

Part 5.1.4.1 of MDCP 2011 includes the following objectives and controls relating to building frontages:

"O20 To ensure the street front portion of the building mass reads as the continuous dominant element in the streetscape, with upper levels above the street frontage being visually subservient.

C28 The street front portion of the building mass must be designed to maintain or emphasise the street front portion of the building mass as the continuous dominant element in the streetscape.

C29 Building levels above the street front portion of the building mass that are visible in the streetscape must be visually subservient as a complementary backdrop to the street front portion of the streetscape.

C31 Air-conditioning facilities must not be visible from the shopping street and any other major side street."

The street front elevation positively retains the period building's form and reads as the continuous dominant element in the streetscape with the upper levels above the street

frontage being visually subservient. A condition has been included in the recommendation requiring that no air conditioning units should be visibly from the Illawarra Road street frontage.

5.1.4.2 *Active street frontage uses and shopfront design*

Part 5.1.4.2 of MDCP 2011 specifies controls for active street frontage uses and shopfront design of relevance to the development. The development is acceptable having regard to those objectives and controls in that:

- The proposal retains and improves the original commercial shopfront servicing Illawarra Road, including the provision of new and expansive glazing; to match the adjoining commercial properties along Illawarra Road.

(x) Building Use (Part 5.1.5)

5.1.5.1 *Mixed use development*

Part 5.1.5.1 of MDCP 2011 provides objectives and controls for mixed use developments. The development is acceptable having regard to those objectives and controls in that:

- The ground floor level of the site area that relates to the active street frontage is predominantly used for commercial floor area; and
- Any proposed use of the ground floor shopfront will be assessed in accordance with the relevant controls to ensure that there will be a reasonable level of compatibility between different uses within the building and between adjoining properties and a reasonable level of amenity can be maintained for the different uses appropriate for a commercial centre context.

PART 9 - STRATEGIC CONTEXT

The property is located in the Marrickville Town Centre Commercial Planning Precinct (Precinct 40) under Marrickville Development Control Plan 2011.

(xi) Desired future character (Part 9.40.2)

The development is considered to be consistent with the desired future character of the Marrickville Town Centre Commercial Planning Precinct as it achieves the following objectives:

- “1. To retain, as a minimum, the front portion of contributory buildings where they are contributory to the heritage conservation area (HCA) and/or streetscapes.
3. To protect and preserve contributory and period buildings within the precinct and require their sympathetic alteration or restoration.
4. To allow and encourage a greater scale of development within the commercial centre, including the provision of new dwellings near local shops, services and public transport to meet market demand, create the opportunity for high access housing choice and support sustainable living.
6. To ensure the street building frontage of infill development complements the siting (location and orientation), scale, form (height, massing and setback), proportion (height to width and solid to void), rhythm, pattern, detail, material, colour, texture, style and general character in the design of the existing predominantly traditional two storey commercial streetscape, without being imitative.

7. *To ensure new development at rear upper levels is a maximum of five storeys and is designed to be subservient to retained portions of contributory buildings or infill development to the street building front.*
8. *Where required, to ensure there are active commercial fronts to new buildings facing onto streets to create a vibrant and safe streetscape.*
9. *To support pedestrian access, activity and amenity including maintaining and enhancing the public domain quality.*
10. *To build on the eat street and cultural character of the commercial centre.*
11. *To ensure that higher density demonstrates good urban design and environmental sustainability and provides suitable amenity for occupants of those developments.*
12. *To ensure that the design of higher density development protects the residential amenity of adjoining and surrounding properties.*
14. *To facilitate efficient parking, loading and access for vehicles that minimises impact to streetscape appearance, commercial viability and vitality and pedestrian safety and amenity.”*

(xii) Precinct-specific planning controls (Part 9.40.4)

The site is not a masterplanned site and as such future development is guided by the precinct based scenario controls.

9.40.4.6 *Scenario 4*

The site has a street front dimension of 5.03 metres and overall site area of 153sqm. The existing building on the site constitutes a period building as per the contributory buildings map and as such is required to be retained.

Accordingly the development of the site is guided by Scenario 4 that provides development guidelines to inform the building mass and form through the application of a building envelope shown in Figure 40d (refer to Image 1 below), and precinct specific FSR and building heights in metres and storeys. Scenario 4 imposes the following development controls on the site:

- Maximum Floor Space Ratio of 1.4:1; and
- Maximum Building Height of 14 metres.

As stated in Section 5(a)(iv) of this report, the proposed development has an FSR of 2.49:1 and maximum Height of Building of 17 metres, which complies with the development standards. The development presents a variation to the controls in Part 9.40.4.6 of MDCP 2011.

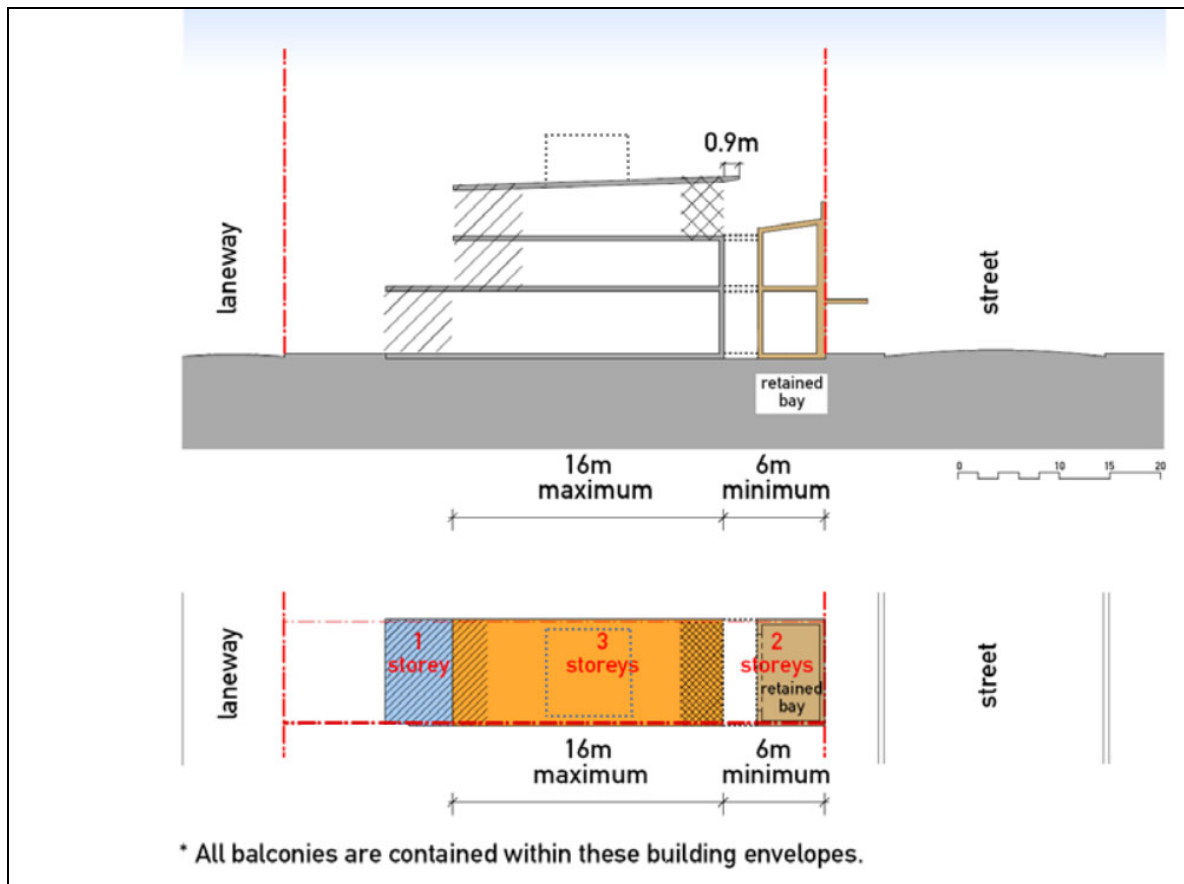


Image 1: Control diagram – three storey – retain street fronting portion

Part 9.40 of MDCP 2011 envisages one possible form of development aimed at achieving the desired future character. In this instance, the proposed development is considered to pose an alternative development option that is considered to be consistent with the relevant objectives for the area and allow the development potential of the site to be achieved.

This alternate building form, allows the fifth storey to be setback significantly from both the Illawarra Road and Blamaire Lane boundary, so as to achieve the desired visual subservience to the two (2) storey street wall and allow for the retention of the positive, period building form; that will present as the dominant feature of the development from Illawarra Road.

The impacts associated with the fifth storey are considered acceptable in this instance, as the additional storey does not materially impact on the amenity of the adjoining properties. Given the adjoining properties have similar frontage and lot sizes, development of a similar scale and height could be constructed and as such is not considered to materially affect their development potential.

As stated above, the proposed development generally complies with the development envisaged by MLEP 2011 and MDCP 2011 and does not contravene the relevant objectives. As such, the alternative solution proposed is considered acceptable in this instance.

5(d) The Likely Impacts

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

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

The site is zoned B2 Local Centre under 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

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's Notification Policy. As a result, two (2) submissions were received. Key matters raised within the submissions received are addressed within the table below. The matters raised have also been summarised to avoid repetition.

Issue	Comment
Rear Lane Access Concern was raised with respect to the legality of the proposal's reliance on the rear laneway for access.	A Deferred Commencement consent is proposed requiring the applicant to provide satisfactory written evidence that they have the legal rights to use the rear lane for pedestrian and vehicular access.
Structural & construction impacts on adjoining property Concern was raised with respect to the proposal's structural and construction impacts on the adjoining property and locality.	A standard condition of consent is recommended requiring the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the design does not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s. Dilapidation reports to neighbouring properties are also recommended. In addition, advisory notes are included in the determination notice outlining the proponent's obligation to comply with the National Construction Code and to submit the relevant permits to Council, including but not limited to, work zone permits, to demonstrate the appropriate management of construction impacts.
Solar access & overshadowing Concern was raised with respect to the proposal's solar access and overshadowing impacts on surrounding properties.	This matter is addressed under Section 5(c)(i)(iii).

<p>Stormwater impacts</p> <p>Concern was raised with respect to the proposal's stormwater impacts on adjoining properties; as deep soil was not provided.</p>	<p>The application was supported by a Stormwater Concept Plan which is considered acceptable subject to standard conditions of consent. In terms of landscaping/deep soil provision, this matter is addressed under Section 5(c)(i)(v).</p>
<p>Encroachments</p> <p>Concern was raised with respect to a boundary encroachment over the adjoining property.</p>	<p>A condition of consent is recommended requiring the development to be wholly constructed on the subject site.</p>
<p>Amalgamation</p> <p>Concern was raised with respect to the need for the proposal to amalgamate with adjoining properties to allow redevelopment.</p>	<p>As discussed previously within this report, the proposal meets the objectives of the zone and complies with the respective LEP height and FSR development standards prescribed for the site. In addition, the proposal retains and reinstates the existing two (2) storey commercial building; which makes a positive contribution to the streetscape and the upper massing of the building is adequately setback from the public domain to ensure it appear visually subservient when viewed from the surrounds.</p> <p>Further, the proposal does not restrict the development potential of adjoining sites; as it is considered they can develop individually in a similar manner/form with the provision of a limited amount of parking and vehicle and pedestrian access from the rear lane.</p>
<p>Existing shop front side facing windows</p> <p>A request was made for a condition of consent to be recommended for the existing side facing windows servicing the commercial shop front be filled in in the event the adjoining property at 389 Illawarra Road is redeveloped.</p>	<p>A condition of consent is recommended requiring all existing side boundary windows to be upgraded to comply with the National Construction Code prior to the issue of a Construction Certificate.</p>

5(g) The Public Interest

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

The development is consistent with the aims, and design parameters contained in State Environmental Planning Policy No 65 - Design Quality of Residential Apartment

Development, Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011 and other relevant Environmental Planning Instruments. As discussed throughout this report, the development will not result in any significant impacts on the amenity of adjoining premises and the streetscape and thus the development is considered to be in the public interest.

6. Referrals

6(a) Internal

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

- Development Engineer;
- Resource Management; and
- Architectural Excellence Panel (AEP).

6(b) External

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

- Sydney Airport.

7. Section 7.11 Contributions

Section 7.11 contributions are payable for the proposal. The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$58,983.00 would be required for the development under Marrickville Section 94 Contributions Plan 2014. A 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 State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and Marrickville Local Environmental Plan 2011 (MLEP 2011). The proposal is generally consistent Marrickville Development Control Plan 2011. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape.

Notwithstanding, legal right of access to the rear of the site for vehicular and pedestrian access has not been demonstrated. Amended landscape plans are also required to be submitted. Therefore the application is suitable for the issue of a deferred commencement consent subject to those matters being resolved in a timely manner.

9. Recommendation

- A. That IWLPP, as the consent authority pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. 201800498 to demolish part of the premises and carry out alterations and additions to erect a part 4 part 5 storey shop top housing development with ground floor commercial and 5 residential units above basement services at 391 Illawarra Road, Marrickville subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Attachment A – Conditions of consent

Building Classification

Deferred Commencement

The following is a Deferred Commencement condition imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matter(s):

- a) The applicant must provide satisfactory written evidence that they have the legal rights to use the rear lane for pedestrian and vehicular access to the site.
- b) In order to utilise the rear lane behind the site it shall be designed in accordance with Council's standard and requirements and AUS-SPEC#2-"Roadworks Specifications".
- c) The revised swept path diagrams (generated with suitable software) for the parking space proposed must be provided to demonstrate that entry and exit to the rear lane is achieved with a 500 mm clearance from the existing power pole. Consideration is to be given to relocating the proposed driveway away from the power pole.
- d) Amended Landscape Plans being submitted updating the balcony and unit layout to match the approved floor plans.

Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

Fees

1. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$58,983.00 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014] ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 30 July 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. DC002669)

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:

Public Amenities Type:	Contribution \$
Community Facilities	\$6,387.40
Plan Administration	\$1,156.52
Recreation Facilities	\$50,509.32

Traffic Facilities	\$929.76
TOTAL	\$58,983.00

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

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 0.75% credit card transaction fee applies to all credit card transactions.

2. Security Deposit - Standard

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

Security Deposit:	\$2,939
Inspection Fee:	\$230.65

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date. The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

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

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

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

General Conditions

3. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
Site Analysis, DA.001A	Architectural Plans	23 October 2018	Sprial Architects Lab
Period Building	Architectural Plans	23 October	Sprial Architects Lab

Preservation Plan, DA.002A		2018	
Site Plan, DA.100B	Architectural Plans	8 July 2019	Spiral Architects Lab
Floor Plans 01, DA.101B	Architectural Plans	8 July 2019	Spiral Architects Lab
Floor Plans 02, DA.102 B	Architectural Plans	8 July 2019	Spiral Architects Lab
Elevations & Section, DA.300C	Architectural Plans	8 July 2019	Spiral Architects Lab
FSR Diagrams, DA.600B	Architectural Plans	8 July 2019	Spiral Architects Lab
Adaptable Apartment, DA.602A	Architectural Plans	23 October 2018	Spiral Architects Lab
Materials & Finishes, 2108.10.08, Issue A	Architectural Plans	23 October 2018	Spiral Architects Lab
Landscape Plan, L/01	Landscape Plan	24 August 2018	Aspect Design
Stormwater Management Plans, 1 to 6, Issue O	Stormwater Plans	August 2018	CK Engineering Services
955957M	BASIX Certificate	25 October 2018	Wide Spectrum Pty. Ltd.
Preservation Report	Structural Engineer Report	30 August 2018	EPIC Engineers
Access Report	Accessibility Report	10 September 2018	Obvious Access Consultants
Statement of Environmental Effects	Statement of Environmental Effects	16 November 2018	Chapman Planning Pty Ltd.
Aircraft Noise Intrusion Assessment, Rev. 1, 20181166.1/0309A/R1/JL	Acoustic Report	3 September 2018	Acoustics Logic

As amended by the conditions of consent.

4. Car Parking

The development must provide and maintain within the site:

- a) 1 car parking space must be paved and line marked.
- b) 5 Bicycle storage capacity within the site.

5. Residential Flat Buildings – Hot Water Systems

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

6. Residential Flat Buildings – Air Conditioning Systems

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

7. Residential Flat Buildings – Adaptable Dwellings

Prior to the issue of a Construction Certificate, the Certifying Authority, must be provided with plans that demonstrate one (1) unit is an Adaptable unit.

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

8. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan (MDCP 2011).

9. Erosion and Sediment Control

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

10. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

11. Works Outside the Property Boundary

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

12. Separation of Commercial and Residential Waste and Recycling

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

13. Public Liability Insurance

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

14. Noise – Consultant's Recommendations

The recommendations contained in the acoustic report prepared by Acoustic Logic, reference 20181166.1/0309A/R1/JL dated 3 August 2018 must be implemented.

Prior to any Demolition**15. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. The adjoining properties are as follows:

- 389 Illawarra Road, Marirckville; and
- 393-395 Illawarra Road, Marrickville.

In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

16. Advising Neighbours Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

17. Construction Fencing

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

18. Construction Traffic Management Plan

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

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

- a) Description of the demolition, excavation and construction works;
- b) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e) Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g) Proposed hours of construction related activities and vehicular movements to and from the site;
- h) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i) Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j) Measures to maintain public safety and convenience;
- k) Any proposed road and/or footpath closures;
- l) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m) Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n) Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;

- q) On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r) Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- s) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t) Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

Prior to Construction Certificate

19. Party Walls

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

20. Structural Certificate for retained elements of the building

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

21. National Construction Code (NCC) - Side boundary windows

All north-facing, side boundary windows within the existing building, being windows W-04, W-05, W-06 and W-08, as shown on dwg. no DA101B, rev. B, dated 8 July 2019 by Spiral Architects Lab) are to be upgraded to comply with the relevant requirements of the National Construction Code in accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000.

22. Sydney Water – Tap In

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

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

23. Acoustic Report – Aircraft Noise

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

24. Fibre-ready Facilities

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

- a) The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

25. Concealment of Plumbing and Ductwork

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

26. Access Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an Access Management Plan prepared by an Accredited Access Consultant. The Access Management Plan must address:

- a) Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether the Standards apply to the affected part.
- b) Proposed requirements for access to the building or part of building for people with a disability in accordance with Part D3 of Building Code of Australia.
- c) Assessment and identification of non-compliances with the Disability Standards 2010 and/or the BCA where applicable and provide recommendations to achieve compliance with the relevant performance requirements.
- a) Accessible car parking spaces should be provided, where applicable, in accordance with Part D3.5 of BCA Vol.
- b) Any exemptions, alternative solutions or deemed-to-satisfy provisions affecting access.

27. Stormwater Plan

The submitted stormwater plan has been assessed as a concept plan only. A plan detailing the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes, and proposed site levels together with hydrologic and hydraulic calculations prepared by a professional engineer being submitted to Certifying Authority before the issue of a Construction Certificate.

28. Slab levels – rear lane

The internal vehicle hardstand area shall be redesigned such that the level at the boundary shall match the invert level of the adjacent gutter plus 150mm at both sides of the vehicle entry. This will require the internal garage slab or hard stand area to be adjusted locally at the boundary to ensure that it matches the above issued alignment levels. Amended plans shall be submitted to and approved by Council before the issue of the Construction Certificate.

29. Driveway Long Section

The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from Australian Standard AS/NZS 2890.1-2004 *Parking Facilities: Off-street car parking.*

30. Dry weather flows

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 basement or any below ground structure shall be design to be "tanked" preventing the ingress of seepage or groundwater.

During Demolition and Construction**31. Construction Hours – Class 2-9**

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

- a) 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

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

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

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

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

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

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

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

32. Stormwater Drainage System

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

33. Survey Prior to Footings

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

Prior to Occupation Certificate

34. Aircraft Noise

Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with a report prepared and submitted by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 with regard to the noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

35. Section 73 Certificate

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

36. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

37. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications that:

- a) The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.
- b) Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction

Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

38. Public Domain Works

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

On completion of the works, the Inner West Council must be provided with Certification by a qualified civil engineer who is listed under the Institution of Engineer, Australia "National Engineering Register" (NER). Works As Executed (WAE) plans prepared and signed by a registered surveyor shall be submitted with the Certificate.

39. Encroachments

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.

40. Sandstone Kerb

Any 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. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled. Non-compliance with this condition will result in loss of your security deposit.

41. Non-combustible Cladding – Class 2-9 Buildings

Prior to the issue of an Occupation Certificate the Principal Certifier must be provided with suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the National Construction Code (NCC).

42. Products Banned Under the Building Products (Safety) Act 2017

Prior to the issue of any Occupation Certificate, the Principal Certifier is to confirm that none of the building products used on the building are subject to a building product use ban under the *Building Products (Safety) Act 2017* or, if a product is only subject to a ban if used in a particular way that it is not used in any way contrary to the *Building Products (Safety) Act 2017*.

On-going

43. Waste Collection

Waste and recycling will be collected from Grove Street. The building manager is to ensure bins are brought back onto the property within 12 hours of being emptied.

Educational materials that describe best source separation are to be made available to all tenants on an ongoing basis.

Advisory notes

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

- a) in the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

iii.

Dividing Fences Act

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

Permits from Council under Other Acts

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

- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
 - b) A concrete pump across the roadway/footpath
 - c) Mobile crane or any standing plant
 - d) Skip bins
 - e) Scaffolding/Hoardings (fencing on public land)
 - f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
 - g) Awning or street verandah over footpath
 - h) Partial or full road closure
 - i) Installation or replacement of private stormwater drain, utility service or water supply
- Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Fire Safety Certificate

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

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

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety 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.

Construction of Vehicular Crossing

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

Lead-based Paint

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

particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Asbestos Removal

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

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

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

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Dial before you dig

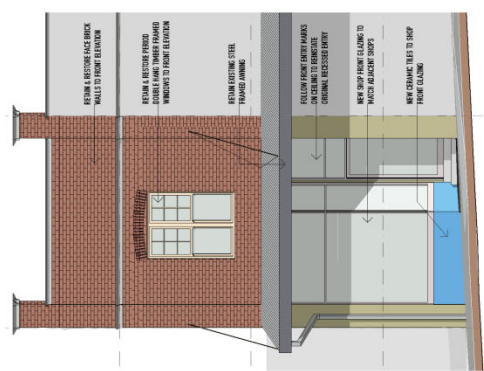
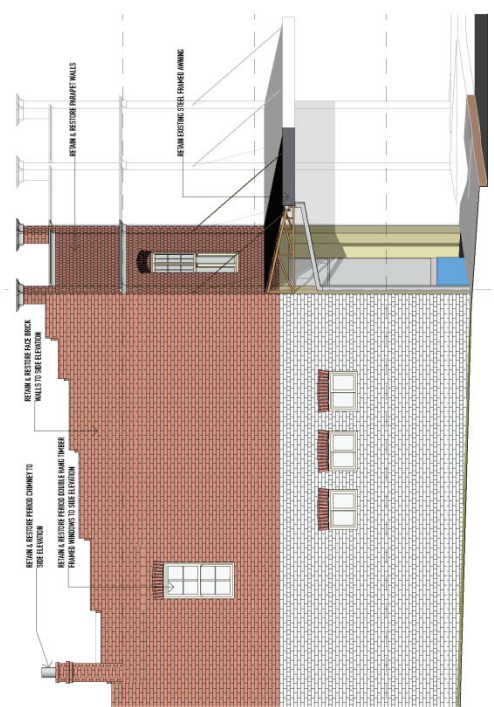
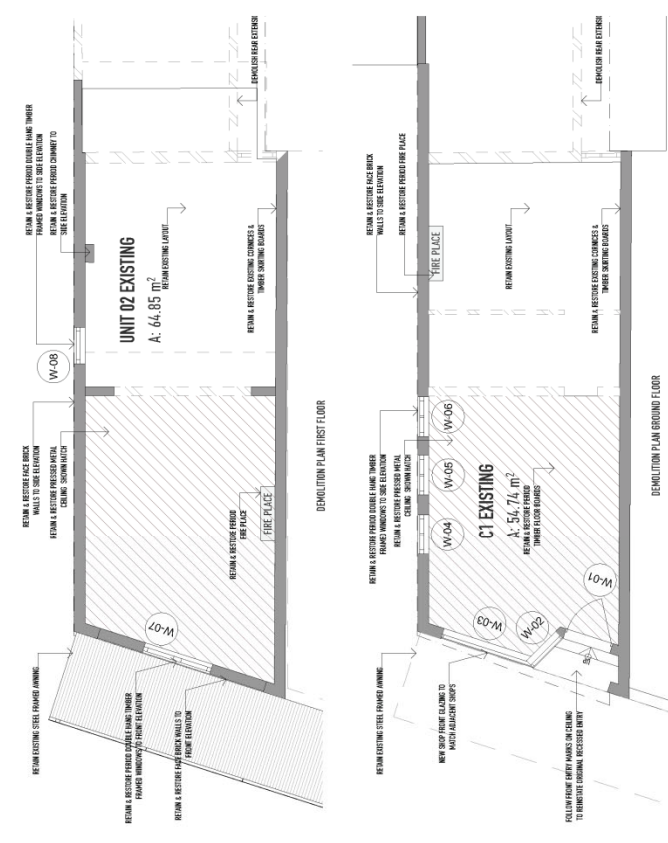
Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service 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.dvysafe.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.

Attachment B – Architectural Plans



SPIRAL ARCHITECTURAL LAB
170710
170710
170710

DEVELOPMENT APPLICATION
170710
170710
170710

GENERAL NOTES
PERIOD BUILDING PRESERVATION
DA.002 A
Revision 02/2019



SITE AND LOCATION
SITE PLAN
DA 100 B
Revision Date: 10/19

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	10/19	SP	SP

DEVELOPMENT APPLICATION
AND LATEST AMENDMENT
No. 371 Illawarra Rd
Marrickville, NSW

SPIRAL ARCHITECTS LAB
ARCHITECTS
170/10
170/10

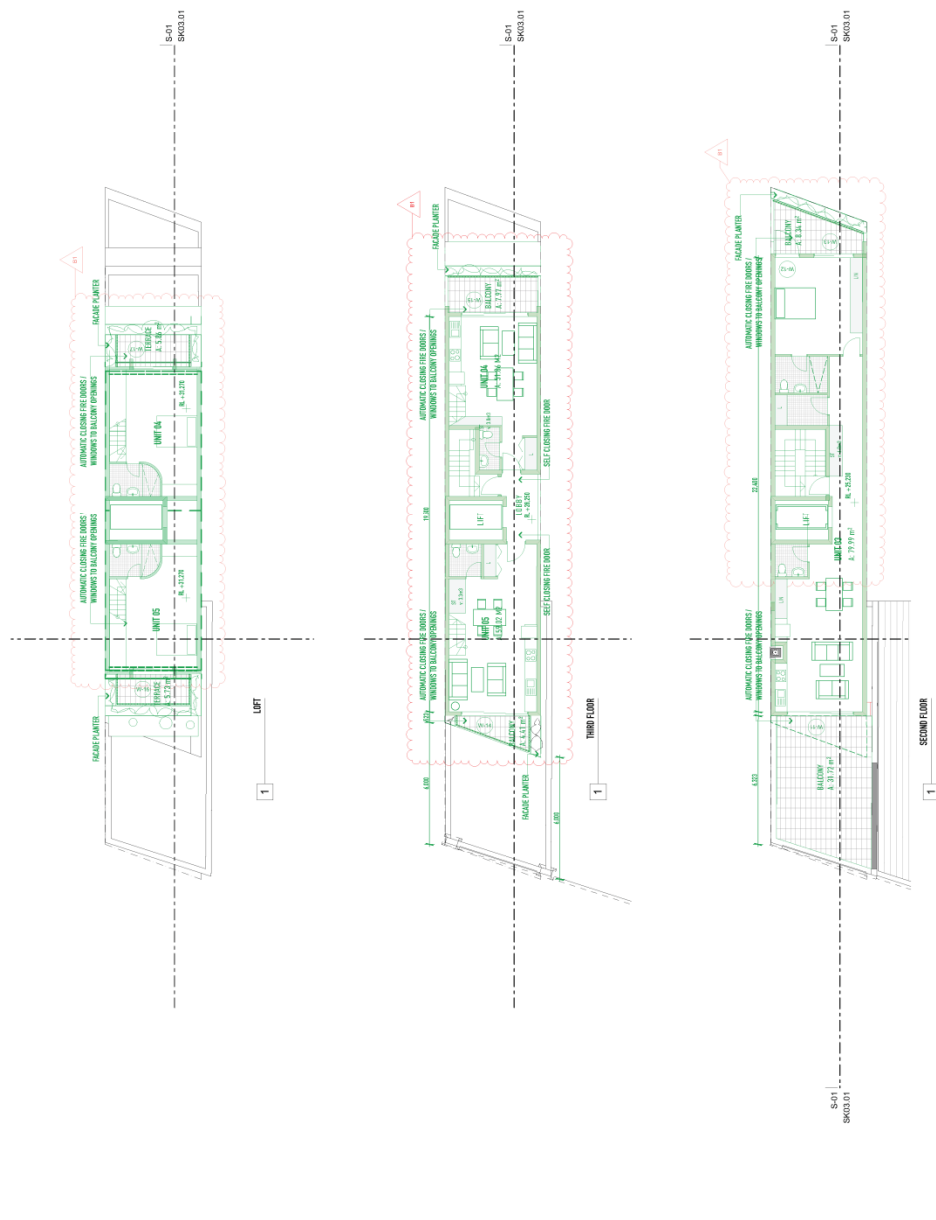


DA PLANS
FLUOR PLANKET
DA 101 B
Narrichville NSW

Item	Quantity	Unit	Value
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3	1	sqm	1.00
4	1	sqm	1.00
5	1	sqm	1.00
6	1	sqm	1.00
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96	1	sqm	1.00
97	1	sqm	1.00
98	1	sqm	1.00
99	1	sqm	1.00
100	1	sqm	1.00

DEVELOPMENT APPLICATION
DA 101 B
Narrichville NSW

SPRUE ARCHITECTS LAB
10/101 ILLAWARRA ROAD
NARRICHTVILLE NSW 2576
Project No. 170710

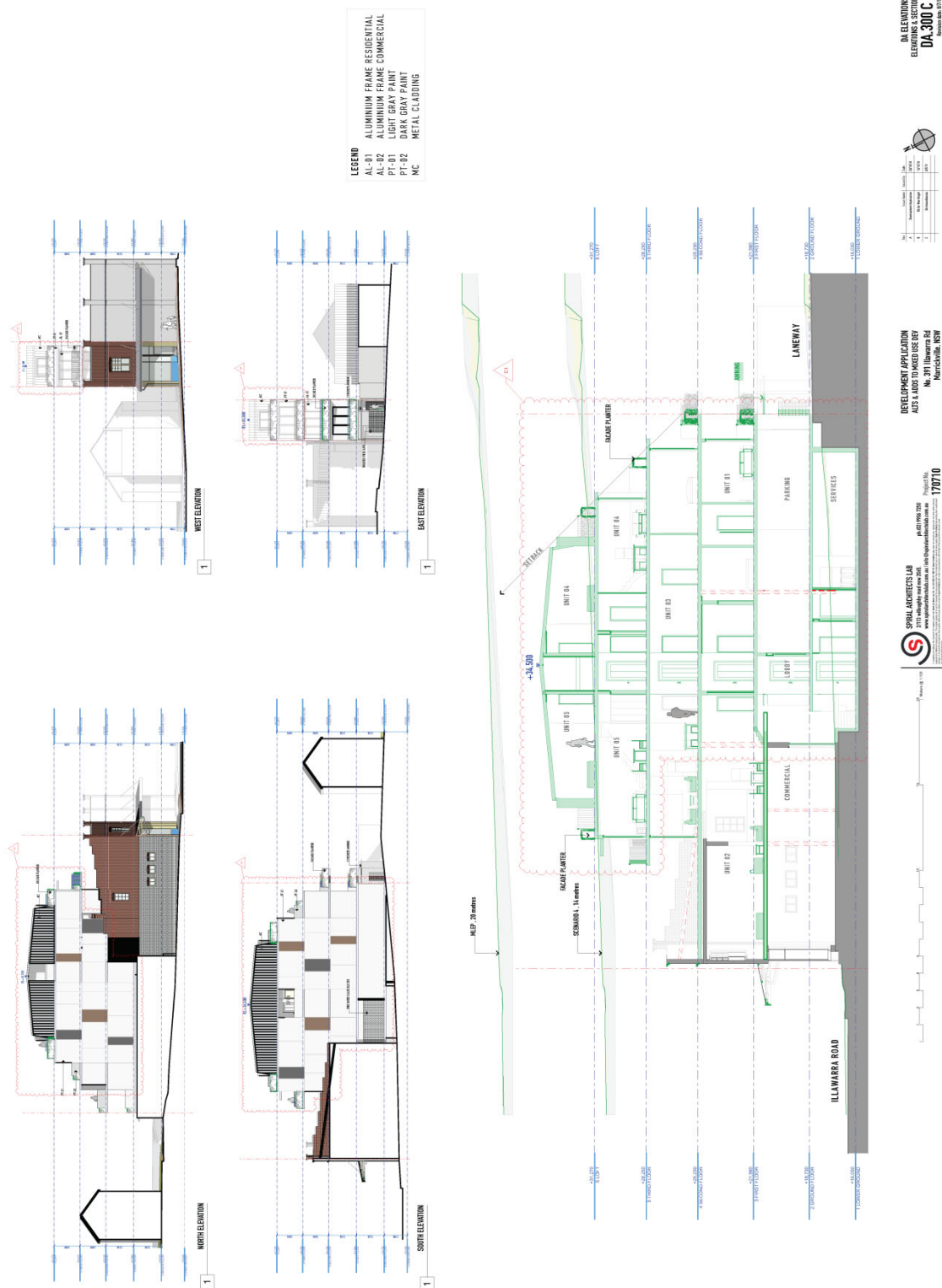


DA PLANS
FLOOR PLANS
DA 102 B
Revision 01/19

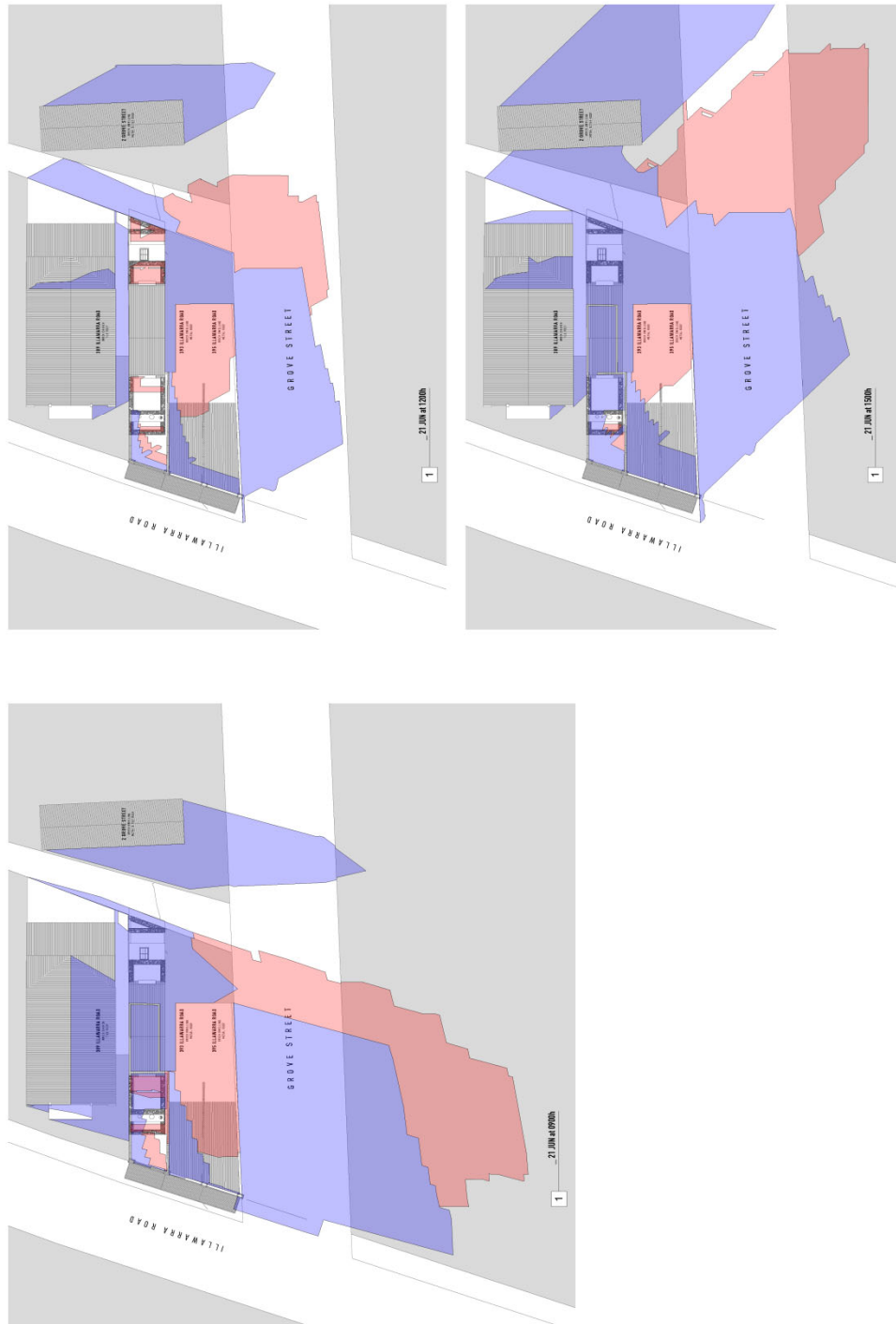
NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR TENDERS	10/11/19	SPR	SPR
2	FOR APPROVAL	10/11/19	SPR	SPR
3	FOR APPROVAL	10/11/19	SPR	SPR

DEVELOPMENT APPLICATION
A102 & A103/104/105/106/107
No. 371 Illawarra Rd
Marrickville, NSW

SPIRAL ARCHITECTS LAB
10/11/19
www.spiralarchitects.com.au
Project No. 170710







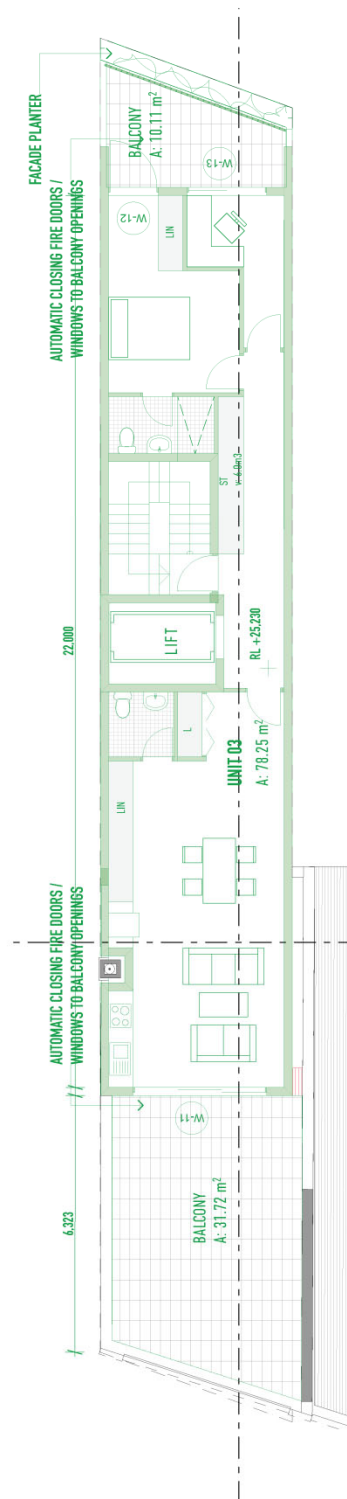
ADDITIONAL INFO
SHARON WILKINS
DA 601 A
Revised date: 23/01/18



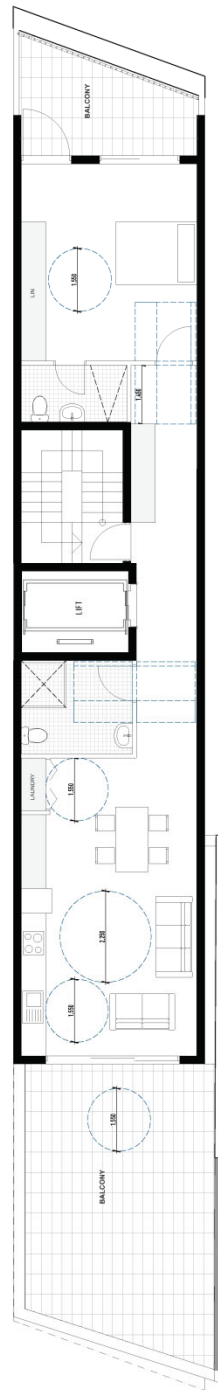
DEVELOPMENT APPLICATION
ALDS LANDSCAPE ARCHITECTURE
No. 391 Illawarra Rd
Marrickville, NSW



SPINALL ARCHITECTS LAB
10/101 SPINALL ST
MARRICKVILLE NSW 2150
www.spinallarchitects.com.au
Project No. 170710
Scale 1:500
Date 23/01/18



1 PRE-ADAPTABLE APARTMENT



1 POST-ADAPTABLE APARTMENT

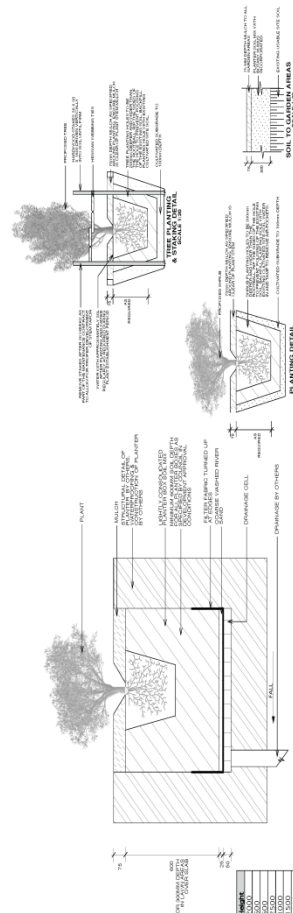
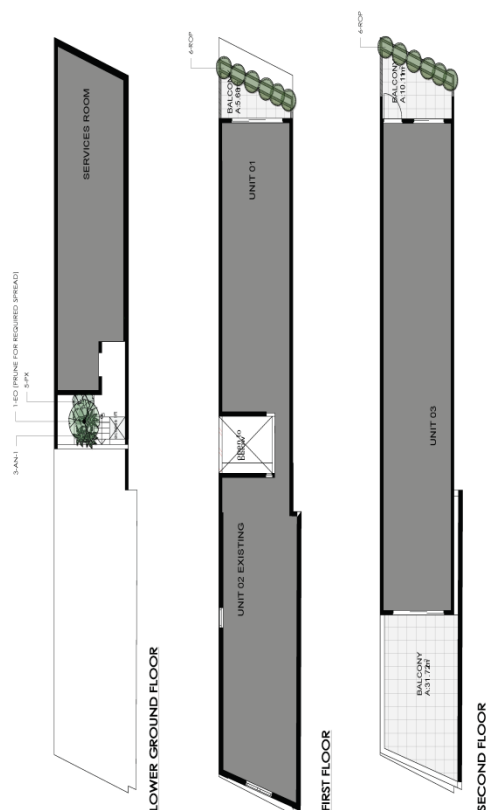
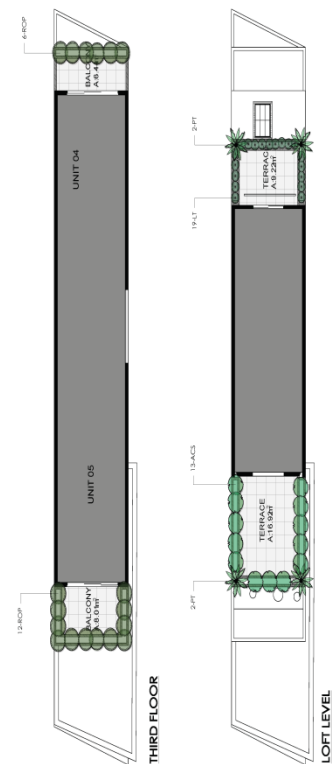
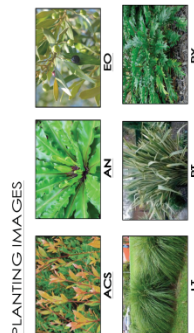
ADDITIONAL INFO
ADAPTABLE APARTMENT
DA 602 A
Revised date: 27/01/18

NO.	REVISION	DATE	BY
1	ISSUED FOR PERMIT	27/01/18	SPR

DESIGNER'S APPLICATION
ADVISORY LETTER TO APPLICANT
No. 37 Illawarra Rd
Marrickville, NSW

SPRILL ARCHITECTS LAB
10/101 SPRING ST
SYDNEY NSW 2000
www.sprillarchitects.com.au
Project No. 170710



[illegible]

P R E S T I G E R E S I D E N T I A L
DESIGN INTERIORS PROJECT MANAGEMENT PROPERTY DEVELOPMENT
Aspect Developments Pty Ltd M. 0418 638 973
PO Box 608 Cammeray NSW 2062

LANDSCAPE PLAN
DA DOCUMENTATION

Designed By: J. Sasso
Drawn : J. Sasso
Date : 24th AUGUST 2018
Scale : 1:100 @A1

Job No.	Dwg	Issue
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Issue

Issue


ARK BUILDERS

SITE
NO 391 ILLAWARRA RD,
MARRICKVILLE

Notes

[illegible]

Legend

55.00	EXISTING LEVEL
+ RL 52.87	PROPOSED LEVEL
	EXISTING MASONRY WALLING
	PROPOSED MASONRY WALLING
	PROPOSED PAVED AREA

aspect
DESIGNS.COM.AU





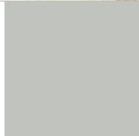
2/113 Willoughby Rd
Crow's Nest, NSW 2065
P 9906 7250

ABN 99 620 011 869
Nominated Architect Felipe Ayala 8043
info@spiralarchitectslab.com.au
www.spiralarchitectslab.com.au

SCHEDULE OF EXTERNAL MATERIALS AND COLOURS

ISSUE A_ 2108.10.08

This schedule should be read in conjunction with the development application drawings, prepared by Spiral Architects Lab. Colours and exterior finishes are indicative only and may be subject to minor change and design resolution.

ELEMENT	CODE	MATERIAL	FINISH	COLOUR	IMAGE
Windows and doors	AL-01	Residential aluminium framed windows and doors	Powder coated	Dark Grey	
Windows and doors	AL-02	Commercial aluminium framed windows and doors	Powder coated	Dark Grey	
New walls	PT-01	Dintel walls	Painted finish	Light Grey	
New walls	PT-02	Dintel walls	Painted finish	Dark Grey	
Roof and walls	MC	Profiled metal roof sheeting	Longline profile	Zincalume	
Balustrade	MB	Metal Balustrading	Painted finish	Black	
Gate	MG	Metal Gates	Painted finish	Black	