DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2020/0706
Address	1-3 Charles Street, Petersham
Proposal	Demolition of existing building and structures. Construction of a mixed use development comprising commercial tenancies, shop top housing, with parking, landscaping and other associated works.
Date of Lodgement	28 August 2020
Applicant	Grow Build Pty Ltd
Owner	Grow Build Pty Ltd
Number of Submissions	2
Value of works	$8,299,008.00
Reason for determination at Planning Panel	Development to which *State Environmental Planning Policy No 65* applies and is 4 storeys in height / Clause 4.6 variation exceeds 10%
Main Issues	Floor Space Ratio (FSR)
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards

LOCALITY MAP

Subject Site		Objectors	N
Notified Area		Supporters	

1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of an existing building and structures and construction of a mixed use development comprising commercial tenancies, shop top housing, with parking, landscaping and other associated works.

The application as originally submitted was notified in accordance with Council's Community Engagement Framework. In response, 2 submissions were received.

The main issues that have arisen from the application include:

- The development exceeds the maximum floor space ratio by approximately by 20.9% or 310.3m^2 under Clause 4.4 of *Marrickville Local Environmental Plan 2011* (MLEP *2011*).

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

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

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

2. Proposal

The proposal seeks consent for demolition of an existing building and structures and construction of a mixed-use development comprising commercial tenancies, shop top housing, with parking, landscaping and other associated works.

The proposal in detail is as follows:

- Demolition of the existing building/structures;
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- Construction of a 4 storey, mixed use development, comprising 3 commercial tenancies and 17 residential apartments above 2 levels of basement as follows:

    - **Basement Level 2:** Vehicle ramp from basement level 1, 13 car parking spaces, 13 bicycle spaces, passenger lifts, residential storage areas, building services, plant and stair cores;
    - **Basement Level 1:** Vehicle ramp from 'right of way' (ROW), 9 car parking spaces, 2 motorcycle parking spaces, 1 wash bay, passenger lifts, residential storage areas, building services, plant room and stair cores;
    - **Ground Level:** Passing bay, 3 commercial tenancies, 1 accessible car parking space, waste storage rooms, vehicle loading area, landscaped central courtyard, passenger lifts, plant rooms, stair cores and accessible and ambulant sanitary facilities;
    - **Level 1:** 6 residential apartments, including 1 x 1-bedroom apartment, 2 x 2-bedroom apartments and 3 x 3-bedroom apartments, lobbies, lifts and stair

cores;
- **Level 2:** 6 residential apartments, including 2 x 1-bedroom apartments, 1 x 2-bedroom apartment and 3 x 3-bedroom apartments, lobbies, lifts and stair cores;
- **Level 3:** 5 residential apartments, including 1 x studio apartment, 3 x 2-bedroom apartments and 1 x 3-bedroom apartment, lobbies, lifts and stair cores;
- **Roof level:** Lift overrun, services and plant.

- General site, landscaping and public domain works.

Note: The use and fit out of the commercial floor space, including any associated signage, will be subject to future applications. A condition to this effect is included in the recommendation.

3. Site Description

The subject site is located on the eastern side of Charles Street, between Parramatta Road and Margaret Street. The site consists of 1 allotment that is irregularly shaped with a total area of 987.4sqm. The allotment is legally described as Lot 1 DP 838817 and is known as 1-3 Charles Street, Petersham.

The site has a frontage to Charles Street of approximately 14.9m and a rear boundary of approximately 20m. The site benefits from a ROW that is located adjacent to its northern side, which provides pedestrian and vehicular access from Charles Street to nearby properties. The site is also burdened by several easements relating to drainage.

The site supports an existing two storey with mezzanine office and warehouse building with basement. To the north, the site adjoins 416, 418, 420 422 and 424 Parramatta Road, which form part of the ROW and 386 - 414 Parramatta Road. The properties between 416 to 424 Parramatta Road support 2 storey buildings with commercial shops on the ground floor and residential dwellings on first floor. The properties at 386-414 Parramatta Road and 1-5 Phillip Street encompass a 6-storey shop top housing development, which includes the Petersham Inn.

The properties at 386 and 396 Parramatta Road and 1-5 Phillip Street are listed as a local heritage item under the *MLEP 2011* (item no. I209) ('Petersham Inn Hotel, including interiors'). Further, the commercial properties to the north, north-east and north-west of the site are located within the 'Parramatta Road Commercial Precinct' Heritage Conservation Area (HCA) (C5) under *MLEP 2011*.

Properties north of the site that are located on Parramatta Road are a mix of commercial and residential uses. To the east and west of the site, development is generally of a low to medium density nature, in addition to some commercial development. To the south of the site on Charles Street, development consists of a mix of dwelling houses.

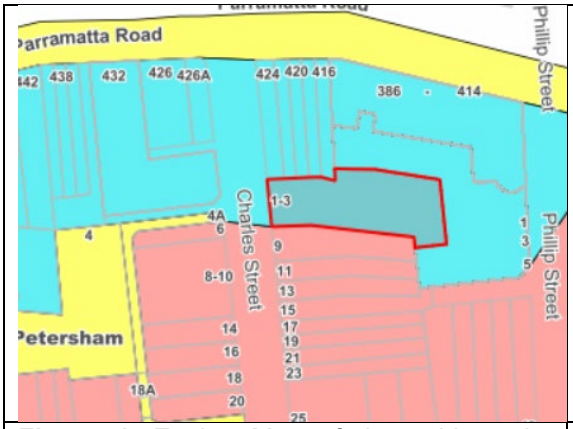


Figure 1: Zoning Map of the subject site (highlighted red).

Figure 2: Site photo of existing building taken from Charles Street.

4. Background

4(a) Site history

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

Subject site:

Application	Proposal	Decision & Date
DA201600419	To demolish part of the premises and construct a 3 part 4 storey mixed use building comprising ground floor commercial tenancies and 17 residential apartments with basement car parking	Deferred Commencement Consent granted by Inner West Local Planning Panel on 12 May 2017. The consent was made operative on 17 May 2018. Note: This proposal included a 22.7% variation to the *MLEP 2011* FSR development standard.
PDA/2020/0070	Demolish part of the premises and construct a 4 storey mixed use building comprising 3 commercial tenancies on the ground floor and 3 stories of residential apartment above with associated basement car parking.	Advice issued 22 April 2020.

Surrounding properties:

Application & Address	Proposal	Decision & Date
Order No. 10326 of 1997 (LEC NSW) 386 Parramatta Road, Petersham	To demolish part of the Petersham Inn Hotel and the adjoining nine shops, convert the former State Bank into a tavern, carry out alterations to nine ground floor shops, and erect 92 dwellings, with off street parking.	Approved by NSW Land & Environment Court (LEC) 12 November 1997
Determination No. 200400670	To carry out alterations involving the fit out of part of the premises for use as a tavern with restaurant/bistro, gambling facilities	Approved 6 October 2005

386 Parramatta Road, Petersham	and provide entertainment within the hotel and application for a Place of Public Entertainment licence.	

4(b) Application history

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

Date	Discussion / Letter / Additional Information
28 August 2020	Application lodged.
10 September to 1 October 2020	Application notified.
13 November 2020	Request for information (RFI) letter issued to the applicant requiring the following amendments/information: a) Design revisions to improve building transition and bulk and scale outcomes; b) Design revisions to improve overshadowing and solar access outcomes; c) Design revisions to improve acoustic and visual privacy outcomes; d) Design revisions to ensure compliance with the Apartment Design Guide (ADG) and *State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development* (SEPP 65) e) Design revisions to ensure adequate provision of car parking; f) Design revisions to improve community safety outcomes; g) Design revisions to ensure appropriate waste management outcomes; h) Inclusion of a portion of the upper floor lobbies as gross floor area (GFA); and i) Satisfaction of general matters, including but not limited to, architectural plan annotations and design details.
6 December 2020	The applicant submitted additional information in response to the request issued by Council on 13 November 2020. The above submitted package forms the basis for the current development application and assessment below. It generally addresses the concerns previously raised.

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* (*EP&A Act 1979*).

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*;
- *State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development*; and
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*/

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (*SEPP 55*) provides planning guidelines for remediation of contaminated land. The 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 been used in the past for activities which could have potentially contaminated it. It is considered that the site will require remediation in accordance with *SEPP 55*.

A Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) have been provided to address the management of contaminated groundwater onsite and the treatment and disposal of any contaminated soils and contamination issues prior to determination.

The contamination documents have been reviewed and found that the site can be made suitable for the proposed use after the completion of the RAP. To ensure that these works are undertaken, it is recommended that conditions are included in the recommendation in accordance with Clause 7 of *SEPP 55.*

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

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

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

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

Apartment Design Guide (ADG)

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

The following provides further discussion of the relevant issues:

Communal and Open Space

The ADG prescribes the following requirements for communal open space (COS):

- COS has a minimum area equal to 25% (246.8sqm) of the site.

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

Comment: The development does not comply with the ADG requirement with respect to this matter, as only 11.3% (112.3sqm) of COS is provided within the central courtyard on the ground level. Also, given its location, the COS provided will not achieve the minimum solar access requirements required under this Part.

Notwithstanding, the development is still considered acceptable with respect to the objectives of this Part of the ADG as follows:

- Most apartments are afforded private open spaces (POS) that are in excess of the minimum requirements under the ADG. Further, these spaces are orientated appropriately to receive satisfactory levels of solar access; and
- The subject site is well located to nearby areas of public open space, including Weekley Park and Quinn Playground, which assists to offset the variation.

Deep Soil Zones

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

Site Area	**Minimum Dimensions**	**Deep Soil Zone (% of site area)**
Less than 650m^2	-	7% (69.1sqm) with min. dimensions of 3m.
650m^2 - 1,500m^2	3m	
Greater than 1,500m^2	6m	
Greater than 1,500m^2 with significant existing tree coverage	6m	

Achieving the design criteria may not be possible on some sites including where:

- The location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres).
- There is 100% site coverage or non-residential uses at ground floor level.

Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved, and alternative forms of planting provided such as on structure.

Comment: The proposal does not provide deep soil areas. Notwithstanding, this outcome is considered satisfactory in this instance given the following:

- Part 5 *Commercial and Mixed Use Development* of the Marrickville Development Control Plan 2011 (MDCP 2011) and the site's B2 Local Centre zone under *MLEP 2011* require the development to provide a compact building that is primarily built to the site's boundaries, includes commercial uses on the ground floor and is above a basement to allow for adequate car parking and servicing. As such, limited opportunities are afforded on the ground level to provide areas of deep soil;
- Alternative forms of planting are provided within the COS area and adjacent to and within the proposed POS areas, which will assist to offset the variation; and
- Subject to conditions, the proposal will effectively manage stormwater.

Visual Privacy/Building Separation

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

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12 metres (4 storeys)	6 metres	3 metres

In addition, sites which adjoining a different zone with a lower density are to add 3 metres to the minimum separation requirements.

Site and building design elements are to increase privacy without compromising access to light and air and to balance outlook and views from habitable rooms and private open space.

Comment: The proposal in certain instances does not comply with the minimum separation distances prescribed by this Part of the ADG, given the proposed walls on the southern boundary and the proximity of the built form to nearby buildings. Notwithstanding, the proposal is considered satisfactory in this instance as follows:

- Blank walls are provided along most of the eastern and southern boundaries, which will ensure direct views or overlooking opportunities are not facilitated toward adjoining properties;
- The balconies and openings orientated toward the ROW have a combined setback of between 9m to 14m shared with the nearby shop-top housing development. Further, the nearby development incorporates privacy screens into its design, which provide an added layer of privacy protection;
- The openings and balconies servicing the apartments located on the southern and eastern side of the development are orientated into the site and are serviced by blade walls and privacy screening, which will ensure satisfactory levels of privacy for adjoining properties and future occupiers is achieved;
- The proposed south facing balconies servicing the apartments on the northern side of the development are separated from the southern boundary by approximately 7m (balustrade) and 8.3m (balcony edge). In addition, a raised planter box is proposed between the balustrade and the balcony, which will act as a screened buffer. As such, it is considered the proposed south facing balconies will have an acceptable privacy impact; and
- Internal separation between apartments on eastern and western sides of the development over the central courtyard is a minimum of 12m, which is considered adequate in terms of allowing for satisfactory levels of privacy.

Bicycle and Car Parking

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

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

Comment: In this case, the parking rates under the MDCP 2011 are applicable to the development. This matter is addressed further below under Section 5(c)(ii).

Solar and Daylight Access

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

- Living rooms and private open spaces (POS) of at least 70% (12) of apartments in a building receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.
- A maximum of 15% (1) of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

Comment: The development complies with the above requirement as follows:

- The living rooms and POS areas of 70% (12) apartments receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.
- A maximum of 15% (1) of apartments receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

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

Comment: The development complies with the above requirements as follows:

- At least 15 or 88% of apartments are naturally cross ventilated; and
- The overall depths of apartments do not exceed 18 metres, measured glass line to glass line.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7 metres
Non-Habitable	2.4 metres
If located in mixed used area	3.3 for ground and first floor to promote future flexibility of use

Comment: The development complies with the above relevant requirements as follows:

- All habitable rooms have minimum floor to ceiling heights of 2.7 metres;
- All non-habitable rooms have floor to ceiling heights of at least 2.4 metres; and
- The ground floor commercial tenancies have minimum floor to ceiling heights of at least 3.3m.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

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

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each.

Comment: The development complies with and in some instances exceeds the above minimum 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.

Comment: The development complies with the above relevant 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

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

Comment: The development complies with, and in some instances, exceeds the above minimum requirements.

Common Circulation and Spaces

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

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

Comment: The development complies with the above relevant requirement.

Storage

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

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

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

Comment: The development complies with the above minimum requirements.

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

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

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

The application was assessed against the following relevant clauses of the *MLEP 2011*.

Control	Proposed	Compliance
Clause 1.2 Aims of Plan	The proposal is consistent with the relevant aims of the plan as follows: • The proposal supports the efficient use of land and provides for an appropriate mix of uses; • The proposal assists to increase residential and employment densities in an appropriate location near public transport, whilst protecting the residential amenity of the surrounds; • The proposal will assist to facilitate new business and employment opportunities; • The proposal will assist in promoting sustainable transport including walking and	Yes

	cycling given its proximity to nearby services and commercial uses; • The proposal assists to promote accessible and diverse housing types; and • The design of the proposal is considered to be of a high standard and has a satisfactory impact on the private and public domain.	
Clause 2.3 Zone objectives and Land Use Table *B2 Local Centre*	The proposal satisfies this clause as follows: • The property is zoned B2 Local Centre under the provisions of *MLEP 2011*. ***Shop top housing*** is permissible with consent under the zoning provisions applying to the land; and • The proposal is consistent with the relevant objectives of the B2 Local Centre zone as follows: o The proposal will provide for a range of uses that will serve the needs of people who live in, work and visit the local area; o The proposal encourages employment opportunities within an accessible location, given the commercial floor space proposed; o The proposal provides for housing that is attached to permissible non-residential uses, that is of a type and scale commensurate with the accessibility and function of the area; and o The proposal provides for spaces, at street level, which are of a size and configuration suitable for land uses which will generate active street-fronts.	Yes
Clause 2.7 Demolition requires development consent	The proposal satisfies the clause as follows: • Demolition works are proposed, which are permissible with consent; and • Standard conditions are recommended to manage impacts which may arise during demolition.	Yes, subject to conditions
Clause 4.3 Height of building (max. 14m)	The development complies with the 14m height limit prescribed for the site.	Yes

Clause 4.4 Floor space ratio (max. 1.5:1 (1,481.1m^2))	The development proposes an FSR of 1.81 (1,791.3m^2), which represents a variation to the standard of 20.9% or 310.3m^2. See Section 5(a)(iv)(i) below this table for further discussion.	No – refer to discussion further below.
Clause 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal have been calculated in accordance with the clause.	Yes
Clause 4.6 Exceptions to development standards	The applicant has submitted a variation request in accordance with Clause 4.6 to vary the Clause 4.4 Floor space ratio standard under the *MLEP 2011*.	Refer to discussion below under Section 5(a)(iv)(i).
Clause 5.10 Heritage conservation	The subject site is located adjacent to a locally listed heritage item, namely the 'Petersham Inn Hotel, including interiors' (item no. I 209). In addition, it is also adjoining to the 'Parramatta Road Commercial Precinct' HCA (C5) under *MLEP 2011*. The development will have an acceptable impact on the nearby item and HCA as follows: • Given the existence of nearby buildings, the development will be largely obscured from Parramatta Road, and as such, will not impact views toward the item; and • The development will have an acceptable impact on the significance of the nearby HCA, given that it is screened for a large portion by existing nearby buildings. In addition, the remaining portion of the development will not be visible from the primary street frontages of the nearest sites within the HCA, given the separation distances evident and the proposed building height.	Yes
Clause 6.2 Earthworks	The proposal includes excavation, foundation works and basement construction. Subject to conditions, the application is considered to adequately satisfy this clause in that the proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.	Yes, subject to conditions
Clause 6.5 Development in areas subject to aircraft noise	The site is located within the ANEF 25-30 contour, and as such an Acoustic Report was submitted with the application. The proposal is capable of satisfying this clause as follows: • A condition has been included in the recommendation to ensure that the proposal will meet the relevant requirements of Table	Yes, subject to condition

	3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015, thereby ensuring the proposal's compliance with the relevant provisions Cl. 6.5 *MLEP 2011* and Part 2.6 of the MDCP 2011, respectively.	

(i) Clause 4.6 – Exceptions to Development Standards

As outlined in the table above, the proposal results in a breach of the following *MLEP 2011* development standard:

- Clause 4.4 - Floor space ratio.

The applicant seeks a variation to the Clause 4.4 – Floor space ratio development standard of the *MLEP 2011* by a maximum of 20.9% or 310.3sqm.

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable or unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the *MLEP 2011* below.

A written request was submitted to Council for the application in accordance with Clause 4.6(4)(a)(i) of the *MLEP 2011*, justifying the proposed contravention of the development standard, which was found to adequately demonstrate compliance with the development standard was unnecessary in the circumstances of the case, and that there were sufficient environmental planning grounds to justify contravening the development standard.

The objectives of the site's B2 Local Centre zone contained within the *MLEP 2011* are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide housing attached to permissible non-residential uses which is of a type and scale commensurate with the accessibility and function of the centre or area.*
- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*
- *To constrain parking and reduce car use.*

It is considered the development is in the public interest because it is consistent with the objectives of the B2 Local Centre zoning, in accordance with Clause 4.6(4)(a)(ii) of the *MLEP 2011 for* the following reasons:

- The provision of commercial GFA on the ground floor encourages employment opportunities in an accessible location;
- The development will maximise public transport patronage and encourage walking and cycling by being located within close proximity to nearby public transport, including bus stops located on Parramatta Road that provide direct access to the Sydney Central Business District (CBD) and regional centres;

- The type and configuration of housing attached to the proposed permissible commercial uses is considered appropriate having regard to the site's context and accessibility; and
- The provision of car parking proposed does not exceed the relevant requirements. Further, the site is located nearby to bus stops that will encourage and facilitate public transport use.

The objectives of the LEP Floor space ratio standard contained within the *MLEP 2011* are as follows:

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

It is considered the development is in the public interest, as it is consistent with the objectives of the floor space ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the *MLEP 2011* for the following reasons:

- The development's massing has been primarily located on the northern, western and eastern sides of the site, with a central void provided in between. This provides adequate separation and visual relief to the adjoining low-density residential dwellings located directly to the south, particularly from within their principal areas of private open space (POS) and rear living areas;
- The development provides an appropriate built-form transition between the nearby 6 storey buildings located to the north/north-east and the adjoining 1 storey dwelling houses located to the south within a R2 Low Density Residential Zone. This is evidenced by the 'stepping' down of a significant portion of the building from the northern side of the site (4 storeys) to the southern of (between 2 to 3 storeys);
- The proposed building will read as 3 storeys from Charles Street, given that the front portion of Level 4 is sufficiently setback from the front property boundary. This will allow for the development to have an acceptable impact on the public domain in terms of its scale and massing and will ensure it is in keeping with the intent of the desired future character of the zone and the planning controls applicable to the development;
- Despite the variation proposed, the development's design and massing, which includes the provision of a central courtyard, allows for a greater level of solar access at certain times of the year for the adjoining property to the south of the site at 9 Charles Street, Petersham compared to the existing and approved situations. This matter is discussed in further detail under Section 5(c)(i);
- The development has been designed to mitigate potential privacy impacts, which includes the provision of blank walls and privacy screening. As such, the GFA above the maximum FSR standard does result in unacceptable impacts in this regard;
- The development provides for adequate levels of parking and servicing in accordance with the applicable planning controls. As such, the GFA above the maximum FSR standard does result in unacceptable impacts in this regard;
- The development is contained wholly within the 14m maximum height of building (HOB) limit prescribed for the site, despite the FSR variation; and
- As outlined earlier within this report, the development readily satisfies the objectives of the site's B2 Local Centre zoning.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. The IWLPP may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued in February 2018 in accordance with Clause 4.6(4)(b) of the *MLEP 2011*.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the *MLEP 2011*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the floor space ration development standard.

5(b) Draft Environmental Planning Instruments

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

(i) Draft Inner West Local Environmental Plan 2020 (IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the *EP&A Act 1979*.
Upon assessment of the proposal against the relevant draft provisions, it has been found to be satisfactory, as it either complies or is capable of complying with the relevant requirements, subject to conditions.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of the Marrickville Development Control Plan 2011 (MDCP 2011):

Control	Proposed	Compliance
Part 2 – Generic Provisions		
Part 2.1 – Urban Design	The proposal has been designed having regard to the 12 relevant urban design principles outlined in Part 2.1 as follows: • The proposal assists to improve the urban structure and is considered well connected to nearby transport and services; • The proposal provides for satisfactory access arrangements, including in terms of facilities and general access; • The proposal provides for a complementary mix of uses and spaces; • The proposal provides for an appropriate level of density relative to the development standards prescribed for the site and the desired future character of the zone; • The proposal provides for an urban form that clearly defines public and private spaces and that are appropriate for the function of the locality; • The proposal provides for satisfactory legibility to assist with wayfinding within the site and building; • The proposal provides for sufficient spaces at street and ground level to activate the public domain; • The proposed built form, materiality and design of the building recognises and	Yes

	enhances the character of the nearby commercial precinct; and • Given the surrounding context, the proposal will have an acceptable impact on the nearby HCA and heritage item.	
Part 2.3 – Site and Context Analysis	A site and context analysis was submitted as part of the application that satisfies the controls contained in this Part.	Yes
Part 2.5 – Equity of Access and Mobility	The proposal satisfies the access and mobility controls contained in MDCP 2011 in that: *Commercial* • Appropriate access is provided for all persons through the principal entrance/s; • A Continuous Accessible Path of Travel (CAPT) to and within the subject site and to the commercial premises is provided, which allows a person with a disability to gain access to all areas; • Accessible parking has been provided for the commercial component of the development; • Accessible sanitary facilities have been provided; and • Despite the above, the requirements of the MDCP 2011 are effectively superseded by the introduction of the Premises Standards. An assessment of whether these aspects of the proposal fully comply with the requirements of the relevant Australian Standards and the Premises Standards has not been undertaken as part of this assessment. That assessment would form part of the assessment under the Premises Standards at the Construction Certificate (CC) stage of the proposal, with recommended conditions included to ensure this occurs. *Residential* • 4 adaptable dwellings have been provided in accordance with the requirement; • Accessible and adaptable parking spaces have been provided in accordance with the requirement; • Appropriate access from the principal entry point and throughout the development is provided for all persons via the provision ramping, pathways and lift access; • All common areas/facilities are accessible; and	Yes, subject to conditions

	• Conditions of consent are recommended to ensure the above items are provided at CC stage.	
Part 2.6 – Acoustic and Visual Privacy	*Residential* The proposal will have a satisfactory impact on visual and acoustic levels of the surrounds in accordance with Part 2.6 as follows: • The proposed balconies on the northern side of the development address the existing ROW and are to be largely treated by suitable measures such as screening to allow for privacy mitigation. Further, as described earlier within this report, adequate separation is shared between the subject development and nearby developments and that satisfies the minimum requirements under the ADG; • The openings and balconies facing west address the Charles Street public domain and as such, will have a satisfactory impact on the privacy levels of the surrounds; • A solid wall is proposed on the eastern side of the development, thereby ensuring satisfactory privacy levels for existing occupants of the nearby shop-top housing development; • The remaining openings and balconies are primarily orientated internally over a central courtyard and are treated with either solid walls on their sides, privacy screening or are sufficiently setback from the southern boundary. As such, these openings and balconies will have an acceptable impact on the privacy levels of the surrounds, whilst receiving satisfactory levels of ventilation and natural light; and • A condition of consent has been included within the recommendation mandating any noise from plant and equipment (i.e. – air conditioning units) to not exceed acceptable levels. *Commercial* • The use of the ground floor commercial floor space will be subject to future applications; and • It is considered the proposal as presented will not prevent the commercial floor space from being appropriately acoustically treated as required, depending on the intended use/s.	Yes, subject to conditions.
Part 2.7 – Solar Access and Overshadowing	Refer to discussion under Section 5(c)(i) below this table.	Yes, satisfies the objectives

Part 2.9 – Community Safety	The development satisfies the relevant provisions of this Part as follows: • The development has been designed to overlook the public domain and COS; • Secured card access into to the lobby and proposed lifts is provided for the residential components of the development, thereby restricting public access to the upper levels; • Separate and direct entrances have been provided for the commercial tenancies; • Glazing is provided for the majority of the elevation of the commercial tenancies that address Charles Street, thereby allowing for passive surveillance of the public domain; and • A condition is included in the recommendation requiring the entrance to the premises to be well lit and to comply with the relevant Australian Standard to avoid excessive light spillage.	Yes, subject to condition.
Part 2.10 – Parking	Refer to discussion under Section 5(c)(ii) below this table.	Yes
2.16 – Energy Efficiency	BASIX Certificate submitted for residential component. Section J compliance to be achieved at the CC stage.	Yes
Part 2.21 – Site Facilities and Waste Management	The proposal satisfies the relevant provisions of Part 2.21 as follows: • The application was accompanied by a waste management plan in accordance with the Part; • Standard conditions are recommended to ensure the appropriate management of waste during the construction of the proposal; • Sufficiently sized and appropriately designed areas for waste storage have been provided for both the residential and commercial components of the development, which are easily accessible on the ground floor; • Standard conditions have been included to ensure access ways and gradients are satisfactory to facilitate the removal of waste; and • Suitable areas are provided within the proposed balconies to allow for the provision of clothes drying facilities.	Yes, subject to conditions.
Part 2.24 – Contaminated Land	Refer to discussion under Section 5(a)(i) further above.	Yes
Part 2.25 – Stormwater Management	The development is capable of satisfying the relevant provisions of Part 2.25 as follows:	Yes, subject to conditions.

	• Conditions are recommended to ensure the appropriate management of stormwater.	
Part 5 – Commercial and Mixed Use		
Part 5.1.1 – General Objectives	The proposal meets the relevant objectives of Part 5.1.1 as follows: • The proposed development responds to its context and is compatible with the surrounding built environment and public domain; • The proposal achieves a high quality of urban design; • The proposal assists in revitalising the nearby commercial precinct on Parramatta Road; and • The proposal promotes an accessible and safe environment through its design and features.	Yes
Part 5.1.3 – Type of commercial and mixed use development	The subject proposal is identified as 'Infill Development' under Part 5.1.3.4.	Noted
Part 5.1.4 – Building form	The development generally complies with the relevant provisions of Part 5.1.4 as follows: *FSR & Height* • The proposal seeks to vary to the FSR development standard prescribed for the site under a Clause 4.6 request, which has found to be acceptable in the circumstances of the case (refer discussion under Section 5(a)(iii)(i) above); • The proposal complies with the maximum building height development standard prescribed for the site (refer discussion under Section 5(a)(iii) above); and • The proposed density of the development is appropriate to the contextual constraints of the subject site and is consistent the desired future character of the zone. *Front massing* • The proposal is consistent with the front massing requirements, as its street front portion has a height below 12 metres and is a maximum of 3 storeys; and • The street front portion at ground level is built to the boundary, to reinforce the street edge. *Upper level massing & Rooftop level massing* • The upper level (level 4) above the street front portion of the building mass is setback a minimum of 6m from the street	No – part compliance, however, relevant objectives satisfied.

	front of the building, which complies with the relevant requirement. *Rear massing* • The proposal does not comply with the rear massing requirement of being contained within a 45-degree sloping plane from a point 5 metres vertically above the ground level of the property, measured at the rear boundary. • However, a variation to the above requirement can be permitted subject to the additional massing not resulting in visual bulk or amenity impacts to neighbouring properties to the rear. • In this instance, the rear massing proposed is considered acceptable, given that the adjoining development located directly east of the site; presents mainly blank walls and small openings that service common corridors towards it. • In addition, the top floor unit of the abovementioned adjoining development, which includes a west facing balcony, will still maintain outlook over the roof form of the proposal, given the maximum building height proposed. *Roof-top level massing* • The proposal includes dwellings within the top 3 metres of the maximum height control and is therefore contrary to control C15 within Part 5.1.3.3. However, this height restriction conflicts with the maximum 14 metre height control applicable to the site under *MLEP 2011*, which the proposal readily complies with. Further, the roof-top massing (level 4), will be obliquely visible from the Charles Street public domain, given the 6m setback proposed from the front boundary; thereby allowing the development to read as 3 storeys from the principal street frontage. *Depth* • Although the proposal exceeds the maximum depth allowance (22m), the proposal is still considered to satisfy the intent of this control, as a generous central void is provided within the development, which allows for satisfactory cross ventilation and light access to be obtained by most apartments and for acceptable impacts on adjoining properties in terms of bulk and scale, overshadowing and privacy. *Building separation*	

	• The proposal provides for satisfactory building separation as per the ADG requirements. This matter is discussed in detail under Section 5(a)(ii) further above.	
Part 5.1.5 – Building detail	The development generally complies with the relevant provisions of Part 5.1.5 as follows: *Building frontages* • The 3 storey, street front portion of the building mass will read as the dominant element in the streetscape, as the proposed level 4 above it is sufficiently setback from the front property boundary; and is therefore considered visual subservient; and • The proposed development includes an urban art installation on the prominently located wall adjacent to the corner where the ROW meets Charles Street. It is considered this measure will add a visual interest to the development and Charles Street. *Active street frontage uses and shopfront design* • The proposal provides for an active street frontage, as it is built to the street edge. In addition, the proposal provides for sufficient levels of transparency and direct access from the public domain; • The entry to the residential accommodation on the upper floors is separate from the proposed commercial entries and is sheltered, whilst being highly visible from the public domain given its central location; and • The commercial spaces are appropriately serviced in terms of sanitary facilities, disabled access, waste facilities and parking/loading spaces.	Yes
Part 5.1.6 – Building use <u>Dwelling mix</u> *i. Studio 5 – 20% or 1 to 3* *ii. 1 bedroom 10 – 40% or 7* *iii. 2 bedroom 40 – 75 or 7 to 13%; and* *iv. 3 bedroom or bigger 10 – 45% or 2 to 8.*	The proposal generally complies with the relevant provisions of Part 5.1.6, except for the dwelling mix requirements, as only 3 x 1-bedroom units are proposed. Notwithstanding, the proposal still satisfies the objectives of this Part, as it provides a choice of dwelling types, including several 3-bedroom apartments, which are generally undersupplied in the locality.	No – part compliance, however, relevant objectives satisfied
Part 5.1.7 – Vehicle access, parking, loading and services	The proposal complies with the relevant provisions of Part 5.17 as follows: • The proposed vehicle access is located from the rear of the existing ROW; • A dedicated area for loading is provided toward the rear of the building and that is directly accessible from the ROW;	Yes

	• Building services and plant are predominately located within the central portion of the development and adjacent to the ROW, thereby not affecting the provision of an active street frontage along Charles Street.	
Part 9 – Strategic Context		
Part 9.35 – Parramatta Road Precinct (Precinct 35)	The proposal is consistent with the desired future character provisions of the precinct as follows: • As detailed within this report, the proposal does not impact the heritage significance of the nearby item or adjacent HCA, given the presence of existing buildings that largely obscure it from the surrounds; • The proposed street building frontage complements the siting, scale, form, proportion, materiality and colour of surrounding development along Parramatta Road and will read as 3 storeys within the streetscape; • The development will allow for an active and vibrant commercial street frontage that will provide passive surveillance of the public domain, • As demonstrated within this report, the proposed development, which adopts and is afforded a higher density under the current planning controls than its neighbours immediately to the south, allows for suitable levels of amenity for both future and surrounding occupiers; and • The proposal provides efficient parking and loading areas for vehicles wholly within the development.	Yes.

The following provides discussion of the relevant issues:

(i) Part 2.7 – Solar Access & Overshadowing

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

Overshadowing

The site has an east-west orientation and is adjoined directly to the south by a series of single storey, dwelling houses located at nos. 9, 11, 13 and 15 Charles Street, respectively. Given the orientation of the subject site and location of the affected properties relative to the development, the proposal will result in a degree of overshadowing on these properties.

Shadow diagrams in plan form for 21 June (mid-winter) were submitted to demonstrate the proposal's impact on the surrounds. In addition, elevational shadow diagrams for 21 June and for the equinox were submitted to demonstrate the proposal's impact against the existing and approved situations. Further, a written analysis accompanied the diagrams.

Existing & Approved Scenario Comparison

Prior to the assessment of the subject proposal's overshadowing impacts on the surrounds against the relevant provisions under Part 2.7, it is considered important to understand the current and approved context.

As demonstrated by the architectural plans submitted, the development proposed is considered to display a more considerate design in terms of allowing for a greater level of solar access year-round for the adjoining property at 9 Charles Street, when compared to the existing and approved scenarios. This is evidenced by the following:

- A central courtyard is provided within the middle portion of the site and adjacent to the southern boundary. As such, the development is massed primarily to the northern, eastern and western side of development, allowing for greater levels of solar access year-round and improved amenity for existing and future occupiers; and
- The development 'steps' down the site from its northern side to its southern side, with a varied building storey height of between 2 to 3 (approximately 8.1m to 9.5m) located adjacent to the adjoining areas of POS.

An assessment of the proposal against the relevant provisions of this Part has been carried out hereafter:

Control (C) C2 of Part 2.7.3 of the MDCP 2011 states:

> *Direct solar access to windows of principal living areas and principal areas of open space of nearby residential accommodation must not be reduced to less than 2 hours between 9:00am and 3:00pm on 21 June.*

Comment: The shadow diagrams submitted indicate that on 21 June:

- Given the existing building footprint, 9 Charles Street currently receives no direct solar access to its principal area of open space or windows servicing living areas, including a kitchen;
- Given the existing building footprint, 11 Charles Street currently receives no direct solar access to its principal area of open space or its east facing window between 9am and 11am mid-winter. However, from 11am onwards, solar access, albeit to a reduced level, is maintained to its principal area of open space; and
- 13 and 15 Charles Street currently receive a minimum of 2 hours direct solar access to their respective principal area of open space, which is to remain unaffected by the proposal.

With respect to 11 Charles Street and the further reduction of solar access to its principal area of open space, C2(ii) of Part 2.7.3 of MDCP 2011 states:

> *If the development proposal results in a further decrease in sunlight available on 21 June, Council will consider:*
>
> *a. The development potential of the site;*

Comment: The development potential of the site prescribed by the development standards under the *MLEP 2011* is a maximum 14 metre height limit and 1.5:1 FSR. In addition, the subject site is zoned B2 Local Centre under *MLEP 2011*, which permits ***shop top housing*** development.

The residential dwelling houses located to the south of the site, including 11 Charles Street, are zoned R2 Low Density Residential under *MLEP 2011*, with a maximum building height of 9.5m and FSR of generally 0.5:1; which allows for a 2-storey building form.

Given the differences between the zonings and building envelopes allowed, coupled with the orientation and location of the impacted sites, it is considered that additional shadowing impacts is not unexpected.

Despite the above additional impact on the principal area of open space at 11 Charles Street, it is considered acceptable in this instance given the following:

- As described earlier, the development readily complies with the 14m height development standard under the *MLEP 2011*. Further, a varied building storey height of 2 to 3 (approximately 8.1m to 9.5m) is proposed adjacent to the southern boundary, in addition to the provision of a central courtyard; which is considered to allow improved solar access for nearby affected properties year round, when compared with the existing and approved scenarios;
- It is considered that the proposal under current planning controls could adopt a more 'typical' building form and footprint, similar to the approved development, in addition to a greater building height adjacent to the southern boundary; which would result in a poorer outcome year round for adjoining properties in terms of overshadowing; and
- Despite the additional impact, the development still allows for a satisfactory amount of solar access to be obtained by the principal area of open space servicing 11 Charles Street, during mid-winter between 11am and 1pm.

Considering the above, the additional impact to 11 Charles Street's principal area of open space is considered acceptable in this instance.

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

The area of principal open space servicing 11 Charles Street that is affected by the additional impact proposed is approximately between 7.6 to 8m from the southern boundary of the subject site. As such, given the minimal separation distance between the site and impacted property, complete compliance is considered difficult to achieve in this instance.

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

No obvious exceptional circumstances applicable to the subject site are apparent.

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

As outlined previously, elevational diagrams for the equinox were submitted to demonstrate the development's impact during this time, which also included a comparison against the existing and approved scenarios.

Based on an assessment of the above-mentioned diagrams, the following is evident:

- The development proposed allows for the existing east facing kitchen windows servicing the dwelling house at 9 Charles Street to receive direct solar access between 9am to 11am during the equinox; which complies with the minimum 2-hour requirement. This is considered a superior outcome compared to the current and approved situation, which both allow for minimal direct solar access to be received by these windows during these times;
- Despite their proximity to the property boundary, the development allows for direct solar access to be received by the north and east facing openings servicing the dwelling house at 9 Charles Street between 9am to 11am during the equinox, which complies with the minimum 2-hour requirement. Similarly, this outcome is a significant improvement to the current and approved context;
- The development proposed allows for most of the principal area of open space servicing the dwelling house at 9 Charles to receive direct solar access between 11am to 2pm during the equinox, which exceeds the minimum 2-hour requirement. Again, this outcome is considered a significant improvement on the current and approved scenarios, which allow for a lesser amount during the same periods; and
- The development proposed allows the principal area of private open space servicing the dwelling house at 11 Charles Street to receive direct solar access between 9am to 2pm during the equinox, which exceeds the minimum 2-hour requirement. Compared with the current and approved scenarios, a similar outcome is achieved.

Overall, considering the above assessment, the development is considered to have an acceptable impact on the surrounds in terms of additional overshadowing relative to the site constraints and relevant planning controls. As such, the development is considered acceptable with respect to the objectives and controls of Part 2.7 of MDCP 2011.

(ii) Part 2.10 – Parking

The site identified in Parking Area 2 under Part 2.10 of the MDCP 2011. The following table summarises the car, bicycle and motorcycle parking and service area requirements for the development:

Component	Control	Required	Proposed	Compliance
Car Parking				
Resident Car Parking	0.4 car parking spaces per studio (non adaptable)	0 x studio (non adaptable) 0 spaces	14 spaces	Yes
	0.5 car parking spaces per 1 bedroom unit (non adaptable)	0 x 1 bed units (non adaptable) = 0 spaces		
	1 car parking spaces per 2 bedroom unit (non adaptable)	6 x 2 bed unit (non adaptable) = 6 spaces		
	1.2 car parking spaces per 3 bedroom unit (non adaptable)	7 x 3 bed unit (non adaptable) = 8 spaces		
	1 car parking space per 1 adaptable dwelling	4 x adaptable dwellings = 4 adaptable spaces	4 adaptable spaces	Yes

Component	Control	Required	Proposed	Compliance
Commercial Car Parking	1 space per 80sqm GFA for customers and staff	224sqm = 3 spaces	2 spaces	**No**, however, condition recommend to convert accessible commercial space into standard space.
	1 accessible space per 10 spaces	3 spaces = 0 accessible spaces	1 accessible space	**No**, however, condition recommend to convert accessible commercial space into standard space.
Visitor Car Parking	0.1 car parking space per unit (non adaptable)	13 units (non adaptable) = 1 visitor space	1 visitor space	Yes
	1 accessible visitor's car parking space per 4 accessible car parking spaces	1 accessible visitor space	1 accessible visitor	Yes
	TOTAL	**23 spaces**	**23 spaces**	**Yes**
Bicycle Parking				
Resident Bicycle Parking	1 bicycle parking space per 2 units	17 units = 9 spaces	13 spaces	Yes
Visitor Bicycle Parking	1 bicycle parking space per 10 units	2 spaces		
Motorcycle Parking				
Motorcycle Parking	5% of the total car parking requirement	1 space	2 spaces	Yes

Further to the table above, the proposal provides for a dedicated service bay/loading area on the ground floor that is accessed from the ROW. Also, a car wash bay is provided within the basement for occupants of the development. In addition, a Traffic & Parking Impact Assessment was submitted with the application, which found the local road and parking network can readily cater for the proposed development.

Considering the above, subject to conditions, the proposal will comply within the minimum requirements under Part 2.10 of MDCP 2011.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application as originally submitted was advertised, an on-site notice was displayed on the property, and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's Community Engagement Framework. In response, 2 submissions were received, objecting to the proposal.

The submissions received raised the following concerns, which have already been discussed throughout the main body of this report:

(i) Acoustic & visual privacy;
(ii) Bulk & scale;
(iii) Contamination;
(iv) FSR variation;
(v) Overshadowing
(vi) Traffic and parking;
(vii) Veracity & validity Clause 4.6 request; and
(viii) Zoning combability.

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

Concern	Comment
Asbestos removal Concern was raised with respect to potential impacts arising from the removal of asbestos.	Conditions and advisory notes are included within the recommendation with respect to the specific requirements relating to the removal of asbestos, which must be adhered to by law.
Construction impacts Concern was raised that the proposal would negatively impact the surrounds during its construction.	Conditions are recommended requiring dilapidation reports to be undertaken for the adjoining properties in accordance with the *EP&A Act 1979* and *Environmental Planning and Assessment Regulation 2000* (*EP&A Regs. 2000*), to monitor construction impacts on nearby structures and dwellings. Standard construction hours are recommended to protect the amenity of the surrounds by restricting early morning and late-night construction works. With respect to impacts caused by vehicles associated with the construction of the proposal, any incidents with respect to this issue that may arise should be reported to Council for investigation.
Commercial floor space demand Concern was raised that there was minimal demand for the commercial floor space proposed by the development and therefore sufficient street activation would not be provided by the development.	As detailed within this report, the planning controls applicable to the development type proposed require the provision of commercial floor space on the ground floor to assist in achieving the objectives of the B2 Local Centre zone under the *MLEP 2011*. The proposal complies with the aforementioned controls. Current market demand for commercial space within the locality is not required to be considered in this regard.
Illegal dumping Concern was raised that the proposal would result in illegal dumping of rubbish within the surrounds.	There is no evidence to suggest the proposal will result in illegal dumping, as appropriate areas for waste management and for residential storage are provided as part of the development in accordance with the MDCP 2011. In any case, any incidents of illegal dumping should be reported to Council for investigation.

Notification of application Concern was raised that the application was not notified in accordance with Council's policy, as the required site sign was not prominently affixed to the building	Based on Council's records, a DA site notice was appropriately affixed on the property. In addition to the provision of a site notice, the application was notified directly to the required nearby and adjoining owners and occupiers in accordance with Council's policy. The submissions received to date have been considered as part of the assessment of the application and as detailed within this report, the development has been assessed against the relevant planning legislation and policies.

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.
To avoid any question in relation to the consent applied to the site, it is considered that in the public interest, the previous consent issued under DA201600419 be surrendered. A condition to this effect has been included in the recommendation.
Subject to the above condition being applied, the proposal is considered to be in the public interest.

6 Referrals

The application was referred to the following internal sections and comments received within the referrals have been considered as part of the assessment of the application:

- Development Engieering.
- Environmental Health;
- Heritage & Urban Design;
- Urban Ecology; and
- Waste Management.

7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies 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 $244,734.06 will be required for the development under *Marrickville Section 94/94A 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*. The proposal is generally consistent Marrickville Development Control Plan 2011.

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

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

9. Recommendation

A. The applicant has made written requests pursuant to Clause 4.4 *Floor space ratio* of the *Marrickville Local Environmental Plan 2011*. After considering this request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.

B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979,* grant consent to Development Application No. DA/2020/0706 for demolition of existing building and structures and construction of a mixed use development comprising commercial tenancies, shop top housing, with parking, landscaping and other associated works. at 1-3 Charles Street, Petersham, subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Attachment A – Recommended conditions of consent

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent
The development must be carried out in accordance with plans and documents listed below:

Plan, Drawing No. and Revision No.	Plan Name	Date Issued	Prepared by
Site Plan, A-0008, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
Demolition & Excavation Plan, A-0009, 01	Architectural Plans	18/08/2020	Benson McCormack Architecture
Basement 2, A-0101, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
Basement 1, A-0102, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
Ground Floor Plan, A-0103, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
First Floor Plan, A-0104, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
Second Floor Plan, A-0105, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
Third Floor Plan, A-0106, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
Roof Plan, A-0107, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
North Elevation, A-0201, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
South Elevation, A-0202, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
West Elevation, A-0203, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
East Elevation, A-0204, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
Section A & B, A-0221, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
Section C & D, A-0222, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
Section E & F, A-0223, 02	Architectural Plans	3/12/2020	Benson McCormack Architecture
Finishes, A-1308, 01	Architectural Plans	18/08/2020	Benson McCormack Architecture
Basement 2 Floor Plan, SW200, A	Stormwater Plans	17/08/2020	SGC
Basement 1 Floor Plan, SW201, A	Stormwater Plans	17/08/2020	SGC
Ground Floor Plan, SW202, A	Stormwater Plans	17/08/2020	SGC
Roof Plan, SW203, A	Stormwater Plans	17/08/2020	SGC

Details Sheet, SW300, A	Stormwater Plans	17/08/2020	SGC
Plan and Details, SW400, A	Stormwater Plans	17/08/2020	SGC
MUSIC Catchment Plan and Results, SW500, A	Stormwater Plans	17/08/2020	SGC
Ground, LP01, A	Landscape Plans	10/08/2020	Matthew Higginson Landscape Architecture Pty Ltd
Level 1 + 2, LP02, A	Landscape Plans	10/08/2020	Matthew Higginson Landscape Architecture Pty Ltd
Level 3, LP03, A	Landscape Plans	10/08/2020	Matthew Higginson Landscape Architecture Pty Ltd
Section + Schedule, LP01, A	Landscape Plans	10/08/2020	Matthew Higginson Landscape Architecture Pty Ltd
SYD2016-1065-R001E	Acoustic Report	18/08/2020	Acouras Consultancy
Certificate No. 1126478M	BASIX Certificate	14/08/2020	GAT & Associates
E18008PET-R02F	Remedial Action Plan	13/08/2020	Geo-Environmental Engineering

As amended by the conditions of consent.

The 'Architectural Plans' shall prevail in terms of any inconsistency between plans.

FEES

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

Security Deposit:	$9,266.00
Inspection Fee:	$236.70

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

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

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

restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

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

3. Section 7.11 (Former Section 94) Contribution
Prior to the issue of a Construction Certificate written evidence must be provided to the Certifying Authority that a monetary contribution of **$244,734.07** 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 12 January 2021.

***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.

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 $**
Recreation Facilities	$207,614.98
Community Facilities	$32,477.19
Traffic Facilities	$0.00
Plan Administration	$4,641.90
TOTAL	**$244,734.07**

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
Payment methods:

The required contribution must be paid either ***by BPAY (to a maximum of $500,000)***; ***unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of $10,000).*** It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

*NB A 0.75% credit card transaction fee applies to all credit card transactions.

4. Long Service Levy
Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed

rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing $25,000 or more.

GENERAL CONDITIONS

5. Noise – Consultant's Recommendations
The recommendations contained in the acoustic report prepared by Acouras Consultancy, reference Syd2016-1065-R001E dated 18 August 2020 must be implemented, including the following:

a. Facade Glazing
b. Facade Construstion
c. Mechanical Ventilation

6. Contamination – Remedial Action Plan (No Site Auditor Engaged)
The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, prepared by Geo Environmental Engineering, reference 18008 dated 13 August 2020, the *Contaminated Land Management Act 1997* and the *State Environmental Planning Policy No 55*.

7. Hazardous Materials Survey
Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW.

A copy of any SafeWork NSW approval documents is to be included as part of the documentation.

8. 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 must be designed to be "tanked" preventing the ingress of seepage or groundwater.

9. Rock Anchors
This consent does not grant consent for any rock anchors on the road reserve or Council land.

10. Awnings with Lighting
The proposed awning must be of cantilever type and be set back at least 600mm from the kerb line. The awning must include pedestrian lighting (Category P3-AS1158) and must be maintained and owned by the property owner(s). The proposed awning must be designed to be easily removed if required in future. The owner must maintain, modify or remove the structure at any time if given notification by Council to do so.

11. Car Parking
The development must provide and maintain within the site:

a. 14 car parking spaces must be paved and line marked being allocated to the respective residential apartments;
b. 4 adaptable car parking spaces being allocated to the adaptable residential apartments;
c. 3 commercial car parking spaces being allocated to the ground floor retail/commercial tenancies;

d. 2 visitor car parking spaces (including 1 accessible visitor space for persons with a disability that must be provided and marked as disabled) must be provided and marked as visitor car parking spaces. A sign legible from the street must be permanently displayed to indicate that visitor parking is available on site;
e. 2 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times;
f. 13 Bicycle storage capacity within the basement level 2;
g. 1 Carwash bay; and
h. 1 Loading docks/bays.

12. 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.

13. 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.

14. Residential Flat Buildings – Adaptable Dwellings
Prior to the issue of a Construction Certificate, the Certifying Authority, must be provided with plans that demonstrate 4 units are Adaptable units.

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

15. 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 Marrickville Development Control Plan 2011.

16. 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.

17. 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.

18. Works Outside the Property Boundary
This development consent does not authorise works outside the property boundaries on adjoining lands.

19. Surrender of Consent
Prior to any works commencing, Council and the Certifying Authority are required to be provided with suitable evidence that the consent issued under DA201600419 has been formally surrendered in accordance with Clause 4.63 of the *Environmental Planning and Assessment Act 1979*.

20. Separate Consents Required for Commercial Floor Space
Approval under this consent is not granted for the use and/or fit-out, including any associated signage, of the commercial floor space on the ground floor. In this regard, separate consents are to be obtained for the use/and or fit-out of the commercial floor space.

PRIOR TO ANY DEMOLITION

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

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

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

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

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

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

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

23. 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 (including 9 Charles Street, Petersham & 1-5 Phillip Street, Petersham) to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

24. Advising Neighbors 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.

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

PRIOR TO CONSTRUCTION CERTIFICATE

26. Light Spill
Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that any lighting of the premises complies with Australian Standard AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting.

27. Car Wash Bay/ Waste Storage Room – Design
Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with certification confirming that all wastewater generated from the car wash bay and the waste storage room will be discharged to the sewerage systems in accordance with the requirements of Sydney Water.

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

a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing Nos. SW100, SW200, SW201, SW202, SW203, SW300, SW400 and SW500 (Rev A) prepared by SGC P/L and dated 17/08/20, as amended to comply with the following;

b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD/OSR tanks as necessary;
c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
d. The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to the existing storm water system at the rear limited to pre-development conditions or the capacity of the system;
e. Detailed calculations establishing that there is sufficient capacity within the downstream drainage system to which the site is discharging;
f. As there is no overland flow/flood path available at the rear an assessment of the effect of the 1 in 100 year storm event on the stormwater system and the development, including depth of ponding at the low point of the right-of-way (if any) and details of any inundation of the basement carpark. Measures must be taken to protect the basement carpark and neighbouring properties from flooding if necessary;
g. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design; and
h. No nuisance or concentration of flows to other properties;

29. Structural and Geotechnical Report
Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

a. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
b. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
c. All components of the basement, including footings, must be located entirely within the property boundary;
d. No adverse impact on surrounding properties including Council's footpath and road;
e. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
f. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
g. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

30. Public Domain Works – Prior to Construction Certificate
Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia

(RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

a. The public domain along all frontages of the site inclusive of footpath, kerb and street trees must be reconstructed/installed and upgraded in accordance with the Public Domain Design Guide or scheme;
b. The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
c. New concrete footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer;
d. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. These sections will set the alignment levels at the boundary.

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

31. Parking Facilities – Major (including basement)
Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:

a. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
b. Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004;
c. Minimum headroom of 2500mm must be provided above any disabled parking space(s);
d. The longitudinal profile of the access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B99 design vehicle. Longitudinal sections must be provided along each outer edge of all ramps;
e. The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:
    i. Car spaces adjacent to walls or fences are increased in width by an additional 300mm;End spaces are provided with an additional 1m aisle extension;
    ii. End spaces are provided with an additional 1m aisle extension; and
    iii. The location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004.

32. Enclosure of Fire Hydrant
Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS 2419.1 2005. In this regard, any of these services are not to alter the approved presentation, materiality and treatment of the streetscape elevation and north-western, ground floor wall adjacent to the right of way.

33. Sydney Water – Tap In
Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine

whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

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

34. 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.

35. Fibre-ready Facilities
Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

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

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

37. Green Roofs, Walls and Facades Report
Prior to the issue of Constriction Certificate, the Certifying Authority is to be provided with a report prepared by a registered landscape architect demonstrating that the proposed landscape plan and details of any green roods, wall and facades are consistent with Inner West Councils Green Roof, Walls and Facades Technical Guidelines including but not limited to using species selected from the suggested species list, water proofing and drainage.

38. Access Report
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;
d. Accessible car parking spaces should be provided, where applicable, in accordance with Part D3.5 of BCA Vol; and

e. Any exemptions, alternative solutions or deemed-to-satisfy provisions affecting access.

39. Structural Details and Design
Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings).

DURING DEMOLITION AND CONSTRUCTION

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

41. Construction Hours – Class 2-9
Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

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

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

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

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

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

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

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

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

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

PRIOR TO OCCUPATION CERTIFICATE

43. Underground Petroleum Storage System (UPSS) – Decommissioning – Validation
Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a validation report prepared by a suitably qualified and experienced person. The report is to confirm that the underground petroleum storage system has been removed, replaced or decommissioned in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*, the *Protection Environment Operations Act 1997* and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

44. Contamination – Disposal of Soil
Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the *Protection of the Environmental Operations Act 1997*.

45. Contamination – Validation (No Site Audit Statement Required)
Prior to the issue of an Occupation Certificate, the Principal Certifier and Council must be provided with a Site Validation Report prepared by a suitably qualified environmental consultant with experience in land contamination.

The Validation report must be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines *Consultants Reporting on Contaminated Sites* and must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use.

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

a. Heavy duty concrete vehicle crossing(s) at the vehicular access location(s);
b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone;
c. Restoration of the right of way for its full length;
d. The existing concrete footpath across the frontage of the site must be reconstructed; and
e. Other works subject to the *Roads Act 1993* approval.

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

47. No Encroachments
Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

48. Protect Sandstone Kerb
Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

49. Parking Signoff – Minor Developments
Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

50. Works as Executed – Site Stormwater Drainage System
Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and 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.

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

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

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

a. Restrictions on the Use of Land related to on Site Stormwater Detention System or stormwater quality improvement devices;
b. Positive Covenant related to on-site stormwater detention and/or retention system;
c. Positive Covenant related to stormwater quality improvement devices; and

The wording in the Instrument must be in accordance with Councils Standard wording.

53. Basement/Retaining Wall Signoff – Major Development
Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards.

54. Parking Permits
Prior the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that measures have been put in place to advise future owners and occupants of the proposed building that they are not eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition. In addition the by−laws of any future residential strata plans created for the property shall reflect this restriction.

55. Redundant Vehicle Crossing
Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that all redundant vehicular crossings to the site have been removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications". Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

56. 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.

57. 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*.

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

59. 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).

60. 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

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

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

63. Vehicles Leaving the Site
All vehicles must enter and exit the site in a forward direction.

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

65. Commercial Bin and Re-usable Item Storage
All commercial bins and re-usable items such as crates are to be stored within the site.

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

67. Green Roofs, Walls and Facades Establishment
The plantings within the Green Roofs, Walls and Facades as part of this consent are to be maintained in a healthy and vigorous condition for 12 Months from the issue of an Occupation Certificate. If any of the planting are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate they must be replaced with the same species within one (1) month (up to 3 occurrences).

ADVISORY NOTES

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

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

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

Underground Petroleum Storage System (UPSS) – Decommissioning
The removal, replacing or decommissioning of an underground petroleum storage system must comply with the requirements of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*, the *Protection of the*

Environment Operations Act 1997 and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

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

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

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

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

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

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

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

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

Rock Anchors
If you are seeking to use temporary anchors, you must make a request for approval for a Permit under Section 138 of the Roads Act 1993. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

a. Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road

reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.

b. Demonstrate how the temporary anchors will be removed or immobilised and replaced by full support from structures within the subject site by completion of the works.
c. The report must be supported by suitable geotechnical investigations to the efficacy of all design assumptions.

Easement and Covenant Process

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR) and stormwater quality improvement devices (SQIDS):

a. Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels, contours at 0.2-metre intervals and volume of storage available. Also, the outlet pipe from the detention basin to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.

b. Engineer's Certificate

A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:

c. The soundness of the storage structure;
d. The capacity of the detention storage;
e. The emergency overflow system being in place;
f. The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
g. The freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
h. Basement car park pumps are class one zone two; and
i. OSR pumps and SQIDS have been installed and commissioned.

c. Restriction-As-To-User

A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the detention area and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect the function of the stormwater detention system and SQIDS, must not be carried out without the prior consent in writing of the Council.

Such restrictions must not be released, varied or modified without the consent of the Council.

A typical document is available from Council's Development Assessment Engineer.

d. A Maintenance Schedule.

Insurances

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

works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Public Domain and Vehicular Crossings
The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for *Design of Vehicle Crossing and Public Domain Works – Step 1* form and *Construction of Vehicle Crossing and Public Domain Works – Step 2* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

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; or
g. Development Application for subdivision if consent for subdivision is not granted by this consent.

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

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

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

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

b. In the case of work to be done by an owner-builder:
    i. The name of the owner-builder; and

ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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; and
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.

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

Street Numbering
If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

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.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

Attachment B – Plans of proposed development

MARRICKVILLE LEP 2011 — NOTIFICATION NOVEMBER 2021

LAND ZONING	B2	LOCAL CENTRE
MIN. LOT SIZE	N/A	
FLOOR SPACE RATIO	1.5:1	
HEIGHT OF BUILDINGS	16	
LAND RESERVATION ACQUISITION	NO	
HERITAGE	NO	ADJACENT TO CONSERVATION AREA — TO NORTH-EN & EASTERN SIDE
FLOOD PLANNING	NO	
ACID SULFATE	NO	
KEY SITES	NO	
FORESHORE BUILDING LINE	NO	
NATURAL RESOURCE - BIODIVERSITY	NO	
ACTIVE STREET FRONTAGES	NO	

KEY PLANNING CONTROLS

DEVELOPMENT REQUIREMENTS

MARRICKVILLE LEP 2011
ZONING : B2 (LOCAL CENTRE)
HEIGHT : 16 m
FSR : 1.5 : 1

MARRICKVILLE DCP 2011

SITE AREA : 687.4 m2
MAX. GFA : 1 MAT. 1 m2
APPROVED DA AREA : 1879.9 m2 (1.84 : 1)
PROPOSED DA AREA : 1783.4 m2 (1.81 : 1)

DEVELOPMENT STATISTICS

GROUND	411.69	m2		
LEVEL 1	465.34	m2	6	2979
LEVEL 2	465.19	m2	6	2979
LEVEL 3	439.23	m2	5	2979
TOTAL	1783.19	m2	17	2979
	(1.81 : 1) FSR			

2.10 PARKING DCP REQUIREMENTS

CLASSIFICATION : CAR PARKING AREA 2

	UNIT	RATE
CARPARK - RESIDENTIAL	4 spaces/1 unit + 1.0 per adaptable unit	
	14 Units	0.25 spaces per unit
CARPARK - NON ADAPT.	Studio	0.1 spaces/unit
	1 Bedroom	0.2 spaces/unit
	2 Bedroom	1.2 spaces/unit
	3 Bedroom	1.7 spaces/unit
	Visitors	0.1 spaces/unit

RETAIL / COMMERCIAL

	RATE
COMMERCIAL	1 space per 60 m2

BICYCLE / MOTORCYCLE

	RATE
RESIDENT BICYCLE	1 bicycle per 2 units
VISITOR BICYCLE	1 space per 10 units
COMMERCIAL/RETAIL	1 space per 300m2 for staff + 1 space per 500m2 for customers
MOTORCYCLE	5% of total car spaces required

CARPARK CALCULATION

	UNIT NO.	REQUIRED
	5	0.5
	5	1.25
	2	0
	2	0
	5	0.5
	7	8.4
TOTAL		19.4
ROUNDED		19
	14	3.5
ROUNDED		4

	AREA	REQUIRED
224.34 sq.m		2.51
ROUNDED		3
TOTAL		23

	UNIT NOS.	REQUIRED	ROUNDED
	14	3.5	3
	12	1.2	2
224.34 sq.m	1 staff + 2 customers		2
TOTAL			13
	26	1.73	2

CARPARK

RESIDENTIAL : 17 DWELLINGS

	REQUIRED	PROPOSED
CARPARK	19.5 Resident	19
	4 Accessible	4
	1 Adapt Visitor	1
	1 Visitor	1
	1 Wash Bay	
MOTORBIKE	4.25	5
BICYCLE	13	13

COMMERCIAL : 224.34 M2

	REQUIRED	PROPOSED
CARPARK	2.51	3
		(2 + 1 ACCESSIBLE)

TOTAL

23 (INCLUDING 2 ACCESSIBLE & 4 ADAPTABLE CARPARKS)

The following assumptions have been used in the thermal and BASIX assessment. Should the following not be complied with, a reassessment may be required.

Window	Glass	Frame	Shading	SHGC	Notes
Default	Double glazed low solar clear	Aluminium	4.23	0.57	To Unit 101 – 107, 201 – 207, 301 – 307 (E), 401 (E) – (E) W1.26, W1.28 – W1.30, W1.37
Default	Double glazed low solar clear	Aluminium	4.23	0.57	To Unit 201 – 207, 301 – 307 (E), 401 (E) – (E) W1.27
Default	Double glazed low solar clear	Aluminium	4.09	0.51	To Unit 201 – 207, 301 – 307, 401 (E) – (E) W1.31 – W1.36
Default	Single Clear 4mm	Aluminium	5.43	0.82	To Unit 201 – 207, 301 – 307, 401 (E) – (E) W1.32, W1.33 – W1.35, W1.38
Default	Single Clear low solar clear	Aluminium	5.43	0.61	To Unit 201 – 207, 301 – 307, 401 (E) – (E) W1.32
Default	Single Clear low solar clear	Aluminium	4.76	0.71	To Unit 101 – 107 (E) W1.27
Default	Single Clear	Aluminium	5.43	0.82	To Unit 101 – 107 (E) W1.26
Skylight	Single Clear	Aluminium	5.43	0.74	To Unit 101 – 107, 201 – 207, 301 – 307, 401 (E) – (E) W1.39

*Windows and skylights must be fully shaded, fully sheltered, and outward or fixed. **Alternate products or specifications may be used if their U value is lower, and the SHGC value is less than 10% higher or lower, than the U and SHGC values of the product specified above. Windows have been assessed as complying with ADG/BCA.***

External walls	Shade	Colour – Indicative	Detail
200mm concrete	N/A	Light GR - 71 R55 Mid grey BGR 179 R78 Dark BGR 53 R20	As per drawings
150mm concrete	N/A	Light GR - 71 R55 Mid grey BGR 179 R78 Dark BGR 53 R20	As per drawings to match external

External	Shade	Detail
Roof external colour	N/A	To match roof
150mm concrete	N/A	To match wall colour
200mm concrete	N/A	To match wall colour
Balcony (construction)	**Shade**	**Detail**
200mm concrete	N/A	Default
200mm concrete	N/A	Default
200mm concrete	N/A	Default
200mm concrete	N/A	Default
200mm concrete	N/A	Default
200mm concrete	N/A	Default
Awnings	**Shade**	
Powder coat	Mid-dark	As per awning colour schedule on elevations
Roof	**Shade**	**Colour – Indicative**
200mm concrete	N/A	Light GR - 71 R55 As per plans

Lighting

Low-level, wall-mounted lighting to be provided to entry areas, balconies and communal open spaces. All fittings to be shielded to prevent light spill. Lighting LED selected to allow transition to be adapted to flashing.

Acoustics

Acoustic treatment to be provided to the following locations: Communal open space, Communal corridors, Lift overruns, Plant rooms

Mechanical Services

Split AC system to be provided to each unit. Condensers to be located on balconies and screened from view. Mechanical ventilation to be provided to bathrooms, laundries and kitchens without external windows.

Hot Water System

All hot water units to be provided with water efficiency rating not less than as specified.

Insulation and Glazing

The extent of thermal insulation to be in accordance with ADG/BCA Part 3

1 C

REVISION

Rev	Date	Description	Chk
01	10.12.21	DA SUBMISSION	MM
02	31.03.22	DA SUBMISSION	MM

LEGEND

A/C	Air Conditioning Unit	CSS	Communal Open Space	GRC	Garbage Chute	M_R	Plant Room
ACC	Accessible	CWK	Carwash Parkspot	GRI	Garbage Room	MIR	Mirror
A DH	Adjustable	D	Awning	GRS	Garbage Storage	MRS	Residential
A DO	Aust. Height Datum	DW	Dryer	GTA	Gross Floor Area	SCN	Screen
AMB	Ambulant	DY	Dryer Flue	GW	Gas Meter	SHC	Shower
BAL	Balustrade	DWR	Dishwasher	LIF	Lift	SLO	Storage
BBQC	Balcony	E	Hinge	L	Laundry	STD	Study
BHD	Bedroom	FEX	Fire Extinguisher	M	Meter Room	STW	Stormwater Pit
BR	Bedroom	FFL	Finish Floor Level	MC	Motorcycle Parking	STK	Stormwater
BTH	Bathroom	FN	Fence	MSH	Mech Services Shaft	SU	Structural Upstand
BL	Bathroom	FS	Fire Stairs	NGL	Natural Ground Level	T_L	Top of Ledge
COL	Column	FSH	Floor Waste Gully	OBD	Onsite Detention Tank	TOW	Top of Wall
COMM	Commercial/Retail	GBA	Gross Building Area	P	Pantry	V/S	Visitor Parking

CLIENT

Grow Build Pty. Ltd.

PROJECT DETAILS

1C
1-3 Charles Street
Petersham NSW
2049

DRAWING TITLE

DRAWING REGISTER & DEVELOPMENT DATA

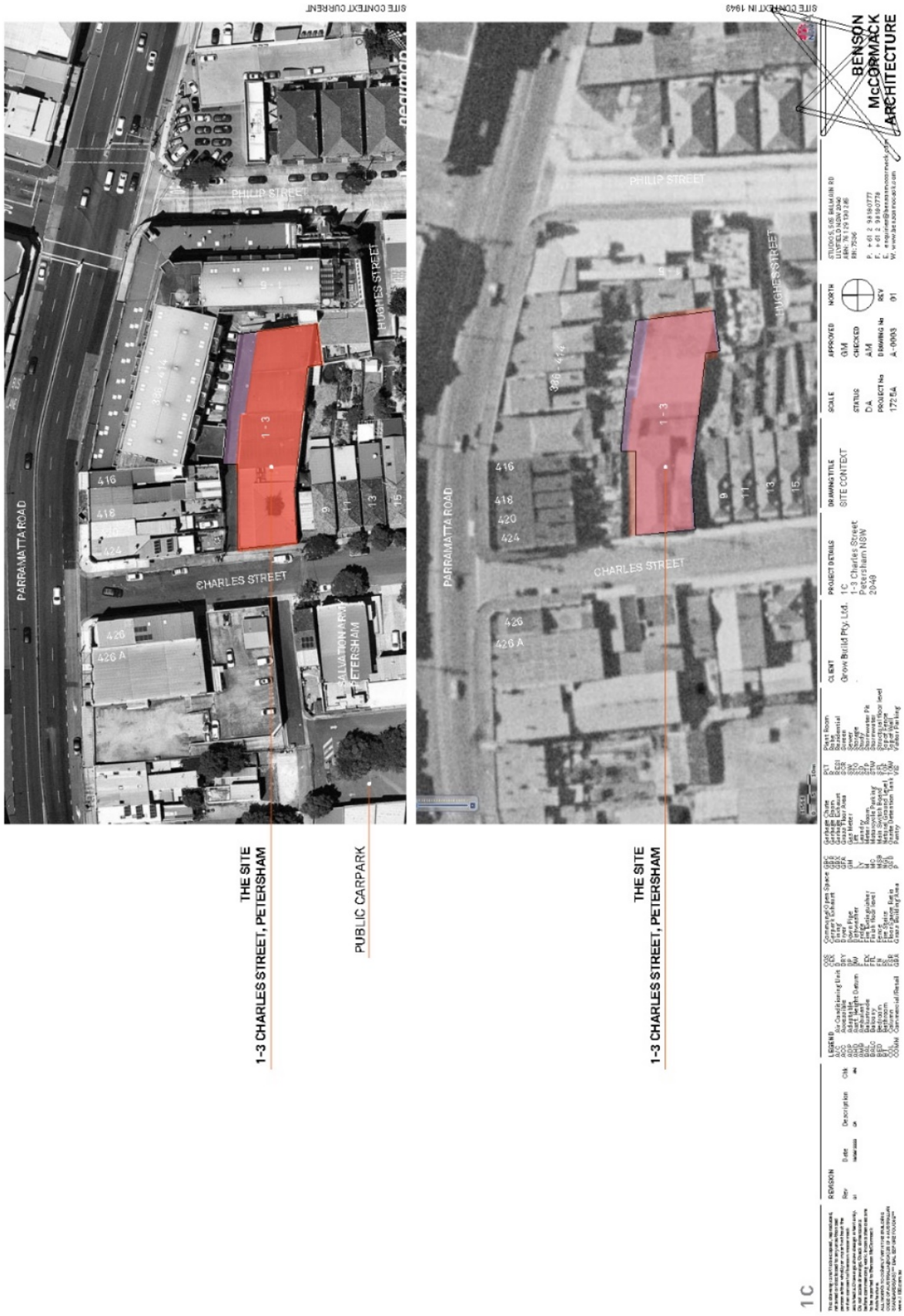
SCALE	APPROVED	NORTH
SHEET SIZE	GM	
DA	CHECKED	
1725A	AM	
	DRAWING No	REV
	A-0001	02

STUDIO 5, 505 BALMAIN RD
LILYFIELD NSW 2040
ABN: 76 125 130 285
RNB: 7536

P. +61 2 9818 8777
F. +61 2 9818 8778
E. enquiries@bensonmccormack.com.au
W. www.bensonmccormack.com

BENSON McCORMACK ARCHITECTURE

LOCATION PLAN 01
LOCATION PLAN 02
LEICHHARDT TOWN HALL & INNER WEST COUNCIL
LEICHHARDT PUBLIC SCHOOL
ST FIACRE'S CATHOLIC CHURCH & PRIMARY SCHOOL
ANNANDALE PUBLIC SCHOOL
NORTON PLAZA
ITALIAN FORUM
TAFE NSW
PETERSHAM COLLEGE
PETERSHAM PARK
LEWISHAM RAILWAY STATION
PETERSHAM RAILWAY STATION
STANMORE RAILWAY STATION
NORTON PLAZA
ITALIAN FORUM / LEICHHARDT LIBRARY
THE SITE
1-3 CHARLES STREET, PETERSHAM
SALVATION ARMY PETERSHAM
PUBLIC CARPARK
TAFE NSW PETERSHAM COLLEGE
1 C
REVISION
CLIENT
Grow Build Pty Ltd
PROJECT DETAILS
1C
1-3 Charles Street
Petersham NSW
2049
DRAWING TITLE
LOCATION PLANS
SCALE
STATUS
DA
PROJECT No
1725A
APPROVED
GM
CHECKED
AM
DRAWING No
A-0002
REV
01
NORTH
BENSON McCORMACK ARCHITECTURE


SITE CONTEXT CURRENT
SITE CONTEXT IN 1949
PARRAMATTA ROAD
CHARLES STREET
PHILIP STREET
HUGHES STREET
SALVATION ARMY PETERSHAM
416
418
420
424
426
426 A
1 - 3
9
11
13
15
THE SITE
1-3 CHARLES STREET, PETERSHAM
PUBLIC CARPARK
THE SITE
1-3 CHARLES STREET, PETERSHAM
BENSON McCORMACK ARCHITECTURE
SITE CONTEXT
1-3 Charles Street
Petersham NSW
2049
Grow Build Pty Ltd
1C

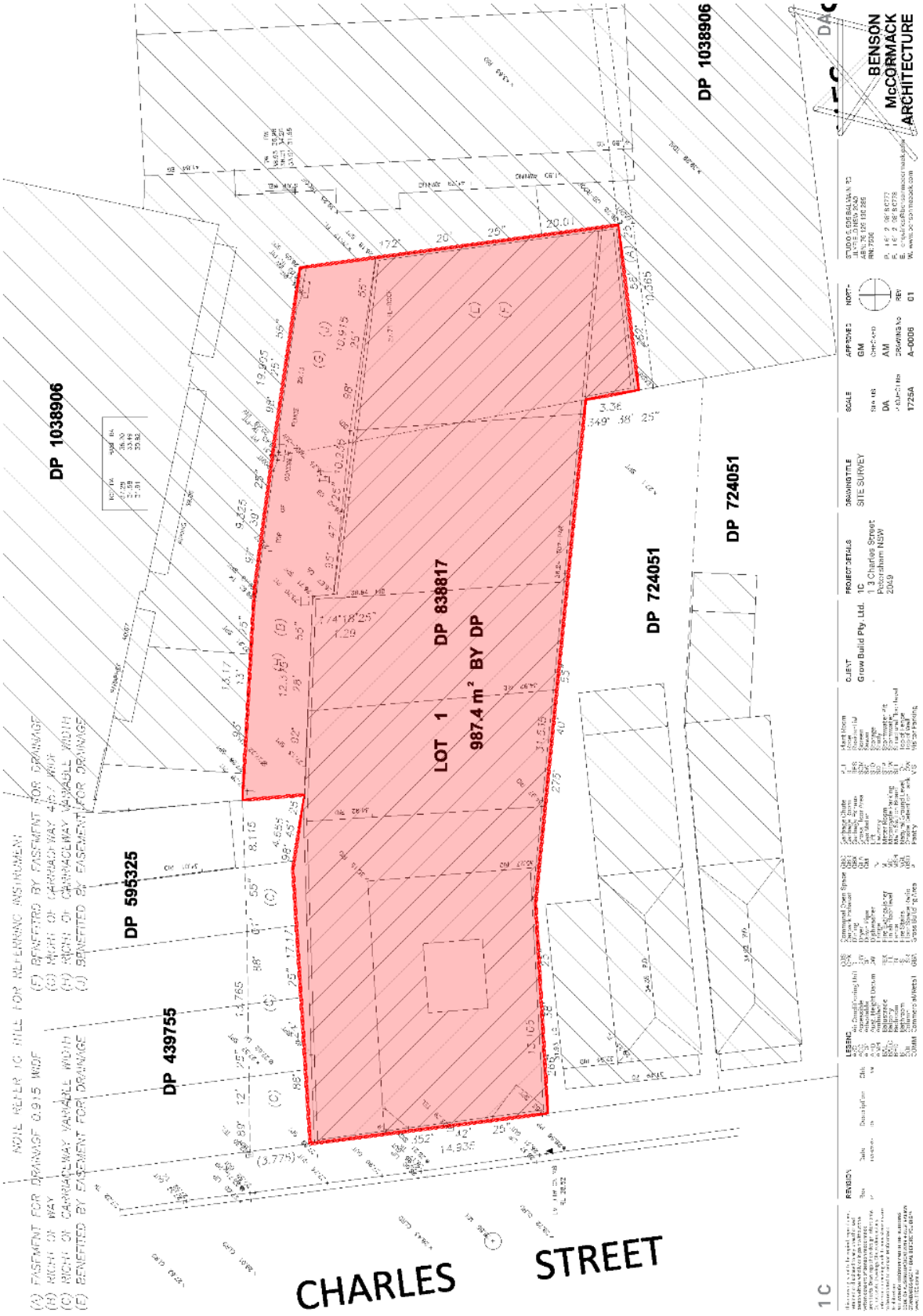
PUBLIC CARPARK
P
LOOKING EAST TO SITE

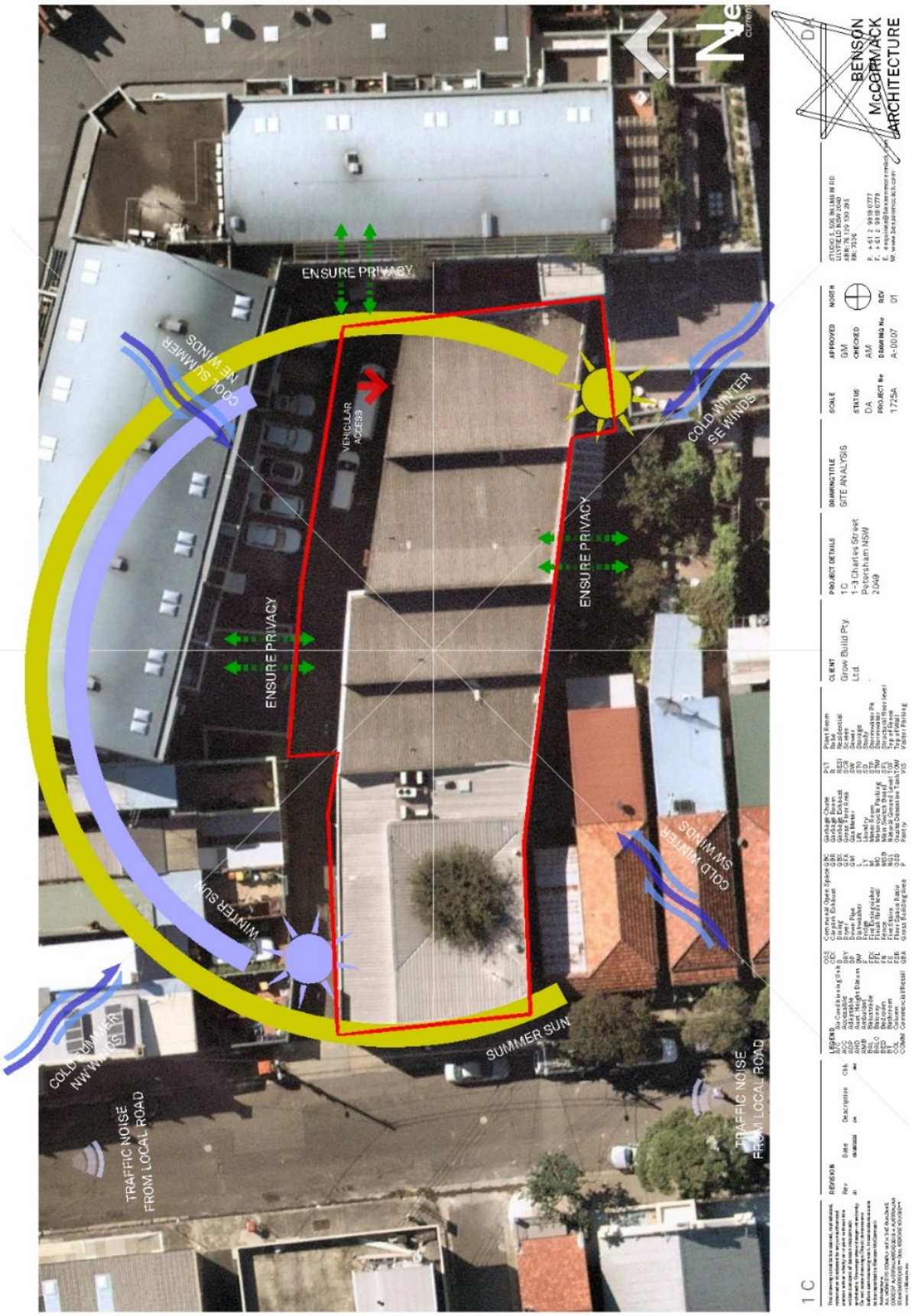
STREETSCAPE ALONG CHARLES ST FROM PARRAMATTA RD TO SITE

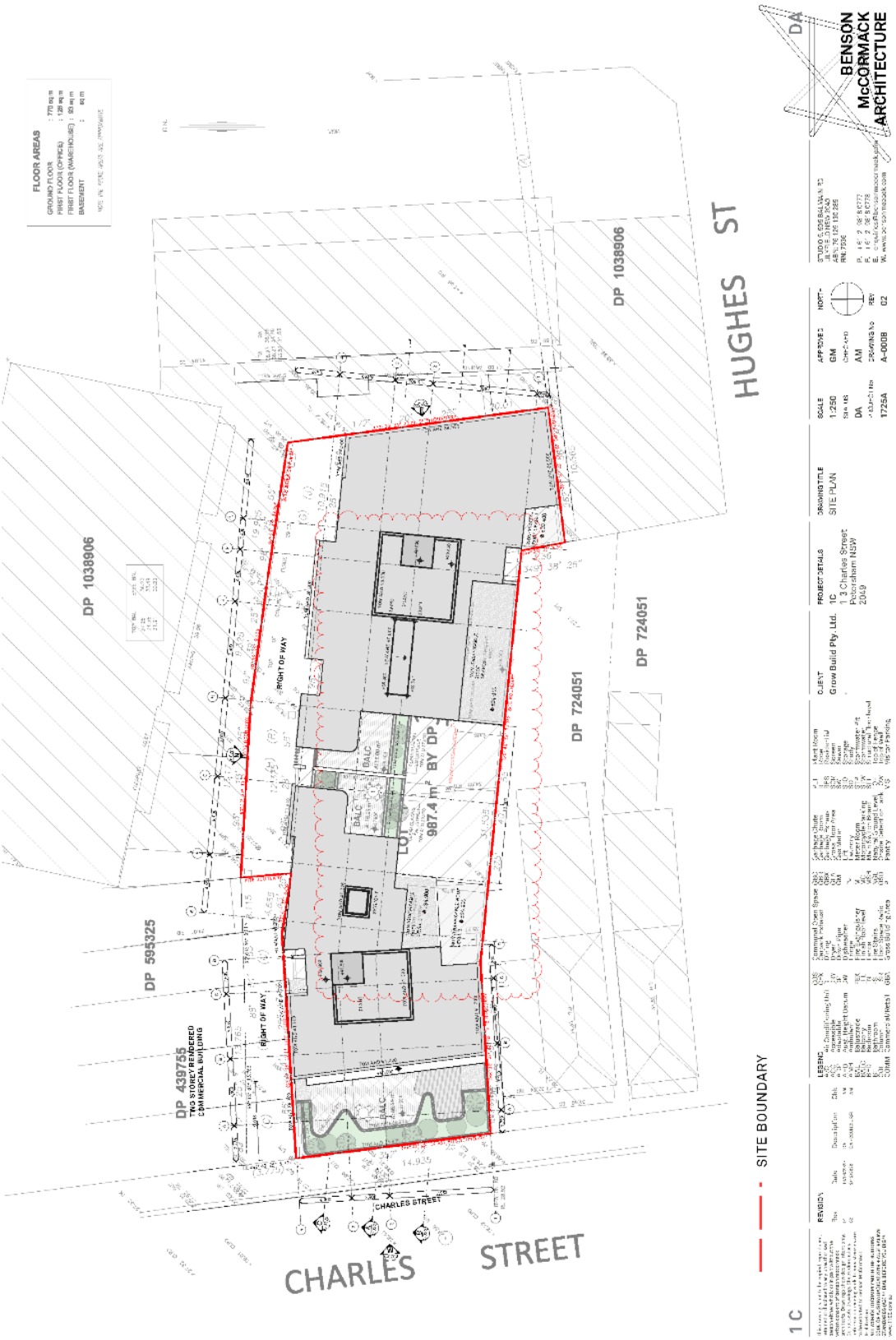
STREETSCAPE ALONG CHARLES ST FROM SITE TOWARDS MARGARET ST

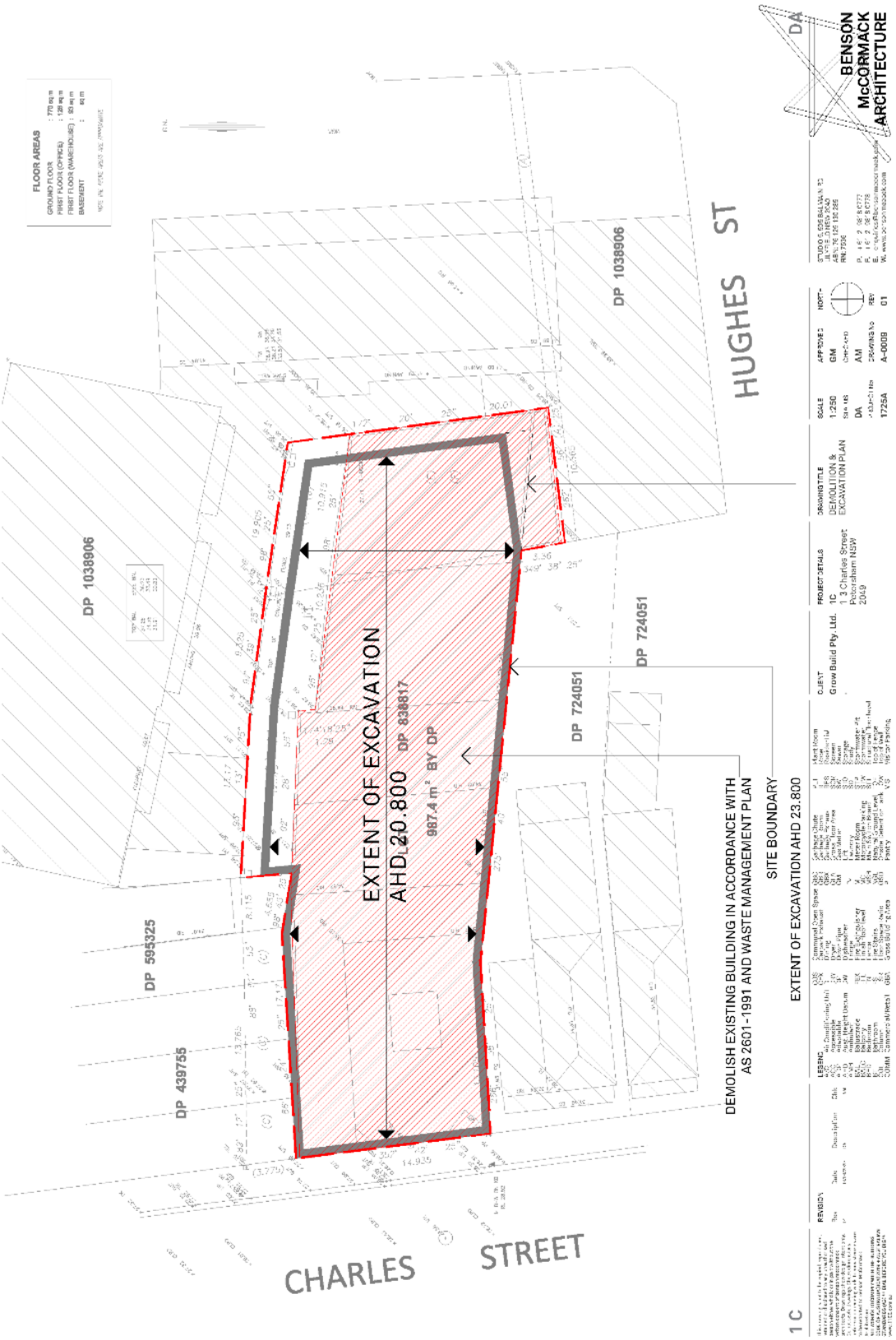
LOOKING WEST FROM SITE TO STREETSCAPE ALONG CHARLES ST FROM SALVATION ARMY TOWARDS PARRAMATTA RD
1C
REVISION
Rev Date Description Chk
PROJECT DETAILS
1C
1-3 Charles Street
Petersham NSW
2049
CLIENT
Grow Build Pty. Ltd.
DRAWING TITLE
SITE PHOTOS 1 OF 2
SCALE
STATUS
DA
PROJECT No
17254
APPROVED
GM
CHECKED
AM
DRAWING No
A-0004
REV
01
NORTH
DA
BENSON McCORMACK ARCHITECTURE

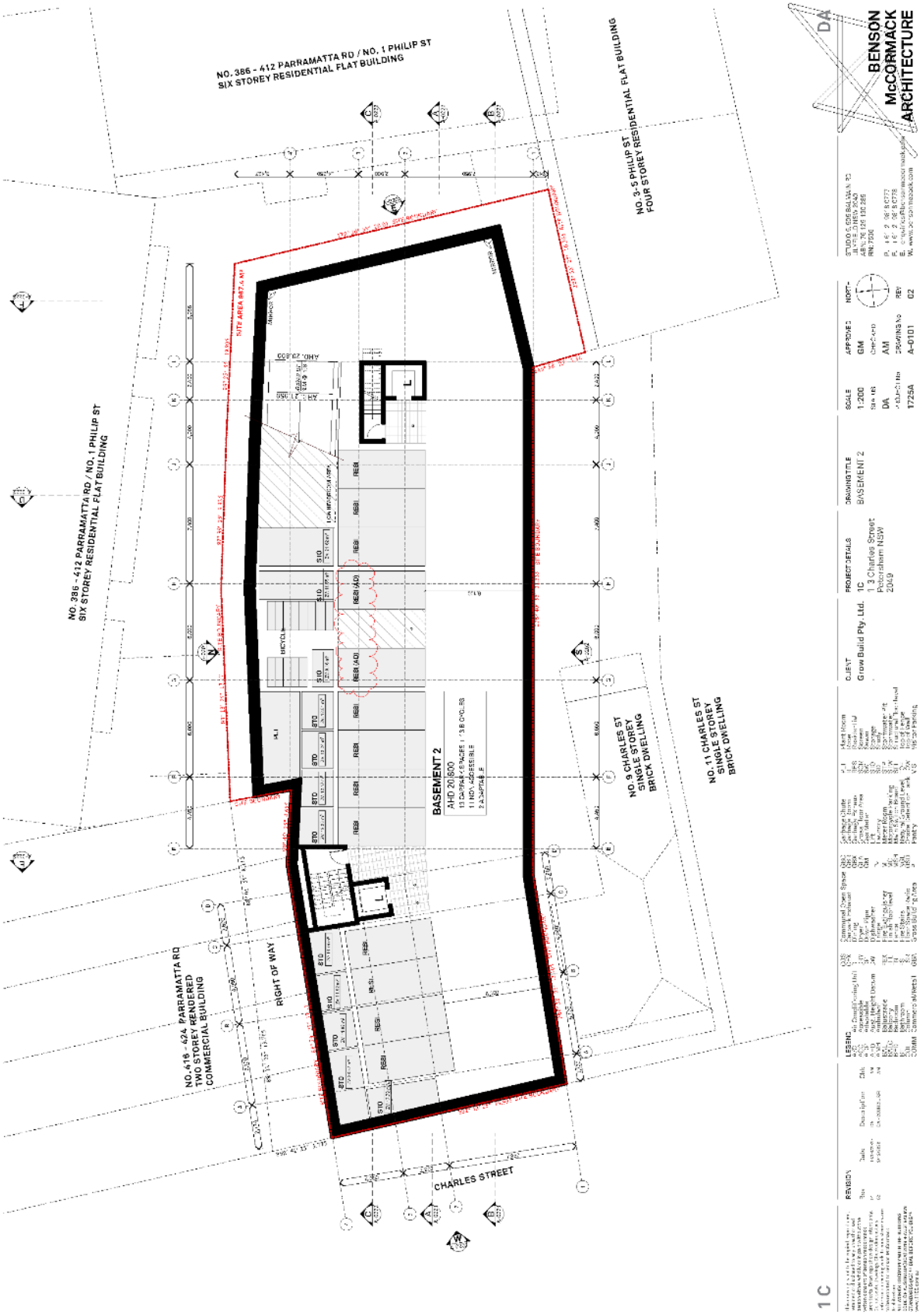
BALCONIES TO THE NORTH OF SITE
PROPERTIES TO THE NORTH OF SITE ALONG RIGHT OF WAY
SITE NORTH ELEVATION FACING RIGHT OF WAY
LOOKING INTO RIGHT OF WAY FROM CHARLES ST
LOOKING EAST FROM RIGHT OF WAY
NO. 1-5 PHILIP ST, ADJACENT PROPERTY TO THE EAST OF SITE
NO PARK
1 C
DA
BENSON McCORMACK ARCHITECTURE

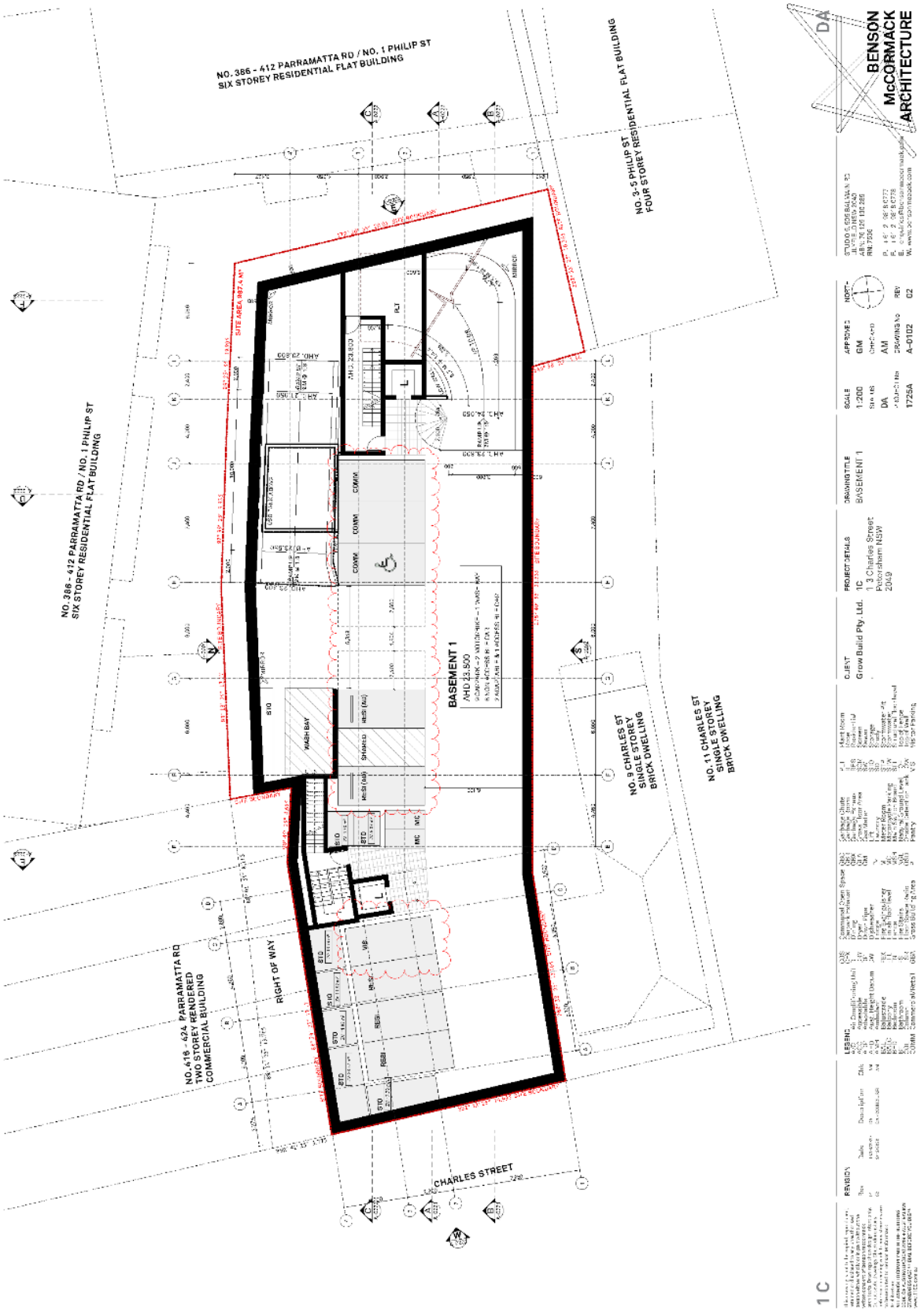

DP 1038906
DP 595325
DP 439755
DP 838817
LOT 1
987.4 m² BY DP
DP 724051
DP 724051
DP 1038906
CHARLES STREET
BENSON McCORMACK ARCHITECTURE


ENSURE PRIVACY
VEHICULAR ACCESS
COOL SUMMER NE WINDS
COLD WINTER SE WINDS
ENSURE PRIVACY
ENSURE PRIVACY
WINTER SUN
COLD WINTER SW WINDS
SUMMER SUN
TRAFFIC NOISE FROM LOCAL ROAD
TRAFFIC NOISE FROM LOCAL ROAD
BENSON McCORMACK ARCHITECTURE
1 C


HUGHES ST
CHARLES STREET
DP 1038906
DP 724051
DP 595325
DP 439755
TWO STOREY RENDERED COMMERCIAL BUILDING
RIGHT OF WAY
987.4 m²
SITE BOUNDARY
FLOOR AREAS
GROUND FLOOR : 770 sq m
FIRST FLOOR (OFFICE) : 128 sq m
FIRST FLOOR (WAREHOUSE) : 65 sq m
BASEMENT : 64 m
DA
BENSON McCORMACK ARCHITECTURE
1C
Grow Build Pty. Ltd.
1C
13 Charles Street Petersham NSW 2049
SITE PLAN
1725A
A-0008
02


HUGHES ST
CHARLES STREET
DP 1038906
DP 1038906
DP 724051
DP 724051
DP 595325
DP 439755
EXTENT OF EXCAVATION
AHD 20.800
DP 838817
987.4 m² BY DP
DEMOLISH EXISTING BUILDING IN ACCORDANCE WITH AS 2601-1991 AND WASTE MANAGEMENT PLAN
SITE BOUNDARY
EXTENT OF EXCAVATION AHD 23.800
FLOOR AREAS
GROUND FLOOR : 770 sq m
FIRST FLOOR (OFFICE) : 128 sq m
FIRST FLOOR (WAREHOUSE) : 65 sq m
BASEMENT : 62 m
DA
BENSON McCORMACK ARCHITECTURE
1C
PROJECT DETAILS
1C
1 3 Charles Street
Petersham NSW
2049
DRAWING TITLE
DEMOLITION & EXCAVATION PLAN
SCALE
1:250
DRAWING No
A-0008
REV
01


NO. 386 - 412 PARRAMATTA RD / NO. 1 PHILIP ST
SIX STOREY RESIDENTIAL FLAT BUILDING
NO. 3-5 PHILIP ST
FOUR STOREY RESIDENTIAL FLAT BUILDING
NO. 386 - 412 PARRAMATTA RD / NO. 1 PHILIP ST
SIX STOREY RESIDENTIAL FLAT BUILDING
NO.416 - 424 PARRAMATTA RD
TWO STOREY RENDERED
COMMERCIAL BUILDING
RIGHT OF WAY
NO. 9 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 11 CHARLES ST
SINGLE STOREY
BRICK DWELLING
CHARLES STREET
BASEMENT 2
AHD 20.800
DA
BENSON
McCORMACK
ARCHITECTURE
1C

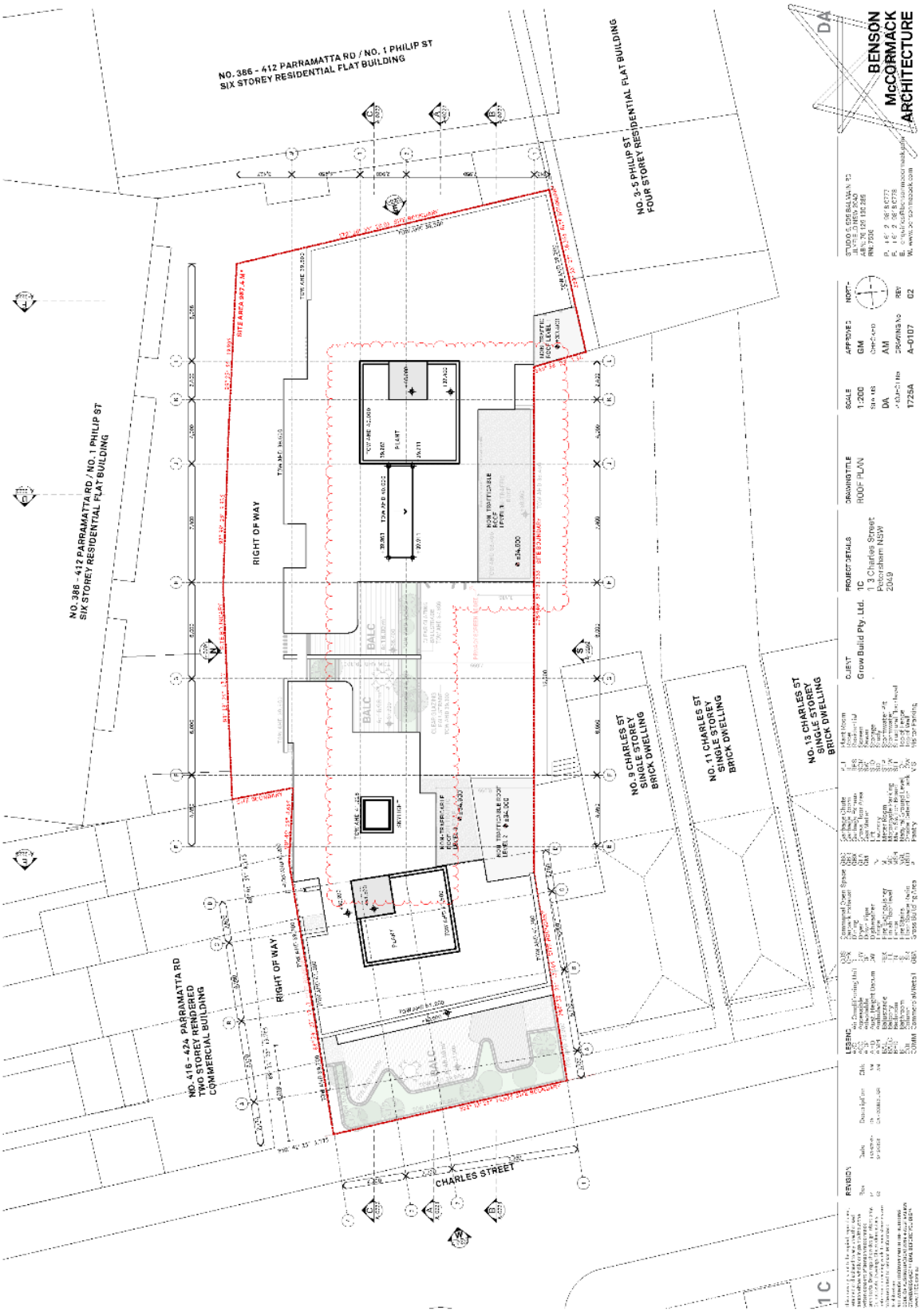

NO. 386 - 412 PARRAMATTA RD / NO. 1 PHILIP ST
SIX STOREY RESIDENTIAL FLAT BUILDING
NO. 3-5 PHILIP ST
FOUR STOREY RESIDENTIAL FLAT BUILDING
NO. 386 - 412 PARRAMATTA RD / NO. 1 PHILIP ST
SIX STOREY RESIDENTIAL FLAT BUILDING
BASEMENT 1
AHD 23.500
NO.9 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO.11 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO.416 - 424 PARRAMATTA RD
TWO STOREY RENDERED
COMMERCIAL BUILDING
RIGHT OF WAY
CHARLES STREET
DA
BENSON
McCORMACK
ARCHITECTURE


NO. 386 - 412 PARRAMATTA RD / NO. 1 PHILIP ST
SIX STOREY RESIDENTIAL FLAT BUILDING
NO. 3-5 PHILIP ST
FOUR STOREY RESIDENTIAL FLAT BUILDING
NO. 386 - 412 PARRAMATTA RD / NO. 1 PHILIP ST
SIX STOREY RESIDENTIAL FLAT BUILDING
RIGHT OF WAY
COMM 03
COMM 02
COMM 01
NO. 9 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 11 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 13 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 416 - 424 PARRAMATTA RD
TWO STOREY RENDERED
COMMERCIAL BUILDING
RIGHT OF WAY
CHARLES STREET
BENSON McCORMACK ARCHITECTURE
DRAWING TITLE
GROUND FLOOR PLAN
PROJECT DETAILS
1C
1-3 Charles Street
Petersham NSW
2049
CLIENT
Grow Build Pty. Ltd.
SCALE
1:200
DA
A-0103
1725A

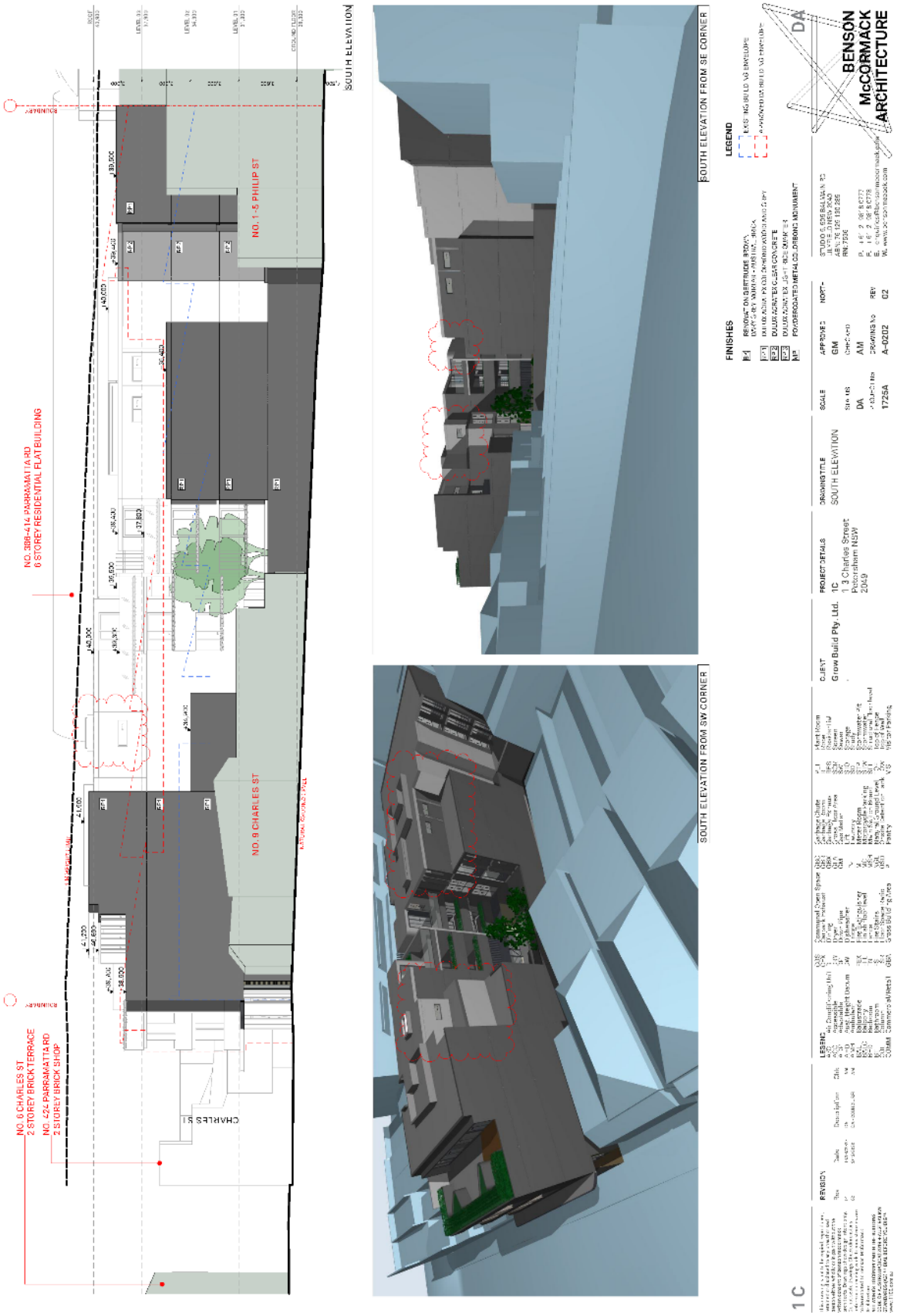

NO. 386 - 412 PARRAMATTA RD / NO. 1 PHILIP ST
SIX STOREY RESIDENTIAL FLAT BUILDING
NO. 3-5 PHILIP ST
FOUR STOREY RESIDENTIAL FLAT BUILDING
NO. 386 - 412 PARRAMATTA RD / NO. 1 PHILIP ST
SIX STOREY RESIDENTIAL FLAT BUILDING
RIGHT OF WAY
RIGHT OF WAY
NO. 9 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 11 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 13 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 416 - 424 PARRAMATTA RD
TWO STOREY RENDERED
COMMERCIAL BUILDING
CHARLES STREET
LOBBY
BALC
U106
U105
U104
U103
U102
U101
BENSON
McCORMACK
ARCHITECTURE
DRAWING TITLE
FIRST FLOOR PLAN
PROJECT DETAILS
1C
3 Charles Street
Petersham NSW
2049
CLIENT
Grow Build Pty. Ltd.
SCALE
1:200
DRAWING No
A-0104
1725A
REVISIONS
LEGEND


NO. 386 - 412 PARRAMATTA RD / NO. 1 PHILIP ST
SIX STOREY RESIDENTIAL FLAT BUILDING
NO. 3-5 PHILIP ST
FOUR STOREY RESIDENTIAL FLAT BUILDING
NO. 386 - 412 PARRAMATTA RD / NO. 1 PHILIP ST
SIX STOREY RESIDENTIAL FLAT BUILDING
RIGHT OF WAY
NO. 416 - 42A PARRAMATTA RD
TWO STOREY RENDERED
COMMERCIAL BUILDING
RIGHT OF WAY
CHARLES STREET
NO. 9 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 11 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 13 CHARLES ST
SINGLE STOREY
BRICK DWELLING
LOBBY
LOBBY
BALC
U206
U205
U204
U203
U202
U201
DA
BENSON
McCORMACK
ARCHITECTURE
DRAWING TITLE
SECOND FLOOR PLAN
PROJECT DETAILS
1C
1 3 Charles Street
Petersham NSW
2049
CLIENT
Grow Build Pty. Ltd.
SCALE
1:200
APPROVED
GM
DRAWING No
A-0105
REV
02
17264

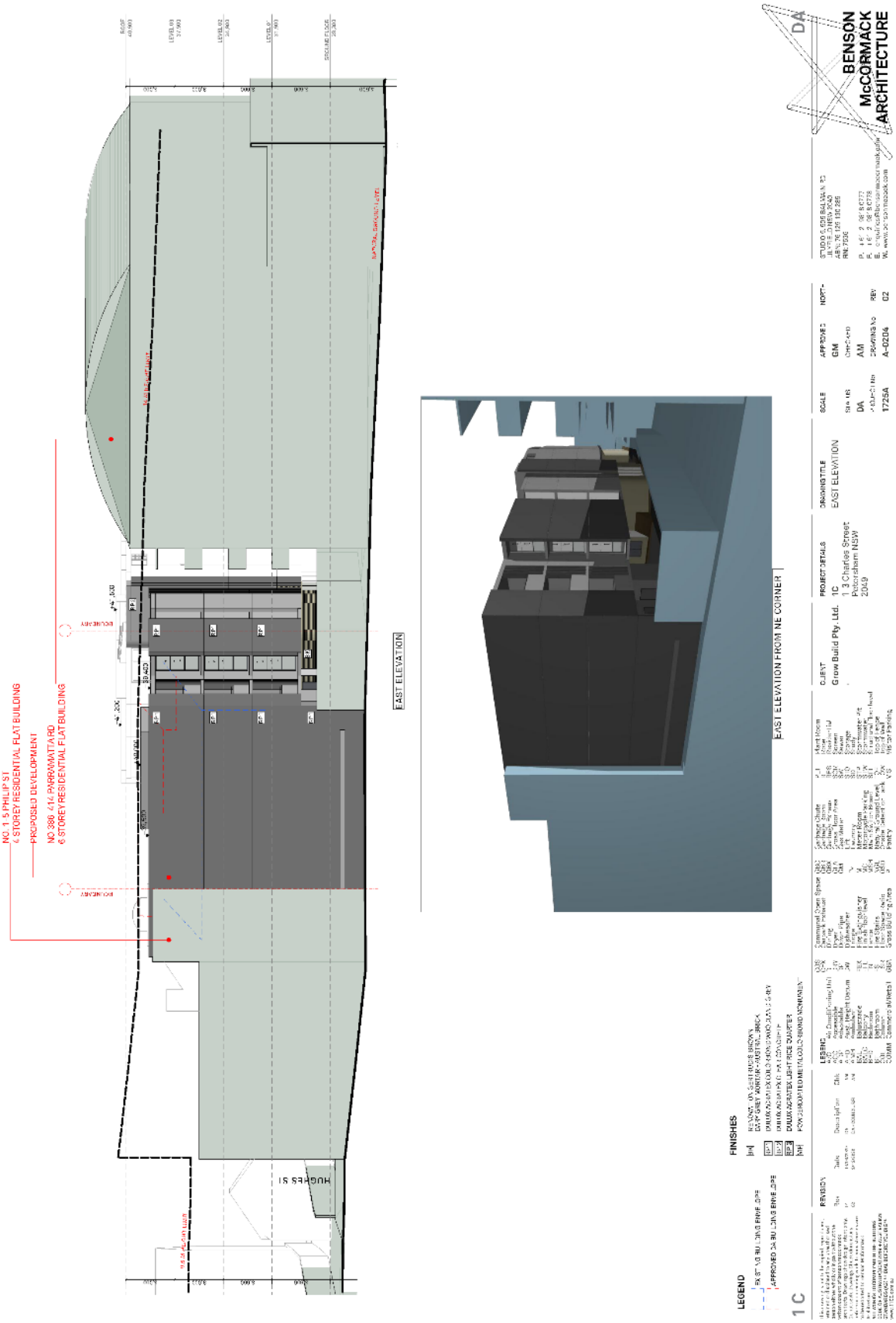

NO. 386 - 412 PARRAMATTA RD / NO. 1 PHILIP ST
SIX STOREY RESIDENTIAL FLAT BUILDING
NO. 3-5 PHILIP ST
FOUR STOREY RESIDENTIAL FLAT BUILDING
NO. 386 - 412 PARRAMATTA RD / NO. 1 PHILIP ST
SIX STOREY RESIDENTIAL FLAT BUILDING
RIGHT OF WAY
U305
U304
U303
U302
UNIT 301
LOBBY
BALC
NO. 9 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 11 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 13 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 416 - 424 PARRAMATTA RD
TWO STOREY RENDERED
COMMERCIAL BUILDING
CHARLES STREET
BENSON McCORMACK ARCHITECTURE
PROJECT DETAILS
1C
1 3 Charles Street
Petersham NSW
2049
CLIENT
Grow Build Pty. Ltd.
DRAWING TITLE
THIRD FLOOR PLAN
SCALE
1:200
APPROVED
GM
DRAWN
AM
DA
DRAWING No
A-0106
REV
02
17254


NO. 386 - 412 PARRAMATTA RD / NO. 1 PHILIP ST
SIX STOREY RESIDENTIAL FLAT BUILDING
NO. 3-5 PHILIP ST
FOUR STOREY RESIDENTIAL FLAT BUILDING
NO. 386 - 412 PARRAMATTA RD / NO. 1 PHILIP ST
SIX STOREY RESIDENTIAL FLAT BUILDING
RIGHT OF WAY
NO. 9 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 11 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 13 CHARLES ST
SINGLE STOREY
BRICK DWELLING
NO. 416 - 424 PARRAMATTA RD
TWO STOREY RENDERED
COMMERCIAL BUILDING
RIGHT OF WAY
CHARLES STREET
BENSON McCORMACK ARCHITECTURE
DRAWING TITLE
ROOF PLAN
PROJECT DETAILS
1C
1-3 Charles Street
Petersham NSW
2049
CLIENT
Grow Build Pty. Ltd.
SCALE
1:200
DRAWING No
A-0107
REV
02


NORTH ELEVATION
NO.5 CHARLES ST
2 STOREY BRICK TERRACE
NO.3-7 CHARLES ST
CHARLES ST
URBAN ART
ON FACADE WALL
NO.1-3 PHILIP ST
4 STOREY RESIDENTIAL FLAT BUILDING
PROPOSED DEVELOPMENT
NORTH ELEVATION FROM NW CORNER
NORTH ELEVATION FROM NE CORNER
DA
BENSON
McCORMACK
ARCHITECTURE
NORTH ELEVATION
1C
1-3 Charles Street
Petersham NSW
2049
Grow Build Pty. Ltd.
GM
AM
DA
1725A
A-0201
02
FINISHES
LEGEND


SOUTH ELEVATION
NO. 1-5 PHILIP ST
NO. 9 CHARLES ST
NO. 388-414 PARRAMATTA RD
6 STOREY RESIDENTIAL FLAT BUILDING
NO. 6 CHARLES ST
2 STOREY BRICK TERRACE
NO. 424 PARRAMATTA RD
2 STORY BRICK SHOP
CHARLES ST
SOUTH ELEVATION FROM SE CORNER
SOUTH ELEVATION FROM SW CORNER
LEGEND
FINISHES
DA
BENSON McCORMACK ARCHITECTURE
1C


WEST ELEVATION
WEST ELEVATION FROM NW CORNER
WEST ELEVATION FROM SW CORNER
NO.424 PARRAMATTA RD
2 STOREY BRICK SHOP
NO.388-414 PARRAMATTA RD
6 STOREY RESIDENTIAL FLAT BUILDING
FINISHES
LEGEND
1C
DA
BENSON McCORMACK ARCHITECTURE

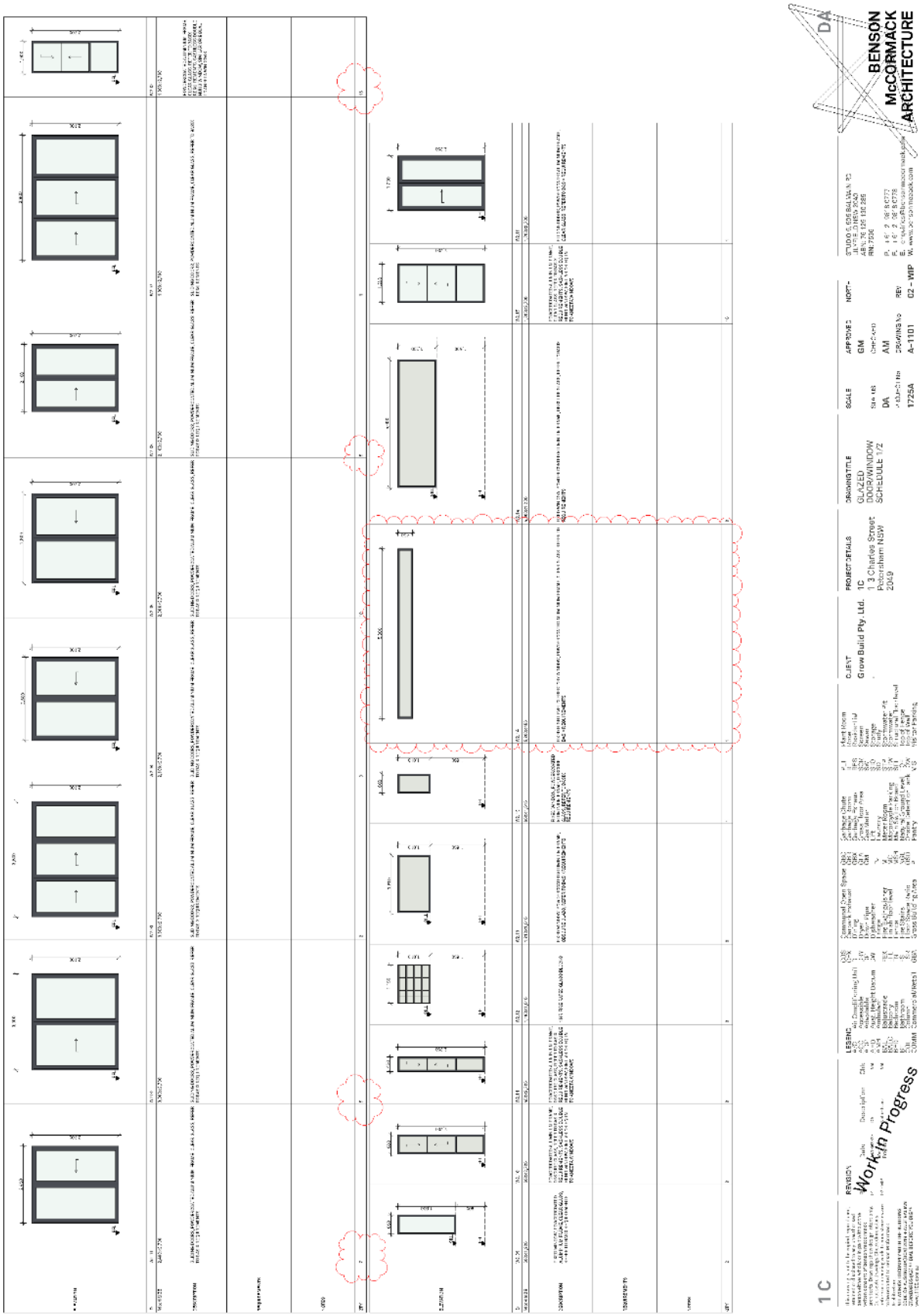

NO. 1-5 PHILIP ST
4 STOREY RESIDENTIAL FLAT BUILDING
PROPOSED DEVELOPMENT
NO 386-414 PARRAMATTA RD
6 STOREY RESIDENTIAL FLAT BUILDING
HUGHES ST
EAST ELEVATION
EAST ELEVATION FROM NE CORNER
DA
BENSON McCORMACK ARCHITECTURE
LEGEND
FINISHES
1 C


SECTION A
SECTION B
U 305 - 3B+
U 206 - 3B+
U 106 - 3B+
U 308 - STD (A)
U 204 - 1B (A)
U 104 - 1B (A)
U 204 - 1B (A)
U 104 - 1B (A)
LOBBY
COMMUNAL SPACE
GALLERY
PARKING
U 303 - 3B
U 103 - 3B
COMM 01
U 301 - 2B
U 201 - 2B
U 101 - 2B+
PLT
BENSON McCORMACK ARCHITECTURE
DA
LEGEND


SECTION C
SECTION D
NO. 388-412 PARRAMATTA RD
6 STOREY RESIDENTIAL FLAT BUILDING
NO. 9 CHARLES ST
NO. 11 CHARLES ST
NO. 13 CHARLES ST
NO. 15 CHARLES ST
NO. 17 CHARLES ST
CARPARK ENTRY
PLT
FS
PARKING
COMM 02
RESI BIN
LIFT
COMMUNAL SPACE
LEGEND
DA
BENSON McCORMACK ARCHITECTURE
1C
1 3 Charles Street
Petersham NSW
2049
Grow Build Pty Ltd.
1:200
17254
A-0222


BENSON McCORMACK ARCHITECTURE
DA
SECTION E
SECTION F
NO.416 PARRAMATTA RD
2 STOREY COMMERCIAL BUILDING
NO. 396-412 PARRAMATTA RD
6 STOREY RESIDENTIAL FLAT BUILDING
NO. 1-5 PHILIP ST
4 STOREY RESIDENTIAL FLAT BUILDING
NO. 9 CHARLES ST
NO. 11 CHARLES ST
NO. 13 CHARLES ST
NO. 15 CHARLES ST
NO. 17 CHARLES ST
RESI BIN
COMM 01
PARKING
DRIVEWAY
PLT
U 302 - 2B
U 203 - 3B
U 103 - 3B
U 101 - 2B
U 305 - 3B+
U 205 - 3B+
U 105 - 3B+
LEGEND
PROJECT DETAILS
1C
11 Charles Street
Petersham NSW
2049
DRAWING TITLE
SECTION E & F
SCALE
1:200
DRAWING No
A-0223
REV
02
1725A


PRE ADAPTABLE
POST ADAPTABLE
PRE-ADAPTABLE
POST-ADAPTABLE
PRE ADAPTABLE
POST ADAPTABLE
LOBBY
U303
STD (A)
A: 47.32 m²
BALC
EN
U201
1B+(A)
A: 61.82 m²
A: 8.04 m²
B
BTH
U104 U204
1B (A)
A: 57.45 m²
A: 8.99 m²
W2.05
W2.08
DRAWING TITLE
(POST & PRE
ADAPTABLE UNITS
1:100
DA
A-0701
BENSON
McCORMACK
ARCHITECTURE


DA
BENSON McCORMACK ARCHITECTURE
Work in Progress
1C
PROJECT DETAILS
1C
1 3 Charles Street
Petersham NSW
2049
DRAWING TITLE
GLAZED DOOR/WINDOW SCHEDULE 1/2
SCALE
1725A
DRAWING No
A-1101
02 - WIP

WALL SCHEDULE

WALL ID	MIN. FRL	MIN. Rw+Ctr	FLOOR PLAN VIEW	NOTES
1.1A00	LOAD BEARING: 90/90/90 OTHER: -/90/90 Refer to Structural Eng. requirements		EXTERNAL/BALCONY/COMMON 150 EXTERNAL/BALCONY/COMMON 13mm RENDER & PAINT 150mm CONCRETE to Structural Eng's requirements 13mm RENDER & PAINT	
1.2A01	LOAD BEARING: 90/90/90 OTHER: -/90/90 Refer to Structural Eng. requirements	Rw/Ctr>45 Refer to Acoustic Eng. requirements.	EXTERNAL/BALCONY/COMMON 204 HABITABLE/WET 13mm RENDER & PAINT 150mm CONCRETE to Structural Eng's requirements 64mm STEEL STUD + INSULATION to Acoustic Eng's requirements 13mm PLASTERBOARD OR 13mm MR PLASTERBOARD	
1.2A01			204	
1.2B00	LOAD BEARING: 90/90/90 OTHER: -/90/90 Refer to Structural Eng. requirements	Rw/Ctr>50 Refer to Acoustic Eng. requirements.	INTERTENANCY EXTERNAL/BALCONY/COMMON 200 HABITABLE/WET 13mm RENDER & PAINT 150mm CONCRETE to Structural Eng's requirements 20mm CAVITY 64mm STEEL STUD + INSULATION to Acoustic Eng's requirements 13mm PLASTERBOARD OR 13mm MR PLASTERBOARD	
1.2B01	LOAD BEARING: 90/90/90 OTHER: -/90/90 Refer to Structural Eng. requirements.	Rw+Ctr>50 Refer to Acoustic Eng. requirements.	INTERTENANCY HABITABLE/WET 284 HABITABLE/WET 13mm PLASTERBOARD OR 13mm MR PLASTERBOARD 28mm FURRING CHANNEL 150mm CONCRETE to Structural Eng's requirements 20mm CAVITY 64mm STEEL STUD + INSULATION to Acoustic Eng's requirements 13mm PLASTERBOARD OR 13mm MR PLASTERBOARD	
1.2B02	LOAD BEARING: 90/90/90 OTHER: -/90/90 Refer to Structural Eng. requirements	Rw/Ctr>50 Discontinuous Ref er to Acoustic Eng. requirements.	LOBBY/CORRIDOR/HABITABLE/WET 150 FLAT 13mm PLASTERBOARD OR 13mm MR PLASTERBOARD 28mm FURRING CHANNEL 150mm CONCRETE to Structural Eng's requirements	

WALL SCHEDULE

WALL ID	MIN. FRL	MIN. Rw+Ctr	FLOOR PLAN VIEW	NOTES
1.2B08	LOAD BEARING: 90/90/90 OTHER: -/90/90 Refer to Structural Eng. requirements	Rw/Ctr>50 Discontinuous Ref er to Acoustic Eng. requirements.	LOBBY/CORRIDOR/STAIRS 225 HABITABLE/WET 13mm PLASTERBOARD OR 13mm MR PLASTERBOARD 150mm CONCRETE to Structural Eng's requirements 28mm FURRING CHANNEL 13mm PLASTERBOARD OR 13mm MR PLASTERBOARD	
1.2B09			212	
1.3A00	LOAD BEARING: 90/90/90 OTHER: -/90/90 Refer to Structural Eng. requirements		EXTERNAL 225 EXTERNAL 13mm RENDER & PAINT 200mm CONCRETE to Structural Eng's requirements 13mm RENDER & PAINT	
1.3A01	LOAD BEARING: 90/90/90 OTHER: -/90/90 Refer to Structural Eng. requirements	Rw/Ctr>45 Refer to Acoustic Eng. requirements.	EXTERNAL 284 HABITABLE/WET 13mm RENDER & PAINT 200mm CONCRETE to Structural Eng's requirements 13mm PLASTERBOARD OR 13mm MR PLASTERBOARD	
1.3C00	LOAD BEARING: 90/90/90 OTHER: -/90/90 Refer to Structural Eng. requirements		220 200mm CONCRETE to Structural Eng's requirements	
1.3C01	LOAD BEARING: 90/90/90 OTHER: -/90/90 Refer to Structural Eng. requirements	Rw/Ctr>50 Discontinuous Ref er to Acoustic Eng. requirements.	200mm CONCRETE to Structural Eng's requirements 28mm FURRING CHANNEL HABITABLE/WET 13mm PLASTERBOARD OR 13mm MR PLASTERBOARD	

1C

REVISION

Rev	Date	Description	Chk
P	15/09/2021	DA	MM

LEGEND

A/C	Air Cond/Heating Unit	CBS	Communal Open Space
ACC	Accessible	CPK	Carpark Retained
ADT	Adaptable	D	Dining
AHD	Aust. Height Datum	DW	Dryer
AMB	Ambulant	E	Edge
BAL	Balustrade	EBK	Eng. Brick/Joinery
BLKD	Blocked	EL	Electric Door/Lever
BTH	Bathroom	EN	Ensuite
C/L	Column	ES	Fire Stairs
COMM	Commercial/Retail	FDH	Floor Waste Gully
		GBA	Gross Building Area

GBS	Garbage Chute	HT	Hand Room
GR	Garbage Room	L	Hose
GRR	Garbage Storage	LDRY	Residential
GFA	Gross Floor Area	SCN	Screen
GM	Gas Meter	SHV	Shaver
LIFT	Lift	STO	Storage
LDRY	Laundry	STU	Study
MR	Meter Room	SWP	Stormwater Pit
MCP	Motorcycle Parking	SWK	Stormwater
MH	Manhole/Inspection	SH	Structural Steel Head
NGL	Natural Ground Level	TL	Top of Fence
OSD	Onsite Detention Tank	TOW	Top of Wall
P	Pantry	VSP	Visitor Parking

CLIENT
Grow Build Pty. Ltd.

PROJECT DETAILS
1C
1-3 Charles Street
Petersham NSW
2049

DRAWING TITLE
WALL TYPE SCHEDULE

SCALE	APPROVED	NORTH
SIZE: A3	CHECKED	
DA	AM	
PROJECT No	DRAWING No	REV
1725A	A-1110	01

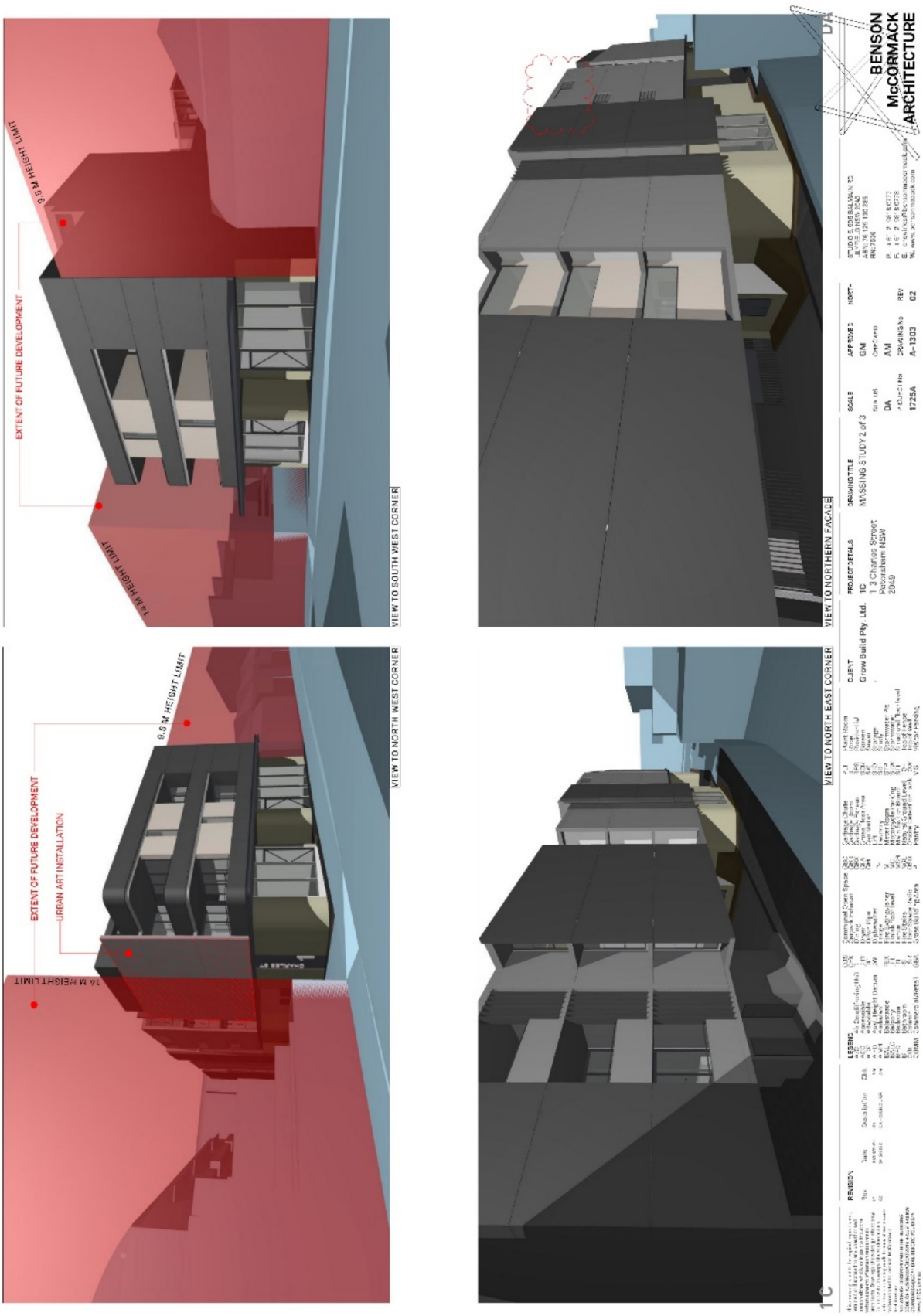
STUDIO 6, 505 BALMAIN RD
LILYFIELD NSW 2040
ABN: 76 129 130 285
RNI: 7536
P. +61 2 9818 0777
F. +61 2 9818 0778
E. enquiries@bensonmccormack.com.au
W. www.bensonmccormack.com

DA

BENSON McCORMACK ARCHITECTURE

CHARLES ST
PUBLIC CARPARK
DA
BENSON McCORMACK ARCHITECTURE
1C

NORTH EAST UPPER CORNER
SOUTH WEST UPPER CORNER
NORTH WEST UPPER CORNER
SOUTH EAST UPPER CORNER
URBAN ART INSTALLATION
DA
BENSON McCORMACK ARCHITECTURE
1C
REVISION
LEGEND
CLIENT
Grow Build Pty. Ltd.
PROJECT DETAILS
1C
1-3 Charles Street
Petersham NSW
2049
DRAWING TITLE
MASSING STUDY 1 of 3
SCALE
APPROVED
DRAWING No
REV
A-1302
02


EXTENT OF FUTURE DEVELOPMENT
9.5 M HEIGHT LIMIT
14 M HEIGHT LIMIT
VIEW TO SOUTH WEST CORNER
VIEW TO NORTHERN FACADE
EXTENT OF FUTURE DEVELOPMENT
URBAN ART INSTALLATION
8.5 M HEIGHT LIMIT
14 M HEIGHT LIMIT
VIEW TO NORTH WEST CORNER
VIEW TO NORTH EAST CORNER
DA
BENSON McCORMACK ARCHITECTURE
1C
Grow Build Pty Ltd.
1C
1 3 Charles Street
Petersham NSW
2049
MASSING STUDY 2 of 3
DA
A-1303
G2

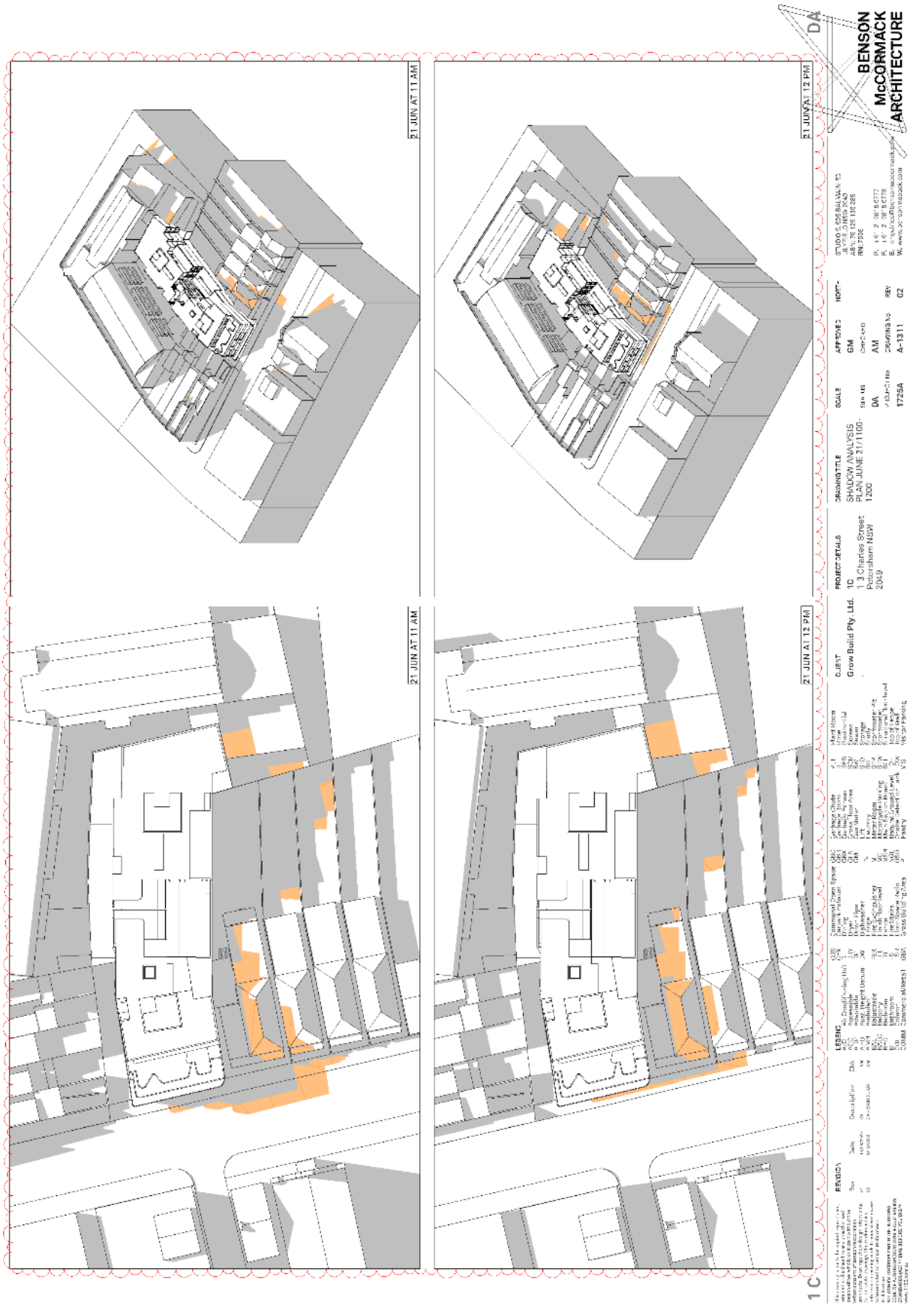
EXTENT OF FUTURE DEVELOPMENT
URBAN ART INSTALLATION
NORTH WEST UPPER CORNER
VIEW TO COURTYARD AND NO. 9 CHARLES ST OUTDOOR SPACE
DA
BENSON McCORMACK ARCHITECTURE
Grow Build Pty. Ltd.
10 Charles Street
Petersham NSW
2049
MASSING STUDY 3 of 3
DA
A-1304
1725A

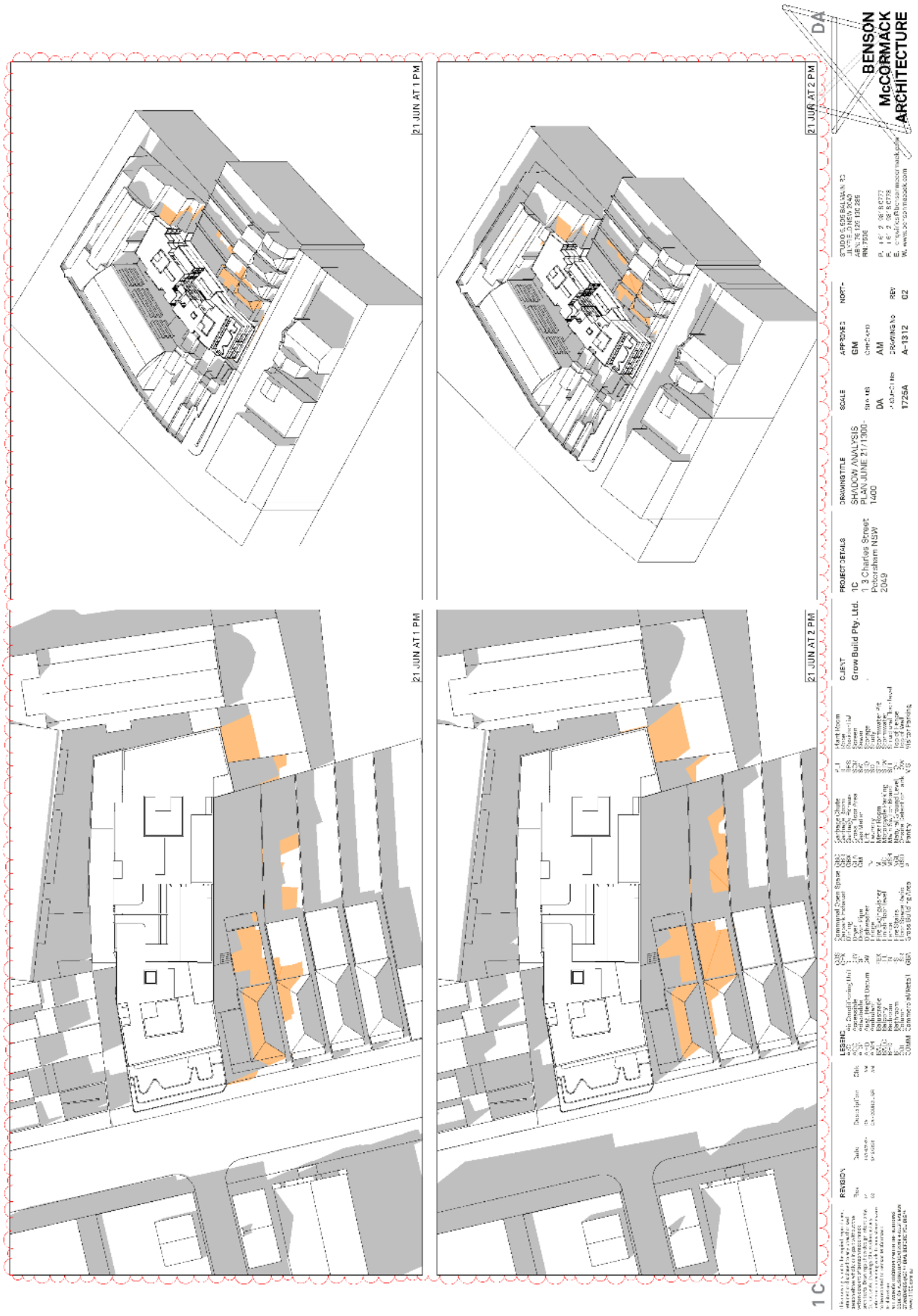
VIEW TO COURTYARD WEST SIDE
VIEW TO COURTYARD EAST SIDE
DA
BENSON McCORMACK ARCHITECTURE
1C
PROJECT DETAILS
1C
3 Charles Street
Petersham NSW
2049
CLIENT
Grow Build Pty. Ltd.
DRAWING TITLE
VIEW OF COURTYARD
SCALE
1725A
APPROVED
GM
AM
DRAWING No
A-1305
REV
02

PROPOSED COLOUR SCHEME
BK AUSTRA BRICK - RENOVATION GERTRUDIS BROWN
MORTAR - DARK GREY
HP1 DULUX AC4TEX - COLOREBOND WOODLAND GREY
HP2 DULUX AC4TEX - CEMENT CONCRETE
FP3 DULUX AC3TEX - LIGHT RICE QUARTER
MP POWDERCOATED METAL - COLORBOND MONUMENT
STREETSCAPE OF CHARLES ST WITH SALVATION ARMY CHURCH AT THE FORESGROUND
nearmap
Google
PROJECT DETAILS
DRAWING TITLE
FINISHES
SCALE
DA
PAGE NO
17/25A
CLIENT
Grow Build Pty. Ltd.
1C
13 Charles Street
APPROVED
GM
AM
DRAWING NO
A-1306
REV
01
BENSON McCORMACK ARCHITECTURE
DA

L3 GFA
L2 GFA
L1 GFA
GROUND FLOOR GFA
KEY PLANNING CONTROLS
DEVELOPMENT REQUIREMENTS
MARRICKVILLE LEP 2011
ZONING : B2 (LOCAL CENTRE)
HEIGHT : 14 m
FSR : 1.5 : 1
MARRICKVILLE DCP 2011
SITE AREA : 987.4 m2
MAX GFA : 1481.1 m2
APPROVED DA AREA : 1872.5 m2 (1.84 : 1)
PROPOSED DA AREA : 1783.4 m2 (1.81 : 1)
DEVELOPMENT STATISTICS
TOTAL
DRAWING TITLE
GFA/FSA CALCULATIONS
PROJECT DETAILS
1C
1 3 Charles Street
Petersham NSW
2049
CLIENT
Grow Build Pty. Ltd.
DA
BENSON McCORMACK ARCHITECTURE
1C

21 JUN AT 9 AM
21 JUN AT 10 AM
21 JUN AT 9 AM
21 JUN AT 10 AM
DA
BENSON McCORMACK ARCHITECTURE
PROJECT DETAILS
1C
1 3 Charles Street
Petersham NSW
2049
DRAWING TITLE
SHADOW ANALYSIS
PLAN JUNE 21 0900-1000
SCALE
DA
1725A
APPROVED
GM
DRAWING No
A-1310
REV
02
CLIENT
Grow Build Pty. Ltd.
LEGEND


21 JUN AT 11 AM
21 JUN AT 12 PM
21 JUN AT 11 AM
21 JUN AT 12 PM
DA
BENSON McCORMACK ARCHITECTURE
1C
Grow Build Pty. Ltd.
1C
1 3 Charles Street
Petersham NSW
2049
SHADOW ANALYSIS
PLAN JUNE 21/1100-1200
DA
A-1311
02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21 JUN AT 2 PM
21 JUN AT 1 PM
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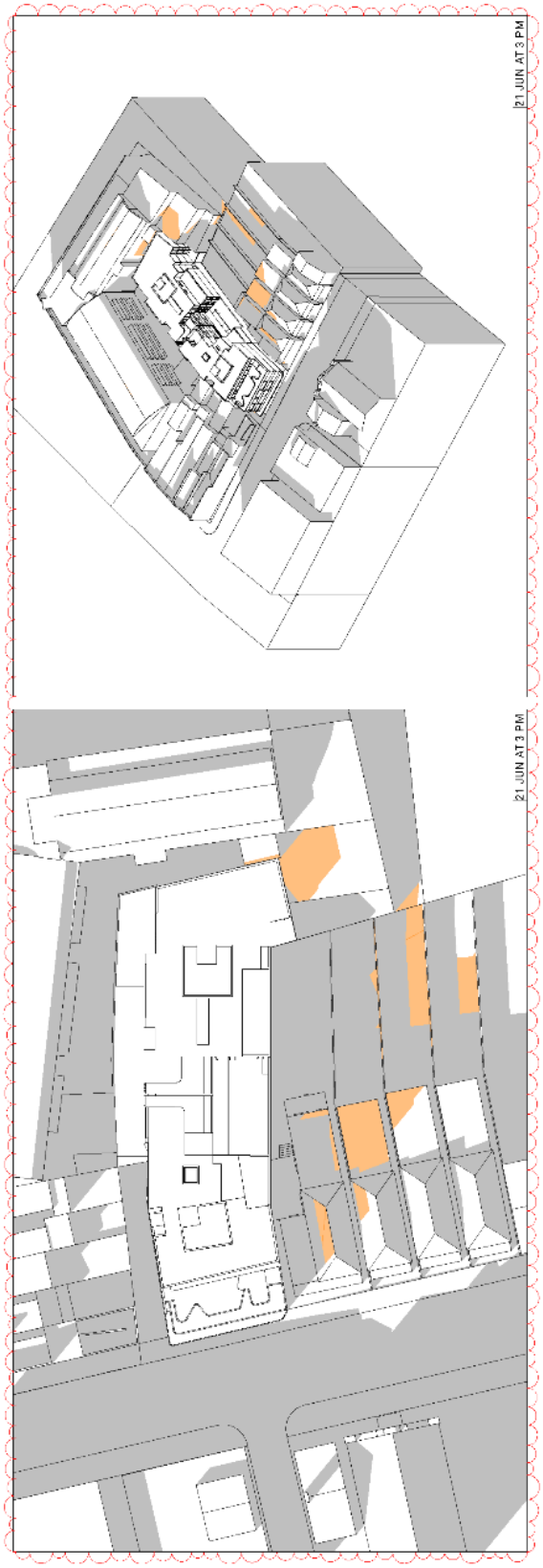
BENSON McCORMACK ARCHITECTURE
PROJECT DETAILS
1C
1 3 Charles Street
Petersham NSW
2049
DRAWING TITLE
SHADOW ANALYSIS
PLAN JUNE 21/1300-1400
SCALE
DA
APPROVED
GM
CHECKED
AM
DRAWING No
1725A
REV
02
CLIENT
Grow Build Pty. Ltd.
REVISIONS
LEGEND
1C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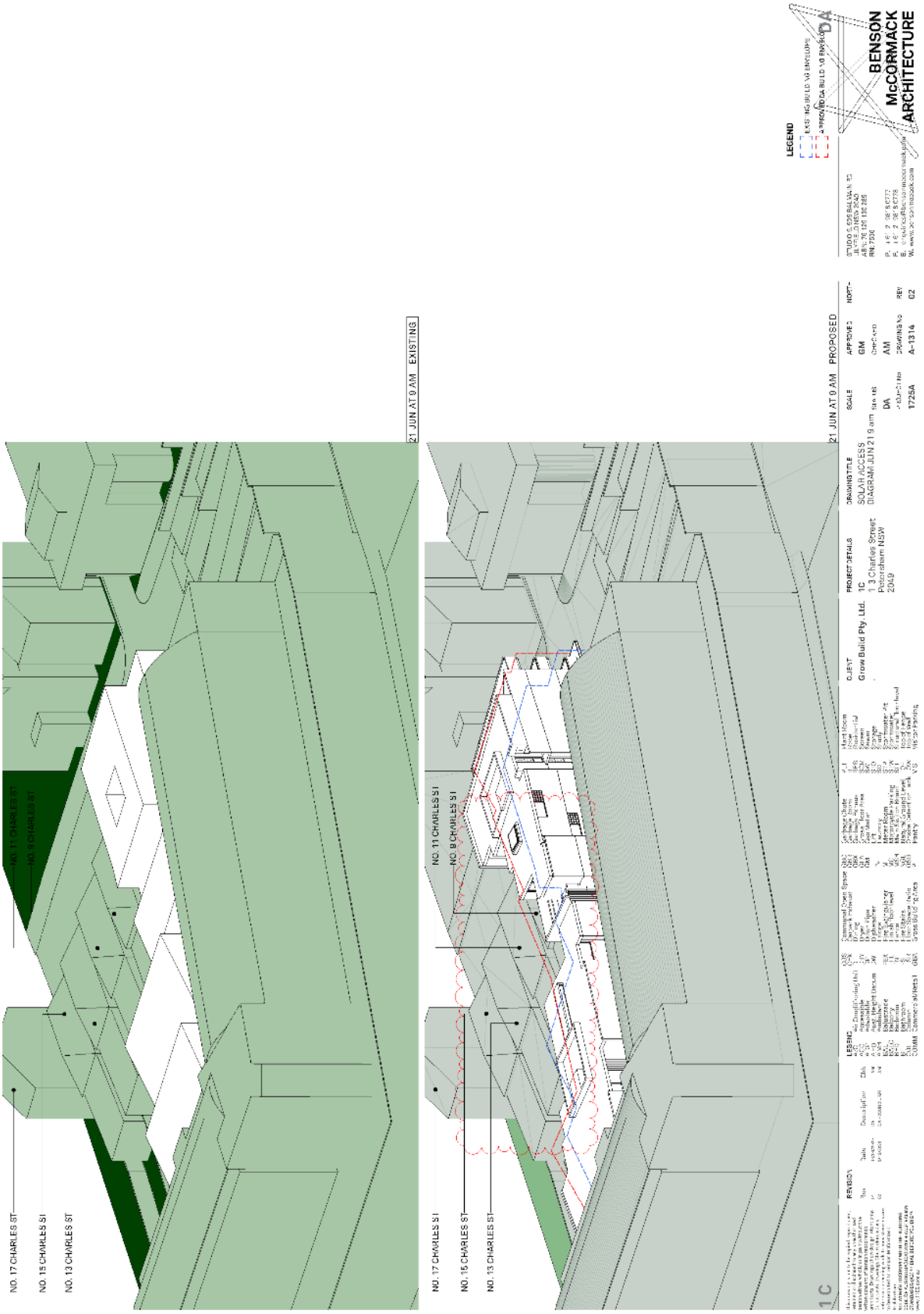
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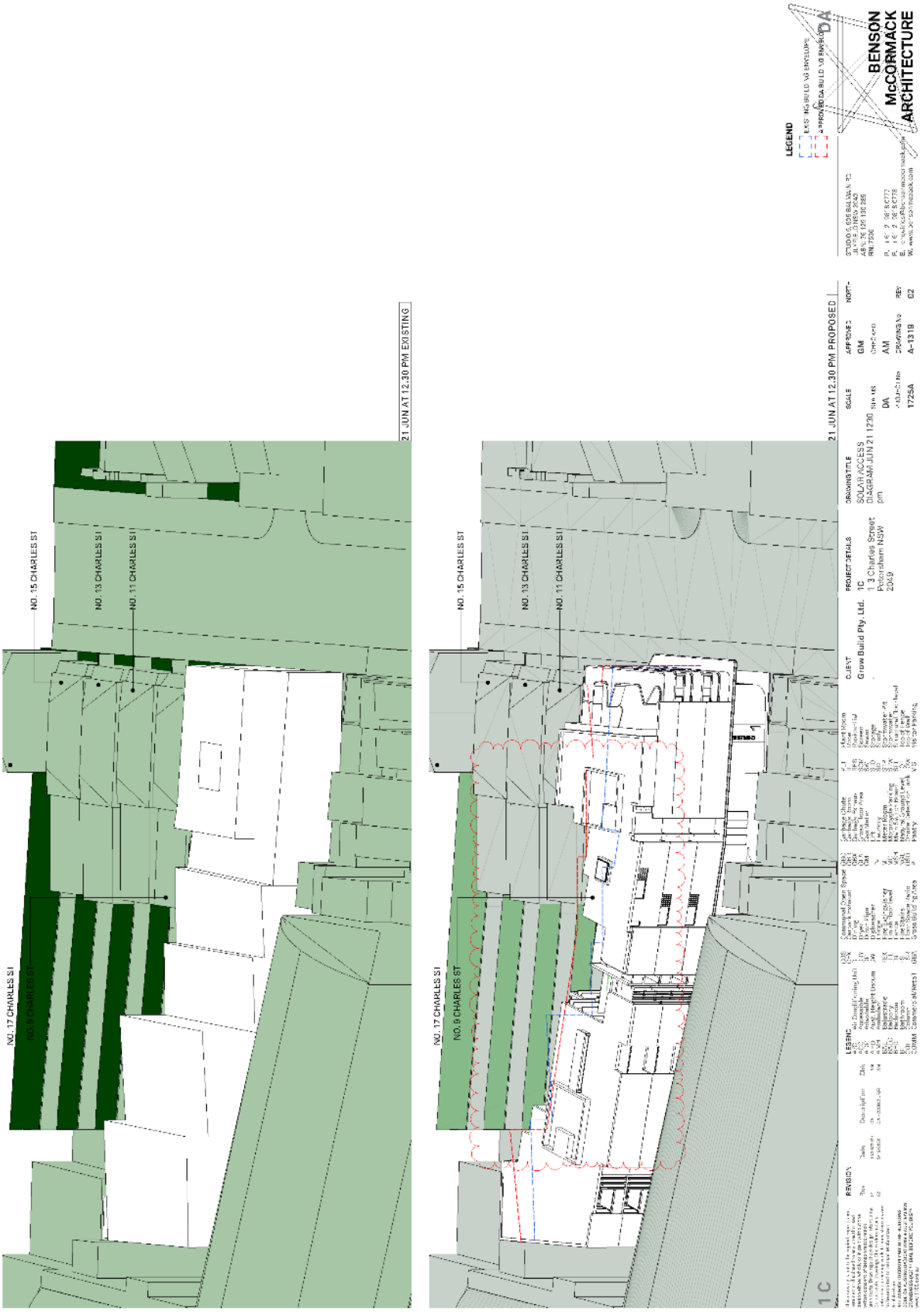
NO. 15 CHARLES ST
NO. 13 CHARLES ST
21 JUN AT 9 AM PROPOSED
NO. 11 CHARLES ST
NO. 9 CHARLES ST
NO. 17 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
LEGEND
BENSON McCORMACK ARCHITECTURE
DRAWING TITLE
SOLAR ACCESS DIAGRAM JUN 21 9 am
PROJECT DETAILS
1C
1,3 Charles Street
Petersham NSW
2049
CLIENT
Grow Build Pty. Ltd.
SCALE
1725A
DRAWING No
A-1314
REV
02

21 JUN AT 10 AM EXISTING
NO. 17 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
21 JUN AT 10 AM PROPOSED
NO. 17 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
LEGEND
DA
BENSON McCORMACK ARCHITECTURE
1C

21 JUN AT 11 AM EXISTING
NO. 17 CHARLES ST
NO. 9 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
21 JUN AT 11 AM PROPOSED
NO. 17 CHARLES ST
NO. 9 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
LEGEND
DRAWING TITLE
SOLAR ACCESS DIAGRAM JUN 21 11 AM
PROJECT DETAILS
1C
1 3 Charles Street
Petersham NSW
2049
CLIENT
Grow Build Pty. Ltd.
SCALE
DA
DRAWING No
1725A
A-1316
APPROVED
GM
CHECKED
AM
REV
02
BENSON McCORMACK ARCHITECTURE
DA
1C


21 JUN AT 11.30 AM EXISTING
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 17 CHARLES ST
NO. 9 CHARLES ST
21 JUN AT 11.30 AM PROPOSED
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 17 CHARLES ST
NO. 9 CHARLES ST
LEGEND
BENSON McCORMACK ARCHITECTURE
DA
1C

21 JUN AT 12 PM EXISTING
NO. 17 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
21 JUN AT 12 PM PROPOSED
NO. 17 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
LEGEND
DA
BENSON McCORMACK ARCHITECTURE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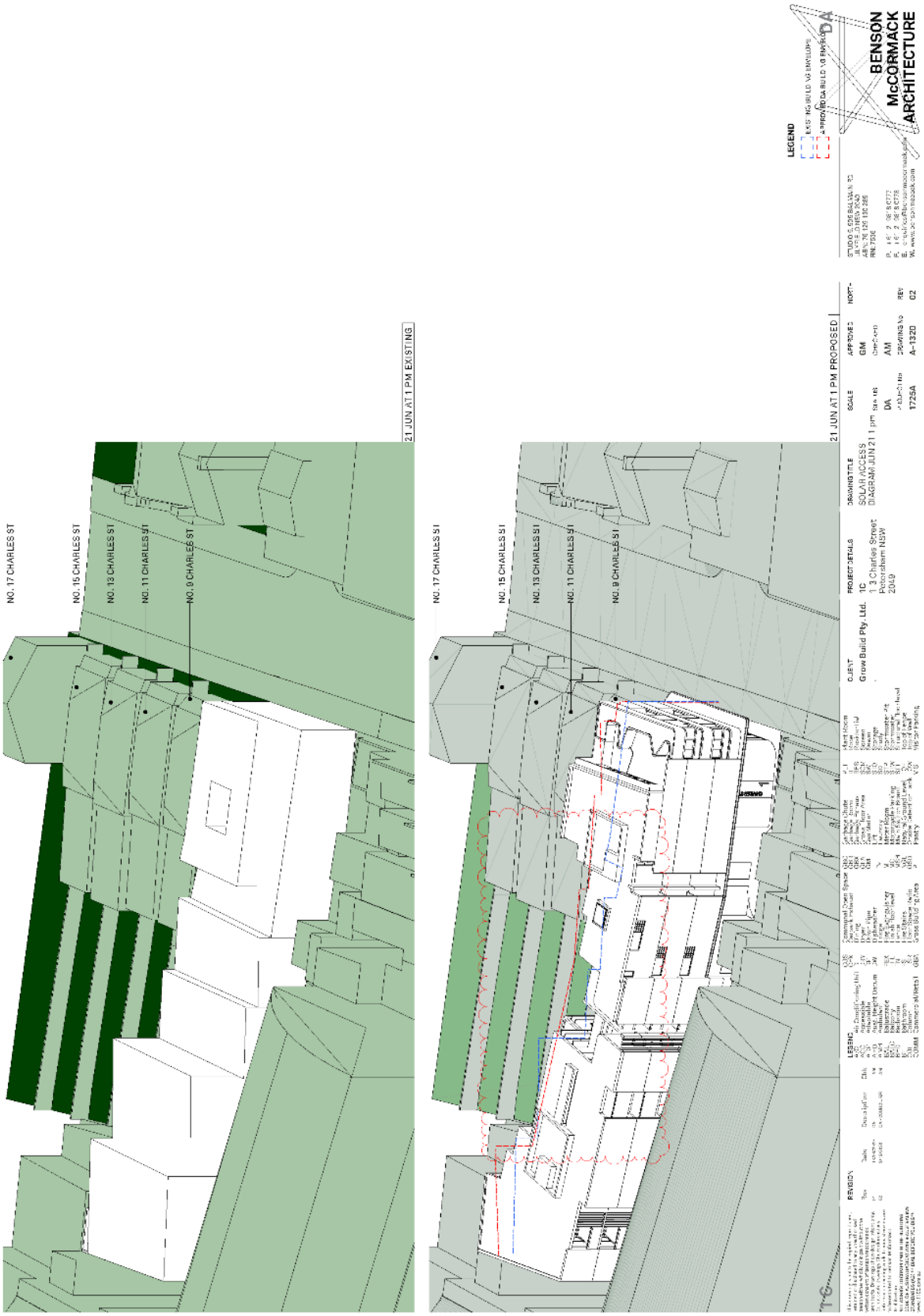
21 JUN AT 12.30 PM PROPOSED
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 17 CHARLES ST
NO. 9 CHARLES ST
LEGEND
BENSON McCORMACK ARCHITECTURE
DRAWING TITLE
SOLAR ACCESS DIAGRAM JUN 21 1230 pm
PROJECT DETAILS
1C
1 3 Charles Street Petersham NSW 2049
CLIENT
Grow Build Pty. Ltd.
SCALE
DRAWING No
A-1318
REV
02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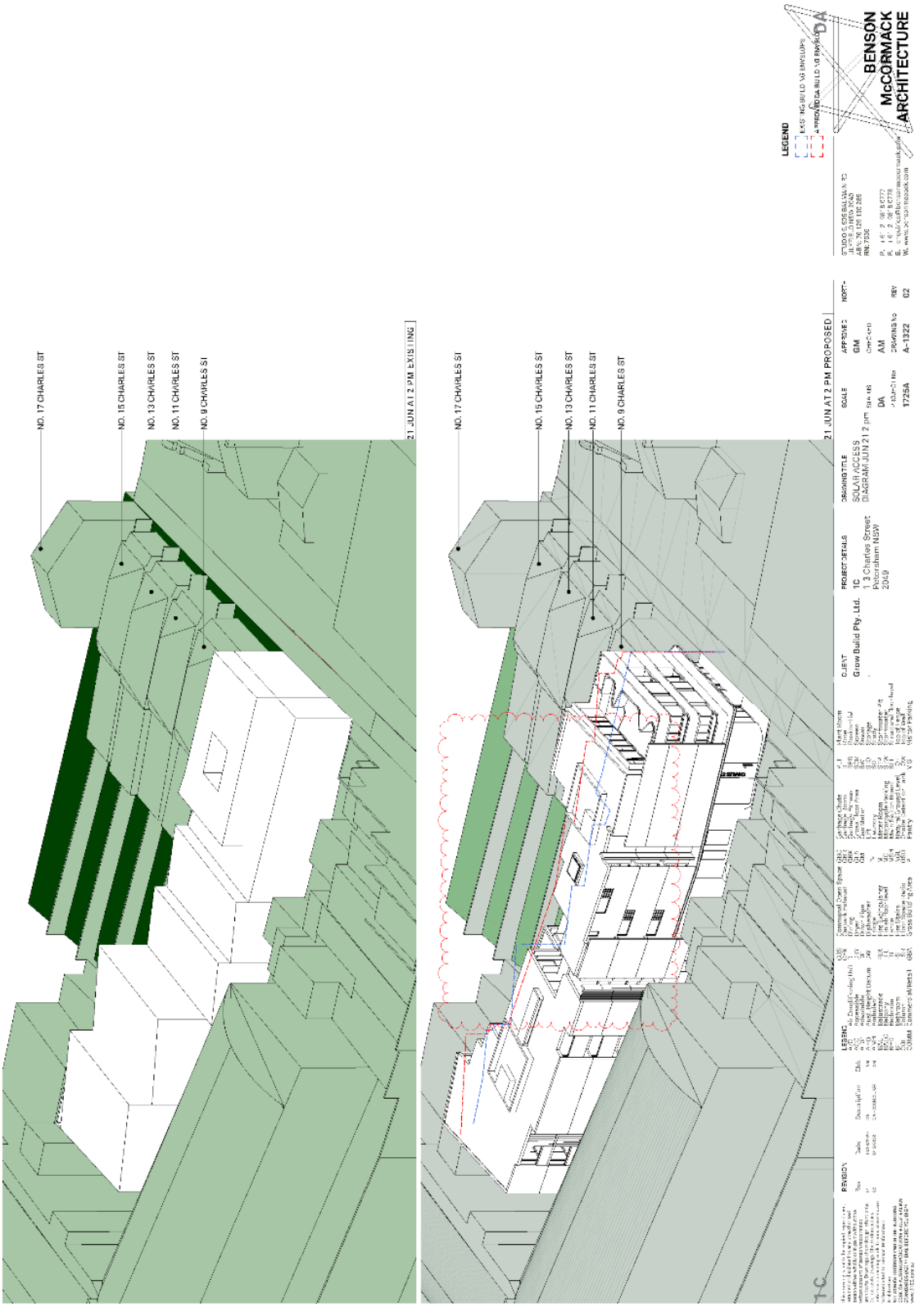
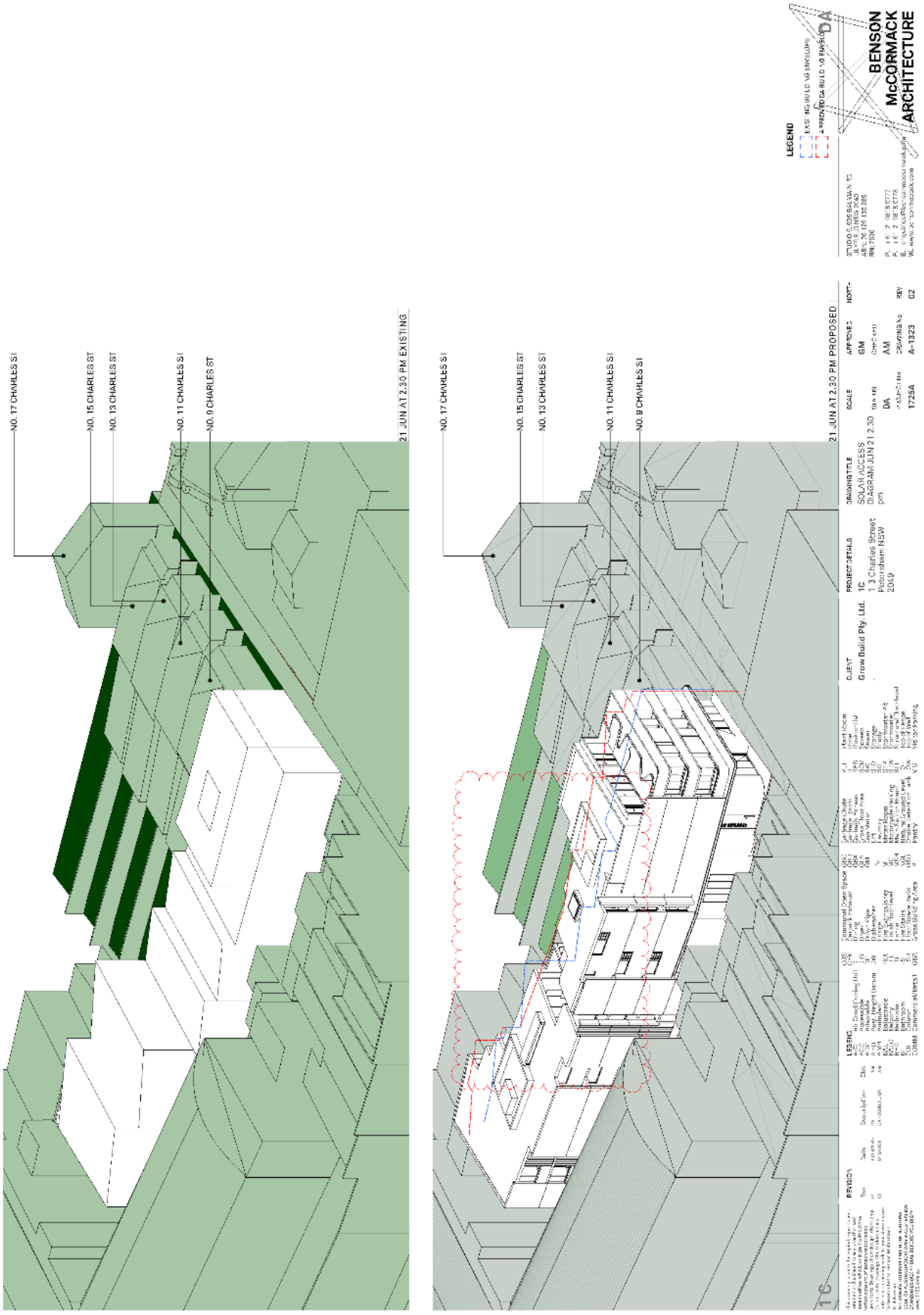
NO. 11 CHARLES ST
NO. 9 CHARLES ST
21 JUN AT 1 PM PROPOSED
NO. 17 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
LEGEND
BENSON McCORMACK ARCHITECTURE
DA

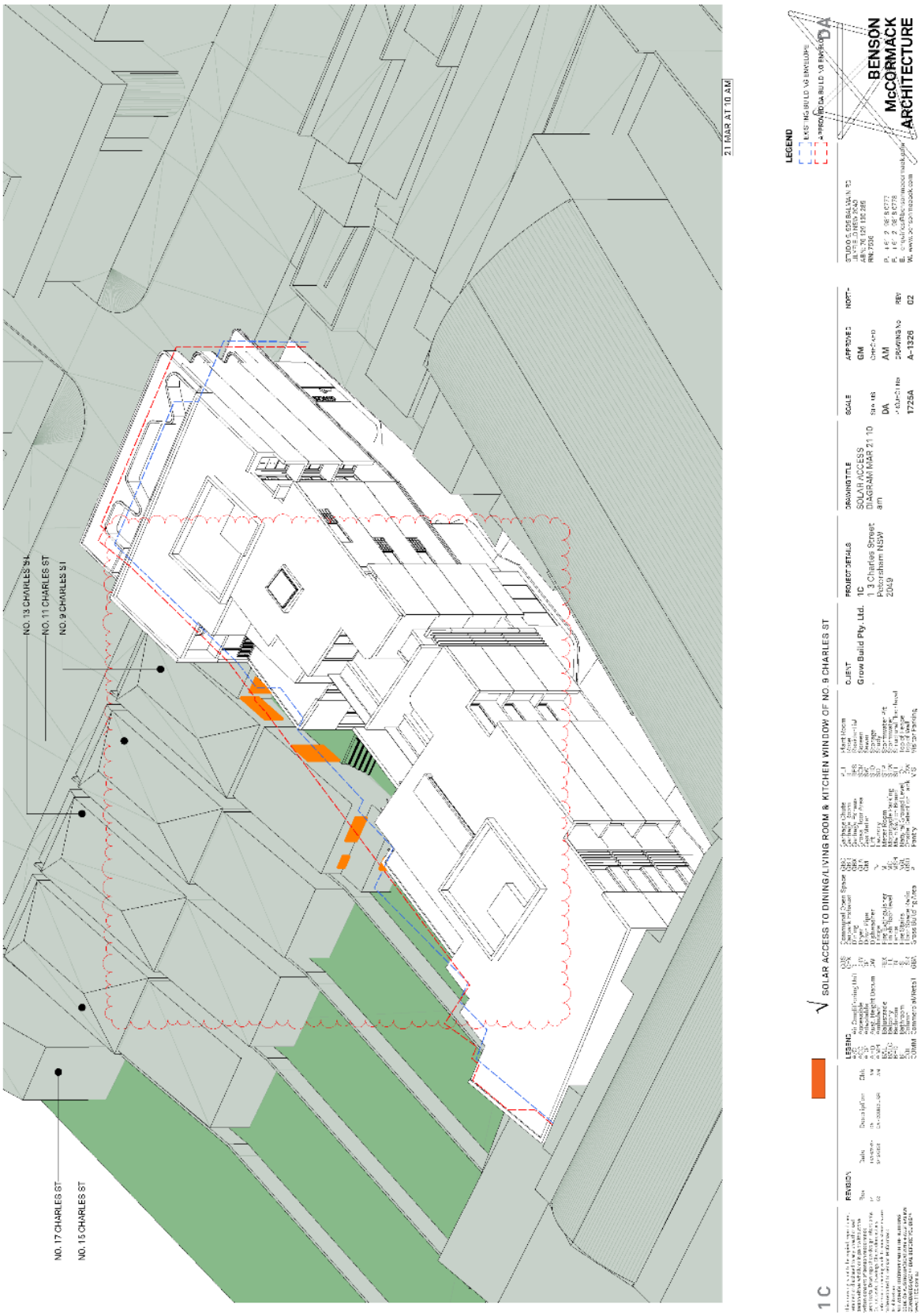

NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
NO. 17 CHARLES ST
21 JUN AT 1.30 PM EXISTING
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
NO. 17 CHARLES ST
21 JUN AT 1.30 PM PROPOSED
LEGEND
DRAWING TITLE
SOLAR ACCESS DIAGRAM JUN 21 1.30 pm
PROJECT DETAILS
1C
1 3 Charles Street
Petersham NSW
2049
Grow Build Pty. Ltd.
SCALE
DA
DRAWING No
A-1321
BENSON McCORMACK ARCHITECTURE


NO. 17 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
21 JUN AT 2 PM EXISTING
21 JUN AT 2 PM PROPOSED
LEGEND
DA
BENSON McCORMACK ARCHITECTURE


NO. 17 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
21 JUN AT 2.30 PM EXISTING
NO. 17 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
21 JUN AT 2.30 PM PROPOSED
LEGEND
BENSON McCORMACK ARCHITECTURE
DA

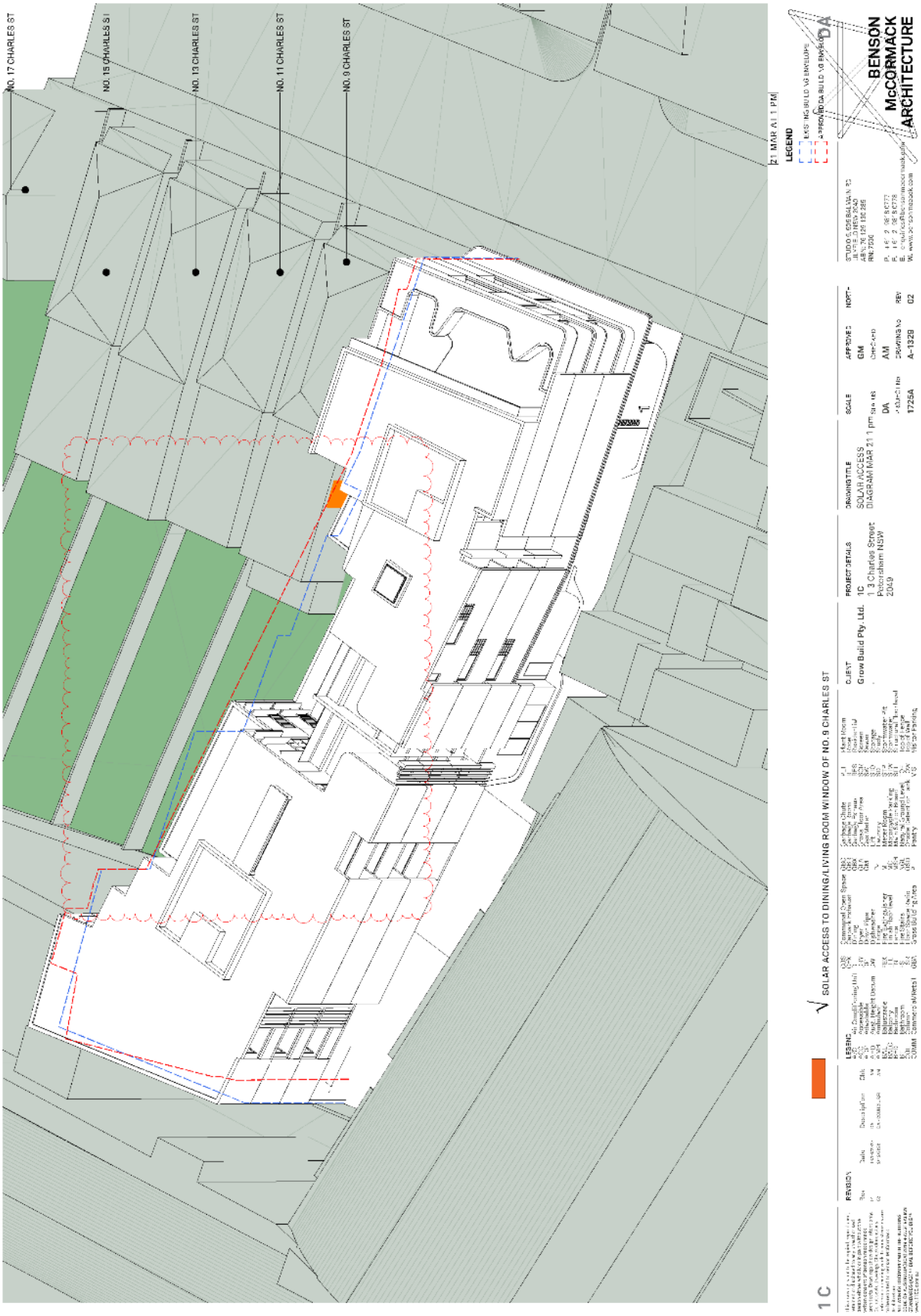
21 JUN AT 3 PM EXISTING
NO. 17 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
21 JUN AT 3 PM PROPOSED
NO. 17 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
LEGEND
DRAWING TITLE
SOLAR ACCESS DIAGRAM JUN 21 3 pm
PROJECT DETAILS
1C
13 Charles Street
Petersham NSW
2049
CLIENT
Grow Build Pty. Ltd.
SCALE
DA
DRAWING No
A-1324
REV
02
BENSON McCORMACK ARCHITECTURE

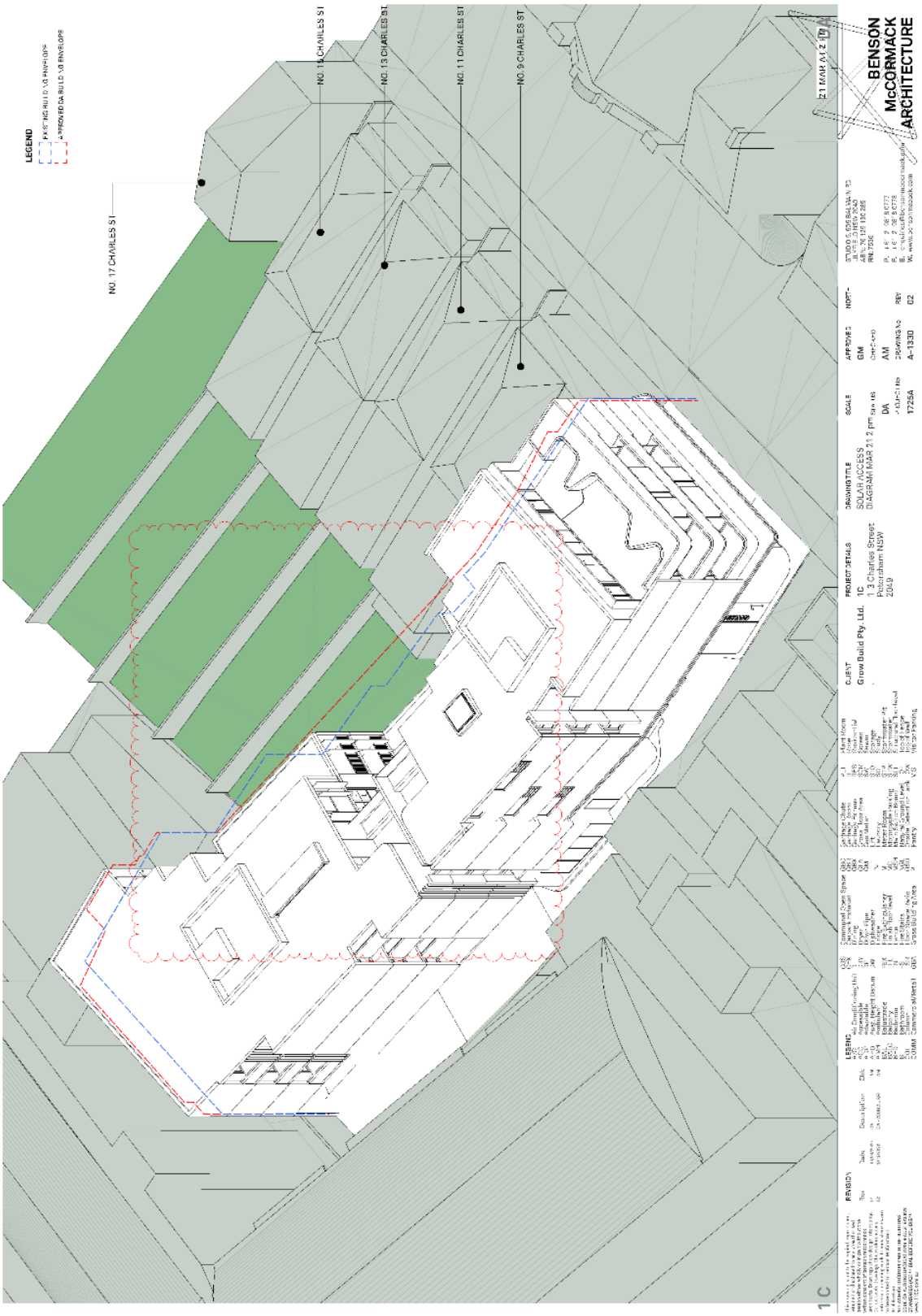

NO. 13 CHARLES ST
NO. 15 CHARLES ST
NO. 17 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
21 MAR AT 9 AM
LEGEND
SOLAR ACCESS TO DINING/LIVING ROOM & KITCHEN WINDOW OF NO. 9 CHARLES ST
BENSON McCORMACK ARCHITECTURE
DRAWING TITLE
SOLAR ACCESS DIAGRAM MAR 21 9 am
PROJECT DETAILS
1C
1 3 Charles Street
Petersham NSW
2049
CLIENT
Grow Build Pty. Ltd.
SCALE
1:125A
DRAWING No
A-1325
REV
02
DA

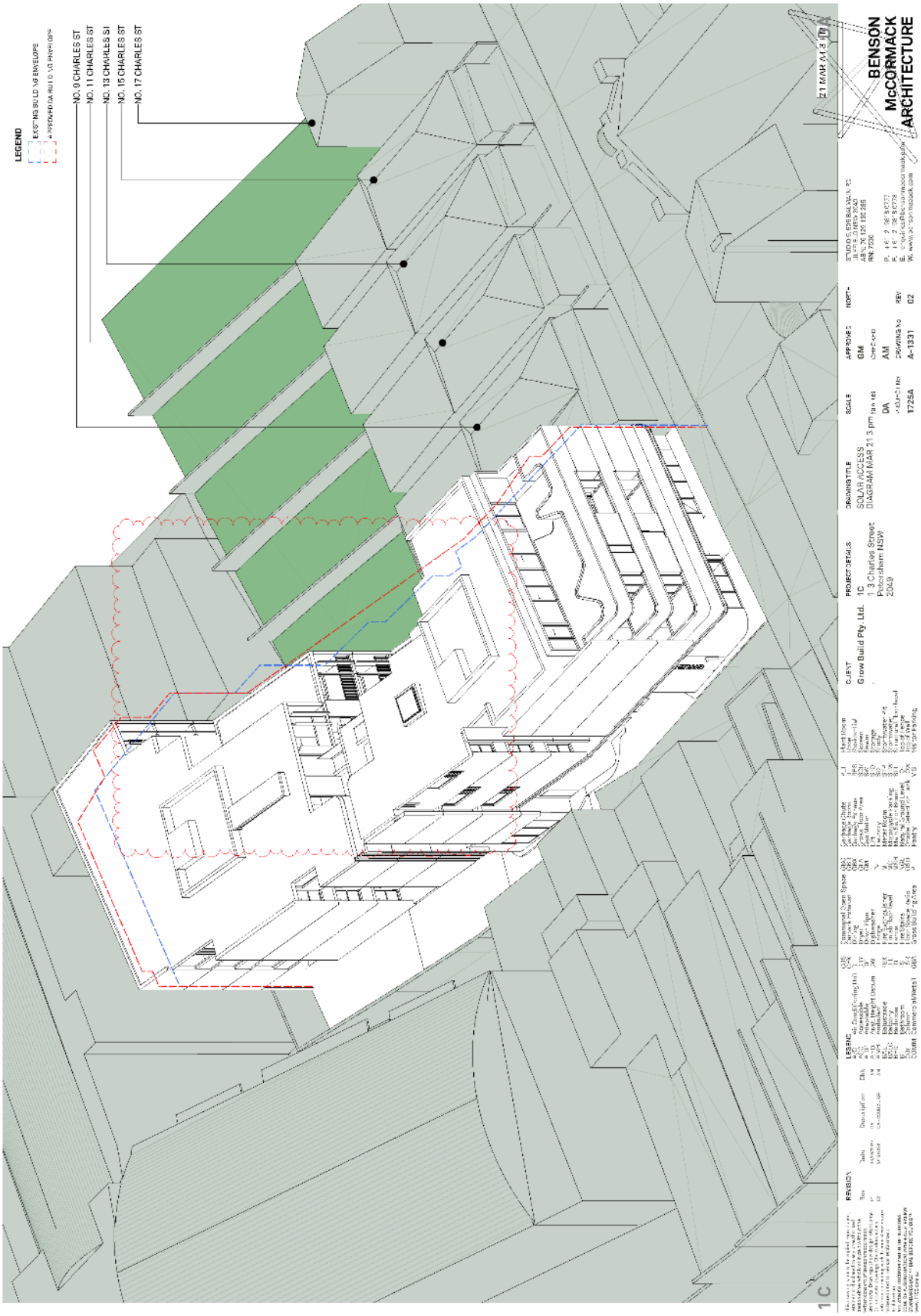

NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
NO. 17 CHARLES ST
NO. 15 CHARLES ST
21 MAR AT 10 AM
LEGEND
SOLAR ACCESS TO DINING/LIVING ROOM & KITCHEN WINDOW OF NO. 9 CHARLES ST
1 C
PROJECT DETAILS
1C
1 3 Charles Street
Petersham NSW
2049
DRAWING TITLE
SOLAR ACCESS
DIAGRAM MAR 21 10
am
SCALE
DA
APPROVED
GM
DRAWING No
1725A
A-1326
REV
02
BENSON
McCORMACK
ARCHITECTURE
DA

NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
NO. 15 CHARLES ST
21 MAR AT 11 AM
LEGEND
EXISTING BUILDING ENVELOPE
APPROVED DA BUILDING ENVELOPE
DA
SOLAR ACCESS TO DINING/LIVING ROOM & KITCHEN WINDOW OF NO. 9 CHARLES ST
BENSON McCORMACK ARCHITECTURE


NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
NO. 15 CHARLES ST
21 MAR AT 12 AM
LEGEND
BENSON McCORMACK ARCHITECTURE
SOLAR ACCESS TO DINING/LIVING ROOM AND KITCHEN WINDOW OF NO. 9 CHARLES ST
1C


NO. 17 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
21 MAR A11 PM
LEGEND
EXISTING BUILDING ENVELOPE
PROPOSED BUILDING ENVELOPE
SOLAR ACCESS TO DINING/LIVING ROOM WINDOW OF NO. 9 CHARLES ST
DA
BENSON McCORMACK ARCHITECTURE
1C
REVISION
DRAWING TITLE
SOLAR ACCESS DIAGRAM MAR 21 1 pm
PROJECT DETAILS
CLIENT
Grow Build Pty. Ltd.
1C
3 Charles Street
Petersham NSW
2049
SCALE
DA
APPROVED
GM
DRAWING No
A-1328
1725A
02


LEGEND
NO. 17 CHARLES ST
NO. 15 CHARLES ST
NO. 13 CHARLES ST
NO. 11 CHARLES ST
NO. 9 CHARLES ST
21 MAR At 2 pm
BENSON McCORMACK ARCHITECTURE
CLIENT
Grow Build Pty. Ltd.
PROJECT DETAILS
1C
1 3 Charles Street
Petersham NSW
2049
DRAWING TITLE
SOLAR ACCESS
DIAGRAM MAR 21 2 pm
SCALE
DA
APPROVED
GM
DRAWING No
A-1330
REV
02
17256A
1C


LEGEND
NO. 9 CHARLES ST
NO. 11 CHARLES ST
NO. 13 CHARLES ST
NO. 15 CHARLES ST
NO. 17 CHARLES ST
21 MAR 9AM
BENSON McCORMACK ARCHITECTURE
DRAWING TITLE
SOLAR ACCESS DIAGRAM MAR 21 3 pm
SCALE
DA
DRAWING No
A-1331
1725A
CLIENT
Grow Build Pty. Ltd.
PROJECT DETAILS
1C
3 Charles Street
Petersham NSW
2049
1C

SOLAR ACCESS INTO LIVING AREAS & PRIVATE OPEN SPACES

LEVEL	UNIT NO	HOUR												TOTAL	COMPLIANCE
		9 am	9.30	10 am	10.30	11 am	11.30	12 pm	12.30	1 pm	1.30	2 pm	2.30	3 pm	
LEVEL 01	1.01													0	N
	1.02													4	Y
	1.03													4	Y
	1.04													0	N
	1.05													2.5	N
	1.06													0	N
LEVEL 02	2.01													3	Y
	2.02													4	Y
	2.03													6	Y
	2.04													0	N
	2.05													3	Y
	2.06													3	Y
LEVEL 03	3.01													2	Y
	3.02													6	Y
	3.03													6	Y
	3.04													6	Y
	3.05													4.5	Y

> 2 HRS DIRECT SUNLIGHT INTO PRIMARY LIVING AREAS & PRIVATE OPEN SPACE : 12 / 17 = 70.6 %

SEPP 65 REQUIREMENT = 70%

NO DIRECT SUNLIGHT INTO PRIMARY LIVING AREAS & PRIVATE OPEN SPACE : 1 / 17 = 5.8 %

SEPP 65 REQUIREMENT = 15%

NO SOLAR ACCESS TO LIVING/DINING AREA & PRIVATE OPEN SPACE

SOLAR ACCESS ONLYTO EITHER LIVING/DINING AREA OR PRIVATE OPEN SPACE

SOLAR ACCESS TO LIVING/DINING AREA & PRIVATE OPEN SPACE

NATURAL CROSS VENTILATION

LEVEL	UNIT NO	COMPLIANCE
LEVEL 01	1.01	Y
	1.02	Y
	1.03	Y
	1.04	N
	1.05	Y
	1.06	Y
LEVEL 02	2.01	Y
	2.02	Y
	2.03	Y
	2.04	N
	2.05	Y
	2.06	Y
LEVEL 03	3.01	Y
	3.02	Y
	3.03	Y
	3.04	Y
	3.05	Y

UNITS WITH NATURAL CROSS VENTILATION : 15 / 17 = 88.2 %

SEPP 65 REQUIREMENT MIN. 60%

NO CROSS VENTILATION

1 C

REVISION

Rev	Date	Description	Chk
01	12.12.2019	DA	AM
02	04.08.2020	DA - AMENDED	AM

LEGEND

ADS	45 Degree Parking Unit	CPK	Communal Open Space	GBC	Garbage Chute	FLT	Plant Room
ACC	Accessible	LIV	Dwelling	GBS	Garbage Room	LDR	Lobby
ADT	Adaptable	DP	Down Pipe	GBR	Garbage Storage	RFB	Residential
A-HD	Appl. Height Datum	DW	Dishwasher	GLS	Glass Balustrade	SCN	Screen
AMB	Ambulant		Garage	GM	Gas Meter	SHR	Shower
BAL	Balustrade	REF	Fire Extinguisher		Lift	STG	Storage
BALC	Balcony	FFL	Finish Floor Level	M	Laundry	SNK	Sink
BED	Bedroom	FH	Fire Hydrant	MB	Meter Room	SWT	Stormwater Pit
BTH	Bathroom	FS	Fire Stairs	MCP	Motorcycle Parking	SWP	Stormwater
COL	Column	FSA	Floor Space Ratio	MFA	Min. Floor Area	TH	Structural Top Head
COMM	Commercial/Retail	GBA	Gross Building Area	NGL	Natural Ground Level	TOP	Top of Parapet
				OSD	Onsite Detention Tank	WM	Washing Machine
				P	Pantry	VIS	Visitor Parking

CLIENT

Grow Build Pty. Ltd.

PROJECT DETAILS

1C
1-3 Charles Street
Petersham NSW
2049

DRAWING TITLE

SOLAR ACCESS &
CROSS VENTILATION
ANALYSIS ADG

SCALE	APPROVED	NORTH
	GM	
SIZE: A1	CHECKED	
DA	AM	
JOB NO	DRAWING No	REV
1725A	A-1332	02

STUDIO 5, 505 BALMAIN RD
LILYFIELD NSW 2040
ABN: 76 126 130 285
RN: 7506

P. +61 2 9818 6777
F. +61 2 9818 6778
E. enquiries@bensonmccormack.com.au
W. www.bensonmccormack.com

DA

BENSON
McCORMACK
ARCHITECTURE

LEGEND
EXISTING BUILD VS ENVELOPE
APPROVED DA BUILD VS ENVELOPE
APPROVED DA SCHEME BY TOP
EXISTING BUILDING BOUNDARY WALL
CURRENT PROPOSED BOUNDARY WALL
NO. 386-414 PARRAMATTA RD
6 STOREY RESIDENTIAL FLAT BUILDING
NO. 1 5 PHILIP ST
NO. 9 CHARLES ST
CHARLES ST
NO. 6 CHARLES ST
2 STOREY BRICK TERRACE
NO. 424 PARRAMATTA RD
2 STOREY BRICK SHOP
LEGEND
DEDUCTION FROM APPROVED DA SCHEME
ADDITION TO APPROVED DA SCHEME
1C
DA
BENSON McCORMACK ARCHITECTURE
DRAWING TITLE
SOUTH BOUNDARY WALL COMPARISON
PROJECT DETAILS
1C
1 3 Charles Street
Petersham NSW
2049
CLIENT
Grow Build Pty. Ltd.
SCALE
DA
APPROVED
GM
AM
A-1333
1725A
REV
01

L3 RCP
L2 RCP
L1 RCP
LEGEND
2400MM CEILING LEVEL
2700MM CEILING LEVEL
CEILING FIXTURE
SKYLIGHT/GLAZING
1C
DA
BENSON McCORMACK ARCHITECTURE
PROJECT DETAILS
1C
1 3 Charles Street
Petersham NSW
2049
DRAWING TITLE
REFLECTED CEILING PLAN DIAGRAMS
CLIENT
Grow Build Pty. Ltd.
SCALE
1:100
DRAWING No
A-1334
REV
01


L 2
L 3
ROOF
L 1
GROUND
BASEMENT 1
LEGEND
1C
DA
BENSON McCORMACK ARCHITECTURE

L 1
L 2
L 3
BASEMENT 1
BASEMENT 2
LEGEND
STORAGE
1C
Grow Build Pty. Ltd.
1C
1-3 Charles Street
Petersham NSW
2049
STORAGE DIAGRAMS
1:350
DA
A-1336
01
BENSON
McCORMACK
ARCHITECTURE

SGC Reference Number: 2 0 2 0 0 1 6 1 Drawing Number: S W 1 0 0 Revision Number: A

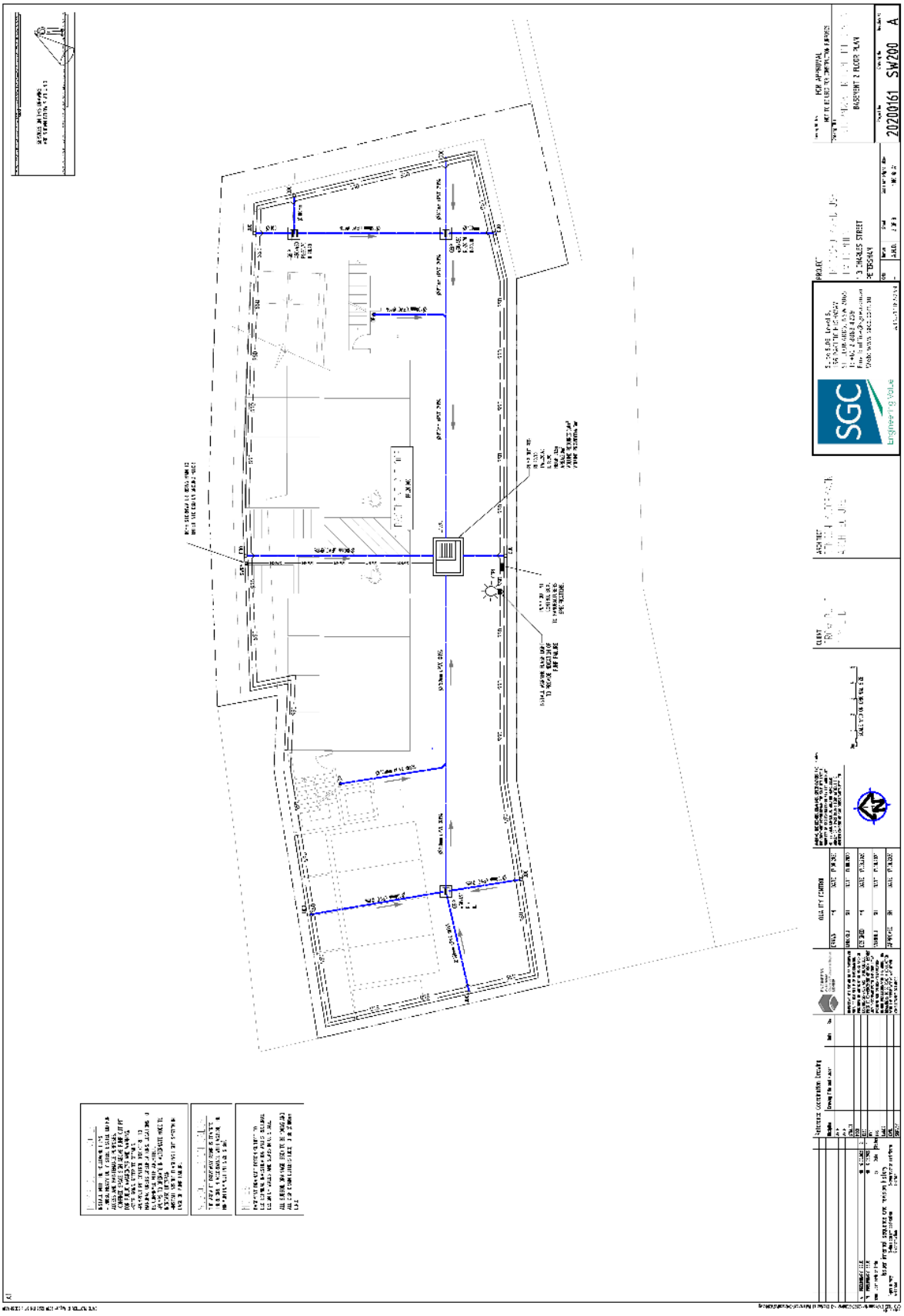
PROPOSED MIXED USE DEVELOPMENT
1-3 CHARLES STREET, PETERSHAM
STORMWATER CONCEPT DESIGN

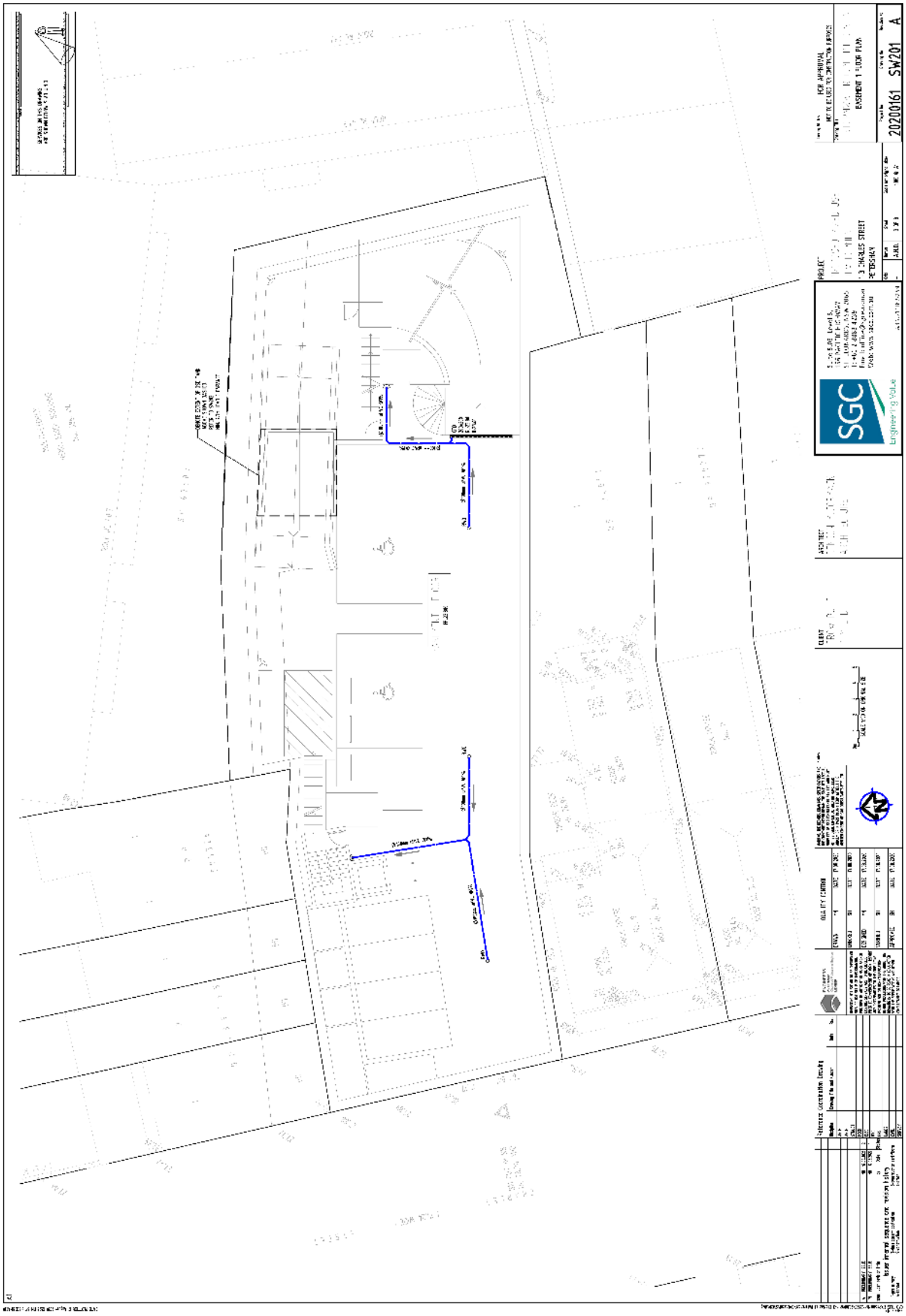
SHEET No.	DRG No.	TITLE	REV
1	SW100	COVER SHEET	A
2	SW101	STORMWATER CONCEPT DESIGN - BASEMENT 2 FLOOR PLAN	A
3	SW102	STORMWATER CONCEPT DESIGN - BASEMENT 1 FLOOR PLAN	A
4	SW103	STORMWATER CONCEPT DESIGN - GROUND FLOOR PLAN	A
5	SW104	STORMWATER CONCEPT DESIGN - ROOF PLAN	A
6	SW105	STORMWATER CONCEPT DESIGN - DETAILS SHEET	A
7	SW106	EROSION AND SEDIMENT CONTROL - PLAN AND DETAILS	A
8	SW107	STORMWATER CONCEPT DESIGN - MUSIC CATCHMENT PLAN AND RESULTS	A

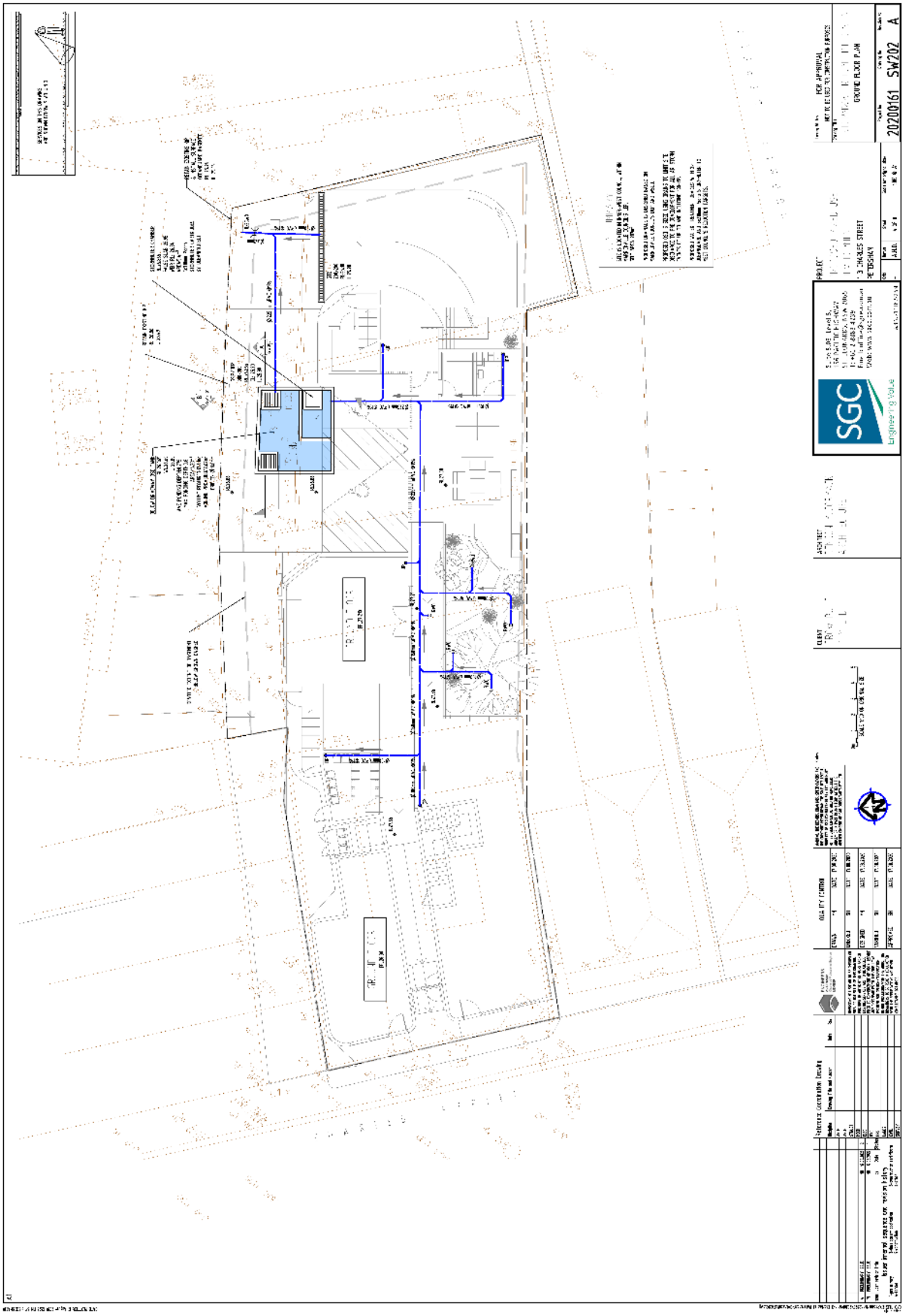
CLIENT :
GROW BUILD PTY LTD

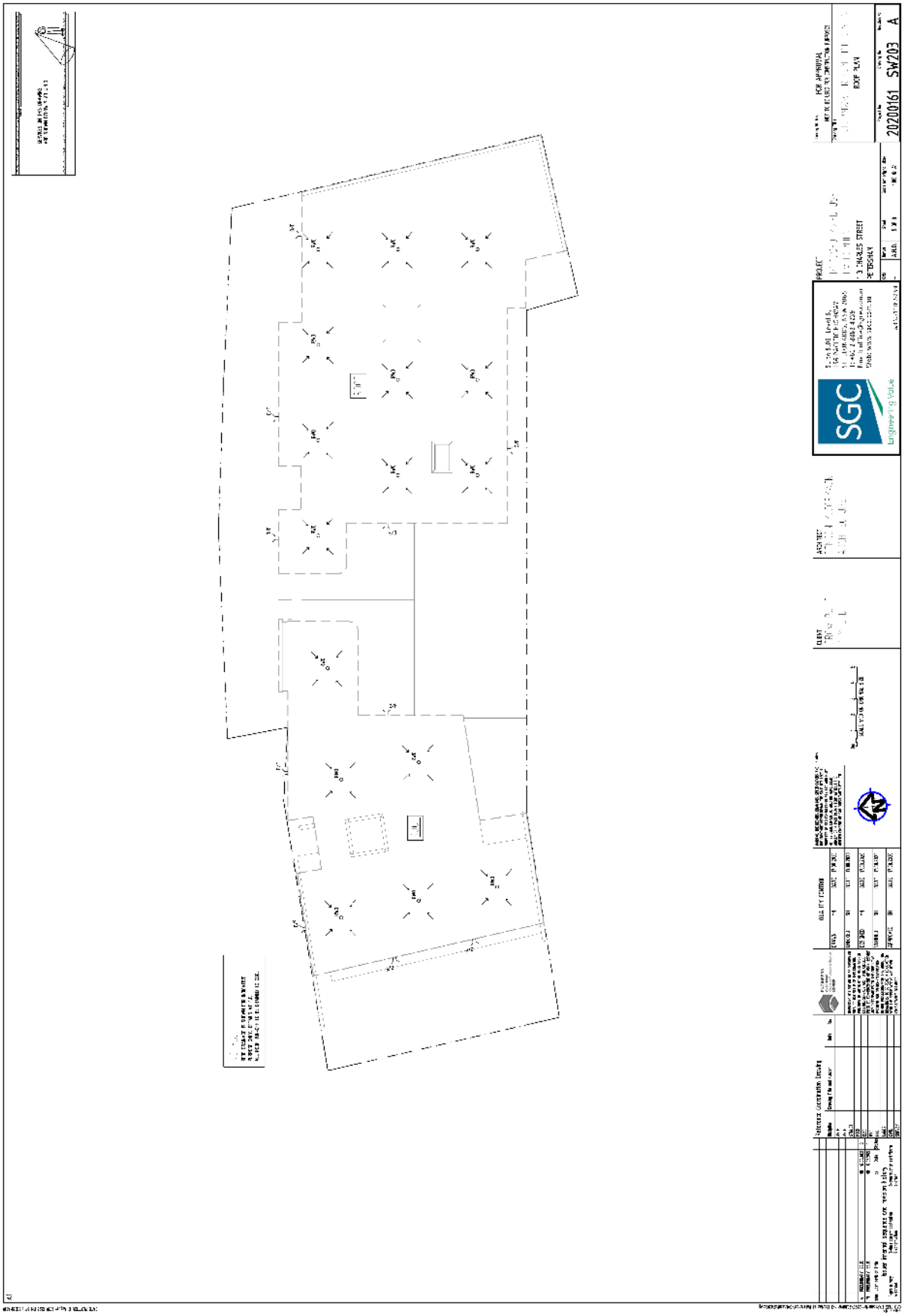
ARCHITECT:
BENSON McCORMACK ARCHITECTURE

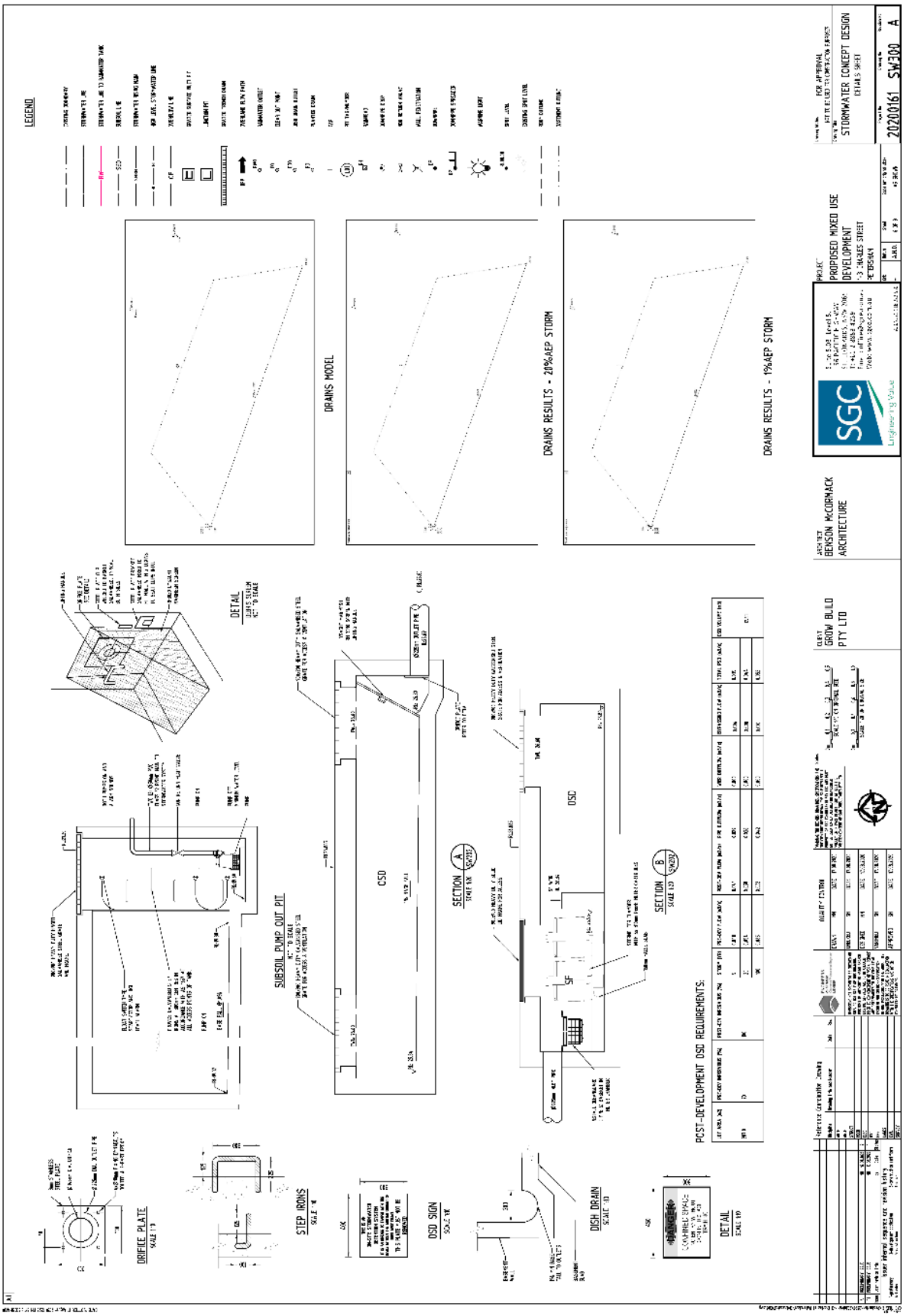
PREPARED BY:
SGC Consulting Engineers
Suite 5.03, Level 5
156 Pacific Highway
St. Leonards, NSW 2065
T: +61 2 8883 4239
Email: office@sgce.com.au
Web: www.sgce.com.au
Engineering Value

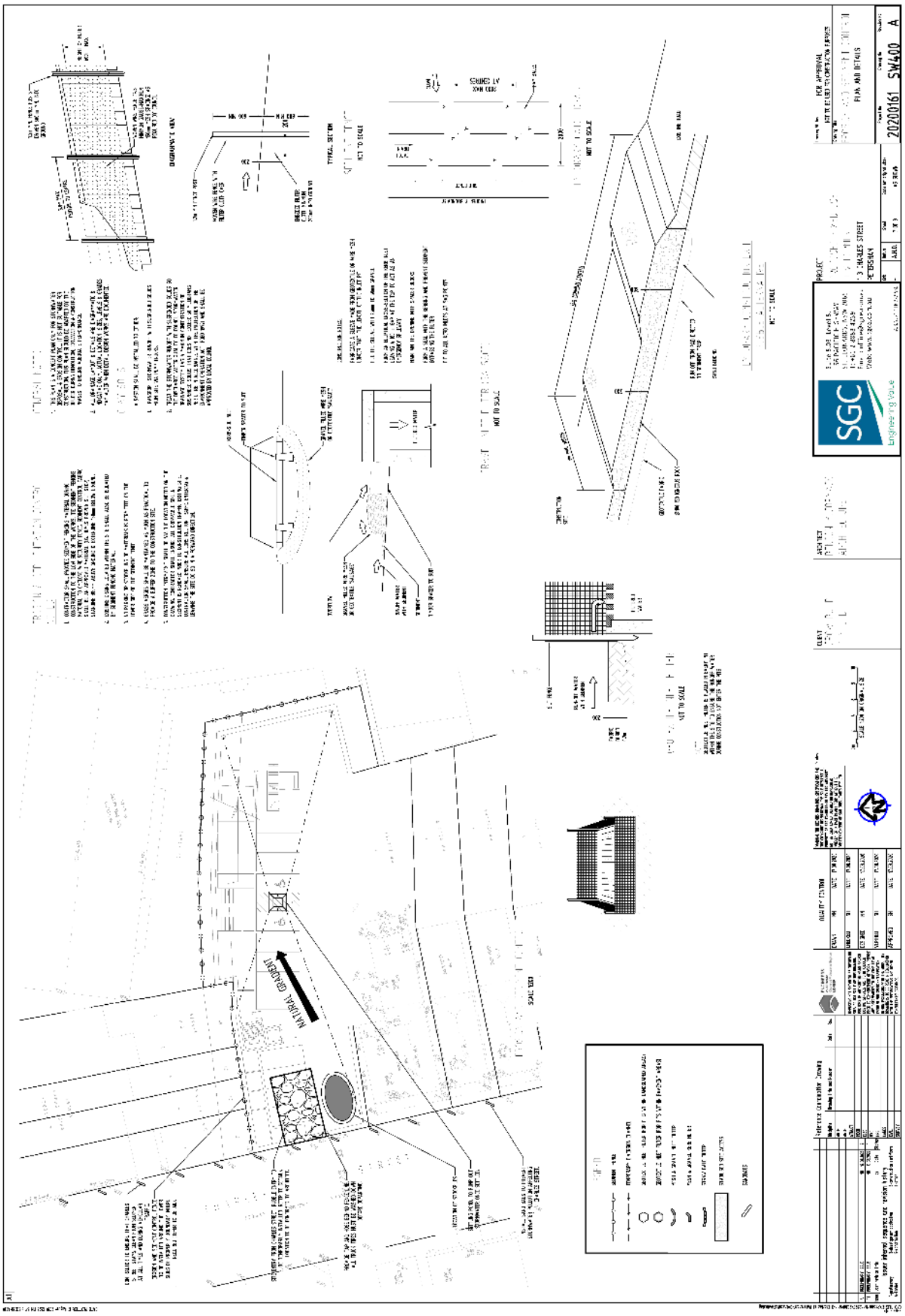


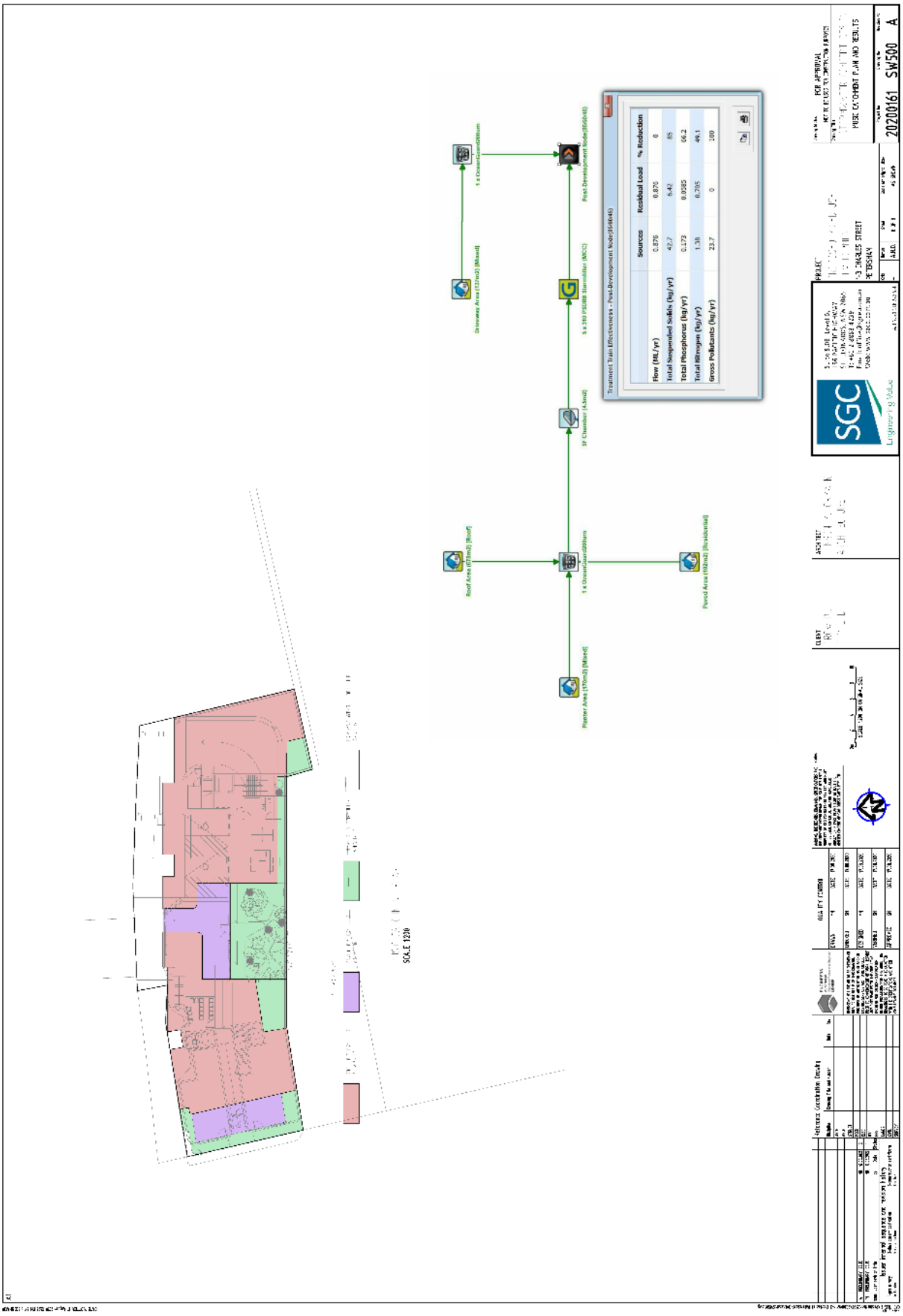


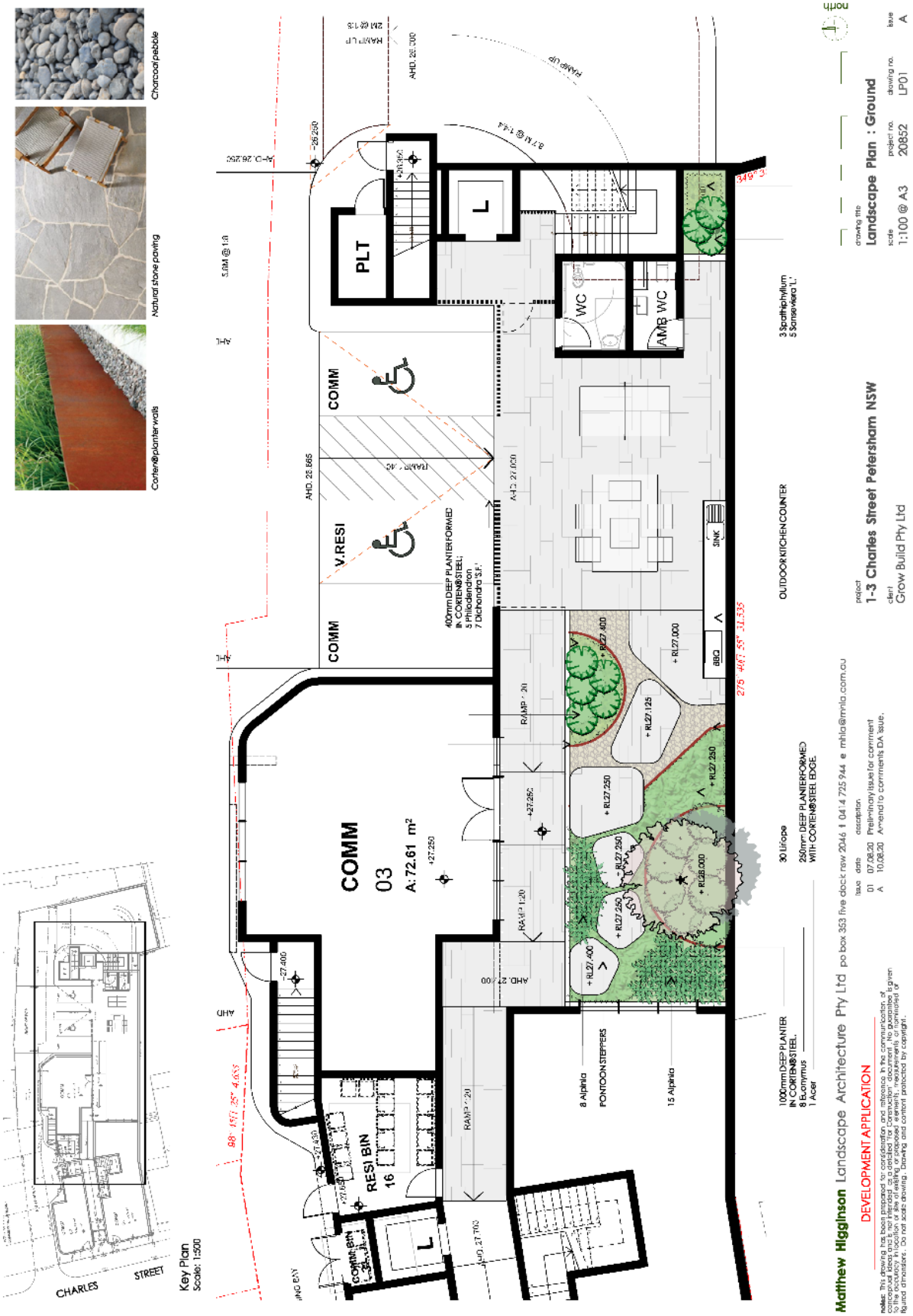


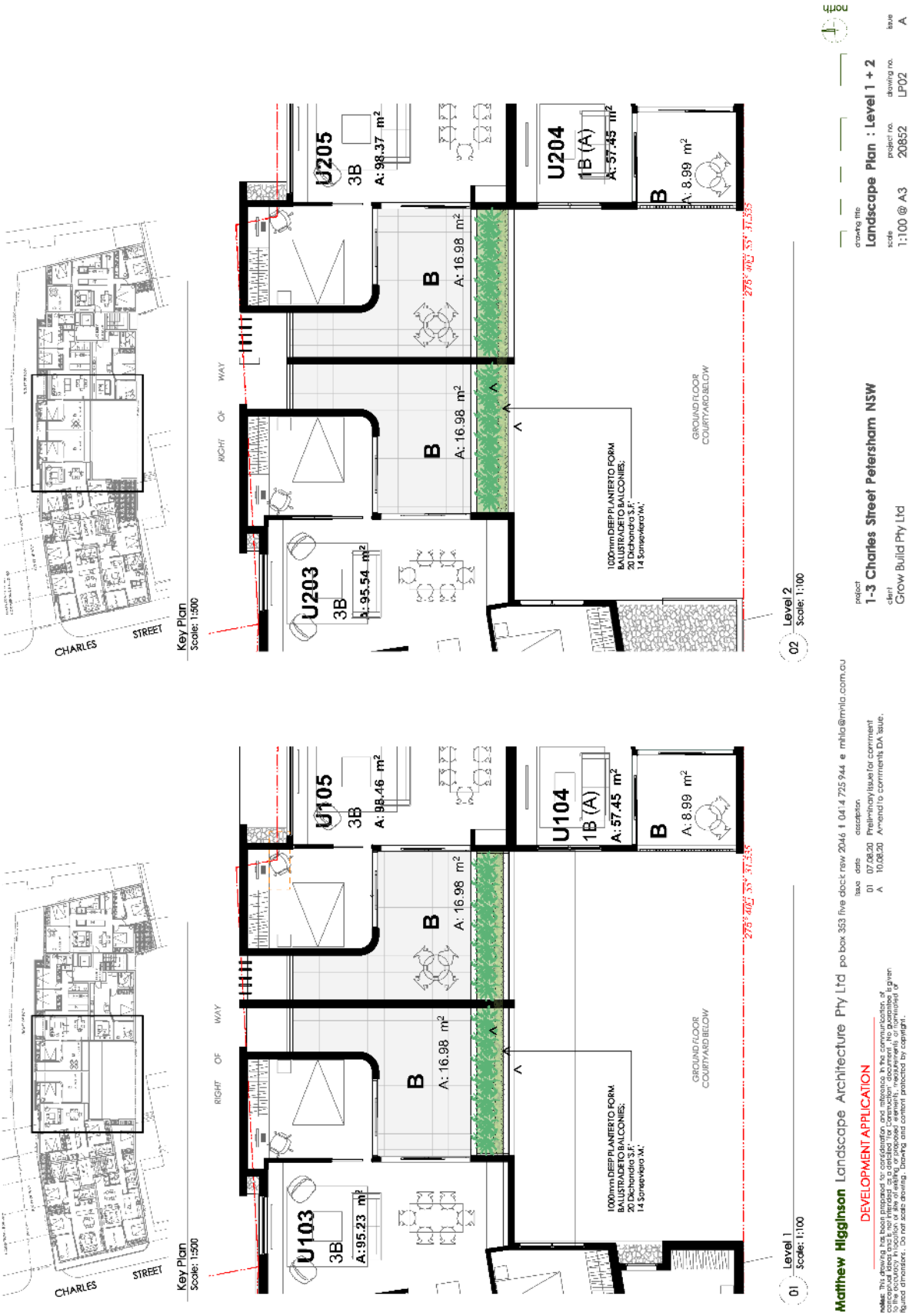


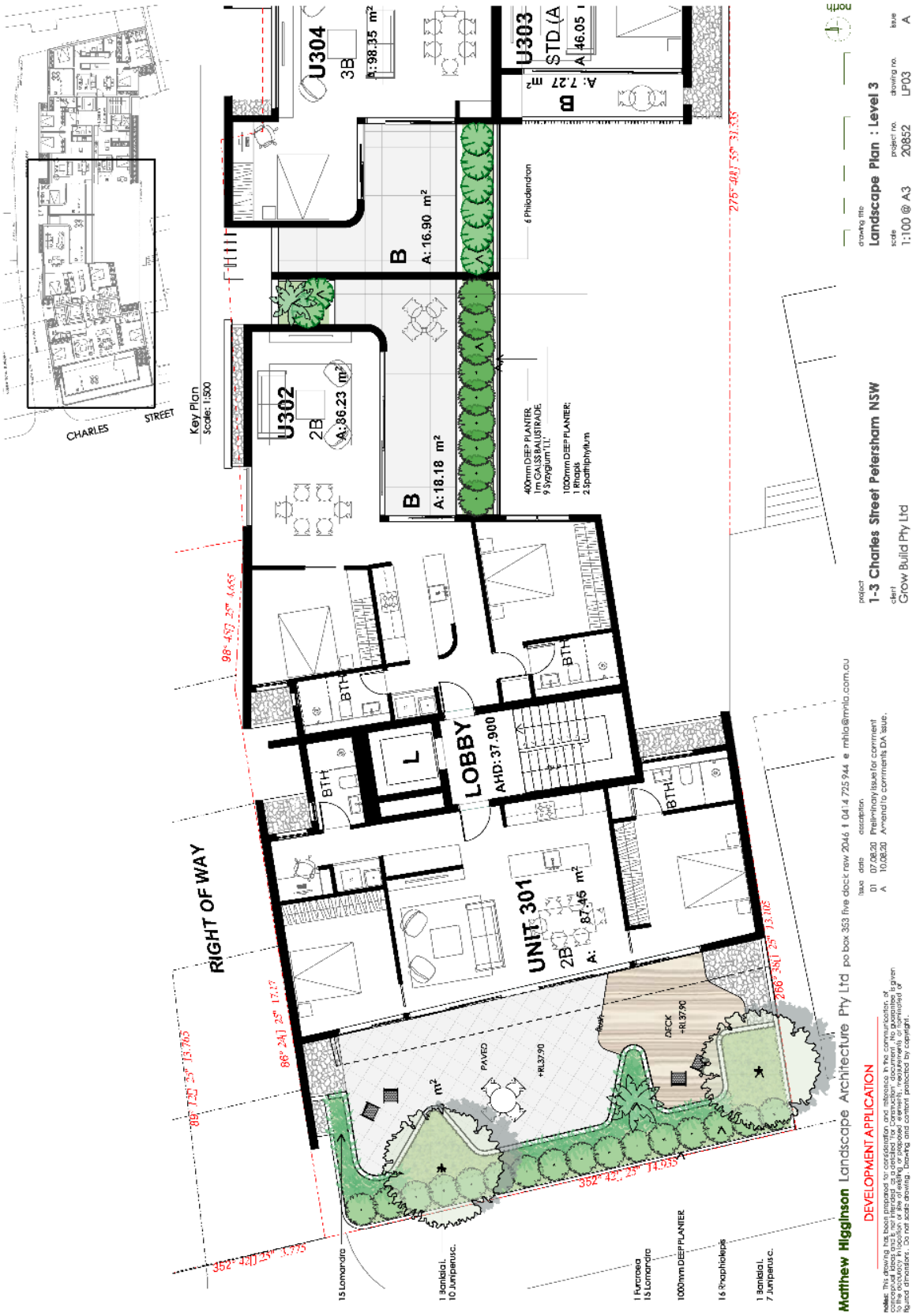

LEGEND
DRAINS MODEL
DRAINS RESULTS - 20%AEP STORM
DRAINS RESULTS - 1%AEP STORM
SUBSOIL PUMP OUT PIT
CSD
OSD
SECTION A
SECTION B
POST-DEVELOPMENT OSD REQUIREMENTS:
ORIFICE PLATE
STEP IRONS
OSD SIGN
DISH DRAIN
DETAIL
PROPOSED MIXED USE DEVELOPMENT
3-34 JAMES STREET
STORMWATER CONCEPT DESIGN
DETAILS SHEET
20200161 SW300 A
SGC
BENSON McCORMACK ARCHITECTURE
GROW BUILD PTY LTD

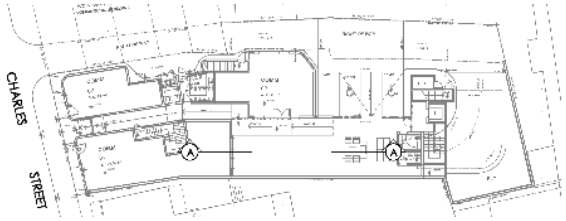



Treatment Train Effectiveness - Post-Development Node (B5646)
Sources
Residual Load
% Reduction
Flow (ML/yr)
0.876
0.876
0
Total Suspended Solids (kg/yr)
42.7
6.42
85
Total Phosphorus (kg/yr)
0.173
0.0585
66.2
Total Nitrogen (kg/yr)
1.38
0.705
49.1
Gross Pollutants (kg/yr)
23.7
0
100
SGC
20200161 SW500 A
SCALE 1:200

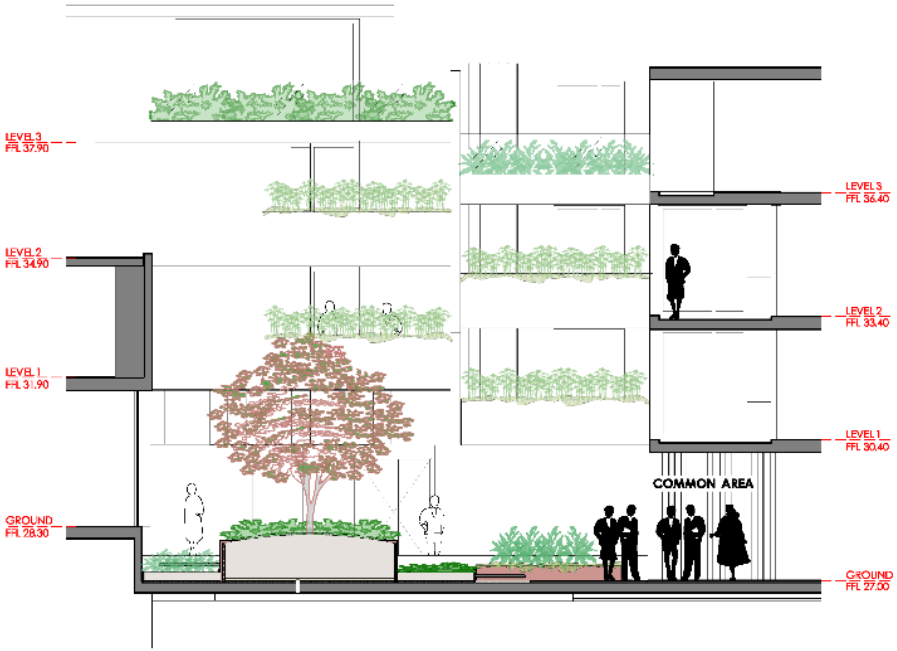

Charcoal pebble
Natural stone paving
Corten@planter walls
Key Plan
Scale: 1:500
CHARLES
STREET
COMM
03
A: 72.61 m²
V.RESI
COMM
COMM
PLT
L
WC
AMB WC
RESI BIN
16
COMM Bin
3
RAMP 1:20
RAMP 1:8
RAMP UP
400mm DEEP PLANTER FORMED
IN CORTEN@STEEL:
5 Philodendron
7 Dichondra S.F.
OUTDOOR KITCHEN COUNTER
SINK
BBQ
3 Spathiphyllum
5 Sansevieria 'L'
1000mm DEEP PLANTER
IN CORTEN@STEEL:
8 Eucalyptus
1 Acer
8 Alpinia
PONTOON STEPPERS
15 Alpinia
30 Liriope
250mm DEEP PLANTER FORMED
WITH CORTEN@STEEL EDGE
north
Matthew Higginson Landscape Architecture Pty Ltd po box 353 five dock nsw 2046 t 04 14 725 944 e mhla@mhla.com.au
DEVELOPMENT APPLICATION
issue date description
01 07.08.20 Preliminary issue for comment
A 10.08.20 Amend to comments DA issue.
project
1-3 Charles Street Petersham NSW
client
Grow Build Pty Ltd
drawing title
Landscape Plan : Ground
scale 1:100 @ A3
project no. 20852
drawing no. LP01
issue A


Key Plan
Scale: 1:500
CHARLES
STREET
RIGHT OF WAY
U205
3B
A: 98.37 m²
U204
1B (A)
A: 57.45 m²
U203
3B
A: 95.54 m²
B
A: 16.98 m²
A: 8.99 m²
1000mm DEEP PLANTER TO FORM BALUSTRADE TO BALCONIES;
20 Dichondra S.F.
14 Screwpalm M.
GROUND FLOOR COURTYARD BELOW
02 Level 2
Scale: 1:100
Key Plan
Scale: 1:500
U105
3B
A: 98.46 m²
U104
1B (A)
A: 57.45 m²
U103
3B
A: 95.23 m²
01 Level 1
Scale: 1:100
north
project
1-3 Charles Street Petersham NSW
client
Grow Build Pty Ltd
drawing title
Landscape Plan : Level 1 + 2
scale
1:100 @ A3
project no.
20852
drawing no.
LP02
issue
A
Matthew Higginson Landscape Architecture Pty Ltd po box 353 five dock nsw 2046 t 0414 725 944 e mhla@mhla.com.au
issue date description
01 07.08.20 Preliminary issue for comment
A 10.08.20 Amend to comments DA issue.
DEVELOPMENT APPLICATION
notes: This drawing has been prepared for consideration and reference in the communication of conceptual ideas only & not intended as a detailed 'for construction' document. No guarantee to the accuracy in location of any of existing or proposed elements, measurements or formished or figured dimensions. Do not scale drawing. Drawing and content protected by copyright.


Key Plan
Scale: 1:500
CHARLES STREET
RIGHT OF WAY
U301
2B
A: 87.45 m²
U302
2B
A: 86.23 m²
U303
STD (A
A: 46.05
A: 7.27
U304
3B
A: 98.35 m²
B
A: 18.18 m²
B
A: 16.90 m²
LOBBY
AHD: 37.900
L
BTH
UNIT 301
DECK
+RL37.90
PAVED
+RL37.90
6 Philodendron
400mm DEEP PLANTER
1m GALSS BALUSTRADE
9 Syzygium 'L1'
1000mm DEEP PLANTER:
1 Ficus
2 Spathiphyllum
1000mm DEEP PLANTER
15 Lomandra
1 Banksia I.
10 Juncus c.
1 Furcraea
15 Lomandra
6 Strophiolepis
1 Banksia I.
7 Juncus c.
north
drawing title
Landscape Plan : Level 3
scale
1:100 @ A3
project no.
20852
drawing no.
LP03
issue
A
project
1-3 Charles Street Petersham NSW
client
Grow Build Pty Ltd
Matthew Higginson Landscape Architecture Pty Ltd po box 353 five dock nsw 2046 t 0414 725 944 e mhla@mnla.com.au
issue date description
D1 07.08.20 Preliminary issue for comment
A 10.08.20 Amend to comments DA issue.
DEVELOPMENT APPLICATION



Key Plan
Scale: 1:500



01 Section A
Scale: 1:100

PLANT SCHEDULE

Botanic Name	Common Name	Supply Size (mm/L)	Mature Height	Qty
Trees				
Acer japonicum 'Aconitifolium'	Fern Leaf Full Moon Maple	400L	5m	1
Banksia integrifolia	Coast Banksia	100L	7m	2
Shrubs				
Alpinia nutans	Dwarf Cardomom	200mm	1m	23
Furcraea foetida 'Mediopicta'	Mauritius Hemp	45L	1m	1
Philodendron 'Xanadu'	Xanadu Philodendron	200mm	1m	11
Rhaphiolepis 'Snow Maiden'	Snow Maiden Hawthorn	300mm	1m	16
Rhapis excelsa	Rhapis Palm	45L	2m	1
Spathiphyllum 'Sensation'	Sensation Peace Lily	300mm	1m	5
Syzygium 'Tiny Trev'	Tiny Trev Dwarf Lilly Pilly	300mm	1m	9
Groundcovers / Climbers / Aquatics				
Dichondra 'Silver Falls'	Silver Falls Kidney Weed	140mm	0.2m	47
Euonymus fortunei var radicans 'Variegatus'	Variegated Winter Flower	200mm	0.4m	8
Juniperus conferta	Shore Juniper	200mm	0.2m	17
Liriope muscarii	Lily Turf	140mm	0.4m	30
Lomandra 'Tanika'	Tanika Mat Rush	200mm	0.9m	30
Sanseviera trifasciata 'Laurentii'	Mother in Laws Tongue	200mm	1m	5
Sanseviera trifasciata 'Moonshine'	Moonshine Snake Vine	200mm	0.6m	28


Acer japonicum 'Aconitifolium'


Banksia integrifolia


Furcraea 'Mediopicta'


Rhapis excelsa


Alpinia nutans


Philodendron 'Xanadu'


Juniperus conferta


Liriope muscarii


Sanseviera 'Laurentii'

north

Matthew Higginson Landscape Architecture Pty Ltd po box 353 five dock nsw 2046 t 0414 725 944 e mhla@mnla.com.au

DEVELOPMENT APPLICATION

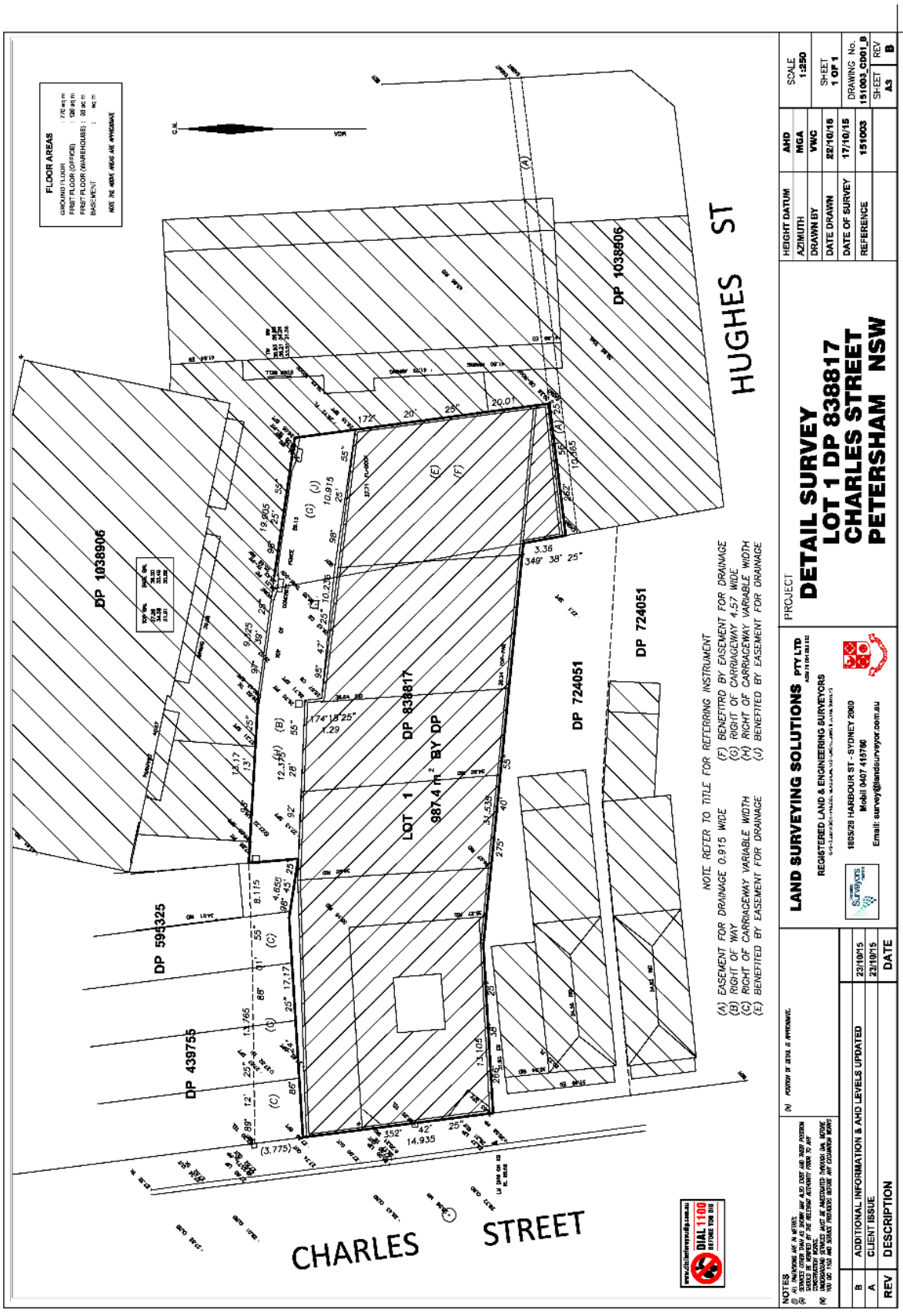
issue	date	description
01	07.08.20	Preliminary issue for comment
A	10.08.20	Amend to comments DA issue.

project
1-3 Charles Street Petersham NSW

client
Grow Build Pty Ltd

drawing title
Section + Schedule

scale	project no.	drawing no.	issue
1:100 @ A3	20852	LP01	A


DETAIL SURVEY
LOT 1 DP 838817
CHARLES STREET
PETERSHAM NSW
LAND SURVEYING SOLUTIONS PTY LTD
REGISTERED LAND & ENGINEERING SURVEYORS
HUGHES ST
CHARLES STREET
DP 1038606
DP 724051
DP 838817
DP 593325
DP 439755
LOT 1
987.4 m²
BY DP
NOTE REFER TO TITLE FOR REFERRING INSTRUMENT
(A) EASEMENT FOR DRAINAGE 0.915 WIDE
(B) RIGHT OF WAY
(C) RIGHT OF CARRIAGEWAY VARIABLE WIDTH
(E) BENEFITED BY EASEMENT FOR DRAINAGE
(F) BENEFITRD BY EASEMENT FOR DRAINAGE
(G) RIGHT OF CARRIAGEWAY 4.57 WIDE
(H) RIGHT OF CARRIAGEWAY VARIABLE WIDTH
(J) BENEFITED BY EASEMENT FOR DRAINAGE
FLOOR AREAS
GROUND FLOOR
FIRST FLOOR (OFFICE)
FIRST FLOOR (WAREHOUSE)
BASEMENT
HEIGHT DATUM AHD
AZIMUTH MGA
DRAWN BY VWC
DATE DRAWN 22/10/15
DATE OF SURVEY 17/10/15
REFERENCE 151003
SCALE 1:250
SHEET 1 OF 1
DRAWING No. 151003_CD01_B
SHEET A3
REV B
B ADDITIONAL INFORMATION & AHD LEVELS UPDATED 23/10/15
A CLIENT ISSUE 23/10/15
REV DESCRIPTION DATE
DIAL 1100 BEFORE YOU DIG

Attachment C- Clause 4.6 Exception to Development Standards

GAT & Associates Pty Ltd

Appendix E Clause 4.6 for Clause 4.4 Floor Space Ratio

CLAUSE 4.6 VARIATION TO CLAUSE 4.4 FLOOR SPACE RATIO OF THE MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011

1. INTRODUCTION

This submission seeks a variation to Clause 4.4 of the Marrickville Local Environmental Plan 2011 (MLEP11), which relates to the floor space ratio development standard.

This submission is made under Clause 4.6 of the *MLEP11 – Exceptions to development standards* and is a "written request" as referred to in subclause (3).

The submission accompanies a development application incorporating architectural plans prepared by Benson McCormack Architecture Pty Ltd.

This submission has been prepared in relation to the demolition of all existing structures and redevelopment of the site as a four (4) storey mixed use building comprising three (3) ground floor commercial suites and 17 shop top housing residential apartments with two (2) levels of basement car parking along with associated landscaping and site works.

As detailed in this written request for a variation to the floor space ratio control being a development standard under MLEP11, the proposed development meets the requirements prescribed under Clause 4.6 of MLEP11.

2. SITE BACKGROUND

The subject site is commonly known as 1-3 Charles Street, Petersham, and is legally referred to as Lot 1 of Deposited Plan 838817. The site is on the eastern side of Charles Street to the south of Parramatta Road.

Comprising a single allotment, the site is irregular in shape and has a frontage of 14.94 metres to Charles Street. The rear boundary has a width of 20.01 metres. The average depth of the site is 57.29 metres. Overall, the provides for a total area of 987.4m^2.

The site benefits from an existing Right-of-Way which provides for vehicular access parallel to Paramatta Road.

Currently existing on the subject site is a two-storey warehouse building with a basement level. The site does not accommodate any trees or landscaped areas as the existing building is generally built to all boundaries. Refer to Figure 1 on the following Page.

It should be noted that an earlier development application (DA201600419) was determined by the Inner West Planning Panel on 9 May 2017 as a Deferred Commencement Consent for the demolition of part of the premises and construction of a part-three and part-four storey mixed use building comprising ground floor commercial tenancies and 17 residential apartments with basement car parking. This consent is operation as of 17 May 2018.

The design has undergone revisions to enhance solar access, communal open space and promote visual privacy, above the design that was previously approved under DA201600419. Notably, this proposed design also offers a greater visual relief when compared to the existing built form at the site, noting this is currently built to its property boundaries.

The current design before Council has created an opening in the built form through the middle section of the development across all levels. This creates a sense of two block forms. A beneficial outcome is created, as the impression of a lengthy built form and visual bulk along the southern boundary is alleviated. This has also allowed for natural light and natural ventilation to residential units and communal areas, thereby improving the overall amenity for future occupants.

A heightened degree of landscaping is also accommodated at the site when compared to the existing and already approved scenario. The provision of communal open space encourages social interaction amongst future occupants.

Figure 1 Site Location Map
Source: SIX Maps

Under the provisions of the Marrickville Local Environmental Plan 2011, the subject site is zoned B2 Local Centre. Refer to Figure 2.

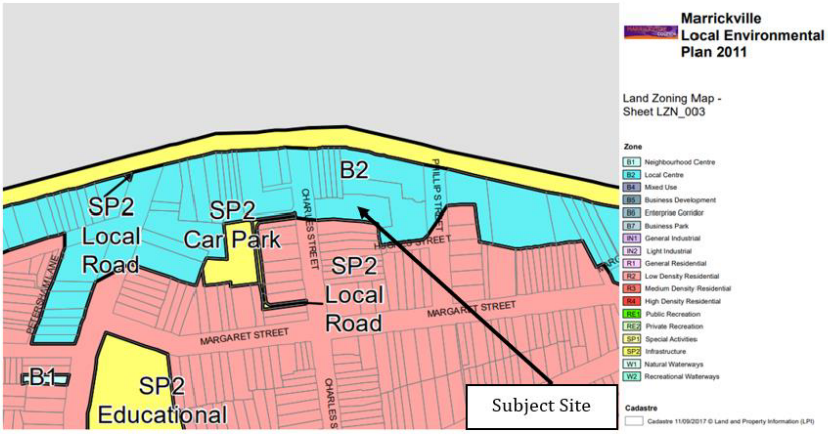


Figure 2 Land Zoning Map
(Source: NSW Legislation Website)

Located to the north, the site adjoins 416, 418, 420, 422 and 424 Parramatta Road which form part of the Right-of-Way and adjoins 386-414 Parramatta Road. The sites at 416-424 Parramatta Road contains 2 storey buildings with commercial shops on the ground floor and shop top residential dwellings on the first floor. The buildings on these sites have their frontages to Parramatta Road.

The site at 386-414 Parramatta Road consists of a six storey shop top housing development which wraps around to the east to 1-5 Phillip Street. To the east, the site adjoins 1-5 Phillip Street which contains the Petersham Inn with residential shop top dwellings located above up to a height of six storeys.

Directly adjoining the site to the south is a single storey detached residential dwelling at No. 9 Charles Street. South of No. 9 Charles Street are single storey detached residential dwellings at Nos. 11 – 15 Charles Street. Further south, the built forms transition towards a mix of traditional two storey terraces and single storey detached dwellings.

Opposite the site is a two-storey commercial building and located diagonally opposite the site is a church.

The locality comprises a mixture of urban forms and densities which are typically of a higher density along Parramatta Road which then transition to lower density residential development south of the subject site.

Norton Plaza is located at an approximate distance of 310m north-west of the subject site which offers a variety of local goods and services within the locality. There are also several goods and services along nearby Parramatta Road which service the site and locality.

Taverners Hill Infants School is situated at an approximate distance of 240m west of the site. Fort Street High School is in a comparable orientation at an approximate distance of 600m of the site. Petersham TAFE Colle Crystal Street Campus situated south-west of the site at an approximate distance of 150m.

The subject site is well serviced by public transport with several bus stops located within walking distance of the site along nearby Parramatta Road. Each of which provide connections to nearby suburbs, goods, services and amenities.

The site is not listed as an item of heritage, nor is the site located in a conservation area. The Marrickville Development Control Plan 2011 does not identify the property as a contributory building.

The site has not been identified as being flood affected.

3. CLAUSE 4.6

This submission is made under clause 4.6 of the MLEP11 – Exceptions to development standards. Clause 4.6 states the following:

> ***"4.6 Exceptions to development standards***
>
> *(1) The objectives of this clause are as follows:*
> *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
> *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
>
> *(2) Development consent may, subject to this clause, be granted for a development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
>
> *(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
> *(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
> *(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
>
> *(4) Development consent must not be granted for development that contravenes a development standard unless:*
> *(a) the consent authority is satisfied that:*
> *(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
> *(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
> *(b) the concurrence of the Director-General has been obtained.*
>
> *(5) In deciding whether to grant concurrence, the Director-General must consider:*
> *(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

(b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note.
When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:
(a) a development standard for complying development,
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 *applies or for the land on which such a building is situated,*
(c) clause 5.4,
(ca) clause 6.17 or 6.18."

This submission has been prepared having regard to the following guideline judgements:

- Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;
- Wehbe v Pittwater Council [2007] NSWLEC 827;
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1);
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No 2);
- Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3);
- Micaul Holdings Pty v Randwick City Council [2015] NSWLEC 1386;
- Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7; and
- Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.

The use of Clause 4.6 to enable an exception to this development control is appropriate in this instance and the consent authority may be satisfied that all requirements of Clause 4.6 have been satisfied in terms of the merits of the proposed development and the content in this Clause 4.6 variation request report.

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

4.6(3)(b) that there is sufficient environmental planning grounds to justify contravening the development standard.

In addition, 4.6(4)(a)(i) and (ii) requires that development consent must not be granted to a development that contravenes a development standard unless the:

(a) the consent authority is satisfied that:
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

The Environmental Planning Instrument to which these variations relate to is the MLEP11.

The development standard to which this variation relates to is Clause 4.4 – Floor Space Ratio, which reads as follows:

"(1) The objectives of this clause are as follows:
(a) to establish the maximum floor space ratio,
(b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,
(c) to minimise adverse environmental impacts on adjoining properties and the public domain.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) Despite subclause (2), development for the purposes of attached dwellings, bed and breakfast accommodation, dwelling houses and semi-detached dwellings on land labelled "F" on the Floor Space Ratio Map is not to exceed the relevant floor space ratio determined in accordance with the Table to this subclause.

Site area	***Maximum floor space ratio***
≤ 150 square metres	*1.1:1*
> 150 ≤ 200 square metres	*1:1*
> 200 ≤ 250 square metres	*0.9:1*
> 250 ≤ 300 square metres	*0.8:1*
> 300 ≤ 350 square metres	*0.7:1*
> 350 ≤ 400 square metres	*0.6:1*
> 400 square metres	*0.5:1*

(2B) Despite subclause (2), development for the purposes of residential flat buildings on land identified with a thick red line and labelled "F" on the Floor Space Ratio Map may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map by no more than 0.25:1."

As demonstrated in Figure 3, the subject site is prescribed to a maximum FSR of 1.5:1.

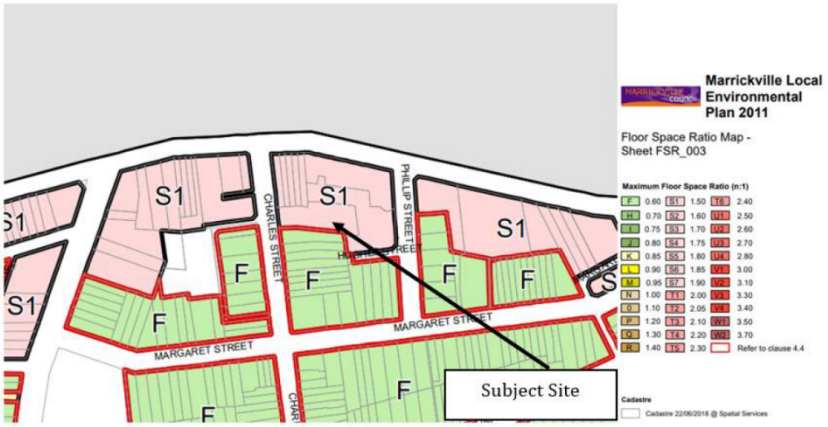


Figure 3 Floor Space Ratio Map
Source: NSW Legislation, MLEP11, map 003

With a site area of 987.4m², a total GFA permitted on the site with a 1.5:1 FSR is 1481.1m².

This application seeks an FSR of 1.84:1 or a GFA of 1815.46m² which is 2.44m² less that previously approved at the site under DA201600419.

A variation of 334.36m² or 22% is sought per this application.

A written justification is therefore required for the proposed variation to the maximum floor space ratio development standard, in accordance with Clause 4.6 of the MLEP11.

4. EXTENT OF NON-COMPLIANCE

As noted above, Clause 4.4 of the MLEP11 states the subject site has a maximum FSR of 1.5:1.

With a site area of 987.4m², a total GFA permitted on the site with a 1.5:1 FSR is 1481.1m².

It should be noted that the approved scheme at the subject site under DA201600419 provided an FSR of 1.84:1 or a GFA of 1817.9m².

This application seeks an FSR of 1.84:1 or a GFA of 1815.46m² which is 2.44m² less that previously approved at the site.

A variation of 334.36m² or 22% is therefore being sought, as per this application.

While a variation is being sought, it is worthy to note in the first instance that the proposal is fully within the maximum height of buildings development standard of 14m, meaning the exceedance has not resulted in a breach to the LEP envisioned height for the site.

The proposed variation is considered to result in a more sympathetic relationship with neighbouring properties when considering the existing and already approved scenario. The FSR variation has not negatively impacted the amenity of the development or adjoining properties, nor would it set a negative precedent in the streetscape given the circumstances of the case. The proposal is therefore considered to have no unreasonable impacts generated by the FSR variation.

A degree of flexibility is considered reasonable in this instance.

5. IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE?

The proposed variation from the development standard is assessed against the required tests in Clause 4.6. In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827 are considered.*

In the matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation:

"...the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1."

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827,* Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 has been well founded and that approval of the objection may be consistent with the aims of the policy. The five possible ways are as set out below:

First	*The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.* *The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable. (applicable)*
Second	*A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary. (not applicable)*
Third	*A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable. (not applicable)*

Fourth	*A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable. (applicable)*
Fifth	*A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary. (not applicable)*

Compliance with objectives of standard

In respect of the floor space ratio development standard, the first method is invoked. The fourth method is also applicable.

The objectives supporting the maximum floor space ratio identified in Clause 4.4 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.

The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.4.

> *"(1) The objectives of this clause are as follows:*
> *(a) to establish the maximum floor space ratio,*
> *(b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,*
> *(c) to minimise adverse environmental impacts on adjoining properties and the public domain."*

Objective

> *(a) to establish the maximum floor space ratio,*

Comment

The proposal is notably fully compliant with the height of buildings development standard, ensuring that the proposed height of the building will be compatible with the desired future character of the area and that the additional GFA proposed has not generated further breaches of development standards.

The GFA has been distributed in a manner which has alleviated the impression of built form to neighbouring properties, using varying setbacks and creation of areas that are void of any built form. This has also maximised opportunity for natural light penetration and natural cross ventilation for the site and to residential units. It is also an improvement from the existing building.

This objective is merely an explanation of the development standard. The proposed development is not in opposition with this objective.

Objective

(b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,

Comment

The proposal has achieved a mix of uses at the site being both commercial and residential floor space.

As is evident in the current design, a more sympathetic relationship with respect to southern sites is created through the central opening at the site which offers a visual and physical relief of built form from southern properties. This is evident when comparing the existing scenario as physical bulk is removed from the central part of the site and away from the southern boundary. Notably, a further visual and physical relief when comparing the approved scenario also results.

The proposal will provide for a strong 3 storey presentation to Charles Street, with the uppermost level having been recessed 6m from the front property boundary. This ensures a sympathetic impression of the proposal to the public domain, mitigating any sense of domination. Glazing along with materials and finishes offer articulation of the front and visible facades. In addition, front facing balconies offer a protruding element and will articulate the facade and negate a monotonous form.

The proposal provides for an enhanced activation of the streetscape when compared to the existing scenario. Entrances to the site and commercial tenancies will complement the streetscape in terms of their scale along Charles Street ensuring an engaging outcome.

The proposal has been designed of a high-quality architectural detail and fabric which is contemporary in its nature. This positively responds to the existing and future desired character of the area.

Objective

(c) to minimise adverse environmental impacts on adjoining properties and the public domain

Comment

In terms of any adverse environmental impacts on adjoining properties and the public domain, it is considered that the development successfully mitigates them.

Regarding overshadowing, it is important to establish that the subject site has an east-west orientation and extends along the complete length of residential properties situated to the south of the subject site. Given this orientation, a degree of overshadowing to southern properties is inevitable.

Nos. 13 and 15 Charles Street will continue to receive 2 hours of direct sunlight to their respective principal private open spaces between in 11am – 1pm.

As demonstrated in the submitted shadow analysis, No. 9 Charles Street does not receive any solar access to its private open space nor living room windows.

The additional shadow caused by the proposal will fall over the roof areas of No. 9 Charles Street.

At present, No. 9 Charles Street does not receive 2hrs of solar access to north facing living room glazing nor to areas of private open space. No change is proposed.

With respect to No. 11 Charles Street, at 9am and 10am No. 11 Charles Street receives no solar access to its private open space, with east facing windows currently overshadowed. Between 11am -3pm an additional degree of shadow is cast to the private open space of No. 11 Charles Street. Additional overshadowing is also caused to the roof form at No. 11 Charles Street. It should be noted that a degree of solar access is still maintained to the area of private open space between the hours of 11-2pm, however, to a reduced capacity.

While the principal living space would not receive the minimum 2 hours of solar access, it does achieve at least 2 hours of direct sunlight and its private open space, however to a reduced capacity. A degree of solar access to the private open space will continue to benefit the site. Therefore, the reduction considered minor in this instance.

Separate shadow diagrams have been prepared showing that excellent solar access is achieved to the principal private open space and principal living areas of No. 11 Charles Street on 21 March. On March 21, solar access to the east facing glazing for No. 11 Charles Street is achieved between 9am-11am. Notably, solar access to dining/living room and kitchen windows of No. 9 Charles Street is achieved between 9-1pm. With respect to private open space for No. 11 Charles Street, solar access is achieved between 9am-3pm. This is notably, comparable to No. 9 Charles Street where solar access is achieved to areas of private open space between 10am – 3pm.

In terms of privacy, the proposal has had regard to all neighbours, particularly that of the R2 Low Density Residential zoned properties to the south.

With respect to the southern property boundary, blank walls are proposed along part of this boundary with blank walls proposed to the rear boundary. Opportunities for overlooking are therefore mitigated.

Balconies to units 103, 105, 203, 205, 302 and 304 have been designed to address the internal void through the centre of the site. Setback distances of between 7.099m to the edge of the planter and 8.430m to the end of the balcony are proposed. These spaces have been addressed over the internal portions of the subject site which will draw visual attention away from sites to the south. Planter boxes to the end of these balconies will also assist in mitigating any opportunity for overlooking. Given the property at 9 Charles Street is single storey, there will be no direct relationship to built form at level 1 – 3.

Where living room windows are provided along the northern boundary these will be of a high sill and will consist of obscure glazing which mitigates any overlooking. Fire rated glass blocks are also provided to part of these rooms which address the northern boundary.

Balconies will be screened along northern edges or will contain a planter box to deter view lines. The more usable areas of POS are orientated within the site, away from neighbouring buildings. It is also considered that the right of way which provides a general width of between 3.040 – 4.57m is appropriate in facilitating additional separation between sites to the north.

No visual privacy concerns are considered to result generally or because of the variation, there are no visual privacy concerns considered to result to the public domain.

Front facing units and commercial floor space at the ground floor will offer a heightened degree of activation and passive surveillance over the streetscape.

Lastly, regarding visual bulk and general amenity, it is not envisioned that the proposal generally, or the exceedance in FSR compromises any adjoining properties or the public domain to a degree not envisioned by the development standards applicable to the site. The proposal will offer a strong 3 storey presentation to Charles Street, with the fourth level having been visually and physically recessed from the public domain. Therefore, mitigating any adverse impression of bulk and scale.

In view of the above, it is submitted that the proposal is consistent with the objectives of Clause 4.4.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard.

It is evident that Council has varied the standard along the Parramatta Road Corridor on numerous occasions. In view of this, it is our submission that a variation to the standard is not unreasonable because Council has on a continuous basis varied the standard along the Parramatta Road corridor.

6. ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS?

The assessment above and as shown throughout the supporting documentation demonstrates that the resultant environmental impacts of the proposal will be satisfactory.

It is important to reiterate that the proposal before Council offers a more sympathetic response to the site and its surrounding context when comparing the existing development at the subject site which is built to all boundaries. This also notably an improvement when compared to the approved development at the site which was also built to the southern boundary for its full length.

Reference should be made to Figure 4 which demonstrates the existing vs the previously approved vs the proposed relationship. The envelope of the existing form has been outlined in blue, the approved form has been outlined in red and are overlayed over the proposed built form. The yellow highlighted areas represent where floor space has been removed since the existing and approved configuration. The red highlighted areas represent areas where additional bulk is provided.

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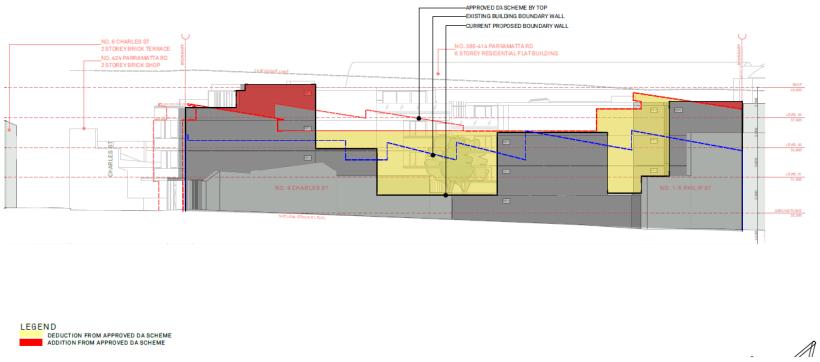

Figure 4: Plan Excerpt
Source: Benson McCormack Architecture

As evident in Figure 4 above, and although a comparable FSR is maintained as approved, the the proposal will offer a substantial benefit with respect to its impression to neighbouring sites and integration within the site and locality.

The current design before Council has created an opening in the built form through the middle section of the development across all levels. This creates a sense of two block forms. A beneficial outcome is created, as the impression of a lengthy built form and visual bulk along the southern boundary is alleviated. This has also allowed for natural light and natural ventilation to residential units and communal areas, thereby improving the overall amenity for future occupants. A heightened degree of landscaping is also accommodated at the site when compared to the existing and already approved scenario. The provision of communal open space encourages social interaction amongst future occupants.

Notably, the fourth storey of the proposed development has remained setback 6m from Charles Street. As such this fourth storey continues to be a recessive element, allowing the proposal to be read and appreciated as 3-storeys from Charles Street. The proposal is strongly considered to provide a sympathetic integration within the streetscape, ensuring continuity of built form.

With respect to bulk and scale, it is important to acknowledge that since previous iterations of the design presented to Council as part of Pre-DA discussions, Unit 303 had been reconfigured from a 1-bedroom unit to a studio. This had allowed for a reduced bulk and scale in this portion of the built form, given the smaller unit size now proposed. This has removed 12.15m^2 of floor space from this area. An increased setback between the southern facade of Unit 303 and the southern property boundary had also been achieved. Previously this unit was proposed as being built to the southern boundary, with a 1.5m setback now provided. A step in the façade is created through this increased setback which further assists to break up the built form.

A more sympathetic relationship with respect to southern sites is created through the central opening which offers a visual and physical relief of built form from southern properties. When compared to the existing and approved scenario, physical bulk is removed from the central part of the site and away from the southern boundary.

Regarding visual privacy, there are no adverse amenity impacts deemed to result upon neighbouring properties from the proposed variation.

In terms of the southern property boundary, blank walls have been proposed along part of the length of the boundary. Given the interface of blank walls along these portions no opportunities for overlooking would result.

Balconies to units 103, 105, 203, 205, 302 and 304 have been designed to address the internal void through the centre of the site. Setback distances of between 7.099m to the edge of the planter and 8.430m to the end of the balcony are proposed. These spaces have been addressed over the internal portions of the subject site which will draw visual attention away from sites to the south. Planter boxes to the end of these balconies will also assist in mitigating any opportunity for overlooking. Given the property at 9 Charles Street is single storey, there will be no direct relationship to built form at level 1 – 3.

With respect to the northern boundary, where living room windows are provided along the northern boundary these will be of a high sill and will consist of obscure glazing which mitigates any overlooking. Fire rated glass blocks are also provided to part of these rooms which address the northern boundary. Balconies will be screened along northern edges or will contain a planter box to deter view lines. The more usable areas of POS are orientated within the site, away from neighbouring buildings.

These solutions are considered appropriate in mitigating any overlooking between sites. It is also considered that the right of way which provides a general width of between 3.040 – 4.57m is appropriate in facilitating additional separation between sites to the north.

With regards to overshadowing, reference should also be made to the submitted solar access diagrams and shadow analysis plans prepared by Benson McCormack Architecture. In the first instance, it is important to establish that the subject site has an east-west orientation and extends along the complete length of residential properties situated to the south of the subject site. Given this orientation, a degree of overshadowing to southern properties is inevitable.

It should also be noted that when comparing the existing vs the proposed scenario, the outcomes are comparable, however, there is a slight increase of shadow given the nature of the development that is sought. Nos. 13 and 15 Charles Street will continue to receive 2 hours of direct sunlight to their respective principal private open spaces between in 11am – 1pm.

In assessing the impacts to No. 9 Charles Street, the shadow analysis demonstrates that No. 9 Charles Street does not receive any solar access to its private open space nor living room windows. The additional shadow caused by the proposal will fall over the roof areas of No. 9 Charles Street. At present, No. 9 Charles Street does not receive 2hrs of solar access to north facing living room glazing nor to areas of private open space. No change is proposed.

This is demonstrated in the Solar Access Diagrams which form part of the architectural set of plans, Sheets A-1314 to A-1324. The existing and the proposed scenario have been modelled. It is evident that the windows along the north and eastern elevation of No. 9 Charles Street are not visible and therefore no access is received. Similarly, with areas of private open space, these do not receive solar access in the current context.

Refer to Figures 5-15 below which demonstrates the existing vs the proposed scenario, as detailed in the paragraphs above.

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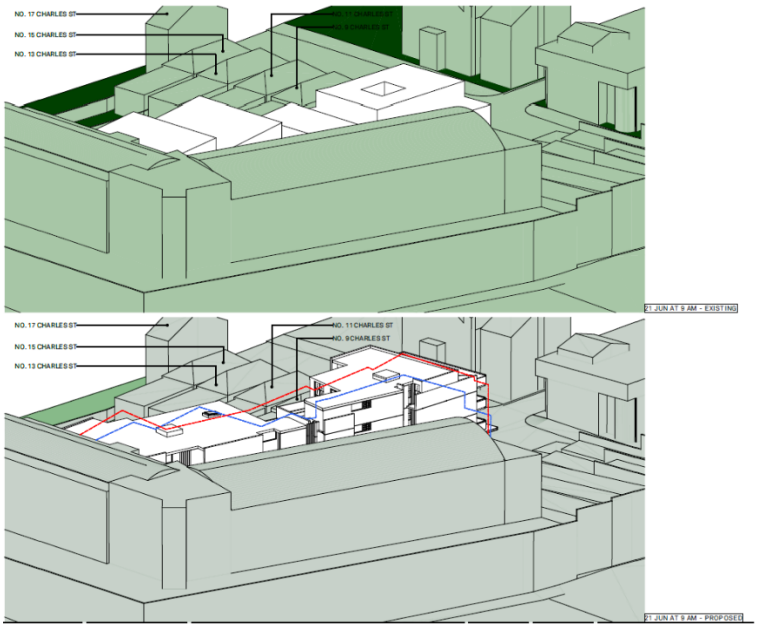

Figure 5: Solar Access Diagram Existing vs Proposed 9am
Source: Benson McCormack Architecture

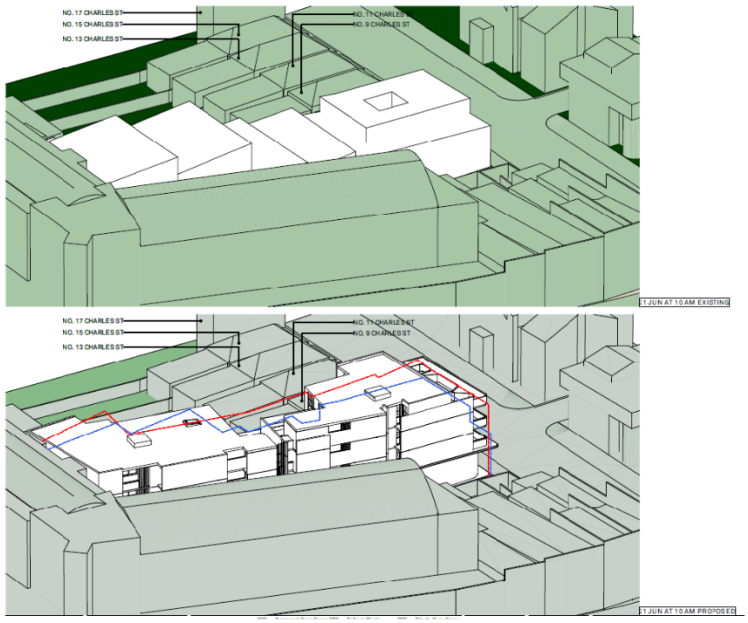

Figure 6: Solar Access Diagram Existing vs Proposed 10am
Source: Benson McCormack Architecture

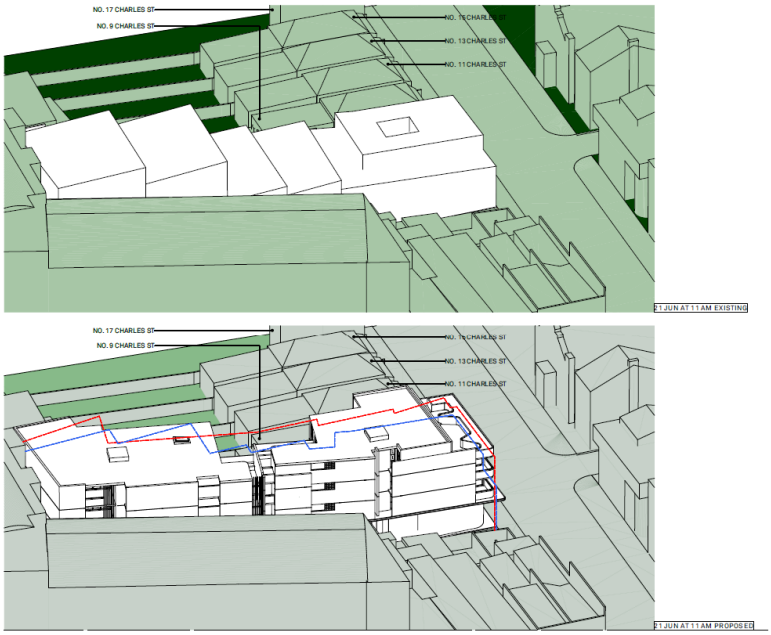

Figure 7: Solar Access Diagram Existing vs Proposed 11am
Source: Benson McCormack Architecture

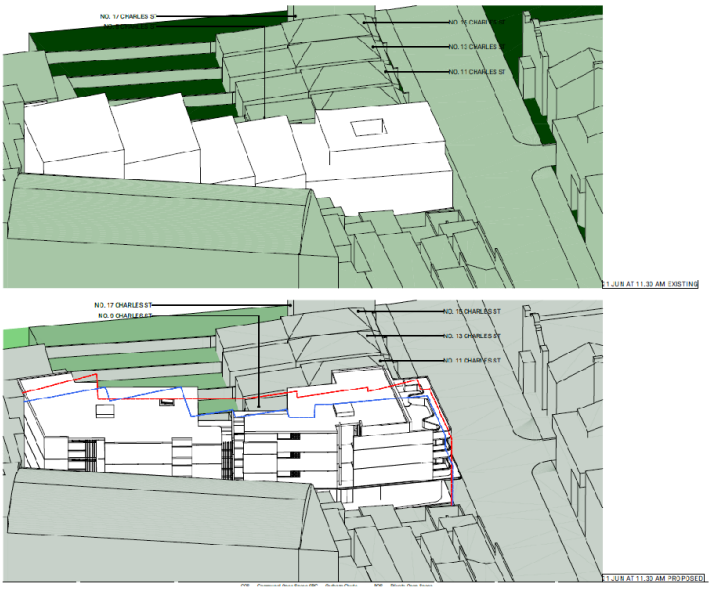

Figure 8: Solar Access Diagram Existing vs Proposed 11:30am
Source: Benson McCormack Architecture

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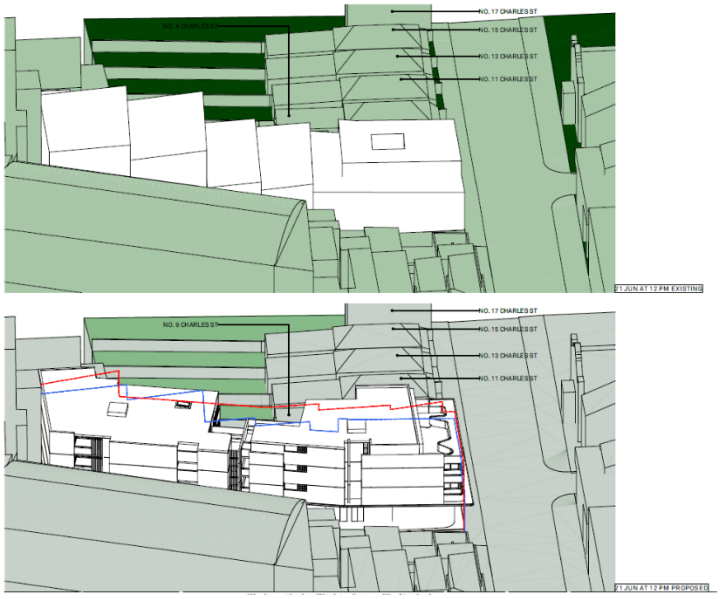

Figure 9: Solar Access Diagram Existing vs Proposed 12pm
Source: Benson McCormack Architecture

Figure 10: Solar Access Diagram Existing vs Proposed 12:30pm
Source: Benson McCormack Architecture

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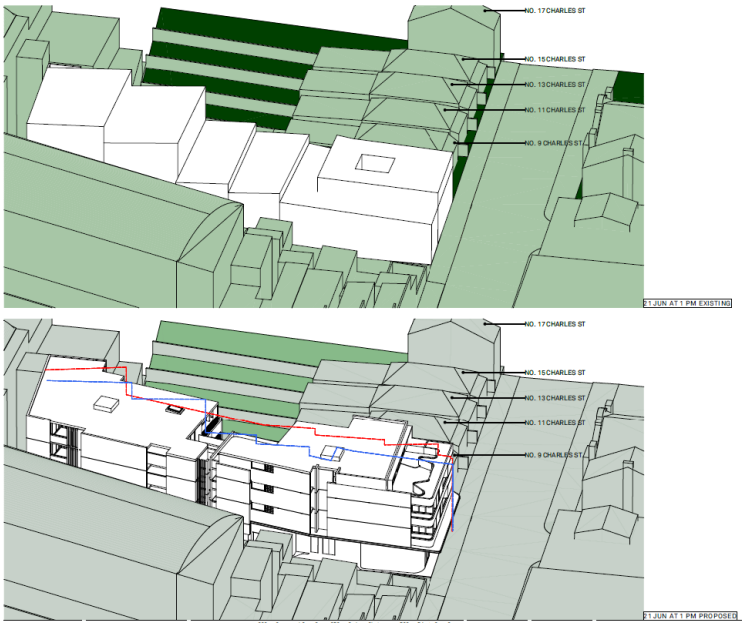

Figure 11: Solar Access Diagram Existing vs Proposed 1pm
Source: Benson McCormack Architecture

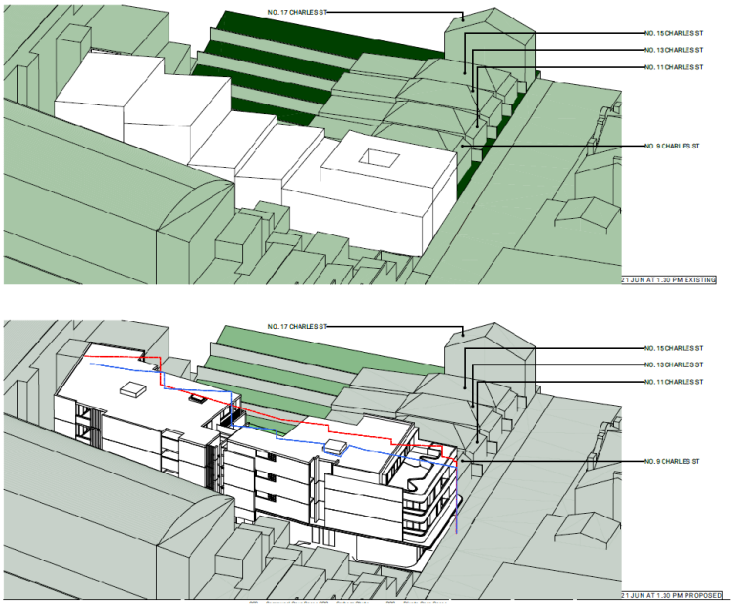

Figure 12: Solar Access Diagram Existing vs Proposed 1:30pm
Source: Benson McCormack Architecture

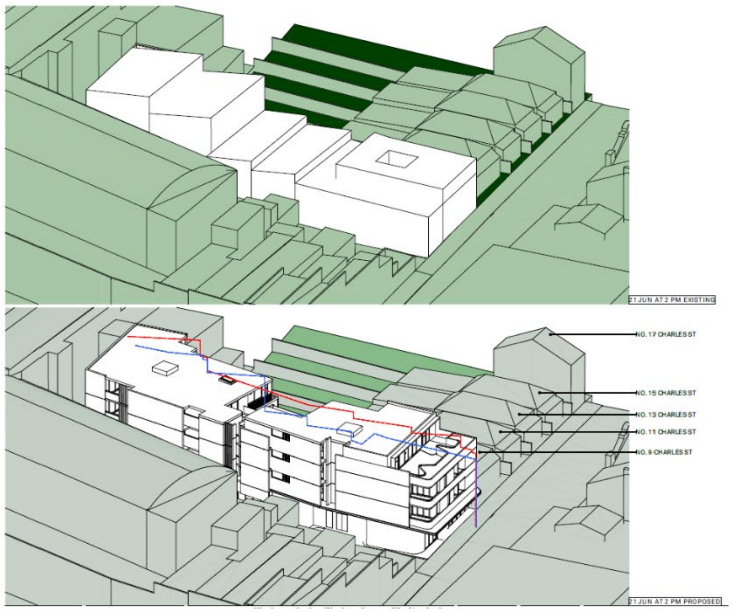

Figure 13: Solar Access Diagram Existing vs Proposed 2pm
Source: Benson McCormack Architecture

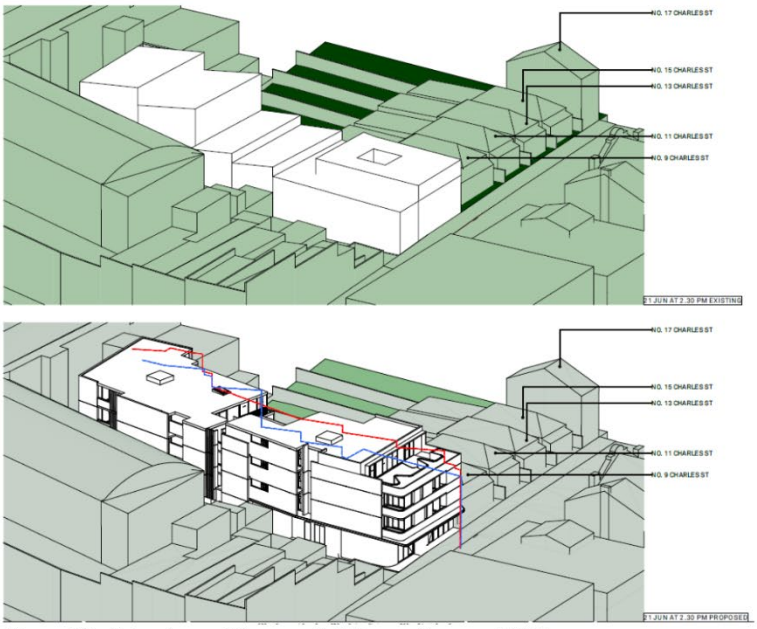

Figure 14: Solar Access Diagram Existing vs Proposed 2:30pm
Source: Benson McCormack Architecture

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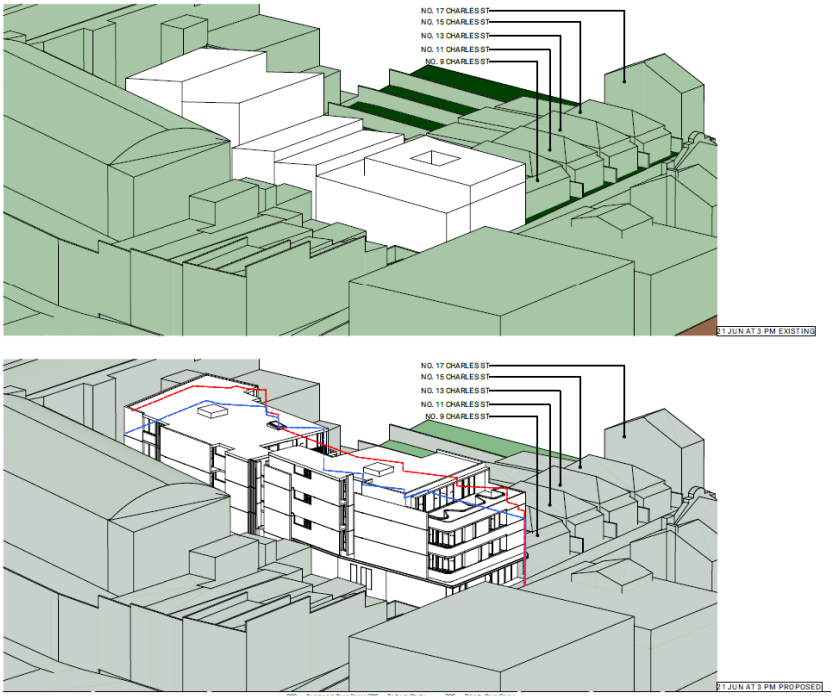

Figure 15: Solar Access Diagram Existing vs Proposed 3pm
Source: Benson McCormack Architecture

In assessing the impacts to No. 11 Charles Street, in its current context at 9am and 10am no solar access is received to its private open space. With east facing windows currently overshadowed. Between 11am-3pm there is a minor increase to the degree of overshadowing to areas of private open space. Importantly, a degree of solar access is still maintained to the area of private open space for No. 11 Charles Street between the hours of 11-2pm, however, to a reduced capacity.

Council's DCP recognises that where an additional degree of overshadowing does result, there are certain considerations to account for. These are copied below, with a response to each also provided.

a. The development potential of the site;

The development potential of the site is represented by the LEP standards to FSR (1.5:1) and the maximum height of 14m. The land zoning of this site is B2 Local Centre and directly adjoins an R2 Low Density Residential zone to the south with Nos. 9, 11, 13 and 15 Charles Street falling under this zoning.

In this instance, given the orientation of the proposal and the transition in land zoning, any sites located to the south of the development would inevitably be overshadowed to some extent merely due to orientation and the transition in planning standards.

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

The southern properties have narrower lots, they are located in proximity to the subject site and its southern orientation have together, amplified the difficulty to achieve compliance.

It is worth noting the planning principal for sunlight as discussed in The Benevolent Society v Waverley Council [2010] NSWLEC 1082. It states:

"...assessment of the adequacy of solar access should be undertaken with the following principles in mind, where relevant:

The ease with which sunlight access can be protected is inversely proportional to the density of the development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong."

As the transition of built form is from a higher density at the north to a lower density to the south akin to what is currently existing on the site, some solar access loss is to be expected and should not unfairly prejudice the development.

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

There are no apparent exceptional circumstances applicable to the site, therefore c. would not be applicable.

d. Whether the sunlight available in March to September is significantly reduced, such that it impacts upon the functioning of principal living areas and the principal areas of open space. To ensure compliance with this control, separate shadow diagrams for the March/September period must be submitted in accordance with the requirements of C1;

Separate shadow diagrams have been prepared showing that excellent solar access is achieved to the principal private open space and principal living areas of No. 11 Charles Street on 21 March. Notably, solar access to dining/living room and kitchen windows of No. 9 Charles Street is achieved between 9-1pm. With respect to private open space for No. 11 Charles Street, solar access is achieved between 9am-3pm. This is notably, comparable to No.9 Charles Street where solar access is achieved to areas of private open space between 10am – 3pm.

To reiterate, proposal would result in an improved view corridor when one is standing in the rear private open spaces of Nos. 9, 11, 13 and 15 Charles Street due to the reduced bulk and scale created by the central openings to the built form.

As detailed above, the sympathetic integration of the proposed development in the context of the site and locality which is reinforced through the introduction of void areas free of built form along with the lack of amenity impacts to neighbouring properties are considered to offer sufficient environmental planning grounds in requesting a variation to the floor space ratio development standard and allowing flexibility to vary this standard.

In this case, strict compliance with the development standard for floor space ratio development standard of the MLEP11 is unnecessary and unreasonable.

7. IS THE VARIATION IN THE PUBLIC INTEREST?

Clause 4.6 states that the development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is to be carried out.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 4.

The development as proposed will be in the public interest as it is consistent with the objectives of Clause 4.4.

The building contextually has regard to its surrounding properties and provides an extent of amenity and density anticipated by the development controls to the site.

Furthermore, it is important to also consider the objectives of the B2 Local Centre zone in relation to the development, which are as follows:

Zone B2 Local Centre

Objectives of zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide housing attached to permissible non-residential uses which is of a type and scale commensurate with the accessibility and function of the centre or area.*
- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*
- *To constrain parking and reduce car use.*

In response to the above the following is provided:

Objective

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

Comment

The proposed development offers ground floor commercial floor space which will encourage and promote a range of future commercial land uses at the site and within the locality.

These are of an appropriate size to ensure flexibility for future tenants for the benefit of those who live, work in and visit the local area. A variation to the maximum floor space ratio development standard would not impede upon the proposed use of the site.

Objective

- *To encourage employment opportunities in accessible locations.*

Comment

The subject site is well serviced by public transport with several bus stops located within walking distance along nearby Parramatta Road which offers connection to and from the site and to a broader public transport network.

A variation to the maximum floor space ratio will not impede upon the provision of commercial floor space to be provided at the site that is within proximity to public transport services, rather it will encourage this outcome.

Objective

- *To maximise public transport patronage and encourage walking and cycling.*

Comment

As above, the site is well serviced by public transport which will encourage alternative means of transportation. Bicycle parking has been provided for the development and will encourage cycling to and from the site. The variation does not restrict upon the sites capacity to promote patronage by public or active transport modes.

Objective

- *To provide housing attached to permissible non-residential uses which is of a type and scale commensurate with the accessibility and function of the centre or area.*

Comment

Shop top housing above commercial floor space is proposed and will ensure residential land uses are provided within accessible locations and are well serviced by local amenities along with goods and services. Additional floor space will not restrict this outcome to be achieved, rather will encourage a well designed built form at the site which promotes residential amenity in a well serviced location.

Objective

- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*

Comment

Commercial floor space is provided at the ground floor and will offer an active street frontage to Charles Street. This will promote interaction with the public domain and suitable streetscape activity.

The proposed variation does not hinder upon the developments capacity to provide an activated street frontage.

Objective

- *To constrain parking and reduce car use.*

Comment

A compliant degree of car parking has been provided in accordance with Council's controls. This is considered suitable in serving the proposed development.

No additional parking beyond that required is provided. The variation to floor space ratio would have no implications with respect to reducing car use.

The variation to the floor space ratio does not impinge on the capacity of the development to meet the above objectives.

In view of the above, it is submitted that the proposed development is consistent with the objectives of the zone.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard, noting the development will be in the public interest.

8. PUBLIC BENEFIT OF MAINTAINING THE STANDARD

It is considered that there is no benefit to the public or the community in maintaining the development standards. The proposed development will allow for the creation of a high quality example of an infill development with land uses commiserate with the zone objectives and will be employment generating.

It should also be acknowledged that several variations to the floor space ratio development standard have been granted along the Parramatta Road Corridor. Given, Council has previously varied the standard on numerous occasions, it is not considered unreasonable that flexibility be applied in this context as the proposal is in keeping with the desired future character envisioned for the site and B2 Local Centre Zone.

Given the site's orientation, location and context it is considered that the site is well suited for the development.

It is not considered that the variation sought raises any matter of significance for State or regional environmental planning.

The departure from the floor space ratio control within the MLEP11 allows for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

9. IS THE VARIATION WELL FOUNDED?

It is considered that this has been adequately addressed in Parts 4 and 5 of this submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the MLEP11 in that:

- Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development;
- There are sufficient environmental planning grounds to justify the departure from the standards;

- The development meets the objectives of the standard to be varied (floor space ratio) and objectives of the B2 Local Centre zoning of the land;
- The proposed development is in the public interest and there is no public benefit in maintaining the standard;
- The breach does not raise any matter of State of Regional Significance; and
- The development submitted aligns with the existing and future character envisioned for the locality.

Based on the above, the variation is considered to be well founded.

10. GENERAL

Clause 4.6 also states that:

> *"(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
> *(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
> *(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
>
> ***Note.***
> *When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.*
>
> *(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
> *(8) This clause does not allow development consent to be granted for development that would contravene any of the following:*
> *(a) a development standard for complying development,*
> *(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which* State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 *applies or for the land on which such a building is situated,*
> *(c) clause 5.4,*
> *(ca) clause 6.17 or 6.18"*

This variation does not relate to the subdivision of land. The variation sought is thus not contrary to subclause (6).

Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission.

The development proposed is not complying development.

A BASIX certificate has been prepared for this application.

Clauses 5.4, 6.17 and 6.18 of the MLEP11 do not apply to the proposal.

11. CONCLUSION

The proposal does not strictly comply with the maximum floor space ratio standard as prescribed by Clause 4.4 of the MLEP11. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the MLEP11 are satisfied as the breach to the controls does not create any adverse environmental impacts.

Consequently, strict compliance with this development standard is unreasonable and unnecessary and that the use of Clause 4.6 of the MLEP11 to vary this development controls is appropriate in this instance.

Based on the above, it is sensible to conclude that strict compliance with the maximum floor space ratio is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.

Should you have any questions regarding the proposed development, please do not hesitate to contact me.

Kind regards,

Valdis Aleidzans
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Plan 3315