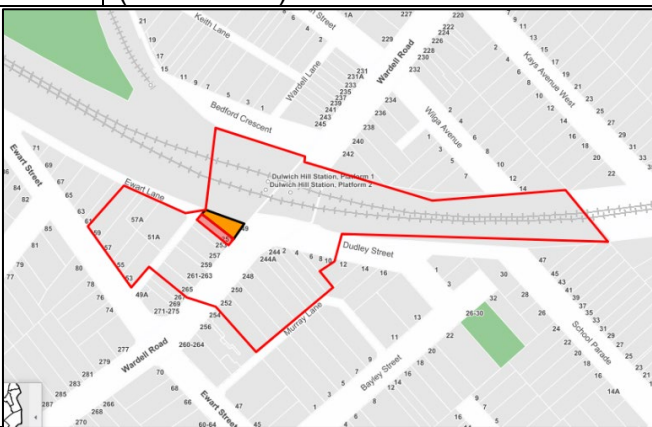




	
DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	MOD/2021/0507
<b>Address</b>	247-249 Wardell Road MARRICKVILLE NSW 2204
<b>Proposal</b>	Application under Section 4.56 of the <i>Environmental Planning and Assessment Act 1979</i> to modify Land and Environment Court Determination No. 160264, dated 08 August 2016, so as to carry out changes to the 7 storey mixed use building which is comprised of a retail premises on the ground floor with boarding house above. The changes include an extension of the building footprint to the western boundary, infilling recessed sections to the northern boundary to accommodate additional boarding rooms across the development, modify the architectural expression of the building and expand the retail tenancy.
<b>Date of Lodgement</b>	25 November 2021
<b>Applicant</b>	Geoff Shaw
<b>Owner</b>	Dulwich Capital Pty Ltd
<b>Number of Submissions</b>	One (1)
<b>Value of works</b>	\$4,395,000.00
<b>Reason for determination at Planning Panel</b>	Floor Space Ratio and Building Height variation exceed 10%.
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• S4.56 modification – modification of consent issued by the NSWLEC</li> <li>• Floor Space Ratio breach</li> <li>• Building Height breach</li> <li>• Dulwich Hill Station Master Plan and public plaza</li> </ul>
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended modified conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Architectural Excellence Panel minutes
<b>Attachment D</b>	Land and Environment Court Determination No. 2016/160264 (as modified)
	
<b>LOCALITY MAP</b>	
<b>Subject Site</b> 	<b>Objectors</b> 
<b>Notified Area</b> 	<b>Supporters</b> 

## 1. Executive Summary

This report is an assessment of the Section 4.56 application submitted to Council to modify Land and Environment Court Determination No. 160264, dated 08 August 2016, to carry out changes to the 7 storey mixed use building which is comprised of a retail premises on the ground floor with boarding house above. The changes include an extension of the building footprint to the western boundary, infilling recessed sections to the northern boundary to accommodate additional boarding rooms across the development, modify the architectural expression of the building and expand the retail tenancy at 247-249 Wardell Road, Marrickville.

The application was notified to surrounding properties and one (1) submission was received in response to the initial notification.

The main issues that have arisen from the application include:

### Interface with adjacent public plaza

The application for modification has been lodged with the intention of improving the connection between the new plaza planned for the Dulwich Hill metro station, which directly adjoins the site on its northern boundary. The ground floor interface including floor levels, accessibility and façade changes have been proposed in order to promote an active frontage to contribute to the pedestrian vitality of the plaza and immediate area.

### Floor Space Ratio exceedance

The application seeks to increase the floor space ratio. The approved FSR was approximately 3.12:1 (excludes common circulation designed as breezeways) and the proposed modified development would have an FSR of 4.56:1. Whilst this is a significant breach to the allowable FSR of 3:1, the configuration of this site is unique given its interrelationship with the adjacent future public plaza.

The additional gross floor area is fundamentally a result of the enlarged retail tenancy on the ground floor, infilling of the approved recessed sections of the building on the northern side elevation and enlarged building footprint in the rear western corner adjacent to Ewart Lane. These specific design changes are considered to result in an improved built form outcome for reasons identified in the main body of the report.

### Building Height exceedance

The height of the building has been increased from approximately 22.7m to 25.35m. This exceeds the maximum allowable height of 23m in accordance with clause 4.3 of *Marrickville Local Environmental Plan 2011*. There is scope for the height to be reduced by approximately 1.25m through a reduction to the floor to floor heights. A condition of consent is recommended requiring design changes which will subsequently reduce the extent of the breach.

### Design Excellence

The proposed development is subject to the requirements of Clause 6.20 – Design excellence within *Marrickville Local Environmental Plan 2011*. Accordingly, the consent authority must be satisfied that the modified development exhibits design excellence. The application was referred to Council's Design Excellence Design Review Panel who supported the proposal.

subject to a few design changes which have generally been accommodated within the amended plan submission.

The non-compliances are acceptable in the specific circumstances and therefore the application is recommended for approval.

## 2. Proposal

This application has been made under Section 4.56 of the *Environmental Planning and Assessment Act 1979* to modify Land and Environment Court Determination No. 160264. The approved development was for demolition of the existing improvements and construction a 7 storey mixed use development with a commercial tenancy, 1 car parking space and 7 motorcycle spaces on the ground floor level; 32 boarding rooms (including 1 caretakers' unit) on the upper floor levels and basement bicycle and waste storage facilities.

The proposed modifications are detailed as follows:

### Basement

- Minor enlargement of the footprint of the basement on the northern side to accommodate additional storage area;
- Relocation of bicycle storage to the western side of the basement;
- Additional waste service area; and
- Change in the finished floor level from RL17.13 to RL16.89.

### Ground Floor Plan

- 80m<sup>2</sup> enlargement of the approved retail tenancy;
- Relocation of the fire stairs to the eastern side of the lift and subsequent relocation of the accessible WC;
- Change in the finished floor level from RL19.70 to RL20.03 and RL20.75;
- Floor to floor height increased from 3.8m to 4.5m;
- Reconfiguration at the western end of the ground floor including modifications to accommodate 8 motorcycle spaces and waste facilities; and
- Deletion of the single car parking space approved at the rear.

### Level 1

- Reconfiguration of the room layouts and expansion of the building footprint into the rear western corner of the site;
- Provision of balconies for two (2) rooms facing Wardell Road; and
- Change in the finished floor level from RL23.5 to RL24.53; and
- Floor to floor height increased from 3m to 3.35m.

### Levels 2 – 5

- Reconfiguration of the room layouts and expansion of the building footprint into the approved building recess along the northern boundary and into the rear western corner of the site;
- Changes to the finished floor levels; and
- Floor to floor heights increased from 3m to 3.35m.

Level 6

- Reduction to the approved building footprint/envelope. The two (2) approved boarding rooms at the eastern end of the site have been deleted;
- The design and configuration of the indoor communal room has been modified and enlarged from 23.6m<sup>2</sup> to 29.3m<sup>2</sup>; and
- New outdoor communal open space in the form of a rooftop terrace with a landscaped buffer around the perimeter of the building.

Floor Space Ratio

The design changes have led to an increase to the floor space ratio. This is fundamentally a result of the enlarged retail tenancy on the ground floor, infilling of the approved recessed sections of the building on the northern side elevation and enlarged building footprint in the rear western corner adjacent to Ewart Lane. The approved FSR was approximately 3.12:1 (excludes common circulation designed as breezeways) and the proposed modified development would have an FSR of 4.56:1.

Building Height

The height of the building has been increased from approximately 22.7m to 25.35m.

External appearance, colours and finishes

The proposal seeks to modify the external presentation and appearance of the approved development. Externally, the proposed modified development incorporates a mixture of exposed concrete, face brick, copper metal window frames, bronze metal panels and textured concrete. A comparison between the approved and proposed montages are re-produced below:



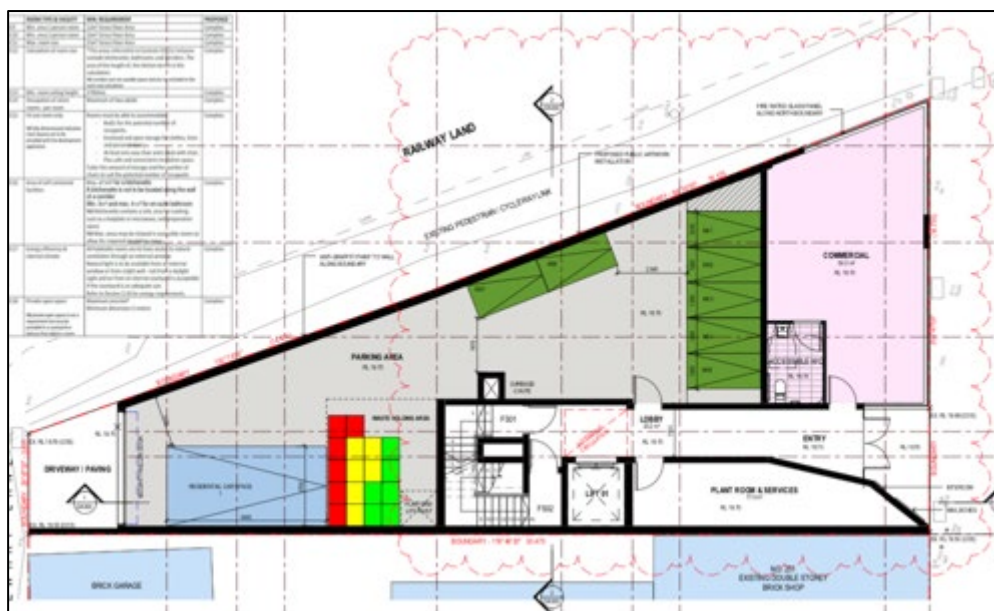


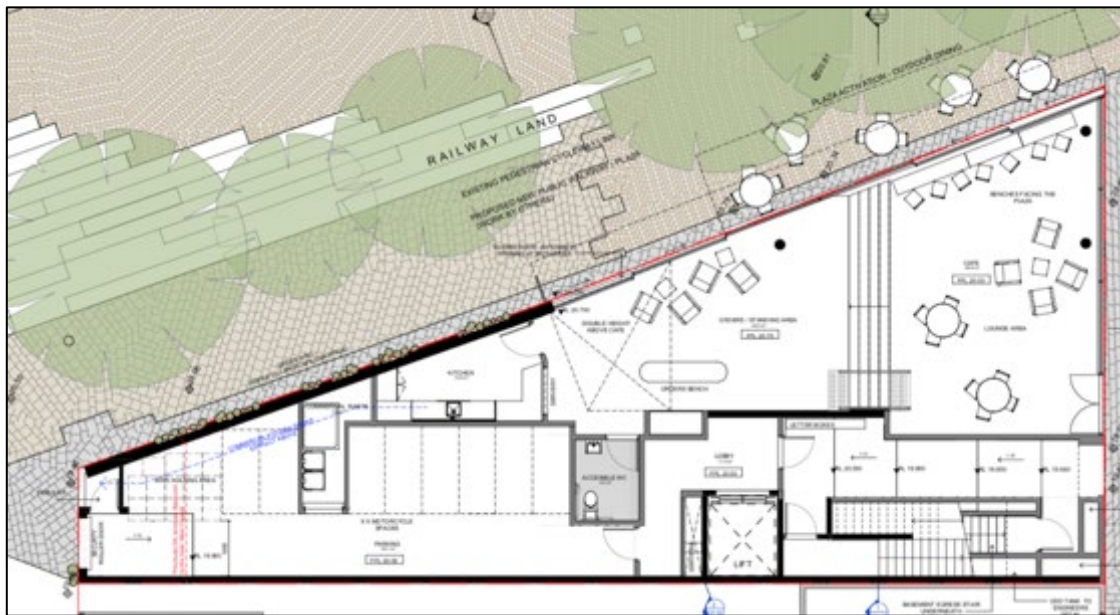


### Interface with adjacent public plaza

The application for modification has been lodged with the intention of improving the connection/activation between the new plaza planned for the Dulwich Hill metro station (currently under construction), which directly borders the site on its northern boundary. In this regard, the ground floor interface has been amended in order to promote an active frontage to contribute to the pedestrian vitality of the plaza and immediate area. The approved design was largely inactive because it contained a large parking area for one vehicle car space and motorcycle spaces. The proposed finished levels are also altered to ensure that they relate better to the future plaza.

The plan extracts below demonstrate the proposed changes (i.e. – from the current approved scheme) on the ground floor, particularly as they relate to the interface with the adjacent plaza space to the north:



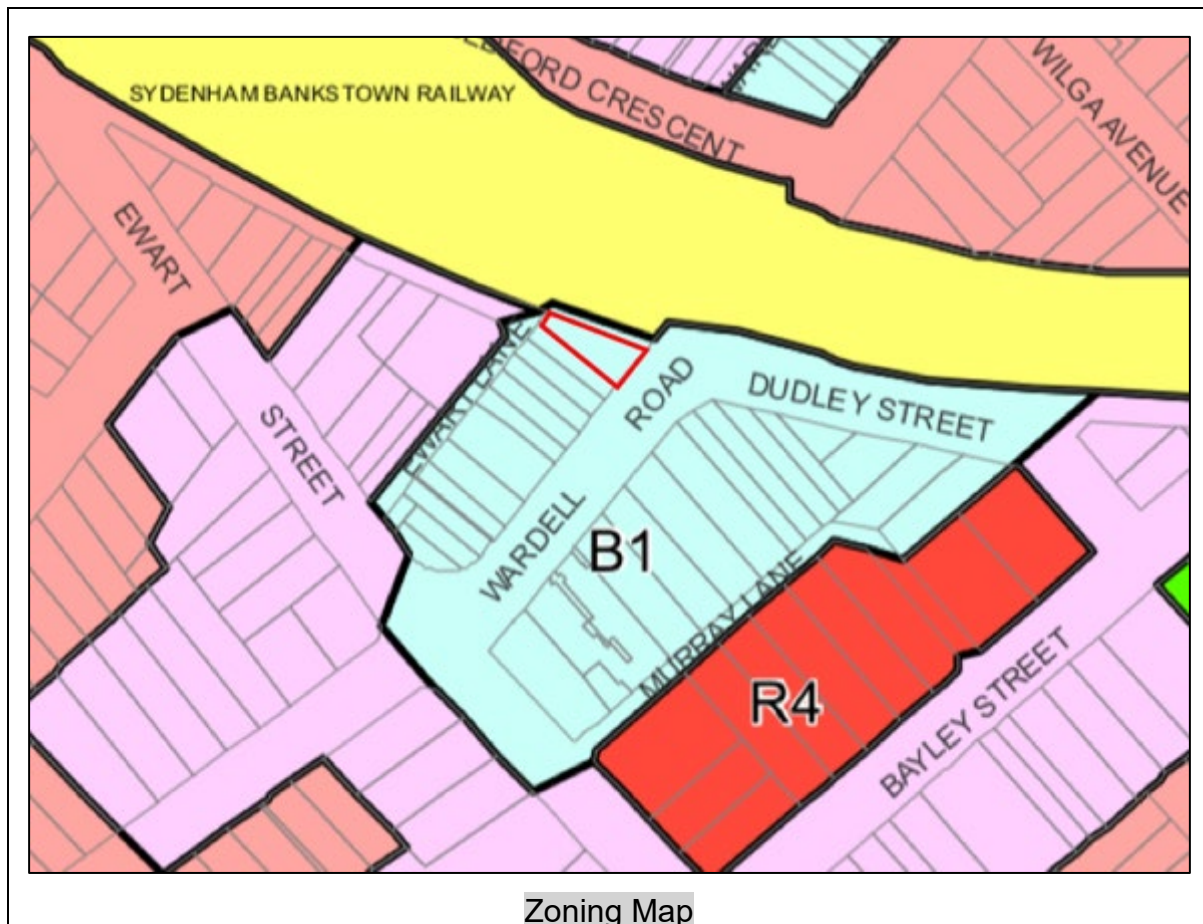
**Approved ground floor extract****Proposed ground floor plan extract**Boarding house capacity

The approved development contained a total of 31 single lodger rooms, plus 1 Manager's room. The proposed modified development contains a total of 38 single lodger boarding rooms, plus 1 Manager's room. The proposed modified design therefore results in the provision of 7 additional boarding rooms.

### 3. Site Description

The subject site is located on the north western side of Wardell Road. The site consists of a single allotment that is irregular in shape. It is a corner allotment having a primary frontage to Wardell Road and a secondary frontage to the Dulwich Hill Station and associated infrastructure. The site has a total area of 273.4m<sup>2</sup>, is legally described at Lot 31 DP 3253 and is commonly known as 247-249 Wardell Road, Marrickville.

Construction works of the approved development are currently under way on site. Immediately adjoining the site to the north is Dulwich Hill Station, to the west (at the rear) the site adjoins Ewart Lane. On the opposite (western) side of the lane are a mixture of residential development including dwelling houses and a residential flat building. To the south are an existing row of shops. To the east, on the opposite side of Wardell Road are neighbourhood shops and shop-top housing developments.



## 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
DA201500484	Demolish existing improvements and construct a 7 storey mixed use development with a commercial tenancy, 1 car parking space and 7 motorcycle spaces on the ground floor level; 33 boarding rooms (including a caretakers unit) on the upper floor levels and basement bicycle and waste storage facilities.	Refused – 22 February 2016
Land and Environment Court Determination No. 160264 –	Demolish existing improvements and construct a 7 storey mixed use development with a commercial tenancy, 1 car parking space and 7 motorcycle spaces on the ground floor	Approved as Deferred Commencement – 8 August 2016.

Section 34 conciliation	level; 32 boarding rooms (including a caretakers unit) on the upper floor  levels and basement bicycle and waste storage facilities.	The deferred commencement matters were satisfied and the consent became operative on 9 October 2019.
Determination No. 201500484.01	Determination No. 201500484.01 approved an application under Section 4.54 of the Environmental Planning and Assessment Act to extend Court Determination No. 2016/160264, dated 8 August 2016 for a period of one year for the deferred commencement.	7 June 2018
Determination No. 201500484.02	Determination No. 201500484.02 approved an application under Section 4.54 of the Environmental Planning and Assessment Act to extend Court Determination No. 2016/160264, dated 8 August 2016 for a period of one year for the deferred commencement.	20 May 2019
PDA/2020/0420	To increase the floor area, carry out internal changes and add an additional storey to the mixed use building.	Advice issued
PDA/2021/0142	To increase the floor area and carry out internal and external façade changes to the mixed use building.	Advice issued

#### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
25/11/2021	The subject modification application was submitted with Council.
23/12/2021 until 3/2/22	The application was notified. One (1) submission was received.
8/2/2022	The application was reviewed by Council's Architectural Excellence Design Review Panel.
8/3/2022	Following an assessment of the application, a request for further information letter was sent to the applicant. This letter raised concerns with respect to: Design issues and concerns raised by the Architectural Excellence Design Review Panel (AEDRP), proposed waste management, clarification on the calculation of the sizes of the proposed boarding rooms, mechanical ventilation requirements for the commercial kitchen, requirement for a revised Plan of Management and deficient number of accessible rooms.
28/3/2022	The applicant provided amended plans and other supporting documentation in response to the issues raised in Council's RFI letter. These plans are relied upon for assessment within this report. Renotification was not required in accordance with Council's Community Engagement Framework



## 5. Assessment

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

### 5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

The following provides further discussion of the relevant issues:

#### 5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

##### Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and  
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and  
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

The suitability of the site for the proposed land uses was established in the original approval of the development application. The proposed modifications do not alter any of the previous conclusions drawn in this respect.

#### 5(a)(ii) *State Environmental Planning Policy (Affordable Rental Housing) 2009*

##### Division 3 – Boarding Houses

Clause	Standard	Proposed	Compliance
26 - Zone	The site is zoned R1, R2, R3, R4, B1, B2, B4	The site is zoned B1 – Neighbourhood Centre under MLEP 2011. Therefore, the proposed modified development is subject to the provisions of Division 3 of SEPP (ARH) 2009.	Yes
27 – Development to which Division applies	This Division applies to development, on land to which this Division applies, for the purposes boarding houses.	The proposal for the purposes of boarding houses is subject to Division 3 of SEPP (ARH) 2009.	Yes

Clause	Standards that cannot be used to refuse consent	Proposed	Compliance
29 (1) - FSR	Maximum FSR as per LEP which is 3:1	4.56:1 or 1243.30m <sup>2</sup> .	No. Refer to discussion under MLEP 2011.
29 (2)(a) Height	23m (LEP)	Approved – 22.7m Proposed – 25.35m	No. Refer to discussion under MLEP 2011.
29 (2)(b) Landscaped Area	Consistent with streetscape	There is no landscaping treatment within the front setback. This outcome is consistent with the existing pattern of development within the area. It is noted that the current approved application presents a similar outcome.	Yes
29(2)(c) Solar Access	Min 3 hours direct sunlight between 9am-3pm for at least one communal living room	The communal room is located on Level 6 and faces north. The applicant has provided solar access diagrams to demonstrate that this room will receive 3 hours of direct solar access between 9am and 3pm on 21 June.	Yes
29 (2)(d) Private Open Space	At least one of the following is provided (not in the front setback): <ul style="list-style-type: none"> <li>• 20sqm minimum dimension of 3 metres for use of lodgers</li> <li>• 8sqm minimum dimension of 2.5 metres adjacent to managers room for manager</li> </ul>	<ul style="list-style-type: none"> <li>• 156m<sup>2</sup> of private open space is provided for lodgers on the roof top with a minimum dimension of 3m.</li> <li>• Room 1.04 on Level 1 is identified as the managers room. A small balcony POS are is provided however it is slightly under 8m<sup>2</sup> and does not achieve the minimum 2.5m dimension. Nevertheless, it still represents a useable space and is supplemented by the extensive communal private open space area on the roof top.</li> </ul>	<p>Yes</p> <p>No</p>
29 (2)(e) Parking	<ul style="list-style-type: none"> <li>• 0.5 spaces per boarding room</li> <li>• Not more than 1 space for each on site boarding manager</li> </ul>	<ul style="list-style-type: none"> <li>• On the basis of 39 boarding rooms, a total of 19 car parking spaces would be required. No car parking spaces are provided which is considered to be acceptable in the site circumstances.</li> </ul>	No - see discussion below



29 (2)(f) Accommodation Size	Excluding private kitchen and bathroom facilities each single lodger room is a minimum of 12sqm and 16sqm in any other case.	<ul style="list-style-type: none"> <li>Room sizes have been calculated as single lodger rooms with a minimum area of 12m<sup>2</sup>.</li> </ul>	Yes
Clause	Standard	Proposed	Compliance
30 (1)(a) Communal Room	If more than 5 rooms are proposed there is at least 1 common room	A 29.3m <sup>2</sup> indoor communal room is provided on Level 6.	Yes
30 (1)(b) Maximum room sizes	No boarding room will have a gross floor area of more than 25sqm excluding private kitchen or bathrooms	No rooms are greater than 25m <sup>2</sup> .	Yes
30 (1)(c) Maximum occupation	No more than 2 adult lodgers with occupy each room	No boarding rooms are proposed to be occupied by more than 2 adult lodgers. The rooms are all single occupancy rooms.	Yes
30 (1)(d) Adequate facilities	Adequate bathroom and kitchen facilities are available for use of each lodger	Each lodger has been provided with their own private kitchen and bathroom which are considered to be adequate.	Yes
30 (1)(e) Manager	If there are more than 20 lodgers an on site dwelling must be provided for a boarding house manager	Room 1.04 on Level has been provided for an on-site manager.	Yes
30 (1)(f) Commercial Land	If the site is zones primarily for commercial purposes the ground floor cannot be used for residential uses	The land is zoned B1 Neighbourhood Centre under MLEP 2011 which is considered to be primarily for commercial purposes. Accordingly, no residential uses have been proposed on the ground floor.	Yes
30 (1)(h) Bicycle and Motorcycle parking	A minimum of 1 bicycle space and 1 motorcycle space is provided per 5 boarding rooms	22 bicycle and 8 motorcycle spaces are for the 39 rooms proposed which is compliant.	Yes
30a Character of local area	Consideration of whether the design of the development is compatible with the character of the local area.	Refer to discussion below.	Yes - see discussion below

Clause 29(2)(e) – Parking

On the basis of 39 boarding rooms, a total of 19 car parking spaces would be required. The approved development contains one (1) on site car parking space. The proposed modified development seeks to delete that space and as such, no car parking spaces are provided. This outcome is considered to be acceptable in the site circumstances for the following reasons:

- The site immediately adjoins Dulwich Hill Railway Station which facilitates the availability of public transport. The proposal encourages transit-oriented development and restricts car usage; and
- The site is somewhat constrained in terms of the shape of the allotment which makes the provision of basement car parking levels difficult.

Clause 30A – Character of the Local Area

Clause 30A of ARHSEPP states that Council cannot grant consent to a boarding house unless it has taken into consideration whether the design of the development is compatible with the character of the local area. In establishing the character test, consideration is given to the Planning principles of the Court. In *Project Venture Developments v Pittwater Council [2005] NSWLEC 191* the Court stated that in order to test whether a proposal is compatible with its context, two questions should be asked:

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*

There are no unacceptable physical impacts on surrounding development, including overshadowing, visual privacy, acoustic privacy or visual bulk and scale. The proposed development does not unreasonably restrict development on the surrounding sites which are capable of re-developing in the future in accordance with the planning controls. To the north, the proposed modified development will immediately adjoin the master planned public plaza adjacent to the Railway station. The design of the proposal will enhance that interface and future built form relationship with the plaza.

- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

The site (and the opposite side of Wardell Road) is within the B1 – Neighbourhood Centre zone with an LEP FSR of 3:1 and height of 23m. Consequently, the area is likely to undergo a transition from the existing one and two storey forms to much denser development, similar to the proposed development as well as other relatively recent buildings constructed on the opposite side of Wardell Road under the same planning controls. Given that the western side of Wardell Road is still yet to re-development, compatibility with the likely future character is more appropriate than with the existing.

**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) *State Environmental Planning Policy (Transport and Infrastructure) 2021*

#### Part 2.48 – Determination of development applications – other development

The proposed development meets the criteria for referral to the electricity supply authority within Section 2.48 of *SEPP (Transport and Infrastructure) 2021*. The modification application was referred to Ausgrid who did not raise any concerns with the proposed development.

#### Part 2.97 - Development adjacent to rail corridors & Part 2.98 – Excavation in, above, below or adjacent to rail corridors

The current consent has various Sydney Trains imposed conditions in light of the requirements of these clauses. The proposed modified development was referred back to Sydney Trains who provided their concurrence on the basis of:

- Amending selected existing conditions; and
- Imposing an additional condition.

The requested condition changes have been incorporated into the recommended modified conditions.

#### Part 2.99 - Impact of rail noise or vibration on non-rail development

There are existing conditions of consent which ensure that compliance with the appropriate noise criteria is achieved for the residential component of the development. No changes are proposed to those conditions. Further, the application was accompanied by an Acoustic letter to confirm that compliance can be achieved. that appropriate measures will occur to ensure that the residential accommodation within the development complies with the requirements of Section 2.99(3) of *SEPP (Transport and Infrastructure) 2021*.

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

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid sulfate soils
- Clause 6.2 - Earthworks
- Clause 6.15 – Location of boarding houses in business zones
- Clause 6.20 – Design Excellence

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

Standard	Proposal	Non compliance	Complies
<b>Height of Building</b> Maximum permissible: 23 m	Approved: 22.7m Proposed 25.35m	2.35m or 10.2%	No
<b>Floor Space Ratio</b> Maximum permissible: 3:1 (820.2m <sup>2</sup> )	Approved: 3.12:1 (852.9m <sup>2</sup> ) Proposed 4.56:1 (1247.9m <sup>2</sup> )	427.7m <sup>2</sup> or 52%.	No

#### Clause 2.3 - Land Use Table and Zone Objectives

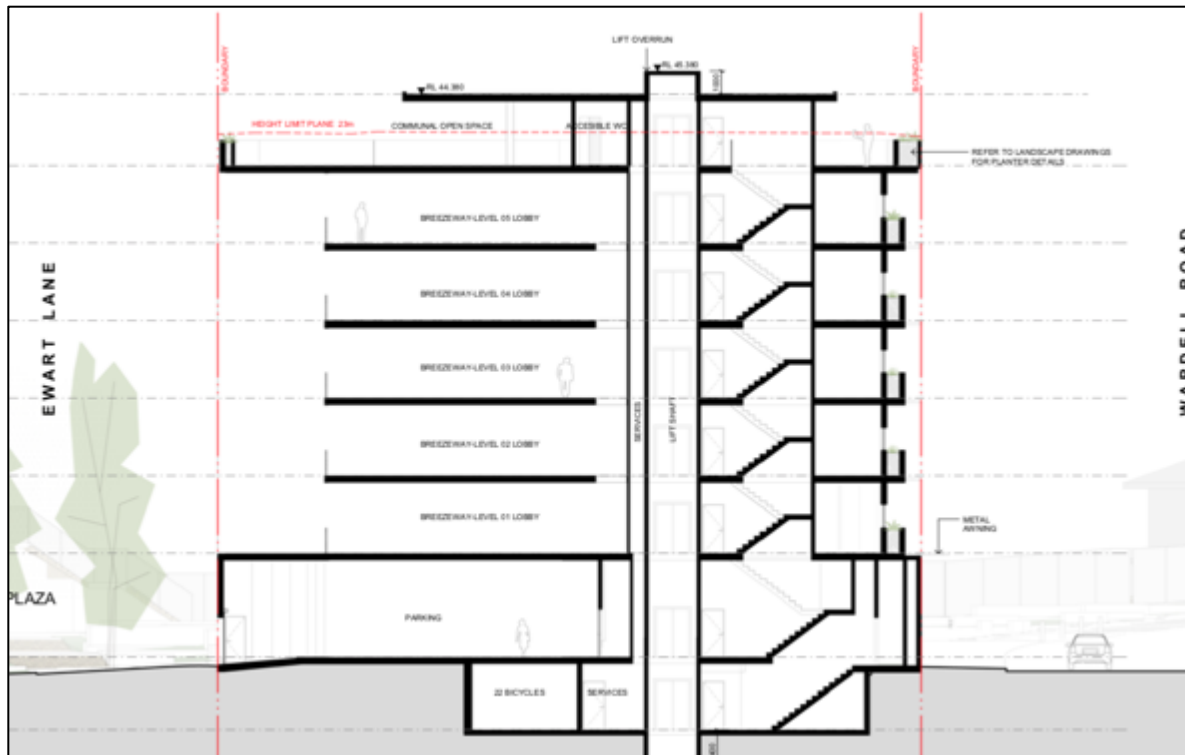
The site is zoned B1 - Neighbourhood Centre under *MLEP* 2011.

The development is for the purposes of *business premises* and *boarding houses* which are permitted with consent within the land use table. The proposed modified development will continue to be consistent with the objectives of the B1 – Neighbourhood Centre zone.

#### Clause 4.3 – Height of Buildings

The site has a maximum allowable height limit of 23m. The height of the approved development is approximately 22.7m and therefore complies. The proposed modified development has a height of 25.35m and therefore breaches the maximum allowable height by 2.35m or 10.2%. The height increase is generally attributable to the increase to the floor to ceiling height on each of the floors within the building.

The elements in breach of the height limit are identified below in the section extract drawing. The height breach relates to the indoor and outdoor communal areas on Level 6 as well as the lift, fire stairs and accessible WC. There is calculable gross floor area (i.e. – indoor communal room and WC) on this level which exceeds both the height limit, and contributes to the FSR breach that is sought.



**Section extract – 23m height limit shown dotted in red**

The floor to floor heights on Level 1 – 6 are 3.35m. The current approval contains 3m floor to floor heights. Whilst agreed that the increased floor to floor heights will increase residential amenity, it is considered that a 3.1m floor to ceiling height is sufficient because it will facilitate 2.7m floor to ceiling heights. Accordingly, a condition of consent is recommended which requires the 3.35m floor to floor heights to be reduced to 3.1m. This would result in a 1.25m reduction to the overall height of building. The resultant height would be approximately 24.1m, an exceedance of 1.1m or 4.7%. This is considered to be a marginal breach and the resultant development would still be consistent with the objectives of clause 4.3 in that:

- The proposed modified development is consistent with the desired future character of the area. Large portions of the building are all within the height limit and the non-compliant elements would not have a high degree of visibility;
- Surrounding building and public areas (i.e. – the adjacent future Plaza to the north) would continue to receive satisfactory exposure to the sky and sunlight; and
- The site is not identified or considered to be one which requires a transition in built form and land use intensity, given the applicable planning controls.

The non-compliant building height facilitates access to accessible indoor and outdoor communal facilities which are well designed and offer a high level of residential amenity for future users of the boarding house.

#### Clause 4.4 – Floor Space Ratio

The site has a maximum allowable FSR of 3:1 (820.2m<sup>2</sup>). The approved development has an FSR of 3.12:1 (852.9m<sup>2</sup>). The proposed modified development seeks to increase the FSR to 4.56:1 (1247.9m<sup>2</sup>). The applicant has provided the following justification:

*The proposed alterations and additions which increase GFA for the Site are considered to be within acceptable limits and would not undermine the objectives set out by the MLEP2011 for the following reasons:*

- *The proposed use as a mixed-use development of boarding house and ground floor commercial premises remains unchanged and is permissible with consent in the zone;*
- *The bulk of the building is not significantly altered given the floor space is a direct result of in-fill of recessed sections;*
- *The density is considered suitable for the site in the context of desired future outcomes of the Dulwich Hill Masterplan, specifically the provision of a public plaza to the north promoting the use of Dulwich Hill Train Station;*
- *The proposed development would allow for future residents to utilise Dulwich Hill Train Station and the proposed public domain;*
- *There are no adverse environmental impacts to adjoining properties to the south given the approved building footprint under **DA2015/0084**;*
- *The overshadowing impacts to the proposed public plaza are considered commensurate to the approved development under **DA2015/0084** and would result in negligible impacts to that approved given the orientation of the Site;*
- *The in-fill of recessed sections to the northern boundary is considered an improved urban design outcome given the position of the Site to the public plaza public domain area and the development as a 'signature' Site when viewed from Dulwich Hill Station. Suitable consideration of materials and finishes has been provided to ensure the development integrates appropriately with the surrounding context; and*
- *The development, as amended is consistent with the objects of the Act including Section 1.3 (g) which promotes good design and amenity of the built environment.*

The applicant's justification provided above is considered to be reasonable. The following additional comments are also provided:

- It is agreed that the proposed modifications (which generate much of the additional FSR) to in-fill the recessed sections of the northern façade would not contribute significantly to the approved building bulk. This is because the approved recesses on the northern façade were already heavily screened and did not read as genuine articulated cut-outs. See below:



- It is also noted that the approved FSR (3.12:1) was not inclusive of the common circulation within the building which were technical exclusions due to their design as breezeways. For comparative purposes, if the corridors were not included, the proposed modified development would have an FSR of approximately 3.56:1.



Clause 4.6 – Exceptions to Development Standards

Whilst the proposal does not comply with the building height and FSR development standards, a clause 4.6 exception is not required for modification applications. Nevertheless, the proposed modified development is considered to be consistent with the objectives of the respective development standards for reasons identified above.

Clause 5.10 – Heritage Conservation

Dulwich Hill Station is located immediately to the north as is identified as State Heritage Item I316 known as 'Dulwich Hill Railway Station Group' pursuant to Schedule.5 of *MLEP* 2011. The proposed modified development will not compromise the heritage setting of this item.

Clause 6.1 – Acid sulfate soils

The site is identified as class 5 ASS. The proposed modified development does not alter any of the conclusions drawn with respect to acid sulfate soils.

Clause 6.2 – Earthworks

The proposed earthworks remain substantially the same to what has been approved. There is a slight enlargement to the footprint of the basement, however no further concerns are raised in this regard.

Clause 6.15 – Location of boarding houses in business zones

In accordance with clause 6.15(3), development consent must not be granted to development for the purposes of a boarding house if any part of the boarding house (excluding access, car parking and waste storage) is located at street level. The proposed modified development complies with this requirement.

Clause 6.20 – Design Excellence

The proposal is subject to the design excellence provisions within Clause 6.20 of *MLEP* 2011. Accordingly, the application was reviewed by the Architectural Excellence Design Review Panel on 8/2/2022. It is also noted that two (2) previous Pre-DA's for the proposal were also reviewed by the AEDRP on 10 November 2020 and 15 June 2020.

The AEDRP made the following comments (in summary). The comments in **bold** is the applicant's response as part of the amended submission.

*The Panel also appreciates that the applicant has been working with Sydney Metro and notes that the revised scheme incorporates levels, configuration and other landscape details of the Sydney Metro's Plaza proposed along the northern boundary of the site.*

*The Panel notes and supports in principle the evident improvement in the design quality of the building, including:*

- a) *architectural expression,*
- b) *presentation to the public domain,*
- c) *addition of a rooftop communal open space and a common room;*
- d) *room reorientation to the north;*
- e) *improved internal amenity within the boarding rooms;*

- f) *raising of the glazing line on ground floor to establish greater prominence for the retail front;*
- g) *provision of barrier-free pedestrian entry from Wardell Road; and*
- h) *addition of operable windows to accessible bathrooms addressing Wardell Road.*

1. *The Panel recommends further relatively minor refinement and design development of the residential entry to ensure it is of a more prominent and inviting quality for the residents. Opportunities for concealment within the recessed entry should be designed out.*

**Applicant response:** The residential entry has been modified to be more prominent and 'human' in scale by the inclusion of the entry archway design. The small site configuration requires the two fire egress points to evacuate onto Wardell Street which limits the ability to further enclose the entry area. Clear lines of sight and visibility from Wardell Street remains. The facade materiality has also been updated around the entry portal to brighter and more inviting providing better wayfinding cues for residents and guests to the property. Appropriate lighting and security cameras will be installed to further promote safety and security around the entry.

2. *The Panel notes that the proposed boarding rooms are configured with a single aspect to the north and adjacent to a common circulation gallery. The plans state that the rooms are cross ventilated however this is not the case. To achieve this the Panel recommends the addition of a high-level operable window or shutter above each entry door (fan-lights), to facilitate some measure of natural cross ventilation. Additionally, the applicant should consider the addition of a highlight bathroom window opening into the access corridors to further augment natural ventilation. Provision of highlight windows and fanlights opening to a common corridor should be reviewed by a suitably qualified specialist to ensure fire and smoke integrity. The panel also encourages the consideration of ventilation shafts or similar to ensure the common circulation gallery, described as a breezeway on the drawings, functions as such.*

**Applicant response:** Cross ventilation has been incorporated with fanlights above each entry door (subject to further detailed design with a specialist consultant). Incorporating window openings or fanlights between wet areas and public corridors is not supported.

3. *The bathrooms for the north eastern-most rooms (labelled 1.04, 2.04, 3.04, 4.04 and 5.04) should be provided with an operable window for natural ventilation.*

**Applicant response:** This has been included in the amended proposal.

4. *Revised architectural drawings should confirm the provision of ceiling fans to all habitable rooms within the proposal.*

**Applicant response:** This has been included in the amended proposal.

5. *The Panel queried the viability of the proposed landscape treatment along the northern frontage of the site, and whether adequate soil volume is available to plant the anticipated green wall and shrubs. This arrangement should be reviewed by the applicant's landscape architect.*

**Applicant response:** We reviewed the proposed landscape design, and the landscape architect was proposing to have part of the soil base under the paving that was outside our site. The minimum width of 600mm would be required. We only have 300mm on our site, as such we have removed the cables and vertical climbing plants from the design.

6. *The Panel offers its support to the proposal on the basis that the recommendations listed within this report are appropriately integrated into the design solution.*

**Applicant response:** Noted.

In response to the above, the applicant amended the design of the development and provided further supporting information. The comments in **Bold** are from the applicant in their response to the Panel matters.

The amended plans are considered to satisfactorily address and resolve the design issues raised in the Panel minutes. On this basis, the proposed modified development is considered to exhibit design excellence and satisfies the requirements of clause 6.20 of *MLEP* 2011.

### 5(b) Draft Environmental Planning Instruments

Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* requires consideration of any Environmental Planning Instrument (EPI), and (1)(a)(ii) also requires consideration of any EPI that has been subject to public consultation. The subject application was submitted on 25 November 2021. At this time, State Environmental Planning Policy (Housing) 2021 (Housing SEPP) was a draft EPI, had been publicly exhibited and was imminent and certain. The Housing SEPP commenced the following day on 26 November 2021.

In accordance with the findings in *Tamvakeras v Inner West Council* [2022] NSWLEC 1140, SEPP (ARH) 2009 and Housing SEPP 2021 are not required to be considered concurrently. However, the Housing SEPP should be considered on the basis that it is certain and imminent, and in the public interest that it be considered, as it is shaping the future development in boarding houses (SEPP ARH) and co-living (Housing SEPP).

The boarding house provisions in the Housing SEPP would preclude the current development, but the proposal is closely aligned with the co-living provisions of the Housing SEPP (Chapter 3 Diverse Housing, Part 3 Co-living housing). This considered further below:

#### Clause 67- Co-living housing may be carried out on certain land with consent

Shop top housing is permitted on the subject site under *MLEP* 2011. Accordingly, development for the purposes of co-living housing are also permitted.

#### Clause 68 – Non-discretionary development standards

- There would be no bonus FSR available as residential flat buildings are not permitted in the zone;
- The communal living room is 29sqm, this would not comply with the requirements of clause 68(2)(c) which dictate a requirement of 96sqm of communal living area;
- Communal open space is required at a rate of 20% of the site area. This is equivalent to 54.68sqm. The area provided is 156sqm and therefore complies; and
- 8 car parking spaces are required. The proposal does not include any car parking and therefore does not comply.

#### Clause 69 – Standard for co-living housing

- The design of the development is compliant with the minimum room size requirements (clause 69(1)(a));
- There are no applicable minimum lot size requirements (clause 69(1)(b));
- The design does not identify any workspace facilities for a manager (clause 69(1)(d));
- No part of the ground floor that front a street will be used for residential purposes (clause 69(1)(e));
- Adequate bathroom, laundry and kitchen facilities are provided (clause 69(1)(f));
- No room is proposed to be occupied by more than 2 lodgers (clause 69(1)(g));
- The building generally complies with the ADG separation requirements, noting the blank wall along the side boundary to the adjacent property (clause 69(2)(b));
- Compliant solar access is achieved to the north facing communal living area (clause 69(2)(c));
- 39 bicycle spaces are required. The plans do not achieve this as only 22 are proposed (clause 69(2)(d));
- Compliant amount of motorcycle parking is provided (clause 69(2)(e); and
- The design is compatible with the desired future character of the precinct which is undergoing gradual transition (clause 69(f)).

#### Clause 70 – No subdivision

No subdivision is sought. Clause 70 is therefore satisfied.

#### Summary

Whilst the proposed modified development presents some variations to the communal living area, bicycle and car parking requirements, it is considered to exhibit a satisfactory degree of consistency with the co-living controls within SEPP (Housing) 2021.

#### 5(c) Draft Inner West Local Environmental Plan 2020 (Draft 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 Environmental Planning and Assessment Act 1979*. The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

#### 5(d) Development Control Plans

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

MDCP 2011 Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes - see discussion
Part 2.6 – Acoustic and Visual Privacy	Yes - see discussion
Part 2.7 – Solar Access and Overshadowing	Yes - see discussion
Part 2.9 – Community Safety	Yes - see discussion
Part 2.10 – Parking	No – see discussion
Part 2.16 – Energy Efficiency	Yes - see discussion
Part 2.18 – Landscaping and Open Space	Yes – see discussion
Part 2.21 – Site Facilities and Waste Management	Yes – see discussion
Part 2.24 – Contaminated Land	Yes – see discussion
Part 2.25 – Stormwater Management	Yes – see discussion
Part 4.3 – Boarding Houses	Yes – see discussion
Part 5 – Commercial and Mixed Use Development	Yes – see discussion
Part 9 – Strategic Context	No – see discussion

The following provides discussion of the relevant issues:

## **Part 2 – Generic Provisions**

### 2.5 – Equity of Access and Mobility

The proposed modified development incorporates a total of eight (8) accessible rooms in accordance with the MDCP 2011 requirements. The application is supported by an Access Report which confirms that compliance is capable of being achieved with the applicable accessibility requirements. Condition 62 in the existing consent ensures that the *Access to Premises Standard* is complied with.

### 2.6 – Acoustic and Visual Privacy

The acoustic and visual privacy outcomes are well resolved. The majority of the boarding rooms are orientated to the northern side elevation towards the Railway Station and therefore do not adversely overlook any residential properties. Windows openings along the rear (western) elevation are restricted to high level windows within bathrooms. The fenestration on the front elevation would overlook the public domain (Wardell Road) and a blank wall is proposed along the southern side elevation. There are existing noise attenuation conditions within the current consent which are not sought to be altered and sufficiently address acoustic privacy.

### 2.7 – Solar Access and Overshadowing

The shadow diagrams provided demonstrate that the proposed modified development would cause additional overshadowing impacts when compared to the current approved building. There would be additional overshadowing caused to the existing boarding house on the opposite side of Wardell Road (No.244). The additional impacts could occur between 2pm and 3pm on June 21<sup>st</sup>. The recommended building height reduction of 1.25m would alleviate some of this additional overshadowing.

It is likely that the additional overshadowing created is not heavily caused by the increase in FSR given that the additional gross floor area is primarily on the northern side (within the approved building recesses) and in the rear western corner of the site. Overall, the additional

overshadowing impacts caused are not considered to represent any adverse impacts upon the amenity of surrounding residential properties.

### 2.9 – Community safety

There are no issues raised with respect to community safety. The proposed modified development would significantly improve the activation and ground floor interface with the adjacent public plaza. As a result, the extent of passive surveillance across this future public space would be improved in accordance with the requirements of this part of MDCP 2011.

### Part 2.10 – Parking

The site is identified as being within Parking Area 1, that being the most constrained area.

- Retail tenancy – On the basis of 107,8m<sup>2</sup>, a total 1 space would be required (control states 1 space per 100m<sup>2</sup> for customers and staff). The proposal has a nil car parking provision which is acceptable given the sites accessibility to public transport.
- Boarding house – Refer to previous SEPP (ARH) 2009 discussion.

### Part 2.16 – Energy Efficiency

The application was accompanied by a compliant BASIX Certificate.

### 2.18 – Landscaping and Open Spaces

These requirements are superseded by the SEPP (ARH) 2009 controls. Refer to previous discussion.

### 2.21 – Site Facilities and Waste Management

The proposal seeks to modify the approved waste management strategy, including the location of the waste facilities throughout the building. The proposed amended development is considered to generally satisfy the MDCP 2011 requirements concerning waste management. The waste management plan provides sufficient details regarding the proposed collection methods for the commercial and boarding house components of the building which is satisfactory.

## **Part 4 – Residential Development**

### Part 4.3 – Boarding Houses

#### 4.3.3.1 – Character and amenity of the local area

The controls require the design of a boarding house to be compatible with the character of the local area, and ensure that there are no negative impacts on the amenity of the local area. This is essentially a duplication of the Character Test established under SEPP (ARH) 2009. Refer to previous discussion which concludes that the proposed modified development would be compatible with the character of the local area.

#### 4.3.3.2 – Boarding house capacity

Resident numbers are based on the gross floor area of the boarding rooms (excluding any area used for the purposes of private kitchen or bathroom facilities). The room sizes and layouts are compliant on the basis that they single lodger rooms only.



#### 4.3.3.3 – Location

The suitability of the site location for a boarding house has already been established in the current approval. No further issues are raised.

#### 4.3.3.4 – Management

One (1) site manager is required to be provided. The proposal complies with this.

#### 4.3.3.5 – Boarding rooms

The boarding rooms layouts are considered to generally achieve the requirements in this part of MDCP 2011 in that:

- All rooms are single lodger and achieve a minimum of 12m<sup>2</sup> (excluding any area used for the purposes of private kitchen or bathroom facilities. A 1m strip adjacent to the kitchen is also required to be excluded);
- A minimum floor to ceiling height of 2700mm will be achieved;
- The layouts are capable of accommodating an appropriate room fit out;
- The sizes of the self-contained facilities (kitchens and bathrooms) are appropriate;
- All habitable rooms have access to natural ventilation. This was raised by the Architectural Excellence Design Review Panel and has been resolved through incorporating operable windows above each entry door of the boarding rooms; and
- Private open space is not provided for the majority of rooms but the DCP identifies that this requirement is not mandatory.

#### 4.3.3.6 – Communal Rooms and facilities

Control C21 states that the *communal living room is to accommodate at least 50% of residents at capacity (as a guide 2m<sup>2</sup> per resident)*. On the basis of 39 residents, this is equivalent to 78m<sup>2</sup>. The proposed communal living room is 29.3m<sup>2</sup> and therefore does not comply.

Control C23 states that: *Provide a smaller, more intimate communal living room on each floor in a multi-storey boarding house that has a capacity of more than 5 residents and multiple floors*. The proposed modified development only contains a single communal room on the upper most level, despite being a 7 storey building. As a result, it does not achieve the requirements of this control. Nevertheless, the proposed modified development essentially dedicates the entire top floor to communal facilities (29.3m<sup>2</sup> indoor room and 156m<sup>2</sup> outdoor terrace). This space is considered to be sufficient for 39 lodgers and is consistent with objectives of Part 4.3.3.6 which are:

*O7 Communal areas are designed to facilitate effective communal living and social cohesion*

*O8 Boarding house residents have access to a variety of spaces that provide relief from the confined space of their room.*

The communal living room has a northerly aspect and achieves the solar access provisions for at least 3 hours of sunlight between 9am and 3pm in mid-winter.

#### 4.3.3.7 – Communal laundry

A communal laundry area is provided within the basement. There are no drying facilities adjoining as required by this control. Notwithstanding this, there will be drying facilities

available within the room or air drying could take place on the private balconies (where provided) or within the communal area if desired.

#### 4.3.3.8 – Landscaped area and common open space

The communal open space area achieves the solar access provisions for at least 3 hours of sunlight between 9am and 3pm in mid-winter.

### **Part 5 – Commercial and Mixed Use Development**

Many of the controls in Part 5 of MDCP 2011 are not directly applicable because the subject site is identified within the Master Plan Area in Part 9.22 – Dulwich Hill Station South. However, the relevant Part 5 controls, where not covered or superseded by the Part 9.22 controls, are addressed below.

#### 5.1.4.6 – Corners, landmarks and gateways

The subject site is a corner site and is a gateway into this section of Wardell Road. The design of the proposed modified development is consistent with the requirements in this part of MDCP 2011 in that:

- The building suitable addresses each of the frontages and enables improved activation of the ground floor interface with the adjacent northern public plaza; and
- The design and external appearance of the building is appropriate for its context and is of significantly higher architectural quality than originally approved.

#### 5.1.5.1 – Building frontages

The southern elevation has the potential to result in long term side wall exposure. It has however been appropriately treated/textured with detailing in the external materials. The building frontage composition along the remaining facades are considered to be well resolved having regard to their external presentation, massing, form, materials, colours and the like.

#### 5.1.5.2 – Active street frontage uses and shopfront design

The proposal incorporates active street frontages along the front and northern side elevation. This enables an appropriate shopfront design and subsequent activation of the adjacent public spaces. No further issues are identified in this regard.

#### 5.1.6.1 – Mixed use development

The proposal satisfies the relevant MDCP 2011 controls in that:

- The ground floor levels of the site that relate to the active street frontages are proposed to be predominately used for commercial purposes; and
- A mixture of compatible uses is retained in the modification application.

## Part 9 – Strategic Context

### Part 9.22 – Dulwich Hill Station South (Precinct 22)

The site forms part of the Masterplan Area (MA 22.1) within part 9.22.5 of the DCP. The controls in Part 9.22.5.1 contain site specific controls for the master planned area with respect to site amalgamation, building height, building setbacks, envelopes, articulation zones, public domain interfaces and the like. An extract of the Masterplan is re-produced below for reference.



**Figure 22.1b Plan Diagram from MDCP 2011**

It is evident that current approved built form on the subject site is a significant departure from the DCP masterplan controls applicable to the site. The variations relate to the setbacks, numbers of storeys, extent of commercial active frontage and desired amalgamation pattern.

The proposed modified development would however improve the extent to which an active commercial frontage is provided along the northern elevation. The masterplan specifically identifies this requirement in that location (represented by the dark blue line on the Master plan diagram).

The masterplan identifies that a 6m setback is required to Ewart Lane and there should be no buildings in that area. The proposed further encroachment into the rear setback is satisfactory on the basis that:

- The subject site is somewhat unique in that it bookends the block. At the rear, it does not have a direct interface with any adjoining residential properties on the opposite (western) side of Ewart Lane;
- The proposed modified development still provides an articulated cut out at the rear of the building adjacent to the lane;

- There would be no unreasonable additional amenity impacts caused to neighbouring properties and/or the streetscape;
- Externally, the proposed modified development is considered to be of high quality with significantly improved materials and presentation when compared to the current approved building; and
- The masterplan massing/storey/setback controls have not been consistently enforced in the past within the Dulwich Hill Station South Precinct.

#### 5(e) The Likely Impacts

The assessment of the proposed modified development demonstrates that, subject to the recommended conditions, the proposal will have minimal additional impact in the locality above and beyond what has currently been approved.

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

The site suitability was established with the existing approval. The proposed modified development is considered to be suitable for the site. Additional regard has been provided below with regards to the adjacent public plaza and the interrelationship with the proposal.

#### Dulwich Hill Station – Detailed Masterplan

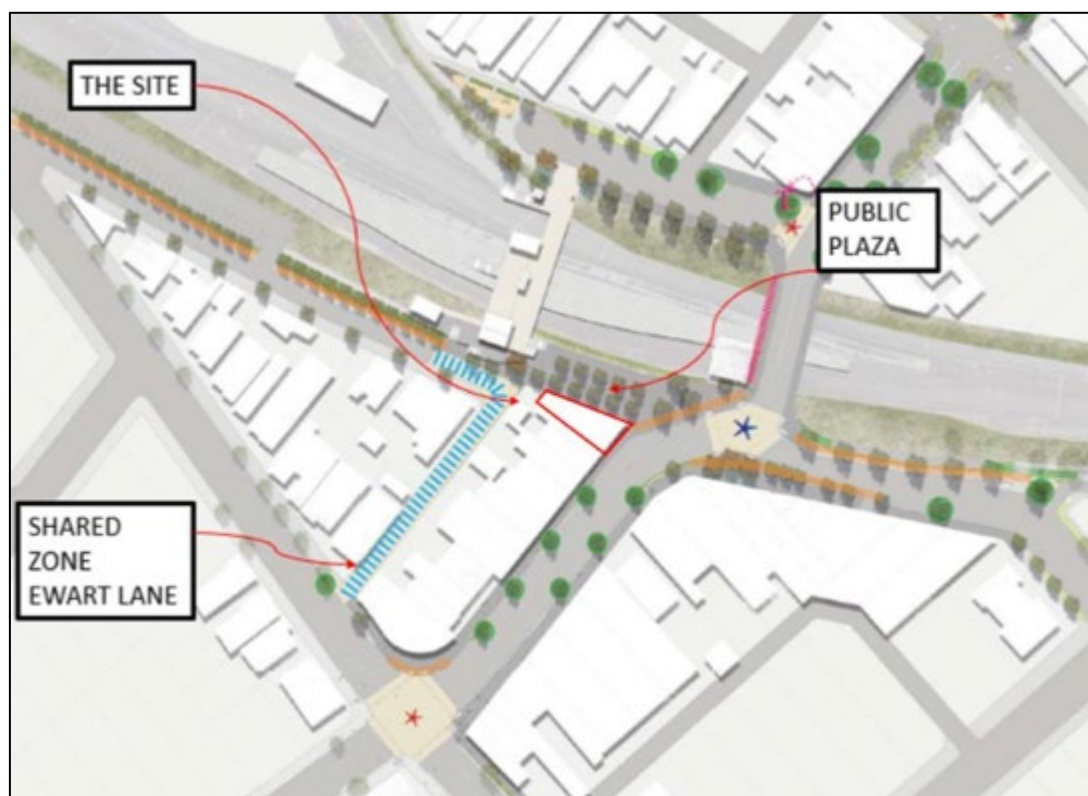
The Dulwich Hill Station Detailed Masterplan provides Council and the community with a ten-year plan to transform the street and public spaces around the station into a pedestrian orientated village. The subject site plays an integral role within the Master Plan given its location and relationship to a proposed Public Plaza adjacent to the northern boundary facing Dulwich Hill Station.

Currently to the north of the site is predominately unused and land. The Plan proposes to utilise this area as a public domain area for the purposes of a public plaza to integrate with proposed access routes to and from the station. Currently there is a plan to improve pedestrian amenity along the western boundary which proposes a key route to and from the station including a shared zone for pedestrians and cars.

There are also a number of key pedestrian links and circulation routes abutting the subject as illustrated in the extracts below as taken from the applicant's SEE:



Extract – Dulwich Hill Detailed Masterplan



Extract – Dulwich Hill Masterplan pedestrian links

The application for modification has been lodged with the intention of improving the connection/activation between the new plaza planned for the Dulwich Hill metro station, which directly borders the site on its northern boundary. In this regard, the ground floor interface has been amended in order to promote an active frontage to contribute to the pedestrian vitality of the plaza and immediate area. The approved design was largely inactive because it contained a large parking area for motorcycles and a car space. The proposed finished levels are also altered to ensure that they relate better to the future plaza.

#### 5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. One (1) submission was received in response to the initial notification.

The submission has raised the following concerns which are discussed under the respective headings below:

Issue: Request for a works as executed structural engineers' drawings detailing what works have been carried out and what additional works will be carried out along the southern boundary.

Comment: The drawings provided detail what basement works are proposed to be carried out. Condition 100 in the consent requires full works-as-executed plans to be prepared.

Issue: A structural engineer's design certification regarding any shoring and/or temporary retaining works required to be carry out the additional excavation works.

Comment: This is a matter which is dealt with as part of the construction certificate documentation.

Issue: Council ensures that the new OSD tank will be watertight and not be able to seep water

Comment: This is a matter for the building certification process.

#### 5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. The proposal is not contrary to the public interest.

## 6. Referrals

#### 6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in the assessment throughout this report.

- Architectural Excellence Design Review Panel
- Development Engineer
- Urban Forest
- Waste Management



## 6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

- Ausgrid
- Sydney Trains

## 7. Section 4.56 – modification by consent authorities of consents granted by the Court

Under Section 4.56 of the *Environmental Planning and Assessment Act, 1979*, the consent authority, when considering a request to modify a Determination, must:

- a) *be satisfied that the development as modified is substantially the same development as the development for which consent was originally granted;*

Comment: The development, as modified, is substantially the same development to which consent was originally granted. The following assessment is made in this regard:

- There are no changes to the approved land uses and building typology;
- There are no substantive quantitative changes proposed to the approved bulk and scale of the building;
- The general form, function and operation of the approved building will be substantially retained; and
- Whilst acknowledged that the proposal seeks to amend the approved design, layout, height and FSR, the design of the development is not considered to have been radically transformed. The essential and material features of the approved building are retained in the proposed modified development.

- b) *notify the application in accordance with the regulations and development control plan*

Comment: The application was notified in accordance with Council's requirements. Refer to discussion in Part 5(g) of this report.

- c) *notify, or make reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person.*

Comment: Each person who made a submission in respect of DA2015/0084 were notified of the proposed modified development.

- d) *consider any submissions made; and*

Comment: There was one (1) submission received which has been considered in Part 5(g) of this report.

- e) *take into consideration the matters referred to in Section 4.15 as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

Comment: The application has been assessed against Section 4.15 of the *Environmental Planning & Assessment Act 1979*. Refer to 5. *Assessment* within this report. The s34 court orders have been reviewed and the proposal is not considered to undermine the basis of that original approval which is sought to be modified.

## 8. Section 7.11 Contributions

Section 7.11 contributions 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. An additional contribution of \$93,162.27 would be required for the modified development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

## 9. Conclusion

The proposed modified development generally complies with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and Marrickville Development Control Plan 2011. Whilst there are some non-compliances sought, these are generally considered to be satisfactory in the site circumstances.

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

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

## 10. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, grant consent to MOD/2021/0507 under Section 4.56 of the *Environmental Planning and Assessment Act 1979* to modify Land and Environment Court Determination No. 160264, dated 08 August 2016, so as to carry out changes to the 7 storey mixed use building which is comprised of a retail premises on the ground floor with boarding house above at 247-249 Wardell Road, Marrickville subject to the modified conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### Attachment A – Recommended modified conditions of consent

A. Modify the following conditions to read as follows:

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

Plan Issue No	Plan Name	Date Issued	Prepared by	Date Submitted
DA003, Revision A	Demolition Plan	6.8.15	CDA Architects	22.7.16
DA100, Revision B <i>DA2.02 Rev D</i>	Basement Floor Plan <i>Basement</i>	<del>26.11.15</del> <b>28.03.2022</b>	CDA Architects <i>Marchese Partners</i>	<del>22.7.16</del> <b>29.03.22</b>
DA101, Revision E <i>DA2.03 Rev D</i>	Ground Floor Plan	<del>21.7.16</del> <b>28.03.2022</b>	CDA Architects <i>Marchese Partners</i>	<del>22.7.16</del> <b>29.03.22</b>
DA102, Revision F <i>DA2.04 Rev D</i>	Level 1 Floor Plan	<del>21.7.16</del> <b>25.03.2022</b>	CDA Architects <i>Marchese Partners</i>	<del>22.7.16</del> <b>29.03.22</b>
DA103, Revision E <i>DA2.05 Rev C</i>	Level 2, Floor Plan	<del>21.7.16</del> <b>25.03.2022</b>	CDA Architects <i>Marchese Partners</i>	<del>22.7.16</del> <b>29.03.22</b>
DA104, Revision F <i>DA2.06 Rev C</i>	Level 3 Floor	<del>21.7.16</del> <b>25.03.2022</b>	CDA Architects <i>Marchese Partners</i>	<del>22.7.16</del> <b>29.03.22</b>
DA105, Revision F <i>DA2.07 Rev C</i>	Level 4 Floor	<del>21.7.16</del> <b>25.03.2022</b>	CDA Architects <i>Marchese Partners</i>	<del>22.7.16</del> <b>29.03.22</b>
DA106, Revision F <i>DA2.08 Rev C</i>	Level 5 Floor	<del>21.7.16</del> <b>25.03.2022</b>	CDA Architects <i>Marchese Partners</i>	<del>22.7.16</del> <b>29.03.22</b>
DA107, Revision D <i>DA2.09 Rev C</i>	Level 6 Floor	<del>21.7.16</del> <b>25.03.2022</b>	CDA Architects <i>Marchese Partners</i>	<del>22.7.16</del> <b>29.03.22</b>

DA108, Revision C <b>DA2.10 Rev C</b>	Roof Floor Plan	21.7.16 <b>25.03.2022</b>	CDA Architects <b>Marchese Partners</b>	22.7.16 <b>29.03.22</b>
DA200, Revision F <b>DA3.01 Rev B</b>	Elevations sheet 1	21.7.16 <b>29.10.2021</b>	CDA Architects <b>Marchese Partners</b>	22.7.16 <b>29.03.22</b>
DA201, Revision F <b>DA3.02 Rev C</b>	Elevations sheet 2	21.7.16 <b>25.03.2022</b>	CDA Architects <b>Marchese Partners</b>	22.7.16 <b>29.03.22</b>
DA202, Revision F <b>DA3.03 Rev C</b>	Elevations sheet 3	21.7.16 <b>29.10.2021</b>	CDA Architects <b>Marchese Partners</b>	22.7.16 <b>29.03.22</b>
DA300 Rev D <b>DA4.01 Rev B</b>	Section <b>Site Section – Section 1-1</b>	20.5.16 <b>29.10.2021</b>	CDA Architects <b>Marchese Partners</b>	22.7.16 <b>29.03.22</b>
<b>DA1.07 Rev B</b>	<b>Site Section Through Plaza 1</b>	<b>29.10.2021</b>	<b>Marchese Partners</b>	<b>29.03.22</b>
<b>DA1.08 Rev B</b>	<b>Site Section Through Plaza 2</b>	<b>29.10.2021</b>	<b>Marchese Partners</b>	<b>29.03.22</b>
<b>DA1.09 Rev B</b>	<b>Site Section Through Plaza 3</b>	<b>29.10.2021</b>	<b>Marchese Partners</b>	<b>29.03.22</b>
<b>DA1.10 Rev B</b>	<b>Site Section Through Wardell Rd 4</b>	<b>29.10.2021</b>	<b>Marchese Partners</b>	<b>29.03.22</b>
<b>DA6.04 Rev B</b>	<b>Façade Section A</b>	<b>25.03.2022</b>	<b>Marchese Partners</b>	<b>29.03.22</b>
<b>DA6.05 Rev B</b>	<b>Façade Section B</b>	<b>25.03.2022</b>	<b>Marchese Partners</b>	<b>29.03.22</b>
<b>DA7.01 Rev A</b>	<b>Council RFI 01</b>	<b>25.03.2022</b>	<b>Marchese Partners</b>	<b>29.03.22</b>

<i>DA4.50 Rev B</i>	<i>Waste Management Plan</i>	<i>29.10.2021</i>	<i>Marchese Partners</i>	<i>29.03.22</i>
<i>DA5.01 Rev A</i>	<i>Unit Details</i>	<i>12.04.2021</i>	<i>Marchese Partners</i>	<i>29.03.22</i>
<del>DA702 Rev D</del> <i>DA6.03 Rev C</i>	Materials finishes board	<del>21.7.16</del> <i>28.03.2022</i>	<del>CDA Architects</del> <i>Marchese Partners</i>	<del>22.7.16</del> <i>29.03.22</i>
<i>1 of 3 Rev D</i>	<i>Landscape Plan Ground Floor</i>	<i>24.03.2022</i>	<i>Paul Scrivener Landscape</i>	<i>29.03.22</i>
<i>2 of 3 Rev D</i>	<i>Level 6 Plan Roof Terrace</i>	<i>24.03.2022</i>	<i>Paul Scrivener Landscape</i>	<i>29.03.22</i>
<i>3 of 3 Rev D</i>	<i>Details and Notes</i>	<i>24.03.2022</i>	<i>Paul Scrivener Landscape</i>	<i>29.03.22</i>
<i>650329M_02</i> <i>1246740M</i>	BASIX	<del>4.8.16</del> <i>01.11.2021</i>	Designview <i>Eco Certificates Pty Ltd</i>	<del>5.8.16</del> <i>25.11.2021</i>
-	Construction Management Plan		Australian Consulting Engineers	20.1.16
-	<i>Boarding House</i> Operational Plan of Management	<i>28.03.2022</i>	<del>Planning Lab</del>	<del>1.8.16</del> <i>29.03.22</i>
<i>Report No. S0186 Rev E</i>	<i>Operational Waste Management Plan</i>	<i>29.03.2022</i>	<i>Elephants foot</i>	<i>29.03.22</i>
<i>D02</i>	<i>Roof, Level 6 &amp; 1 Drainage Plan</i>	<i>21.10.2021</i>	<i>United</i>	<i>25.11.22</i>

D01, Rev A <b>D03</b>	Basement and Ground floor stormwater drainage plan	10.8.15 <b>21.10.2021</b>	Australian Consulting Engineers <b>United</b>	1.9.15 <b>25.11.22</b>
D02, Revision A	First Floor Stormwater Drainage Plan	31.7.15	Australian Consulting Engineers	1.9.15
D10, Revision A <b>D04</b>	Site Stormwater Drainage Details {1/2} <b>Drainage Details</b>	31.7.15 <b>21.10.2021</b>	Australian Consulting Engineers <b>United</b>	1.9.15 <b>25.11.22</b>
D11, Revision A <b>D05</b>	Site Stormwater Drainage Details {2/2} <b>Music Results and Details</b>	10.8.15 <b>21.10.2021</b>	Australian Consulting Engineers <b>United</b>	1.9.15 <b>25.11.22</b>
D20, Revision A <b>SW1</b>	Erosion and Sediment Control Plan & Details <b>Soil and Water Mangement Plan</b>	31.7.15 <b>21.10.2021</b>	Australian Consulting Engineers <b>United</b>	1.9.15 <b>25.11.22</b>
20150937 .1/23 07A/R1/MF	DA Acoustic Assessment	23.7.15	MF- Acoustic Loaic	1.9.16

and as amended by the following conditions.

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

(Amended – INSERT DATE – MOD/2021/0507)

5. The use of the premises as a boarding house must comply at all times with the following:

- a) The use must comply at all times with the Operational Plan of Management referred to in condition 1 above and as amended by the conditions in this Determination;
- b) A copy of the Operational Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- c) A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times.
- d) The Plan of Management must not be amended without the prior consent of ~~Marrickville~~ **Inner West** Council;
- e) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months.
- f) The premises must be used exclusively as a boarding house and maintaining a maximum total of ~~34~~ **38** residents and 1 boarding house manager with 1 person permitted per room;
- g) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
- h) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers;
- i) Each self-contained room be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times; and
- k) All rooms within the boarding house must be connected to a centralised electricity, water and gas (if installed) service and room tariffs must not include a separate charge for these services.
- l) ***The maximum capacity of the internal common room and outdoor terrace is 39 people.***

The Plan of Management must be updated to reflect the requirements outlined within this condition.

Reason: To ensure the development is the permanent place of residence for occupants and ensure occupants abide by the rules and regulations identified in the Plan of Management.

***(Amended – INSERT DATE – MOD/2021/0507)***

7. A minimum of ~~24~~ **22** off-street bicycle storage spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking prior to the commencement of the use.

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

***(Amended – INSERT DATE – MOD/2021/0507)***



8. A minimum of ~~7-8~~ off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking prior to the commencement of the use.

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

(Amended – 11/05/22 – MOD/2021/0507)

9. A minimum of ~~7-8~~ accessible boarding rooms must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.

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

(Amended – INSERT DATE – MOD/2021/0507)

18. The materials and finishes of the building being constructed pursuant to this consent must be strictly in accordance with the material and finishes identified on ***Materials Finishes DA6.03 Rev C, dated 28.03.2022 prepared by Marchese Partners Drawing No's DA702 – Revision D, DA200-DA202 – Revision F, dated 21.7.2016 prepared by GDA Architects.*** No changes may be made to these drawings except by way of an application under ~~section 96~~ **Part 4.56** of the Environmental Planning and Assessment Act.

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

(Amended – INSERT DATE – MOD/2021/0507)

22. No modifications may be made to that approved design without the consent of Sydney Trains **and/or Sydney Metro.**

Reason: To ensure compliance with Sydney Trains concurrence terms

(Amended – INSERT DATE – MOD/2021/0507)

80. ~~The adjoining RailCorp Land must not be used during the construction or maintenance of the development.~~

***No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.***

Reason: To ensure compliance with Sydney Trains concurrence terms.

(Amended – INSERT DATE – MOD/2021/0507)

83. The site stormwater drainage and water quality treatment system shall be constructed generally in accordance with Stormwater Drainage Plans ~~DA00, DA01, DA02, DA10, DA11 and DA20 (Rev A)~~ and the Stormwater Quality Report submitted by Australian Consulting Engineers Pty Ltd dated July 2015. ~~D01, D02, D03, D04, D05 and SW1 prepared by United, dated 21.10.2021.~~

Reason: To provide for adequate site drainage.

(Amended – INSERT DATE – MOD/2021/0507)

- B. Delete the following conditions:

- ~~5. A minimum of 1 off street car parking space, must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 – Parking.~~

Reason: ~~To ensure practical off street car parking is available for the use of the premises.~~

(Deleted – INSERT DATE – MOD/2021/0507)

- C. Add the following conditions:

- 26a. *All plans/documentation(s) provided and endorsed by Sydney Trains as part of the Sydney Trains Deferred Commencement Conditions will form part of this Consent, unless said plans/documentation(s) are otherwise superseded and confirmed in writing by Sydney Trains as a result of compliance with any Sydney Trains related conditions of consent. All recommendations, final findings and subsequent requirements (including where specified in the written endorsement letter from Sydney Trains) of such plans/documentation(s) are to be reflected in the Construction Certificate construction plans/documentation(s) where relevant, and compliance with those plans/documentation(s) must be certified prior to the issue of any Occupation Certificate.*

Reason: To ensure compliance with Sydney Trains concurrence terms

(Added – INSERT DATE – MOD/2021/0507)

- 47a. *The floor to floor heights on Levels 1 to 6 shall be reduced to a maximum of 3.1metres. Amended plans demonstrating compliance with this must be submitted to the satisfaction of the Principal Certifier before the issue of a Construction Certificate.*

(Added – INSERT DATE – MOD/2021/0507)

- 58a. *This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.*

*Prior the issue of a Construction Certificate, the Council must be paid a monetary contribution of \$93,162.27 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").*

*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:*

<i>Public Amenities Type:</i>	<i>Contribution \$</i>
<i>Recreation Facilities</i>	<i>\$80,927.21</i>
<i>Community Facilities</i>	<i>\$9,260.10</i>
<i>Traffic Facilities</i>	<i>\$1,148.25</i>
<i>Plan Administration</i>	<i>\$1,826.71</i>
<b>TOTAL</b>	<b>\$93,162.27</b>

*The above contribution is the contribution applicable as at 4 April 2022*

**\*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.*

**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.

*(Added – INSERT DATE – MOD/2021/0507)*

## Attachment B – Proposed Plans





[illegible]





<p>    <b>marchesepartners</b> </p>	<p>  </p>	<p> <b>CLIENT</b>  <b>GITANE</b> </p>	<p> <b>DRAWING TITLE</b>  <b>ARTIST IMPRESSION - VIEW FROM WARDELL ROAD</b> </p>
<p> <b>PROJEC</b>  <b>217-249 WARDELL RD MARRICKVILLE</b>  <b>DULWICH HILL NSW 2204</b>  <b>20069</b> </p>	<p> <b>SCALE</b>  <b>DATE</b>  <b>28/10/2021</b> </p>	<p> <b>CHANGED</b>  <b>BY</b>  <b>RS</b> </p>	<p> <b>VIEW FROM</b>  <b>RES/ISSN</b>  <b>B</b> </p>



## APPLICATION FOR MODIFICATION OF DA 2015/0084

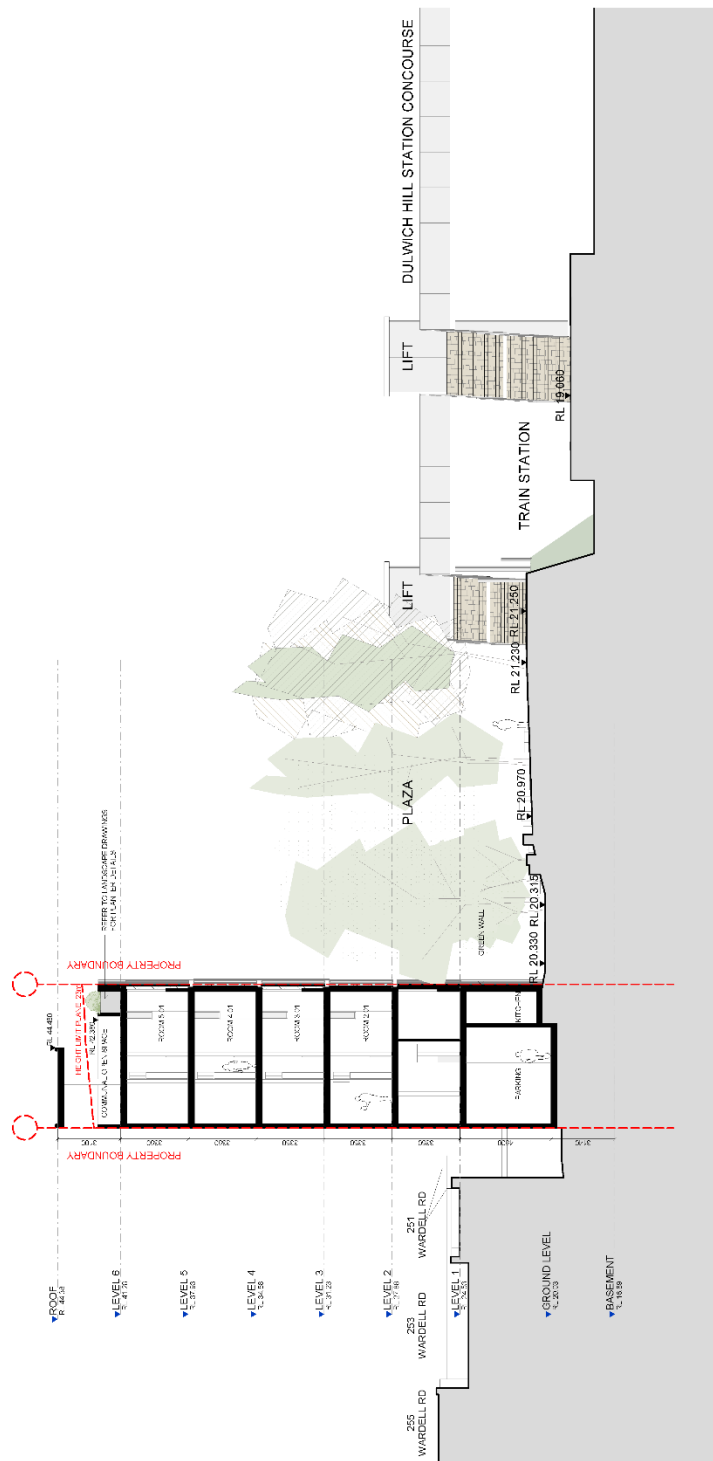
247-249 WARDELL RD MARRICKVILLE  
DULWICH HILL NSW 2204

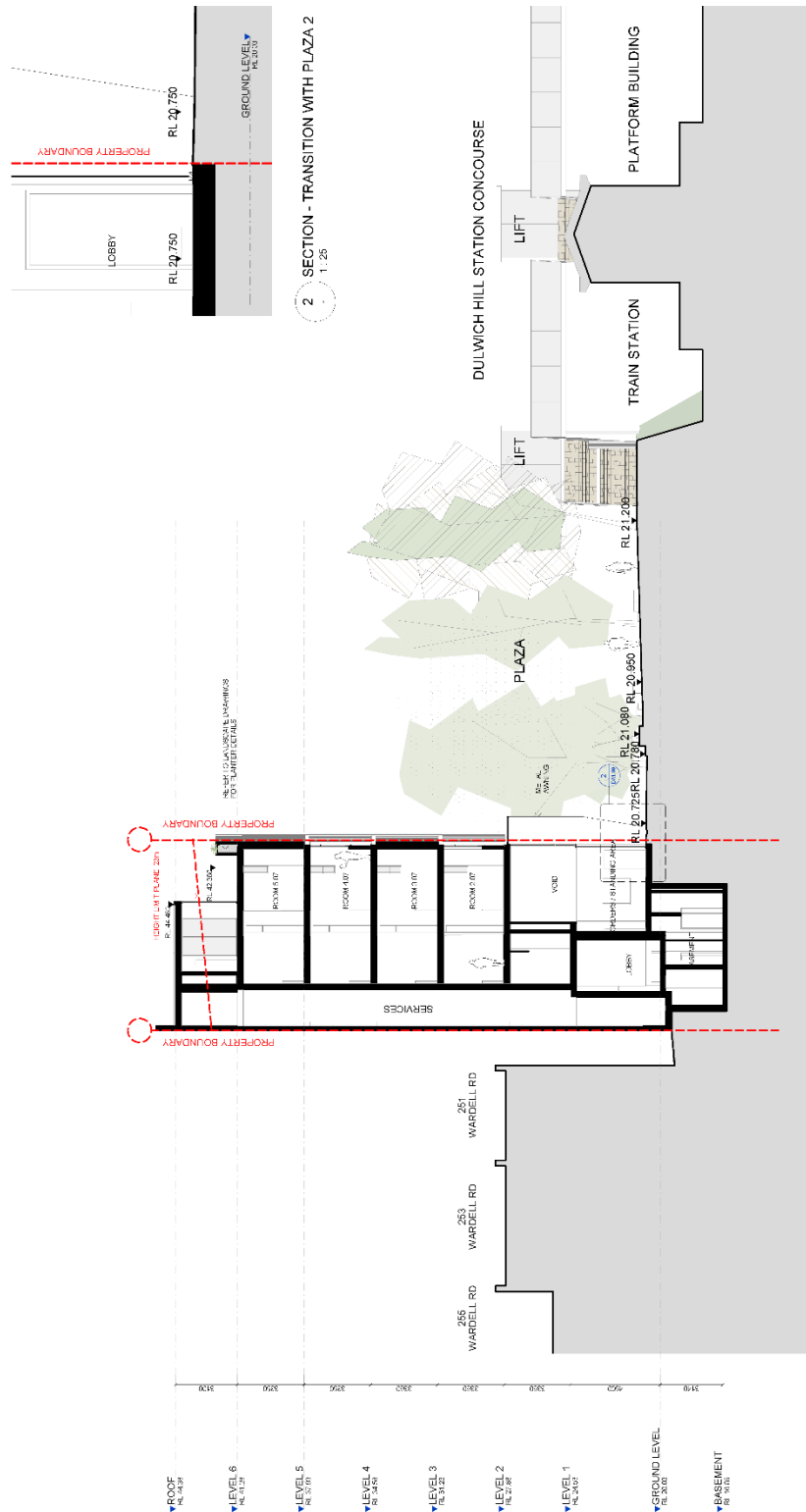
## PRE-DA DRAWING LIST

DWG NO. TITLE REV

DA0.00	PRELIMINARIES	
DA0.01	MPI COVER	
DA0.02	ARTIST IMPRESSION - VIEW FROM PLAZA	C
DA0.03	ARTIST IMPRESSION - VIEW FROM WARDELL ROAD	B
DA0.04	COVER SHEET	D
DA1.00	SITE PLANS	
DA1.01	LOCAL CONTEXT PLAN	B
DA1.02	SITE ANALYSIS	B
DA1.03	DGP CONTROLS	B
DA1.04	URBAN CONTEXT AND STREET SCAPES ELEVATION WARDELL ROAD	B
DA1.05	PARKING MANAGEMENT AND STREET SCAPES ACTIVATION	B
DA1.06	SITE SECTION THROUGH PLAZA 1	B
DA1.07	SITE SECTION THROUGH PLAZA 2	B
DA1.08	SITE SECTION THROUGH PLAZA 3	B
DA1.09	SITE SECTION THROUGH PLAZA 4	B
DA1.10	SITE SECTION THROUGH WARDELL RD 4	B
DA2.00	FLOOR PLANS	
DA2.01	SCHEME COMPARISON SHEET	B
DA2.02	BASEMENT	B
DA2.03	LEVEL GROUND	D
DA2.04	LEVEL 1	D
DA2.05	LEVEL 2	D
DA2.06	LEVEL 3	C
DA2.07	LEVEL 4	C
DA2.08	LEVEL 5	C
DA2.09	LEVEL 6	C
DA2.10	ROOF PLAN	C
DA3.00	ELEVATIONS	
DA3.01	SITE ELEVATION - SHEET 1	B
DA3.02	SITE ELEVATIONS - SHEET 2	B
DA3.03	SITE ELEVATIONS - SHEET 3	C
DA3.04	SITE ELEVATION - SHEET 4 (DETAIL)	A
DA4.00	DIAGRAMS	
DA4.01	VIEWS FROM THE SUN - SHEET 1	B
DA4.02	VIEWS FROM THE SUN - SHEET 2	B
DA4.03	SHADOW ANALYSIS - 21st JUNE - SHEET 1	B
DA4.04	SHADOW ANALYSIS - 21st JUNE - SHEET 2	B
DA4.05	SHADOW ANALYSIS - 21st MARCH - SHEET 1	A
DA4.06	SHADOW ANALYSIS - 21st MARCH - SHEET 2	A
DA4.07	SHADOW ANALYSIS - 21st JUNE - WARDELL RD ELEVATION	A
DA4.08	SOLAR ACCESS & CROSS VENTILATION	B
DA4.09	GFA	D
DA4.10	WASTE MANAGEMENT PLAN	B
DA4.11	SECTION 1-1	B
DA4.12	SECTION 1-2	B
DA4.13	SECTION 1-3	B
DA4.14	SECTION 1-4	B
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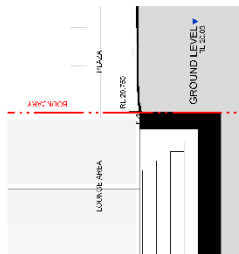


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<p>PRELIMINARY NOT FOR CONSTRUCTION</p>	<p>APPLICATION FOR MODIFICATION OF DA 2015/0084</p>	<p>1 2 3 4</p>	<p><b>marchespartners</b> Marches Partners International Pty Ltd P 41 2 822 5755 F 41 2 822 5755 E info@marchespartners.com www.marchespartners.com Sydney, Australia Kuala Lumpur - Australia Chennai - India London - United Kingdom</p>	<p><b>GITANE</b></p>	<p><b>SITE SECTION THROUGH PLAZA 2</b></p> <p>DATE: 28/02/21 DRAWING: DA1.08 SCALE: 1:20 PROJECT: 20069</p>
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**APPLICATION NOTES:**

1. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH THE SPECIFICATIONS AND CONDITIONS OF CONTRACT FOR THE PROJECT.

2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION.

3. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION.

4. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION.

5. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION.

6. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION.

7. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION.

8. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION.

9. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION.

10. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION.

**BY:** [Signature]

**DATE:** 2015/00084

**DESCRIPTION:** APPLICATION FOR MODIFICATION OF DA

**NOT FOR CONSTRUCTION**

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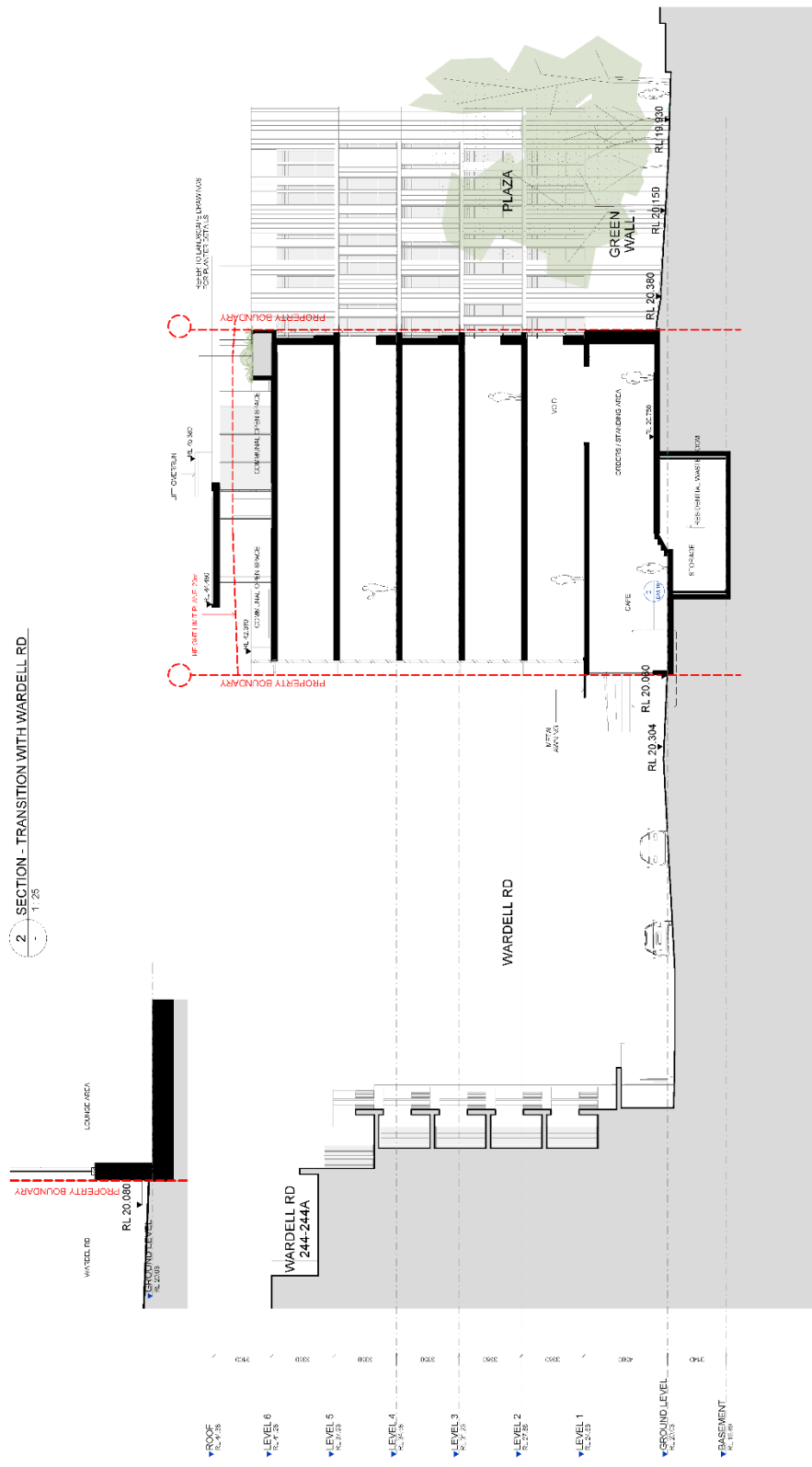
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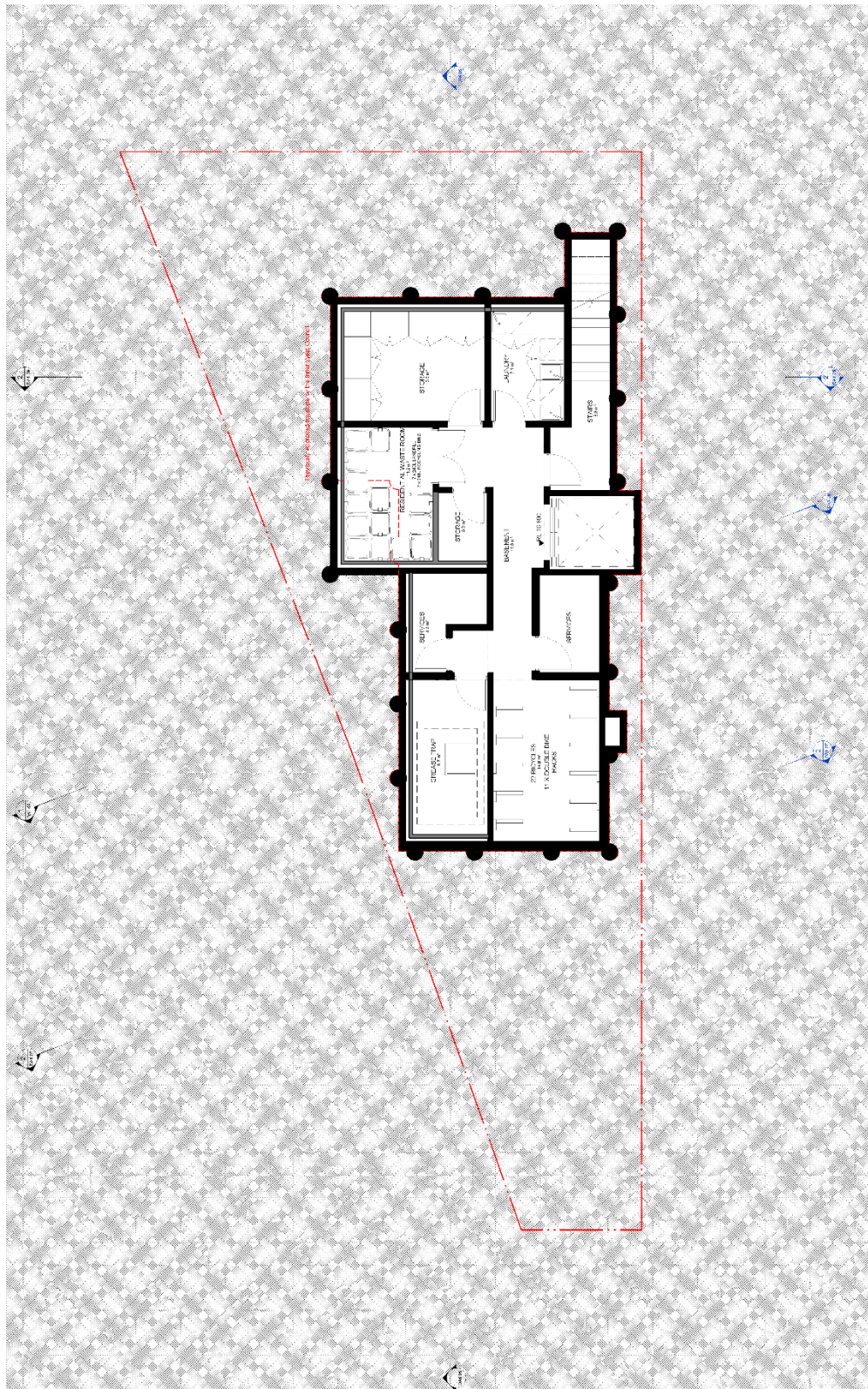
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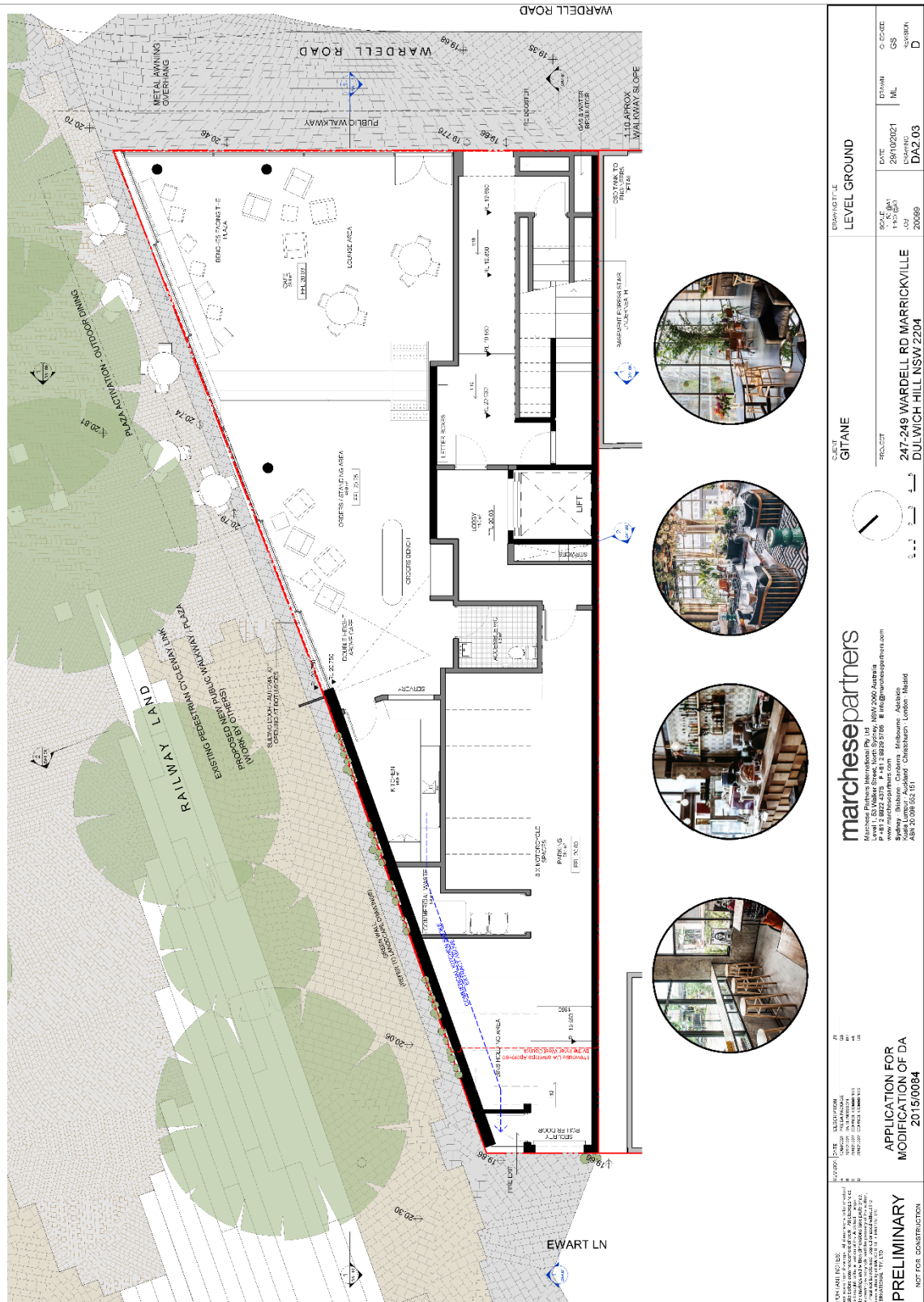
<p>ARCHITECT: <b>marchese partners</b>                  Marchese Partners International Pty Ltd                  10/12 2005 Australia                  P +61 2 8822 5755 F +61 2 8822 5755 E info@marchesepartners.com                  www.marchesepartners.com                  Suite 100/101, 101-103, 105-107, 109-111, 113-115, 117-119, 121-123, 125-127, 129-131, 133-135, 137-139, 141-143, 145-147, 149-151, 153-155, 157-159, 161-163, 165-167, 169-171, 173-175, 177-179, 181-183, 185-187, 189-191, 193-195, 197-199, 201-203, 205-207, 209-211, 213-215, 217-219, 221-223, 225-227, 229-231, 233-235, 237-239, 241-243, 245-247, 249-251, 253-255, 257-259, 261-263, 265-267, 269-271, 273-275, 277-279, 281-283, 285-287, 289-291, 293-295, 297-299, 301-303, 305-307, 309-311, 313-315, 317-319, 321-323, 325-327, 329-331, 333-335, 337-339, 341-343, 345-347, 349-351, 353-355, 357-359, 361-363, 365-367, 369-371, 373-375, 377-379, 381-383, 385-387, 389-391, 393-395, 397-399, 401-403, 405-407, 409-411, 413-415, 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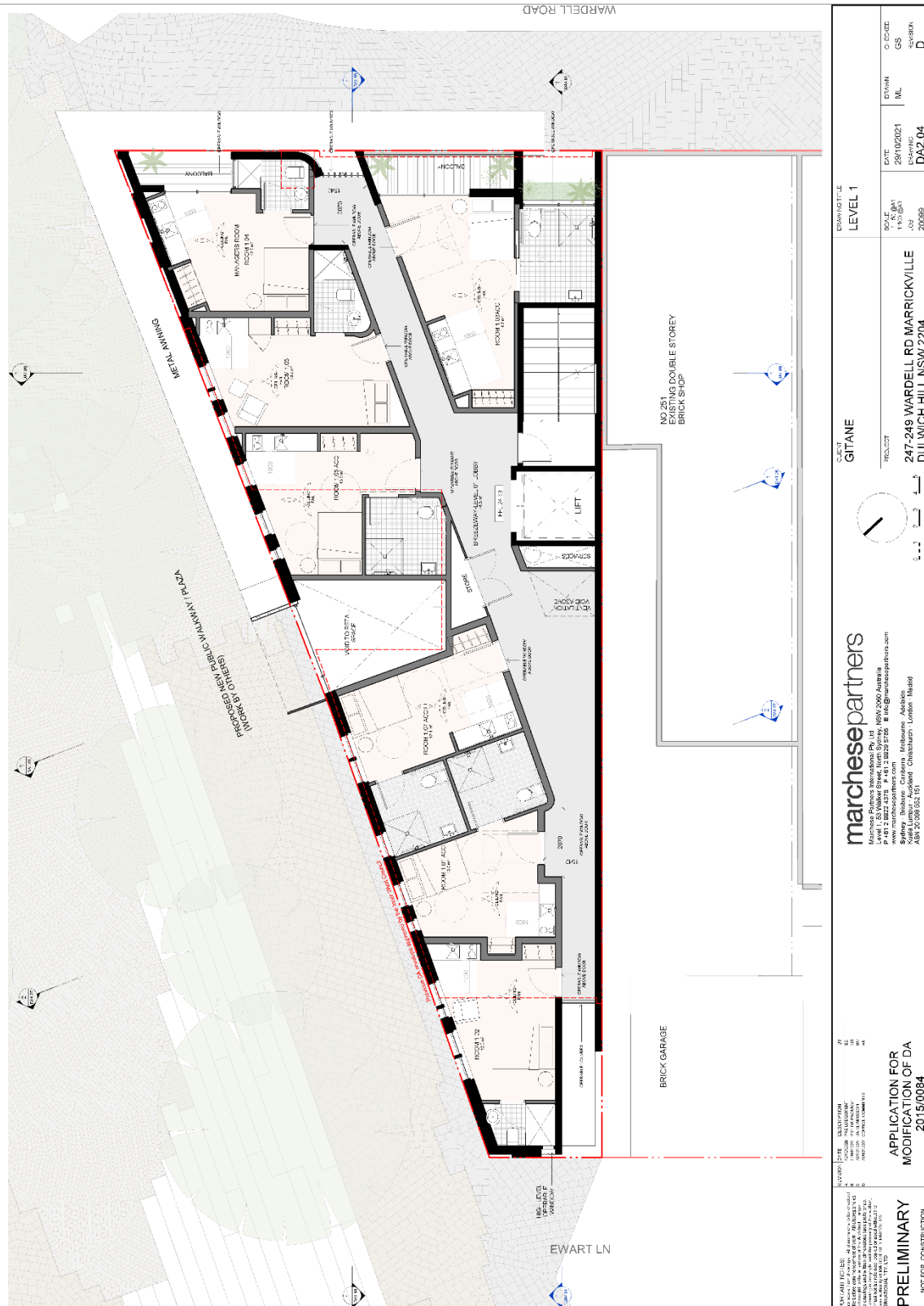


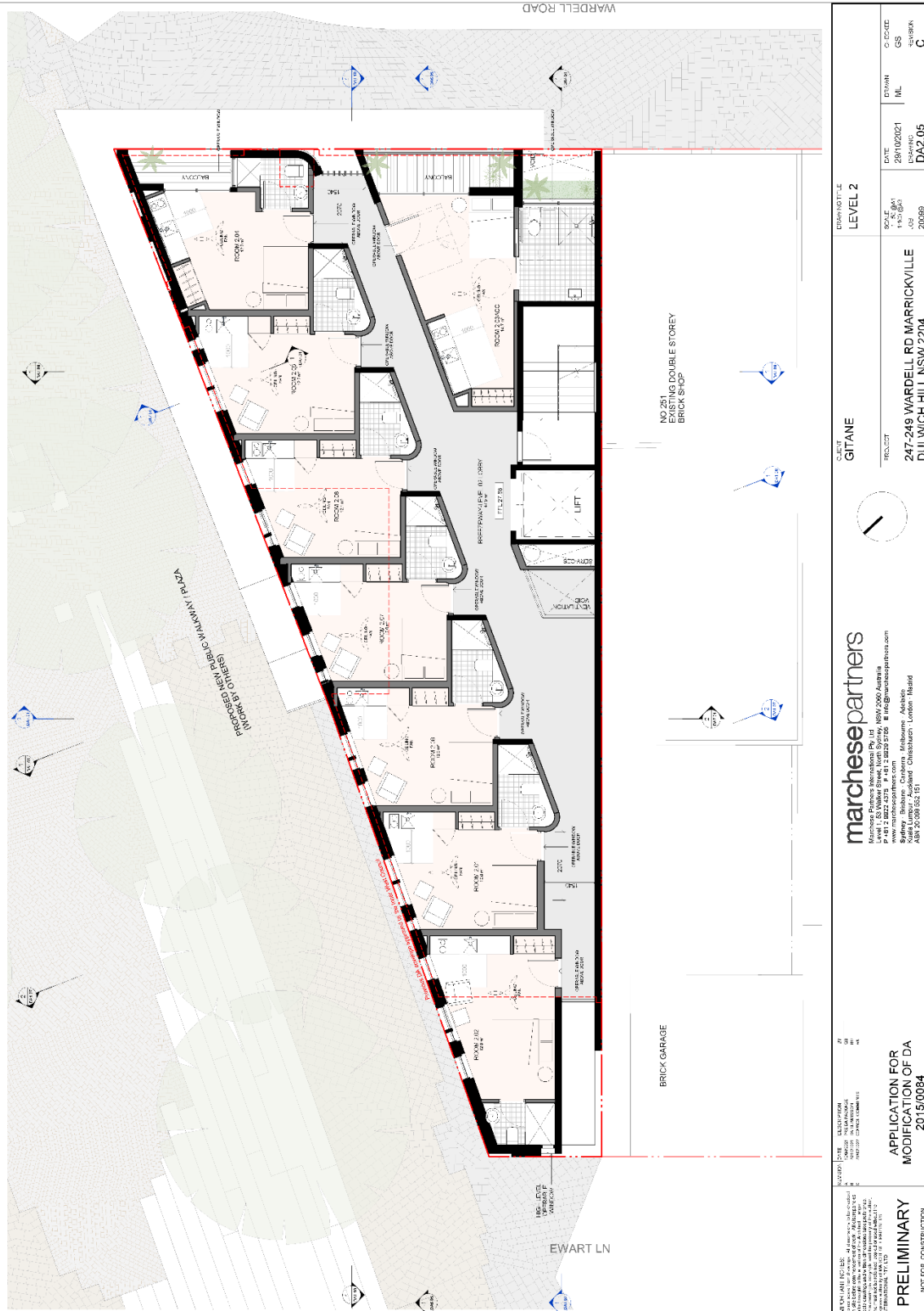


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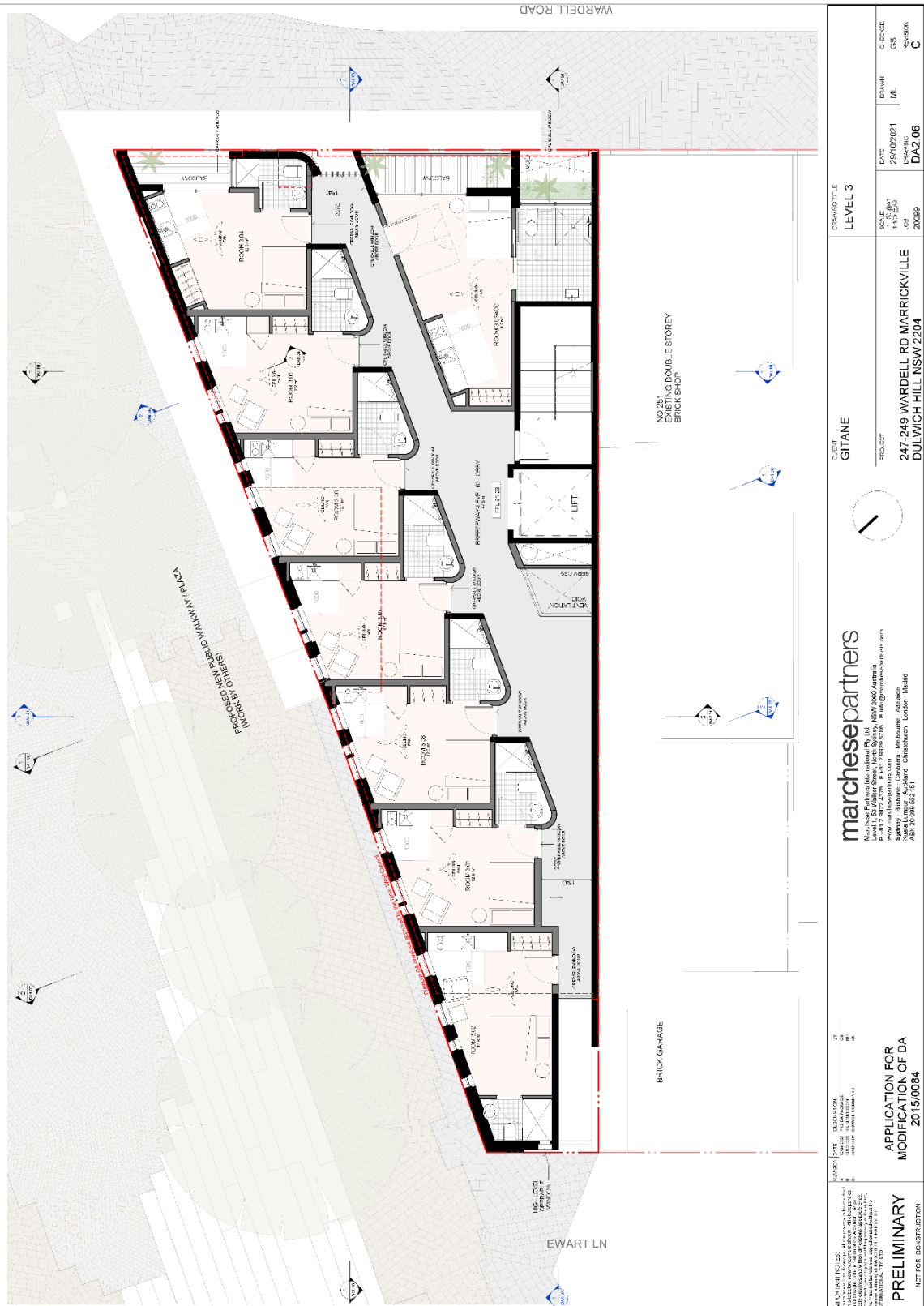


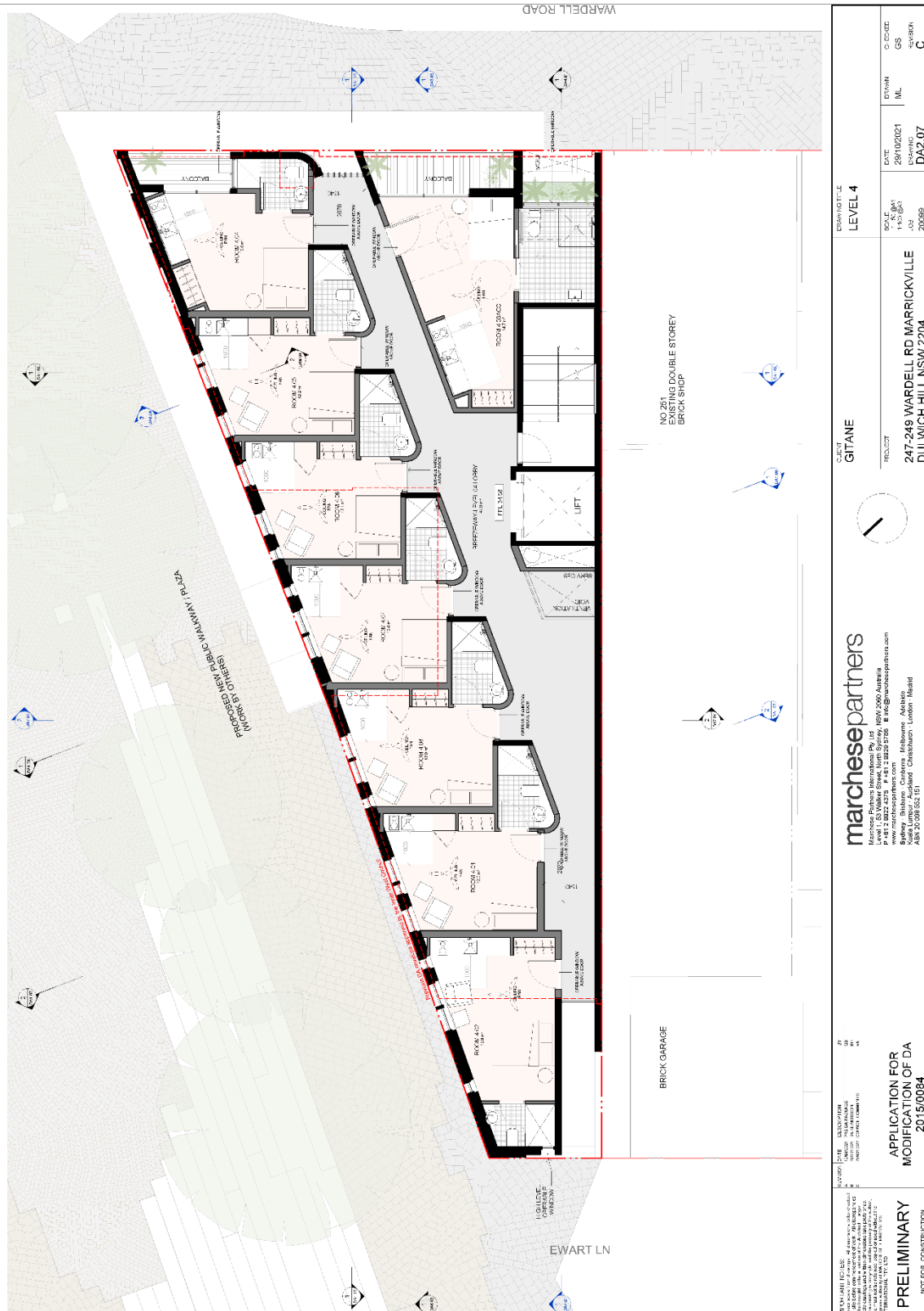




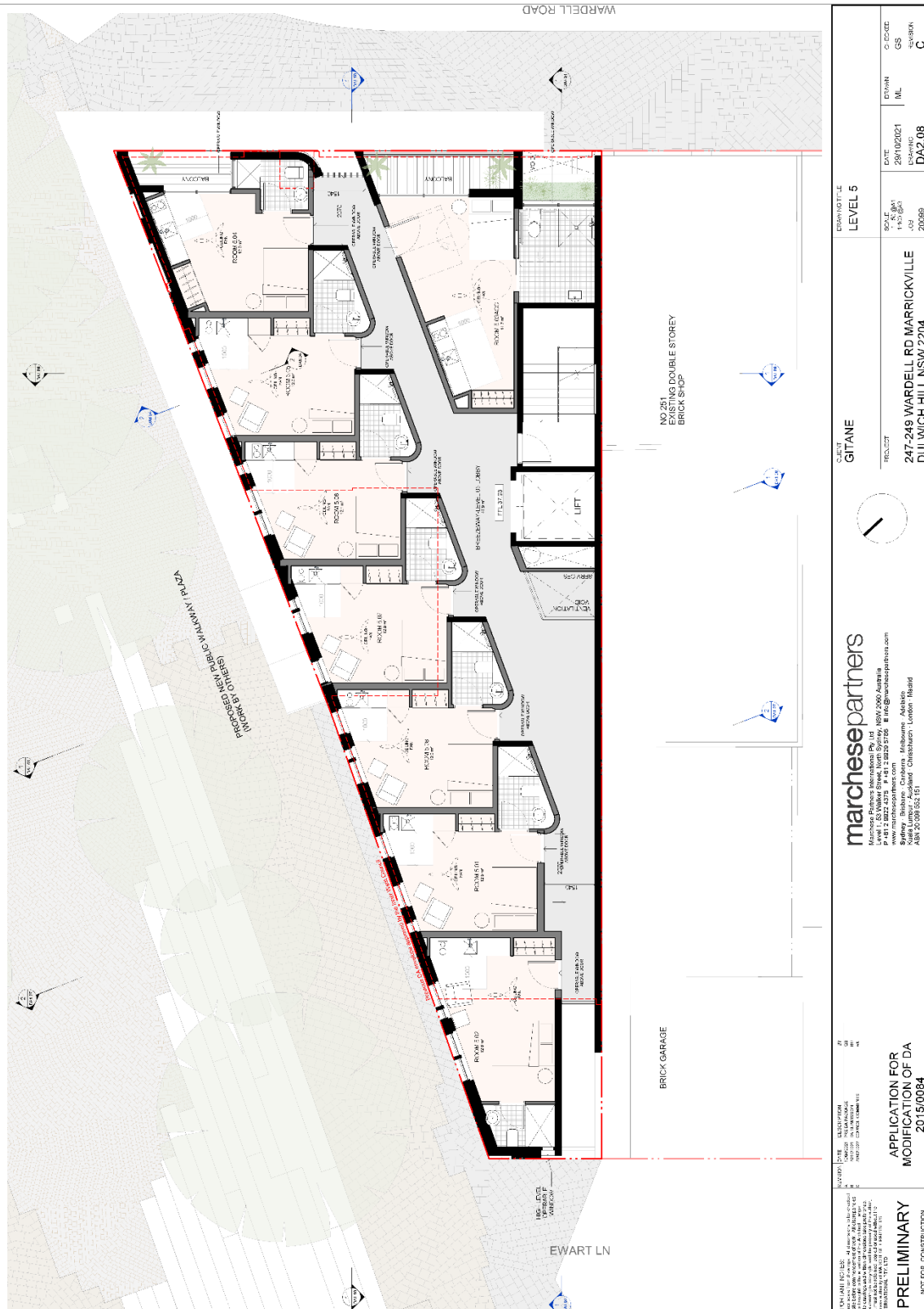
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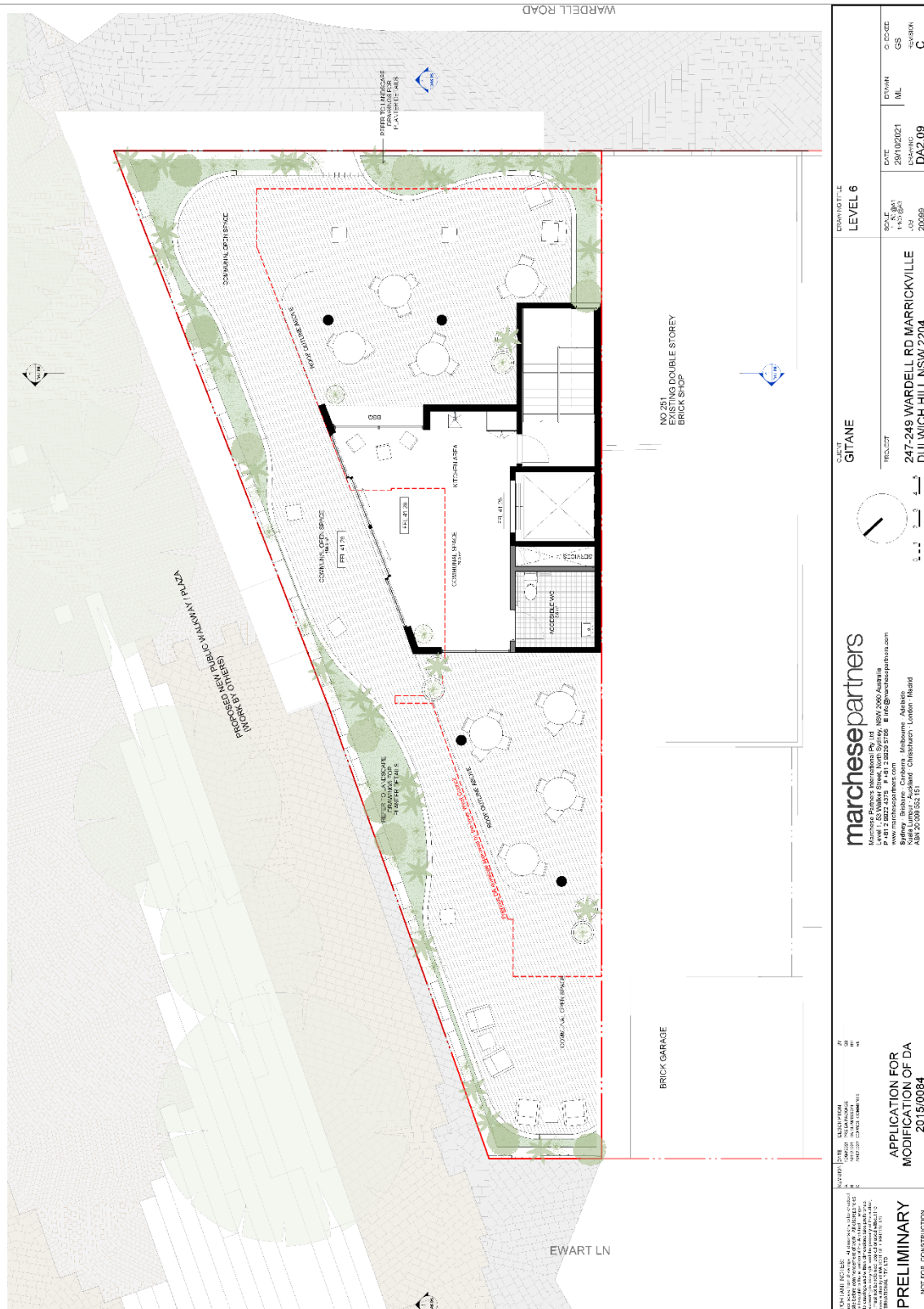


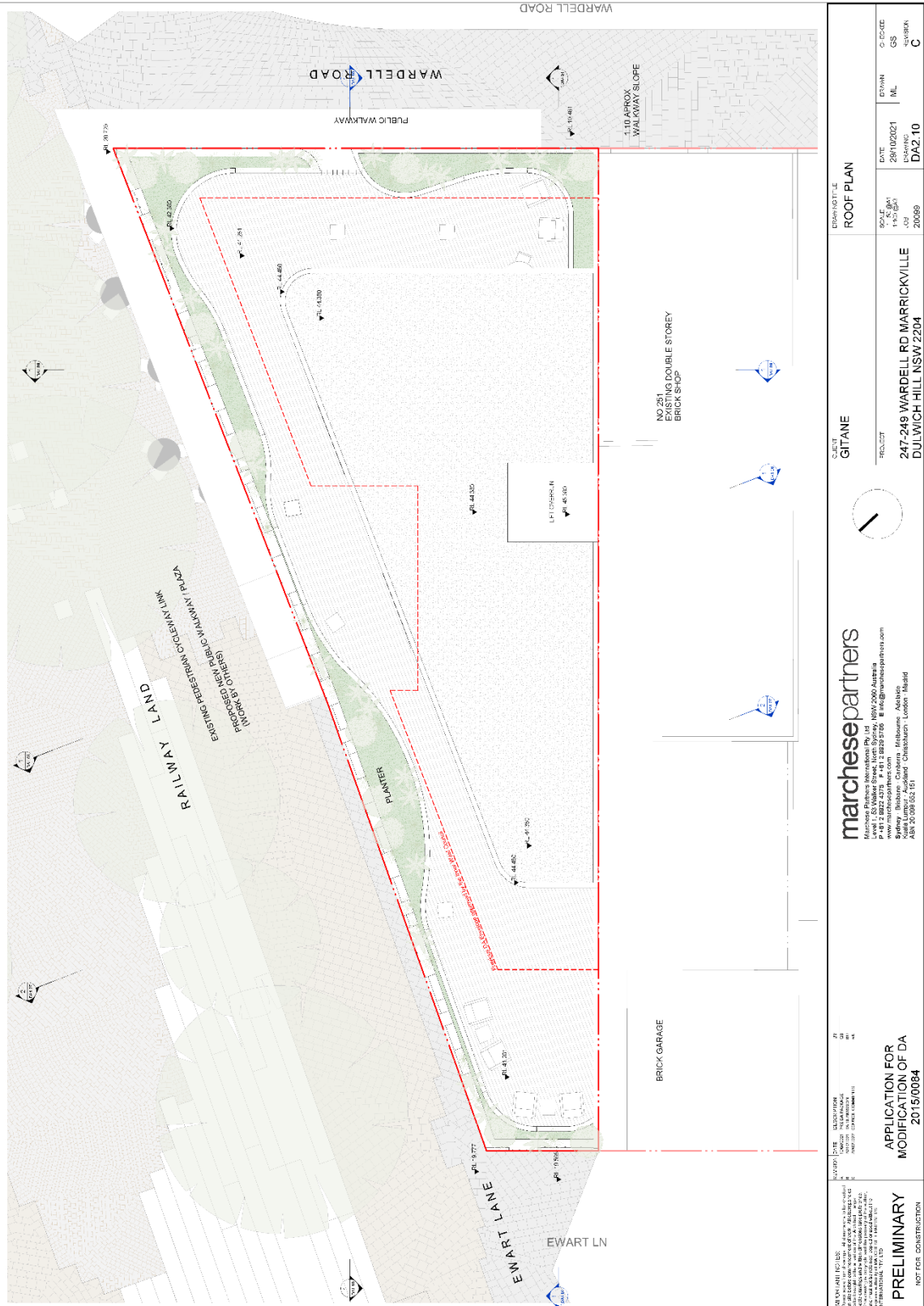




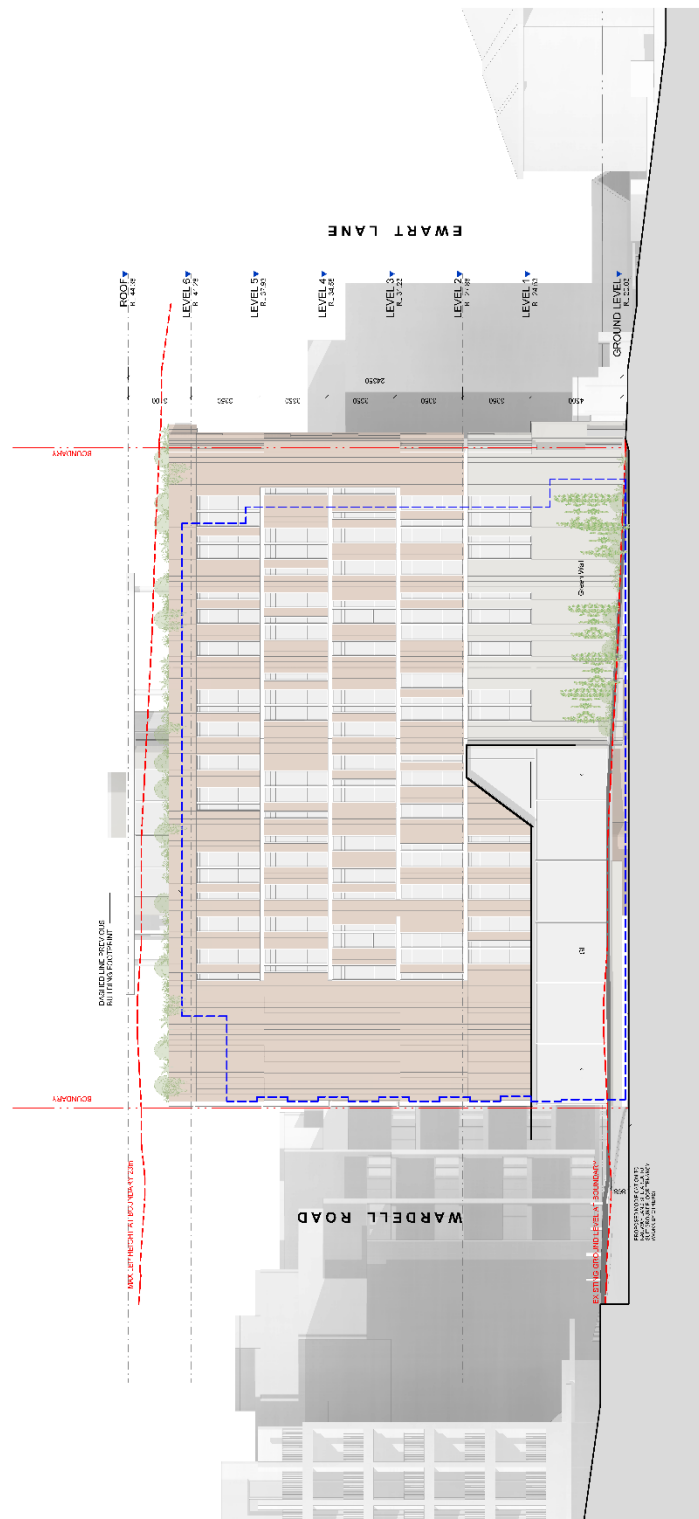












NORTH WEST ELEVATION  
1 : 100

**PRELIMINARY**

NOT FOR CONSTRUCTION

APPLICATION FOR  
MODIFICATION OF DA  
2015/00084

BY:  
DAVID  
10



**marchesepartners**

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Level 1, 55 Vysy Ave, Sydney North Sydney NSW 1550 Australia  
www.marchesepartners.com.au  
K+S Lumber - Australia - Christchurch - London - Thailand  
ARN 201605002-5\*

DRAWING TITLE  
**SITE ELEVATION - SHEET 1**

CLIENT  
**GITANE**

PROJECT  
247-249 WARDLELL RD MARRICKVILLE  
DULWICH HILL NSW 2204

SCALE	DATE	DESIGNED BY	CHECKED BY
AS SHOWN	29/10/2021	JOB	GS
			B

REVISION  
DAS.01



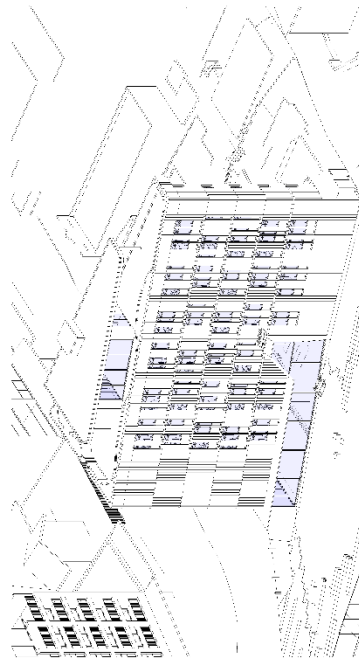




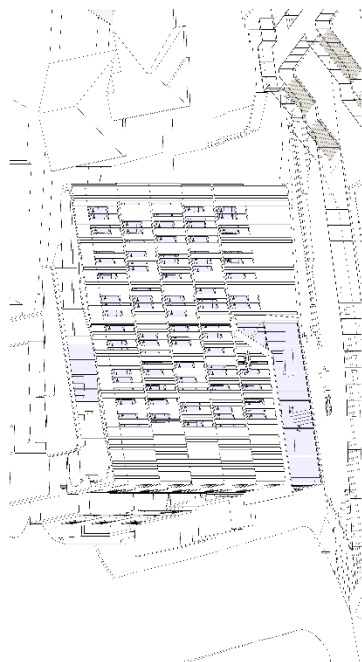




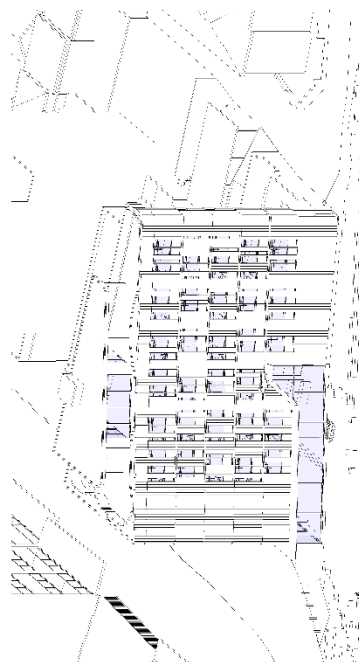
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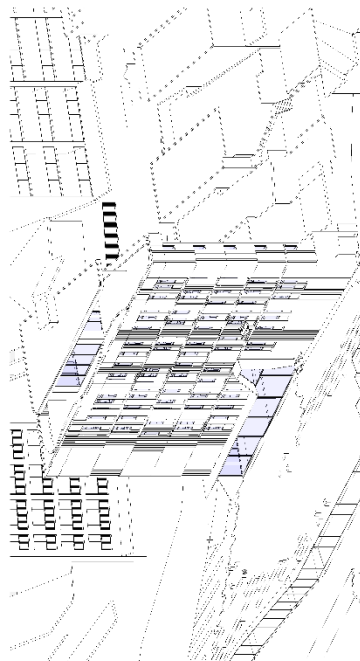


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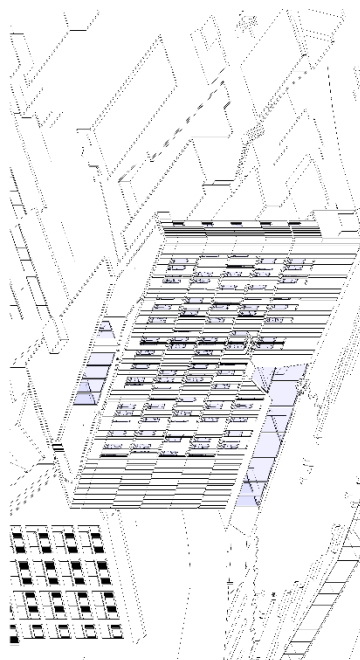


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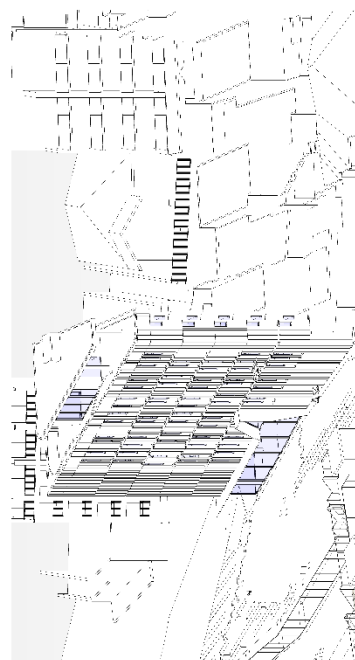
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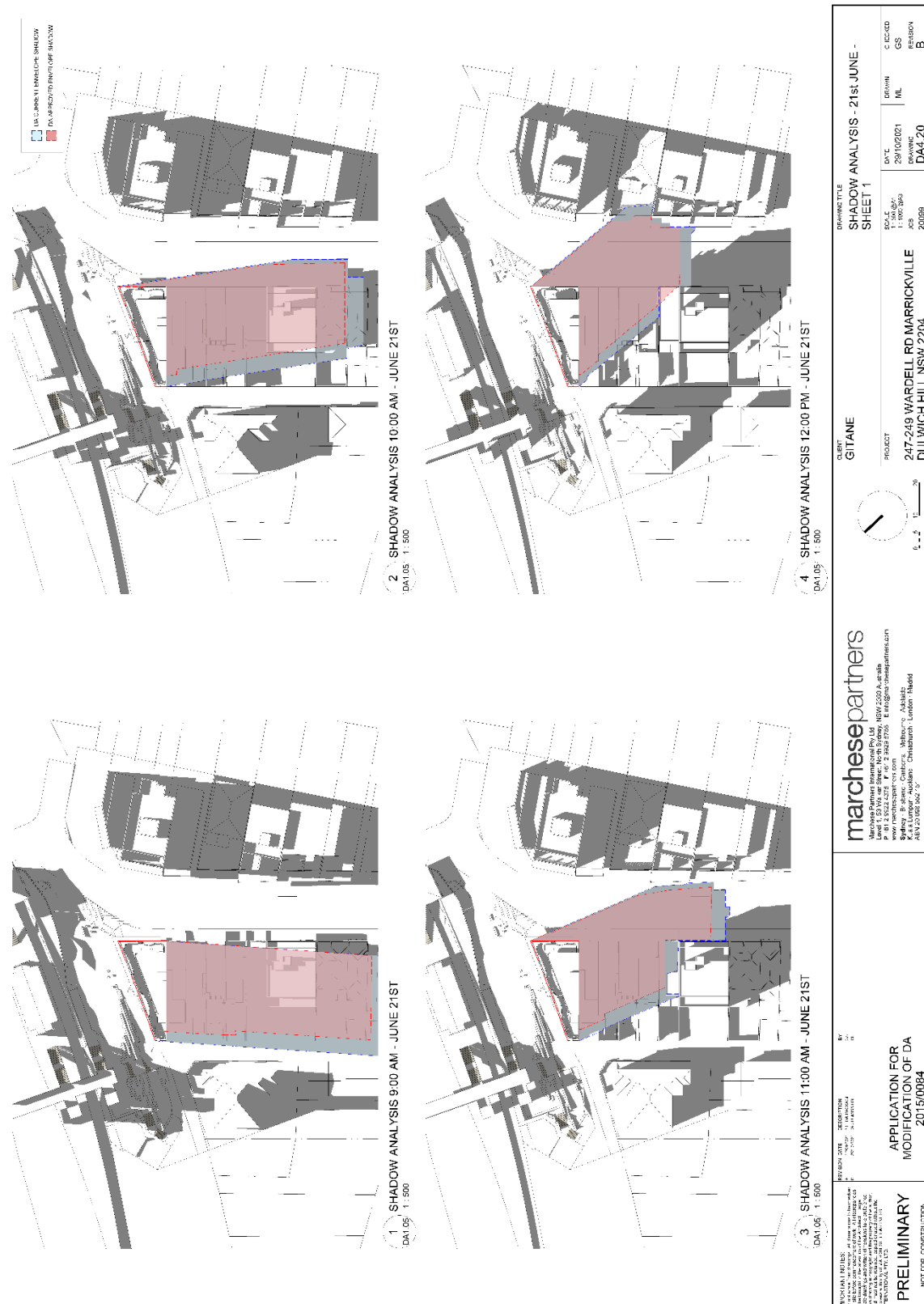


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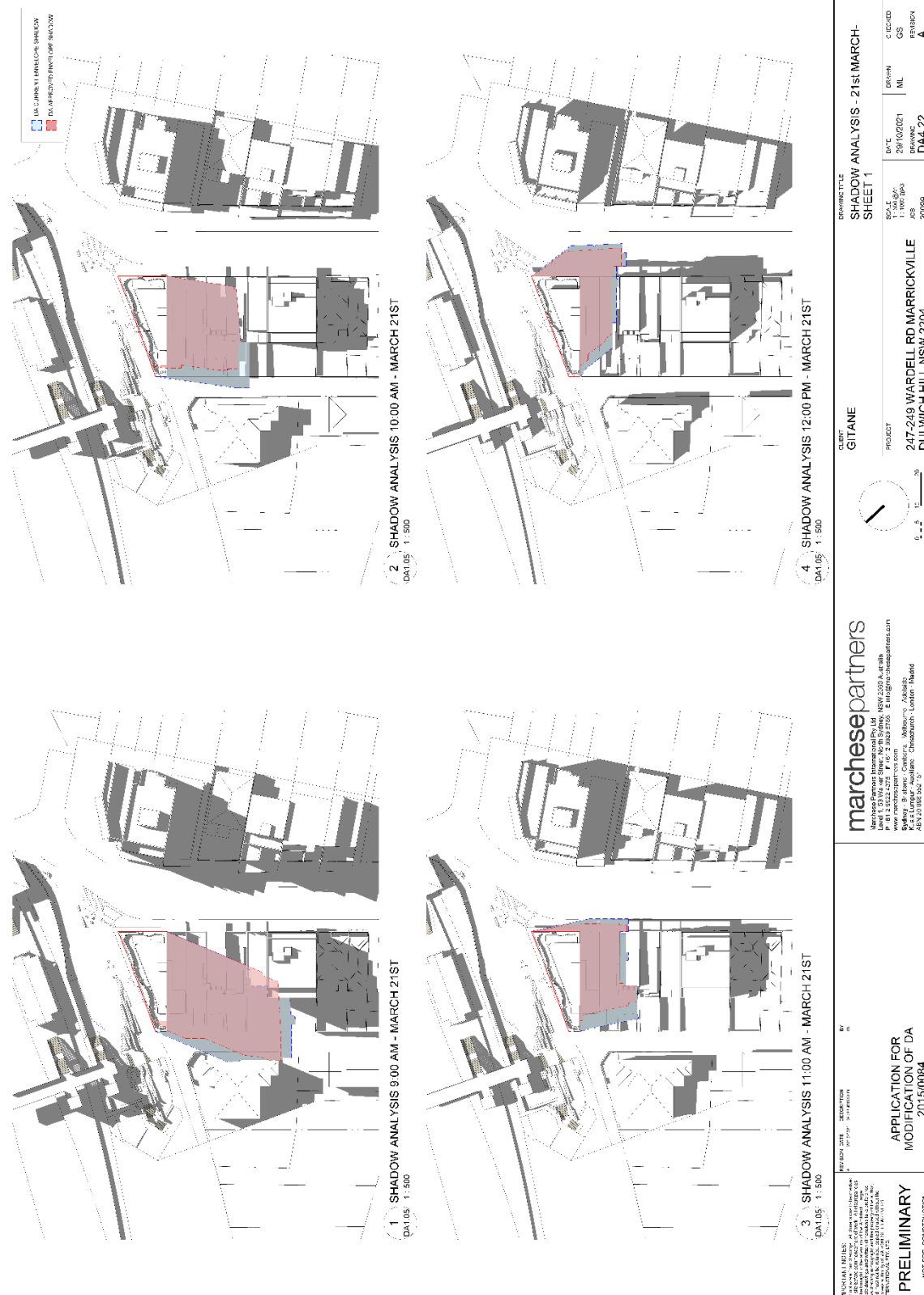
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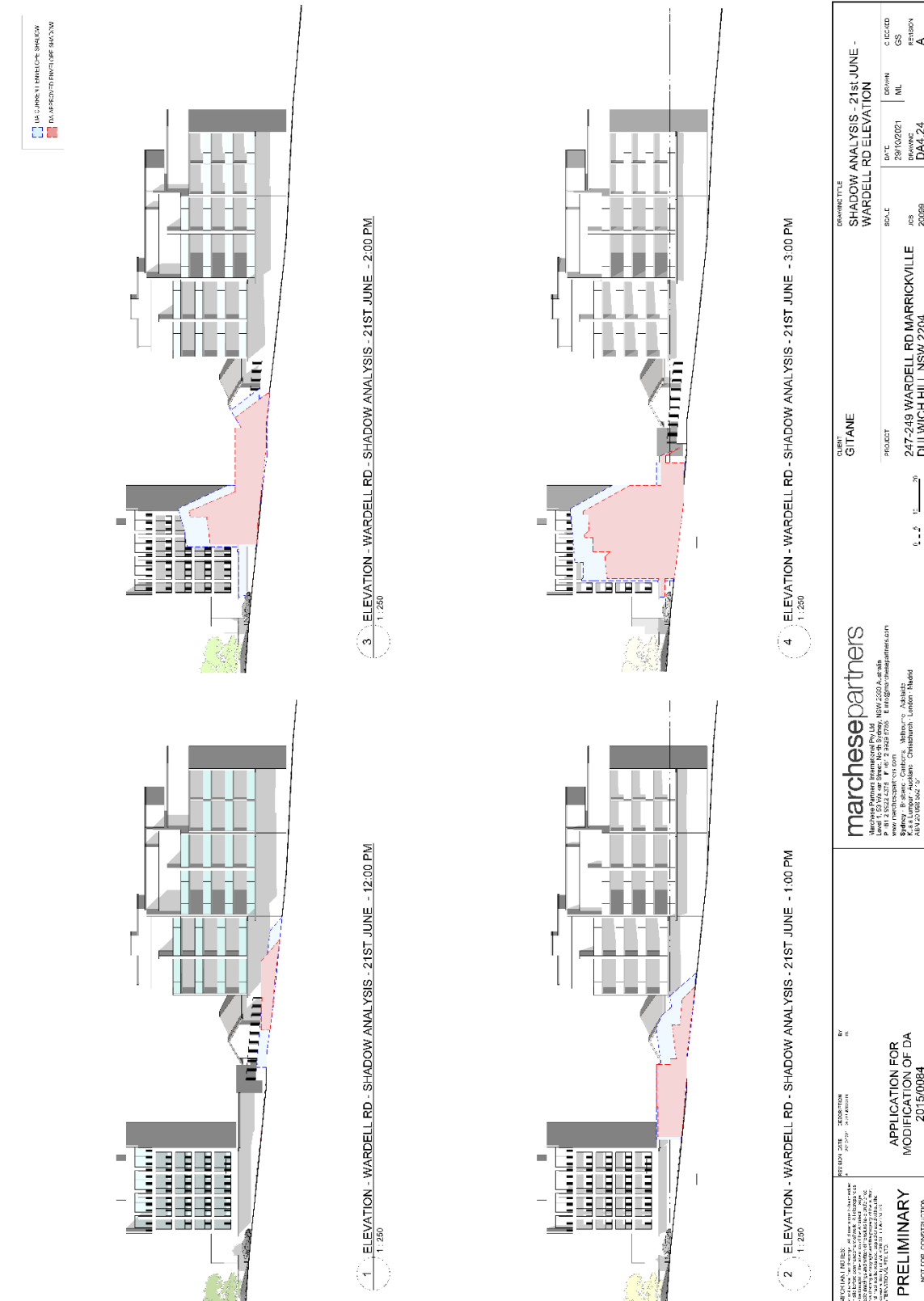
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<p><b>DATE</b> 29/10/2021  <b>BY</b> DA4.21</p>		<p><b>SCALE</b> 1:1000  <b>DATE</b> 29/10/2021  <b>BY</b> DA4.21</p>		<p><b>PROJECT</b> 247-249 WARDELL RD MARRICKVILLE  DULWICH HILL NSW 2204</p>	
<p><b>DATE</b> 29/10/2021  <b>BY</b> DA4.21</p>					

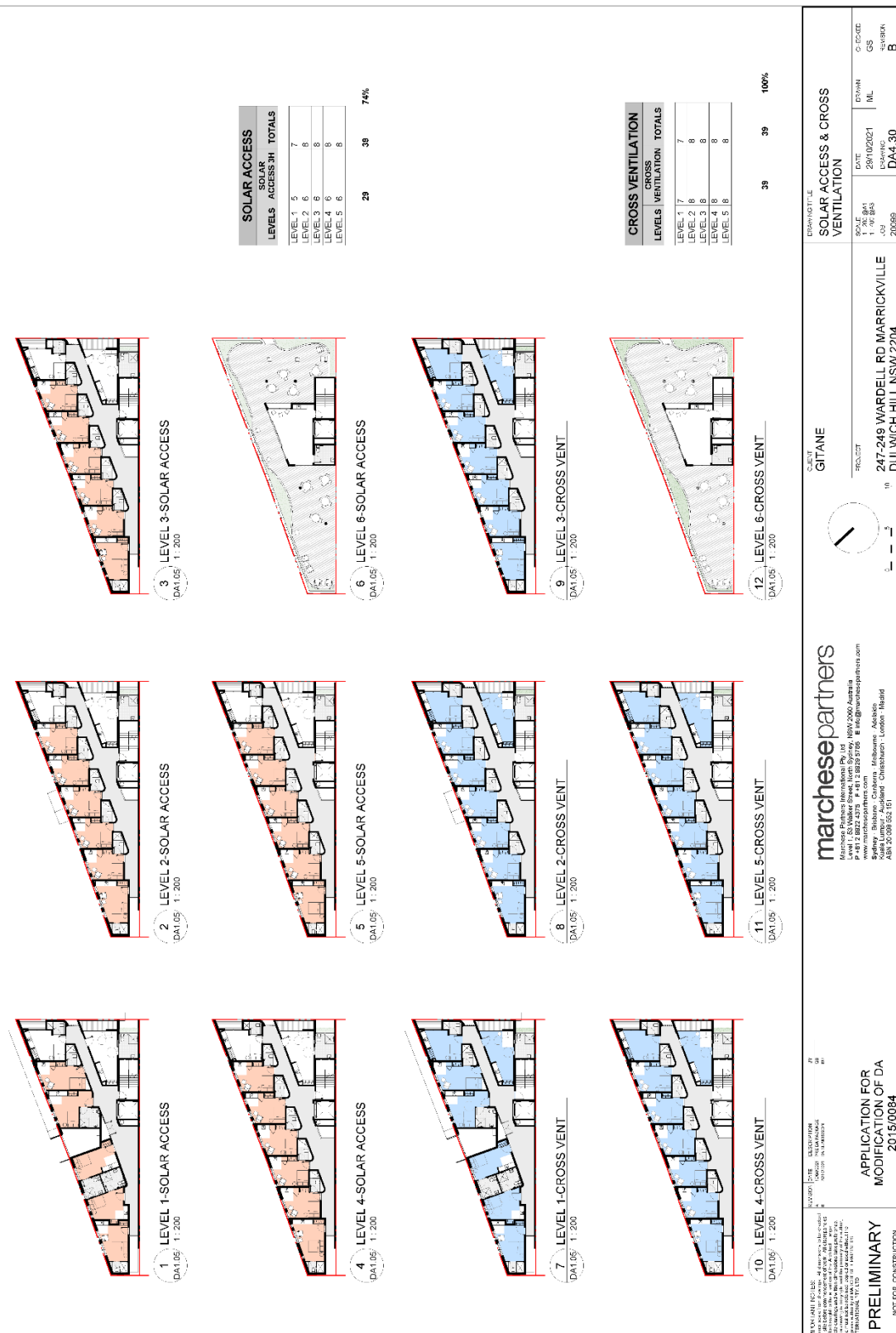
**marchesepartners**  
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Tel: 02 9550 1234  
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Email: info@marchesepartners.com.au  
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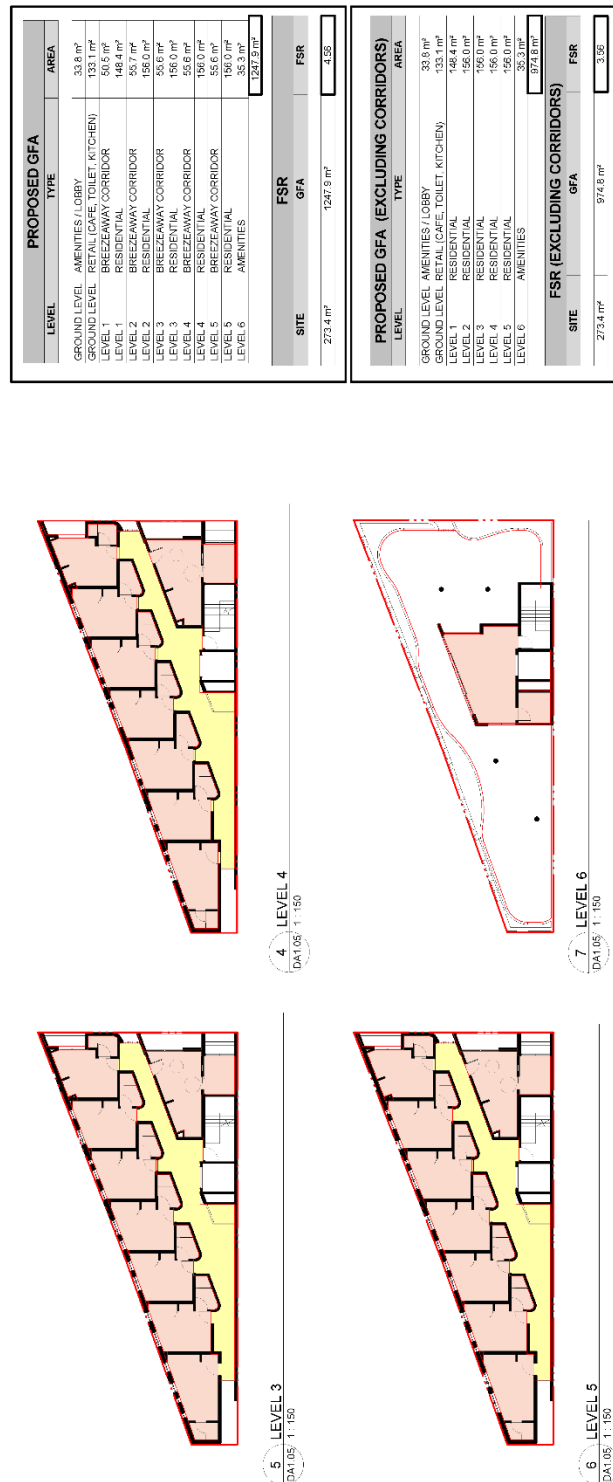


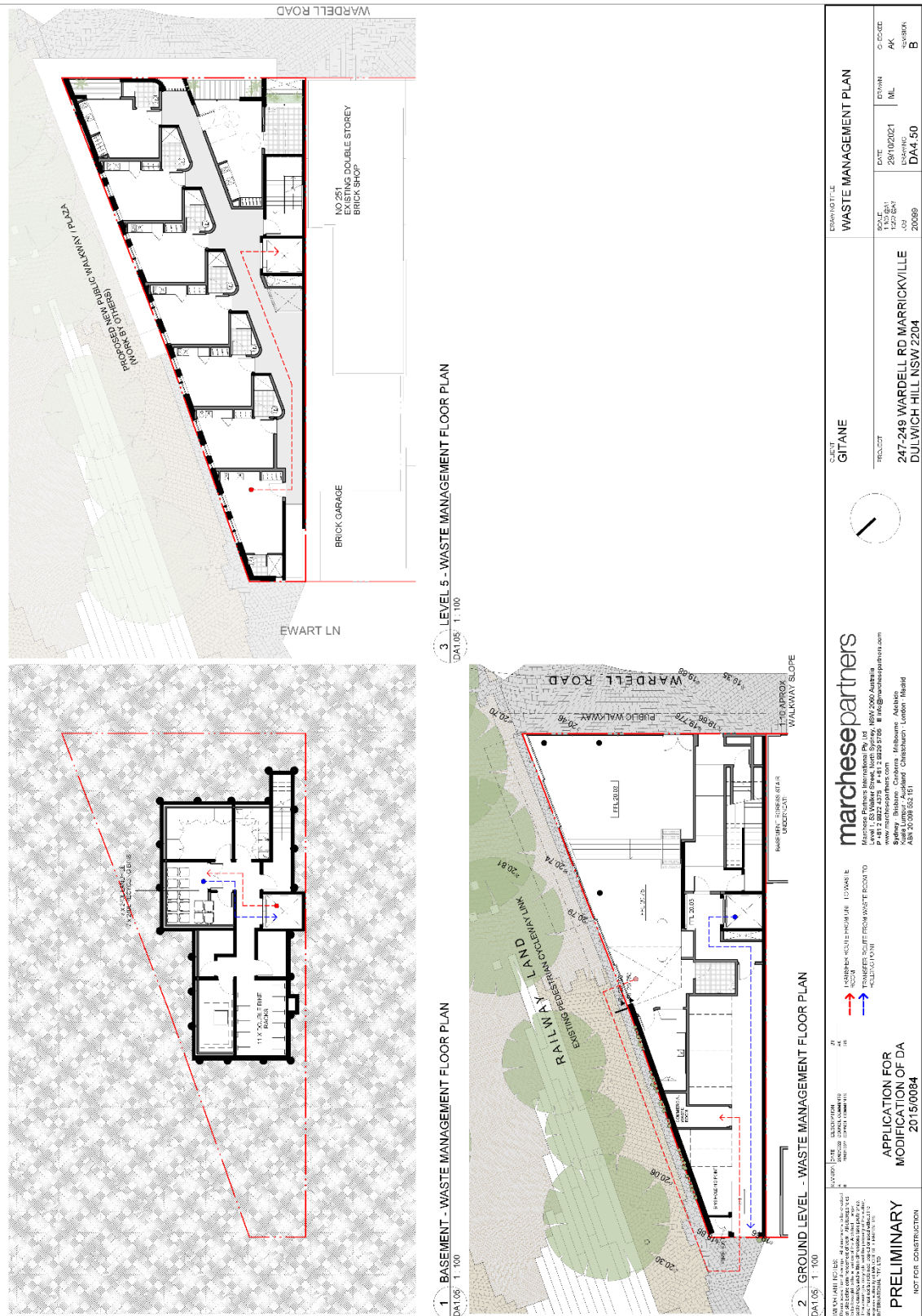




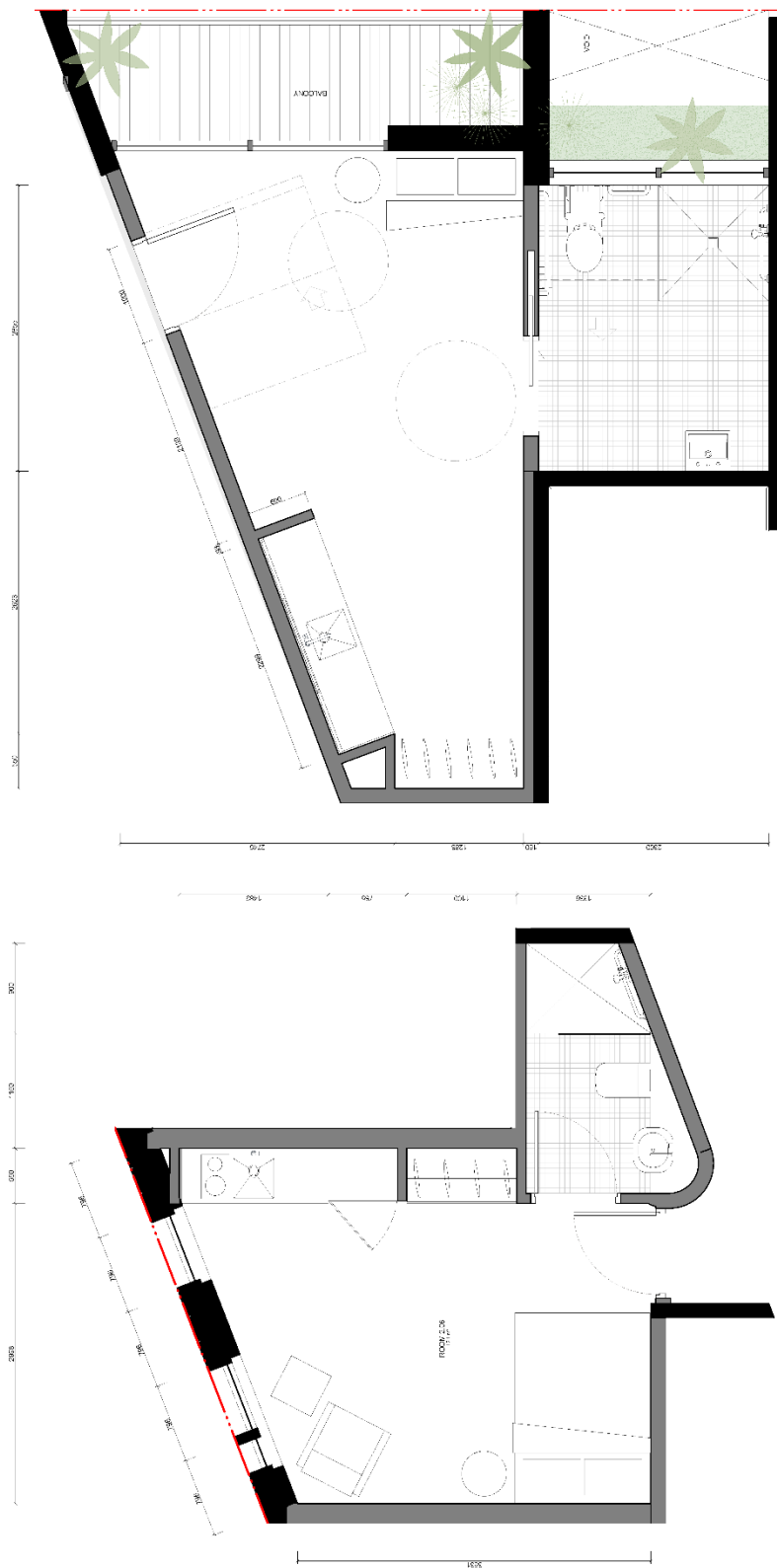




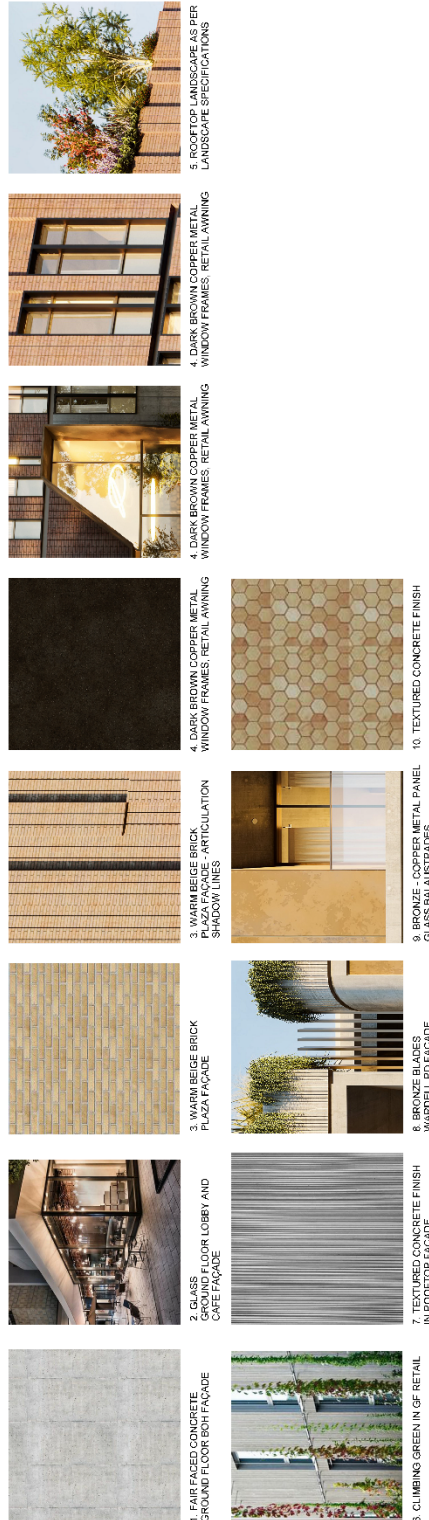






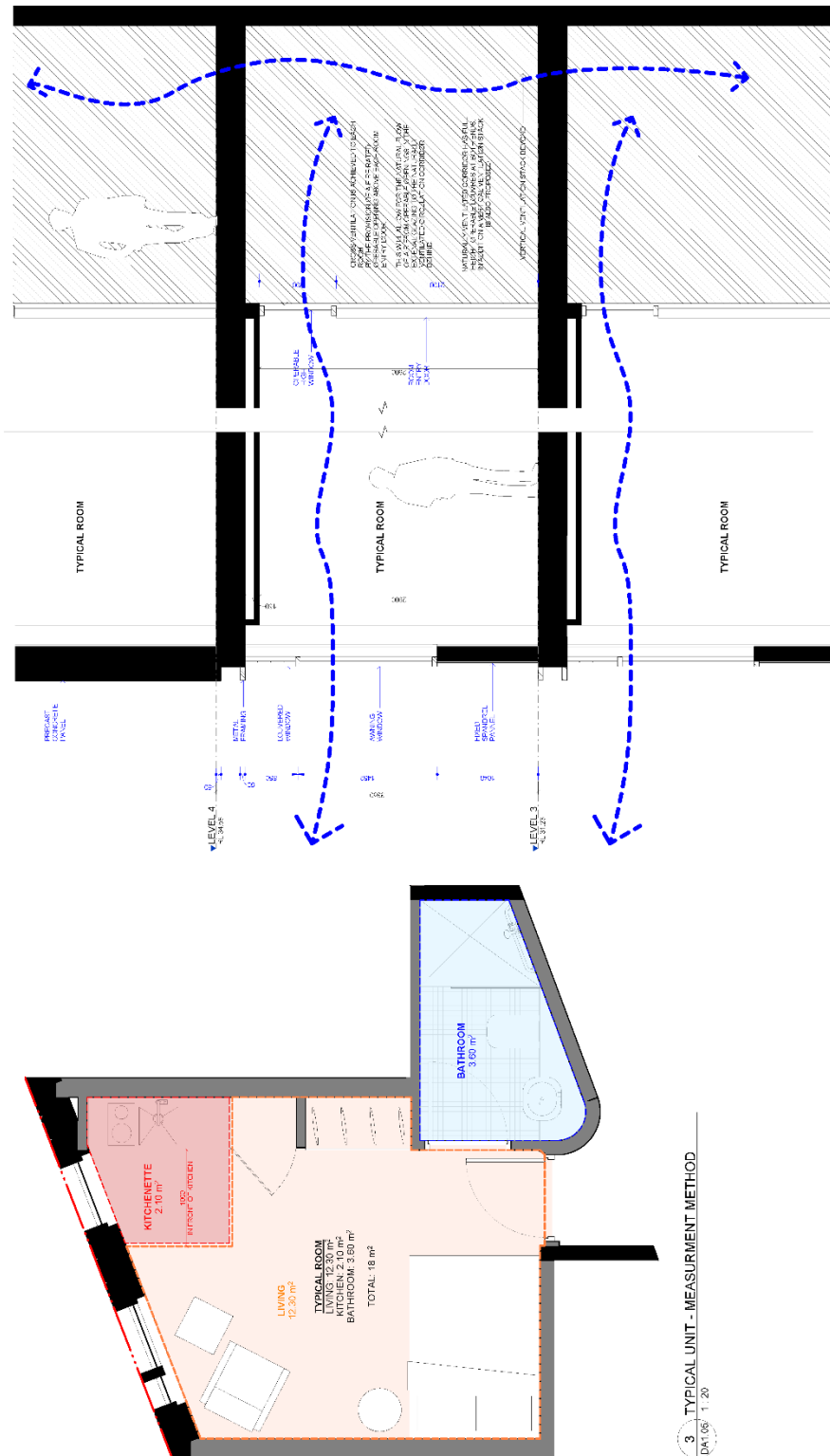


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1 CROSS VENTILATION DIAGRAM  
DA2.05 1:20

3 TYPICAL UNIT - MEASUREMENT METHOD  
DA1.05 1:20

<p>NOT FOR CONSTRUCTION</p> <p>PRELIMINARY</p> <p>APPLICATION FOR MODIFICATION OF DA 2015/0084</p>	<p>DATE: 28/10/2021</p> <p>SCALE: 1:20</p> <p>DATE: 28/10/2021</p> <p>SCALE: 1:20</p>	<p>PROJECT: 247-249 WARDELL RD MARRICKVILLE DULWICH HILL NSW 2204</p> <p>CLIENT: GITANE</p> <p>DESIGNER: marchese partners</p> <p>ARCHITECT: marchese partners</p> <p>ENGINEER: marchese partners</p> <p>LANDSCAPE ARCHITECT: marchese partners</p> <p>INTERIOR DESIGNER: marchese partners</p> <p>PROJECT MANAGER: marchese partners</p> <p>CONTACT: 02 9550 2700</p> <p>EMAIL: info@marchesepartners.com</p> <p>WEBSITE: www.marchesepartners.com</p> <p>ADDRESS: 247-249 Wardeell Rd Marrickville NSW 2204</p>	<p>DESIGNER: marchese partners</p> <p>ARCHITECT: marchese partners</p> <p>ENGINEER: marchese partners</p> <p>LANDSCAPE ARCHITECT: marchese partners</p> <p>INTERIOR DESIGNER: marchese partners</p> <p>PROJECT MANAGER: marchese partners</p> <p>CONTACT: 02 9550 2700</p> <p>EMAIL: info@marchesepartners.com</p> <p>WEBSITE: www.marchesepartners.com</p> <p>ADDRESS: 247-249 Wardeell Rd Marrickville NSW 2204</p>	<p>DESIGNER: marchese partners</p> <p>ARCHITECT: marchese partners</p> <p>ENGINEER: marchese partners</p> <p>LANDSCAPE ARCHITECT: marchese partners</p> <p>INTERIOR DESIGNER: marchese partners</p> <p>PROJECT MANAGER: marchese partners</p> <p>CONTACT: 02 9550 2700</p> <p>EMAIL: info@marchesepartners.com</p> <p>WEBSITE: www.marchesepartners.com</p> <p>ADDRESS: 247-249 Wardeell Rd Marrickville NSW 2204</p>	<p>DESIGNER: marchese partners</p> <p>ARCHITECT: marchese partners</p> <p>ENGINEER: marchese partners</p> <p>LANDSCAPE ARCHITECT: marchese partners</p> <p>INTERIOR DESIGNER: marchese partners</p> <p>PROJECT MANAGER: marchese partners</p> <p>CONTACT: 02 9550 2700</p> <p>EMAIL: info@marchesepartners.com</p> <p>WEBSITE: www.marchesepartners.com</p> <p>ADDRESS: 247-249 Wardeell Rd Marrickville NSW 2204</p>	<p>DESIGNER: marchese partners</p> <p>ARCHITECT: marchese partners</p> <p>ENGINEER: marchese partners</p> <p>LANDSCAPE ARCHITECT: marchese partners</p> <p>INTERIOR DESIGNER: marchese partners</p> <p>PROJECT MANAGER: marchese partners</p> <p>CONTACT: 02 9550 2700</p> <p>EMAIL: info@marchesepartners.com</p> <p>WEBSITE: www.marchesepartners.com</p> <p>ADDRESS: 247-249 Wardeell Rd Marrickville NSW 2204</p>	<p>DESIGNER: marchese partners</p> <p>ARCHITECT: marchese partners</p> <p>ENGINEER: marchese partners</p> <p>LANDSCAPE ARCHITECT: marchese partners</p> <p>INTERIOR DESIGNER: marchese partners</p> <p>PROJECT MANAGER: marchese partners</p> <p>CONTACT: 02 9550 2700</p> <p>EMAIL: info@marchesepartners.com</p> <p>WEBSITE: www.marchesepartners.com</p> <p>ADDRESS: 247-249 Wardeell Rd Marrickville NSW 2204</p>
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## Attachment C – Architectural Excellence Panel Minutes



## Architectural Excellence & Design Review Panel

### Meeting Minutes & Recommendations

Site Address:	247-249 Wardell Road Marrickville
Proposal:	A 7 storey boarding house
Application No.:	MOD 2021 0507
Meeting Date:	8 February 2022
Previous Meeting Date:	15 June 2021; and 10 November 2020
Panel Members:	Jean Rice (external member); Matthew Pullinger (external member); Niall Macken (internal member); and Vishal Lakhia (internal member) – chair
Apologies:	-
Council staff:	Ruba Osman
Guests:	-
Declarations of Interest:	None
Applicant or applicant's representatives to address the panel:	Geoff Shaw (Marchese Partners) – Architect for the project

#### Background:

1. The Architectural Excellence & Design Review Panel reviewed the DA drawings and 3D views, and discussed the proposal with the applicant through an online conference.
2. The Panel also appreciates that the applicant has been working with Sydney Metro and notes that the revised scheme incorporates levels, configuration and other landscape details of the Sydney Metro's Plaza proposed along the northern boundary of the site.
3. The Panel thanks the applicant for considering and thoughtfully responding to the recommendations made at the previous AEP meeting, and appreciates the series of design amendments provided in the resubmission. The Panel notes and supports in principle the evident improvement in the design quality of the building, including:
  - a. architectural expression,



- b. presentation to the public domain,
- c. addition of a rooftop communal open space and a common room;
- d. room reorientation to the north;
- e. improved internal amenity within the boarding rooms;
- f. raising of the glazing line on ground floor to establish greater prominence for the retail front;
- g. provision of barrier-free pedestrian entry from Wardell Road; and
- h. addition of operable windows to accessible bathrooms addressing Wardell Road.

### Discussion & Recommendations:

1. The Panel recommends further relatively minor refinement and design development of the residential entry to ensure it is of a more prominent and inviting quality for the residents. Opportunities for concealment within the recessed entry should be designed out.
2. The Panel notes that the proposed boarding rooms are configured with a single aspect to the north and adjacent to a common circulation gallery. The plans state that the rooms are cross ventilated however this is not the case. To achieve this the Panel recommends the addition of a high-level operable window or shutter above each entry door (fan-lights), to facilitate some measure of natural cross ventilation. Additionally, the applicant should consider the addition of a highlight bathroom window opening into the access corridors to further augment natural ventilation. Provision of highlight windows and fanlights opening to a common corridor should be reviewed by a suitably qualified specialist to ensure fire and smoke integrity. The panel also encourages the consideration of ventilation shafts or similar to ensure the common circulation gallery, described as a breezeway on the drawings, functions as such.
3. The bathrooms for the northeastern-most rooms (labelled 1.04, 2.04, 3.04, 4.04 and 5.04) should be provided with an operable window for natural ventilation.
4. Revised architectural drawings should confirm the provision of ceiling fans to all habitable rooms within the proposal.
5. The Panel queried the viability of the proposed landscape treatment along the northern frontage of the site, and whether adequate soil volume is available to plant the anticipated green wall and shrubs. This arrangement should be reviewed by the applicant's landscape architect.
6. The Panel offers its support to the proposal on the basis that the recommendations listed within this report are appropriately integrated into the design solution.



*Attachment 1 – AEDRP Report – 10 November 2020; and  
Attachment 2 – AEDRP Report – 15 June 2021*

**INNER WEST  
ARCHITECTURAL EXCELLENCE PANEL – REPORT**

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<b>Site Address:</b>	247-249 Wardell Road Marrickville
<b>Proposal:</b>	A 7 storey boarding house
<b>File Reference:</b>	PDA/2021/0142
<b>AEP members in attendance:</b>	Michael Harrison (Strategic Advisor, Architectus); Peter Ireland (Director, Peter Ireland Design); Niall Macken (Team Leader, Heritage & Urban Design, Inner West); Vishal Lakhia (Urban Design Advisor, Inner West)
<b>Assessment Planner:</b>	Kaitlin Zieme (Senior Planner)
<b>Meeting Date:</b>	15 June 2021
<b>Report Date:</b>	21 June 2021
<b>Previous AEP:</b>	10 November 2020
<b>Disclosure of Interest:</b>	None

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**BACKGROUND:**

1. The Architectural Excellence Panel reviewed the pre DA drawings and 3D views, and discussed the proposal with the applicant through an online conference.
2. The Panel notes that the subject site has an approval for a 6 storey boarding house approved by the NSW Land and Environment Court.
3. The Panel thanks the applicant for considering and thoughtfully responding to the recommendations made at the previous AEP meeting, and appreciates the series of design amendments provided in the resubmission. The Panel notes an improvement in the general design quality of the building, including its:
  - a. architectural expression,
  - b. presentation to the public domain,
  - c. addition of a rooftop communal open space and a common room,
  - d. room reorientation to the north, and
  - e. improved internal amenity within the boarding rooms.
4. The Panel appreciates that the applicant has been working with Sydney Metro, and notes that the revised scheme attempts to incorporate the levels, configuration and other landscape details of the Sydney Metro's Plaza proposed along the northern boundary of the site.

**DISCUSSION & RECOMMENDATIONS:**

1. The Panel considers that the glazing panels (or the top glazing line) on the ground floor addressing the Plaza and Wardell Road should be higher, to establish greater prominence on the active retail frontage to the public domain. The Panel also notes that raising the ground floor level and increasing the overall building height could be considered, to allow better visual and physical integration with the Plaza, and simultaneously enable a barrier-free pedestrian entry from Wardell Road.
2. The Panel discussed that a minor non-compliance with Council's LEP building height control would be supported if the proposal improves the ground floor connectivity and its presentation the surrounding public domain. The Panel also notes that a 3.35m floor-to-floor height is provided for the residential levels, which could be reduced to 3.2m if the applicant wants to avoid/minimise the extent of non-compliance with the LEP height.

3. The Panel considers that the proposed void space (above the retail) facing the plaza is an intrinsic design element to the proposal's presentation to the Plaza, and it should not be lost in the DA process.
4. The Panel considers that the activation of the Plaza should be maximised by providing 'punched' or 'slotted' windows visually connecting the kitchen and the parking area with the Plaza. The possibility of provision of outdoor dining/seating areas to the Plaza, for maximising public domain activation should also be reviewed by the applicant at the development application stage.
5. The Panel discussed about the windows provided to the north facing boarding rooms, and considers that a better proportion of windows is required. A balance is required to be achieved through the windows in terms of allowing a suitable degree of outlook, whilst mitigating potential noise issues from the railway line. The applicant should ensure that at least one window per boarding room is operable, and provided with suitable width/s, to allow a desirable amount of natural light and natural ventilation into the boarding rooms.
6. The Panel considers that the accessible bathrooms should be provided with operable windows, and the eastern elevation should further benefit from additional fenestration to Wardell Road.
7. The Panel discussed that the southern side boundary wall will be highly visible until the adjoining sites are redeveloped. The side elevation requires consideration in terms of design, composition and material selection due to its high visibility from Wardell Road and Ewart Lane. One suggested strategy is to provide glass blocks to the common corridor and the staircase along the southern parti wall. The Panel discussed that addition of glass blocks to the parti wall would create greater emphasis on the horizontal proportions and could partly mitigate the vertical character of the building. Other options include textural/colour treatment that relates to the northern façade giving a more 'building in the round' character.
8. The Panel considers that a suitably qualified landscape architect should be involved in the detailed design of the landscaped spaces within the proposal, including the rooftop communal open space, balconies with plantings addressing Wardell Road and the green wall addressing the Plaza. The Panel recommends use of diverse and appropriate planting methods through raised planters, gardens and green roofs to improve amenity of the rooftop open space. The applicant is encouraged to use Council's Green Roof Policy and Guidelines for further details.
9. The DA documentation should include details of the proposed design intent for key façade types in the form of 1:20 sections indicating façade type, balustrade fixing, balcony edges, junctions, rainwater drainage system including any downpipes and similar details within the proposal.



**INNER WEST  
ARCHITECTURAL EXCELLENCE PANEL – REPORT**

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<b>Site Address:</b>	247 Wardell Road Marrickville
<b>Proposal:</b>	A 7 storey boarding house
<b>File Reference:</b>	PDA/2020/0420
<b>AEP members in attendance:</b>	Michael Harrison (Strategic Advisor, Architectus); Peter Ireland (Director, Peter Ireland Design); Niall Macken (Team Leader, Heritage & Urban Design, Inner West); Vishal Lakhia (Urban Design Advisor, Inner West)
<b>Assessment Planner:</b>	Kaitlin Zieme (Senior Planner)
<b>Meeting Date:</b>	10 November 2020
<b>Report Date:</b>	23 November 2020
<b>Previous AEP:</b>	-
<b>Disclosure of Interest:</b>	None

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**BACKGROUND:**

The Architectural Excellence Panel reviewed the pre DA drawings and discussed the proposal through an online conference. The Panel notes that there is a previous proposal for a 6 storey boarding house approved at the NSW Land and Environment Court.

**DISCUSSION & RECOMMENDATIONS:****1. Ground Floor Configuration:**

- a. The Panel reviewed the indicative plan and configuration of the Sydney Metro's Plaza proposed along the northern boundary of the site. The site is at a logical meeting point outside the train station and adjacent to the future landscaped plaza. The Panel considers that effective connectivity of the ground floor plane of the site with its surrounding public domain is a significant aspect for this proposal to be successful.
- b. The Panel considers that design of the ground floor should offer maximum flexibility with its active use and connectivity to form a direct relationship with the surrounding public domain. The current extent of retail is only limited to the north eastern corner of the site. The Panel emphasised the significance of activating all three frontages – the Wardell Road, the northern public walkway (adjacent to the plaza) and also an active frontage to Ewart Lane, considering the spatial relationship of Ewart Lane with the proposed plaza.
- c. The building services and parking area should be moved along the southern boundary and sleeved behind active uses to the three site frontages. The Panel would support removal of the carpark space to maximise the extent of street activation. The motorcycle spaces should be relocated to the southern boundary and a narrower security door should provide access from Ewart Lane. The Panel considers that an alternative strategy could be that all vehicular parking is relocated entirely below the ground level to maximise activation of the three frontages.
- d. The Panel recommends that a barrier free pedestrian connection should be established between the 3 retail frontages and the surrounding public domain. There is a potential for allocation of outdoor seating areas within the public walkway along north which should be co-located with the ground floor retail spaces.

- e. The Panel notes that a further resolution of the proposed floor levels of the ground floor spaces (RLs of the retail, lobby, entry corridor and parking) will be required to achieve recommendations mentioned in parts a, b, c and d. The Panel also notes that the site may have started the construction and the ground floor slab lower than the surrounding public domain may be in place – It is important that the proposed ground floor mainly levels with surrounding public domain and a new ground floor slab may need to be created/poured.
- f. The ground floor entry door should align with the Wardell Road boundary to maximise the street presence of the pedestrian entry, and to avoid potential CPTED issues.

**2. Development Intensity:**

- a. The Panel recommends removal of the middle rooms ('room 5' facing north) from all levels to improve natural light and ventilation within the scheme. Removal of these middle rooms will extend the light-well to allow spilling of natural light and ventilation to all rooms and common spaces within the proposal.
- b. The accessible rooms (room 3) appear highly constrained and it appears not possible to achieve a compliant wheelchair access within the internal spaces around the beds and kitchenettes.
- c. The Panel notes that a majority of rooms seem to have constrained sizes, and it appears not possible to furnish these spaces and maintain adequate circulation and amenity. There is a lack of wardrobes and lack of cooktops within kitchenettes in all rooms.
- d. The Panel considers that rooms 4 and 6 should benefit from openings to north.
- e. It is noted that the common laundry area is provided within the basement. It should be relocated on a residential level, for ease of access for the residents.

**3. Common Room and Communal Open Space:**

- a. The Panel recommends that a communal open space should be added on the rooftop/Level 6. Room 38 should be the common room (also required by the SEPP), and it should be co-located with the rooftop communal open space.

**4. Architectural Expression:**

- a. The proposal is at a signature site at a prominent location with three street frontages and high visibility from the railway corridor and the future plaza. The proposed architectural expression requires refinement and a further attention is needed to materials, colours and textures.
- b. The applicant should develop and provide photorealistic images of the amended proposal to review the architectural expression in its context, including views of all three frontages. The north west elevation should be designed to be the primary frontage of the proposal with the highest visibility from the railway corridor and the plaza.
- c. The Panel encourages use of self-finished materials (such as bricks, concrete) for the proposal. Rendered and painted surfaces should be avoided in favour of materials with an integral finish.
- d. In developing the architectural expression, consider borrowing cues from other successful affordable housing proposals in the vicinity such as the studio apartments proposed at 12 Dudley Street.
- e. The southern side boundary wall will be highly visible until the adjoining sites are redeveloped. The side elevation will require consideration in terms of design, composition and material selection due to its high visibility from Wardell Road and Ewart Lane.
- f. Allowance for drainage, cross falls, parapets and surface down pipes within the roof should be accommodated in the design.

- g. The applicant should provide design intent details of the proposed primary building elements in form of 1:50 or 1:20 sections indicating façade types, balustrade fixing, balcony edges, junctions, rainwater drainage system, including the location of downpipes and similar details of the three primary facades.

**Attachment D – Land and Environment Court Determination No. 2016/160264 (as modified)**

DA201500484 CLEN1

**MODIFIED LAND & ENVIRONMENT COURT ORDER NO. 160264 OF 2016**

20 May 2019

WARDELL ROAD DH PTY LTD  
1/36 Victoria Street  
BURWOOD NSW 2134

Dear Sir/Madam

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

Pursuant to Section 4.18 of the Act, notice is hereby given of the determination by the Council of Land and Environment Court Order No. 160264 of 2016 to demolish existing improvements and construct a 7 storey mixed use development with a commercial tenancy, 1 car parking space and 7 motorcycle spaces on the ground floor level; 32 boarding rooms (including 1 caretakers unit) on the upper floor levels and basement bicycle and waste storage facilities relating to property situated at:

**247-249 WARDELL ROAD, MARRICKVILLE**

In determining this application, the Council considered all matters listed under Section 4.15 of the Act that are relevant to the Development Application.

The Development Application was determined on 8 August 2016 pursuant to Section 4.16(3) of the Act by the granting of a "Deferred Commencement" Consent.

**"DEFERRED COMMENCEMENT" CONSENT****PART A - DEFERRED COMMENCEMENT CONSENT**

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

1. The person acting on this consent must prepare and provide to Sydney Trains for approval/certification the following items:
  - (i) Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
  - (ii) Final Construction methodology with construction details pertaining to structural support during excavation.

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

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

Document Set ID: 35570912

Version: 1, Version Date: 25/11/2021

- (i) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.
- (ii) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains land and infrastructure.
- (iii) Detailed methodology regarding the construction and maintenance of the proposed building. This methodology shall specifically indicate that the adjoin Sydney Trains land is not required to undertake construction or maintenance works.
- (iv) If required by Sydney Trains, an FE analysis which assesses the different stages of bading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
- (v) If required by Sydney Trains, documentation detailing the following items in relation to the Sydney Trains High Tension Transmission Line adjoining the development site:
  - i. blow-out design and calculations
  - ii. compliance with AS 7000
  - iii. compliance with ISSC 20, Guideline for the management of activities within Electrical Easements and Close to electrical Infrastructure.
  - iv. compliance with SMS-06-GD-0268 -Working around electrical equipment.
  - v. compliance with relevant Transport for NSW Asset Standards Authority standards/guidelines
  - vi. construction management plan detailing as to the unloading of building material and equipment and method of construction in close proximity to powerlines

*Note: Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.*

**Reason:** To meet the terms of Sydney trains concurrence and ensure the protection of their assets.

2. In order to not restrict the future development of the adjoining RailCorp land the applicant shall submit revised plans to Sydney Trains and Council showing the removal of all glass block windows facing the RailCorp land. As an alternative the Applicant can place a Restrictive Covenant on all titles of the development pursuant to Section 88E of the Conveyancing Act 1919 (in accordance with the terms of detailed RailCorp and/or Sydney Trains). This Covenant is ensure that future owners and occupiers of the development site are aware that the glass block windows cannot be relied upon for nature light, and that any natural light enjoyed by the development could be lost in the event of the development of RailCorp's adjoining land.

**Reason:** To meet the terms of Sydney Trains concurrence and ensure the protection of their assets.

Evidence of the above matter must be produced to the Council or its delegate by 8 August 2020 otherwise the Consent will lapse.



**PART B – CONDITIONS OF CONSENT**

Once operative the consent is subject to the following conditions:

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

Plan Issue No	Plan Name	Date Issued	Prepared by	Date Submitted
DA003, Revision A	Demolition Plan	6.8.15	CDA Architects	22.7.16
DA100, Revision B	Basement Floor Plan	26.11.15	CDA Architects	22.7.16
DA101, Revision E	Ground Floor Plan	21.7.16	CDA Architects	22.7.16
DA102, Revision F	Level 1 Floor Plan	21.7.16	CDA Architects	22.7.16
DA103, Revision E	Level 2, Floor Plan	21.7.16	CDA Architects	22.7.16
DA104, Revision F	Level 3 Floor	21.7.16	CDA Architects	22.7.16
DA105, Revision F	Level 4 Floor	21.7.16	CDA Architects	22.7.16
DA106, Revision F	Level 5 Floor	21.7.16	CDA Architects	22.7.16
DA107, Revision D	Level 6 Floor	21.7.16	CDA Architects	22.7.16
DA108, Revision C	Roof Floor Plan	21.7.16	CDA Architects	22.7.16
DA200, Revision F	Elevations sheet 1	21.7.16	CDA Architects	22.7.16
DA201, Revision F	Elevations sheet 2	21.7.16	CDA Architects	22.7.16
DA202, Revision F	Elevations sheet 3	21.7.16	CDA Architects	22.7.16

DA300 Rev D	Section	20.5.16	CDA Architects	22.7.16
DA702 Rev D	Materials finishes board	21.7.16	CDA Architects	22.7.16
650329M_02	BASIX	4.8.16	Designview	5.8.16
-	Construction Management Plan		Australian Consulting Engineers	20.1.16
-	Operational Plan of Management		Planning Lab	1.8.16
D01, Rev A	Basement and Ground floor stormwater drainage plan	10.8.15	Australian Consulting Engineers	1.9.15
D02, Revision A	First Floor Stormwater Drainage Plan	31.7.15	Australian Consulting Engineers	1.9.15
D10, Revision A	Site Stormwater Drainage Details	31.7.15	Australian Consulting Engineers	1.9.15
D11, Revision A	Site Stormwater Drainage Details {2/2}	10.8.15	Australian Consulting Engineers	1.9.15
D20, Revision A	Erosion and Sediment Control Plan & Details	31.7.15	Australian Consulting Engineers	1.9.15
20150937 .1/23 07A/R1/MF	DA Acoustic Assessment	23.7.15	MF- Acoustic Loaic	1.9.16

and as amended by the following conditions.

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

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

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

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

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

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

3. The use of the premises as a boarding house must comply at all times with the following:

- a) The use must comply at all times with the Operational Plan of Management referred to in condition 1 above and as amended by the conditions in this Determination;
- b) A copy of the Operational Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- c) A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times.
- d) The Plan of Management must not be amended without the prior consent of Marrickville Council;
- e) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months.
- f) The premises must be used exclusively as a boarding house and maintaining a maximum total of 31 residents and 1 boarding house manager with 1 person permitted per room;
- g) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
- h) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers;
- i) Each self-contained room be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times; and
- k) All rooms within the boarding house must be connected to a centralised electricity, water and gas (if installed) service and room tariffs must not include a separate charge for these services.

The Plan of Management must be updated to reflect the requirements outlined within this condition.

Reason: To ensure the development is the permanent place of residence for occupants and ensure occupants abide by the rules and regulations identified in the Plan of Management.

4. Separate Development Consent or a Complying Development Certificate must be obtained for the use of the commercial tenancy prior to the occupation of that portion of the building.  
Reason: To advise the applicant of the necessity of obtaining Council approval for the use of commercial tenancy prior to its occupation.
5. A minimum of 1 off-street car parking space, must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.  
Reason: To ensure practical off-street car parking is available for the use of the premises.
6. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.  
Reason: To ensure adequate manoeuvrability to all car parking spaces and that the spaces are used exclusively for parking.
7. A minimum of 21 off-street bicycle storage spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking prior to the commencement of the use.  
Reason: To ensure that practical off-street bicycle parking is available for the proposed development.
8. A minimum of 7 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking prior to the commencement of the use.  
Reason: To ensure that practical off-street motorcycle parking is available for the proposed development.
9. A minimum of 7 accessible boarding rooms must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.  
Reason: To make reasonable provision in the development to provide residential accommodation suitable for people with a disability.
10. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, particulate matter, the exposure to view of any unsightly matter or otherwise.  
Reason: To protect the amenity of the locality.

11. The use of any plant and equipment must not give rise to:
- a) transmission of unacceptable vibration to any place of different occupancy.
  - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level must be assessed as an LAeq, 15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
- Reason: To prevent loss of amenity to the area.
12. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
- Reason: To ensure that the development is adequately serviced.
13. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
- Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).
14. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to 'offensive noise' as defined by The Protection of the Environment Operations Act 1997 (NSW). In this regard the roller door to the car parking entry is to be selected, installed and maintained to ensure their operation does not adversely impact on the amenity of the surrounding neighbourhood.
- Reason: To protect the amenity of the surrounding neighbourhood.
15. Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any advertisements or advertising structures.
- Reason: To confirm the terms of Council's approval.
16. a) The owner/operator of the property appointing a designated person(s) responsible for moving waste bins from their usual storage space in the basement to the interim waste storage area on the ground floor, being the collection point for the storage of domestic bins being in accordance with details to be submitted to Council's satisfaction;
- b) The domestic bins only being placed in the approved collection point after 7.00pm on the day prior to collection and are to be returned to their storage location within the building within two (2) hours of the bins being collected by Council. The owner/operator is responsible to ensure compliance with this condition;



- c) Owners and occupants of the proposed building shall not park vehicles in the residential car parking space or area adjacent to the security roller door at the rear of the site after 7.00pm on the day prior to garbage collection and not until the bins are returned to the garbage room the following morning;
- d) Tenants (commercial and residential) shall be advised to anticipate heightened noise levels during garbage collection;
- e) Council is to be provided with key access to the ground floor parking area to facilitate on-site garbage collection.

Should the above conditions not be adhered to, Council reserves the right to reconsider servicing the site for garbage collection. The person acting on this consent shall advise any purchaser or prospective tenant of this condition.

Reason: To ensure the appropriate collection and disposal of waste generated on the site and to ensure that the use does not interfere with the amenity of the surrounding neighbourhood and does not affect the commercial operation of the building.

- 17. Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The by-laws of any future residential strata plans created for the property shall reflect this restriction.  
Reason: To ensure the development does not reduce the amount of "on street" parking currently available.
- 18. The materials and finishes of the building being constructed pursuant to this consent must be strictly in accordance with the material and finishes identified on Drawing No's DA702 - Revision D, DA200-DA202 - Revision F, dated 21.7.2016 prepared by CDA Architects. No changes may be made to these drawings except by way of an application under section 96 of the Environmental Planning and Assessment Act.  
Reason: To ensure the final built development has an appearance that accords with the approved materials and finishes.
- 19. The following conditions are imposed by Sydney Airport Corporation Limited (SACL) and must be complied with:
  - a. The development is approved to a maximum height of 42.8 metres above Australian Height Datum (AHO);
  - b. Should the proposal exceed the height referred to in (a) above, a new application must be submitted;
  - c. Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161;
  - d. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations;
  - e. SACL advises that approval to operate construction equipment (i.e. Cranes) should be obtained prior to any commitment to construct;
  - f. Information required by SACL prior to any approval is to include:

- i. The location of any temporary structure or equipment, i.e. Construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
- ii. The swing circle of any temporary structure I equipment used during construction;
- iii. The maximum height, relative to Australian Height Datum (AHO), of any temporary structure or equipment i.e. Construction cranes, intended to be used in the erection of the proposed structure I activity;
- iv. The period of the proposed operation (i.e. Construction cranes) and desired operating hours for any temporary structures;
- g. Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this airport:
  - i. Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units;
  - ii. The height of the prescribed airspace at the site is 51.0 metres above Aus-Height Datum (AHO). In accordance with Regulations 9 of the Airports Protection of Airspace) Regulations Statutory Rules 1996 No. 293, "a thing to be used in erecting the building, structure or thing would, during the erection of the building structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved.

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

20. Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority must not issue a Construction Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.

Reason: To confirm the terms of Sydney Trains concurrence.

21. The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.

Reason: To ensure compliance with Sydney Trains concurrence terms.

22. No modifications may be made to that approved design without the consent of Sydney Trains.

Reason: To ensure compliance with Sydney Trains concurrence terms

23. Sydney Trains, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

Reason: To ensure compliance with Sydney Trains concurrence terms

24. A final acoustic assessment based on the final approved development is to be prepared in compliance with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.  
Reason: To ensure compliance with Sydney Trains concurrence terms
25. The proposed awning shall be of cantilever type and be set back at least 600mm from the kerb line. The proposed awning shall be designed so as to be easily removed if required in future. The awning shall include pedestrian lighting (Category P3 - AS1158) and shall be maintained and owned by the property owner(s). The owner shall maintain, modify or remove the structure at any time if given notification by Council to do so. All works shall be at no cost to Council.  
Reason: To ensure the awning complies with Council requirements.
26. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.  
Reason: To provide for the existing and potential electrical power distribution for this development and for the area.

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

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

27. No work must commence until:
- A PCA has been appointed. Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
  - A minimum of 2 days written notice must be given to Council of the intention to commence work.
- Reason: To comply with the provisions of the Environmental Planning and Assessment Act.
28. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.  
Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

29. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences. Facilities must be located so that they will not cause a nuisance.  
Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.
30. All demolition work must:
- a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
  - b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.
- Reason: To ensure that the demolition work is carried out safely.
31. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.  
Reason: To protect the amenity of the area.
32. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.  
Reason: To ensure that the demolition work is carried out safely.
33. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.  
  
Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.  
Reason: To secure the area of the site works maintaining public safety.
34. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include.
- a) The name, address and telephone number of the PCA;
  - b) A telephone number on which Principal Contractor (if any) can be contacted outside work hours; and
  - c) A statement advising 'Unauthorised Entry to the Work Site is prohibited'.
- Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.
35. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan must indicate:

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

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

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

36. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining property at No.251 John Street, Petersham, if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.
- Reason: To catalogue the condition of the adjoining properties for future reference in the event that any damage is caused during work on site.
37. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.
- Reason: To provide a person that residents can contact.
38. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.
- Reason: To ensure the existing condition of Council's infrastructure is clearly documented.
39. Where it is proposed to carry out in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Marrickville Council's Restoration Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings in the amount as provided for in Council's adopted fees and charges.
- Reason: To ensure that all restoration works are in accordance with Council's Code.
40. The person acting on this consent must apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
- Reason: To ensure all necessary approvals have been applied for.

41. The person acting on this consent must provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent must submit a hoarding application and pay all relevant fees before commencement of works.  
Reason: To secure the site and to maintain public safety.
42. Prior to the commencement of works or before the issue of a Construction Certificate (whichever occurs first), the applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. The Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.  
Reason: To ensure compliance with Sydney Trains concurrence terms.
43. An amended waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011- Site Facilities and Waste Management and submitted to Council's satisfaction before work commences.  
Reason: To ensure the appropriate disposal and reuse of waste generated on the site.
44. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc.  
Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.
45. Prior to the commencement of works or before the issue of a Construction Certificate (whichever occurs first), the applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. The Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.  
Reason: To ensure compliance with Sydney Trains concurrence terms.



46. Prior to the commencement of works, on the completion of works, or at any time during the works period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.  
Reason: To ensure compliance with Sydney Trains concurrence terms.

#### BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

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

Reason: To ensure compliance with Sydney Water requirements.

48. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.  
Reason: To ensure the aesthetics of the building and architecture are maintained.
49. Where rooms are provided with separate individual hot water systems, these must be located within the internal area of the unit and not on any balcony or terrace.  
Reason: To ensure the aesthetics of the building and architecture are maintained.
50. The person acting on this consent shall provide to Council a bond in the amount of \$18,000.00 and pay the related Section 138 (Roads Act) inspection fee of \$209.00 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.  
Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works

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

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

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

- a. The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc shall be reconstructed and upgraded in accordance with the Street Tree Masterplan, the Draft Marrickville Public Domain Code and Draft Technical Manual or Council's standard plans and specification in place for New Canterbury Road at the time the works are undertaken;
- b. The construction of a heavy duty dish drain at the vehicular access location to the site off Ewart Lane; and
- c. Alignment levels to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath shall be set at 3%

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

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

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

Reason: To ensure adequate mail collection facilities are provided.

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

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

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

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

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

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

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

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

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

#### **SECTION 94 CONTRIBUTION**

58. a) This condition is imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.
- b) Before the issue of a Construction Certificate, the Council must be paid a monetary contribution of \$305,165.55 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 29 July 2016.

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

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

#### **(CONTRIBUTION PAYMENT REFERENCE NO. DC001539)**

- c) The contribution payable has been calculated in accordance with CR and relates to the following public amenities and/or services and in the following amounts
- |                      |              |
|----------------------|--------------|
| Community Facilities | \$ 35,115.52 |
|----------------------|--------------|

Plan Administration	\$ 5,983.65
Recreation Facilities	\$264,381.58
Traffic Facilities	\$ 315.19

- d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at [tn.tp://www.marrickville.nsw.gov.au](http://tn.tp://www.marrickville.nsw.gov.au).
- e) The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card\*.

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

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

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

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

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

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

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

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

- 61. Before the issue of a Construction Certificate, the following items are to be submitted to Sydney Trains for review and endorsement. The Certifying Authority must receive written confirmation from Sydney Trains that this condition has been satisfied.

- (i) Machinery to be used during excavation/construction.

Reason: To ensure compliance with Sydney Trains concurrence terms.

62. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that are within 20 metres and face the rail corridor, the applicant is required to install measures (e.g. awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. These measures are with Sydney Trains requirements Before the issue of a Construction Certificate, written confirmation must be submitted to the Certifying Authority's satisfaction that these measures are to be installed and have been indicated on the Construction Drawings.  
Reason: To ensure compliance with Sydney Trains concurrence terms.
63. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (of from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. Before the issue of a Construction Certificate the Certifying Authority must receive written confirmation from Sydney Trains that this condition has been satisfied.  
Reason: To ensure compliance with Sydney Trains concurrence terms.
64. Before the issue of a Construction Certificate a Risk Assessment, Rail Safety Management Plan, and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail. The Certifying Authority must receive written confirmation from Sydney Trains that this condition has been satisfied.  
Reason: To ensure compliance with Sydney Trains concurrence terms.
65. Before the issue of a Construction Certificate the applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Certifying Authority must receive written confirmation from Sydney Trains that this condition has been satisfied.  
Reason: To ensure compliance with Sydney Trains concurrence terms.
66. Before the issue of a Construction Certificate the applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Certifying Authority must receive written confirmation from Sydney Trains that this condition has been satisfied.  
Reason: To ensure compliance with Sydney Trains concurrence terms.
67. Before the issue of a Construction Certificate the person acting on this consent must prepare a final Electrolysis Report based on the final approved development. All measures recommended by the expert to control that risk must be incorporated into the development. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.  
Reason: To mitigate potential risk of development within proximity to a rail corridor and confirm the terms Sydney Trains concurrence.

#### SITE WORKS

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

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

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

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

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

70. The placing of any materials on Council's footpath or roadway is prohibited without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'. Enquiries are to be made with Council's infrastructure Services Division.

Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

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

- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
- c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
- e) the generation of dust and noise on the site must be controlled;
- f) the site must be secured to prohibit unauthorised entry;
- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;



- j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

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

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

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

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

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

73. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents must be obtained prior to the required works commencing; and
- c) at least 7 days' notice must be given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

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

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

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

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

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

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

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

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

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

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

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

78. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals must have a minimum 3 Star WELS rating for the commercial premises.

**NOTE:** Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: [www.waterrating.gov.au](http://www.waterrating.gov.au).

Reason: To conserve water.

79. New or replacement toilets must have a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient for the commercial premises.

**NOTE:** Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: [www.waterrating.gov.au](http://www.waterrating.gov.au).

Reason: To conserve water.

80. The adjoining RailCorp Land must not be used during the construction or maintenance of the development.

Reason: To ensure compliance with Sydney Trains concurrence terms.

81. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary. **Note:** This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the issued alignment levels. Failure to comply with this condition will result in vehicular access being denied.

Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design or existing road and footpath levels.

82. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.

Reason: To provide for adequate site drainage.

83. The site stormwater drainage and water quality treatment system shall be constructed generally in accordance with Stormwater Drainage Plans DA00, DA01, DA02, DA10, DA11 and DA20 (Rev A) and the Stormwater Quality Report submitted by Australian Consulting Engineers Pty Ltd dated July 2015.

Reason: To provide for adequate site drainage.

84. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the water may be stored separately on site, treated and re-used for the watering of landscaped areas.

Reason: To ensure that there are no dry-weather flows of any seepage water directed to the kerb.

85. All stormwater drainage must be designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths must be designed to cater for the one hundred (100) year A.R.I. storm.

Reason: To provide for adequate site drainage.

86. No metal ladders, tapes and plant/machinery, or conductive material must be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

Reason: To confirm the terms of Sydney Trains concurrence.

87. All excavation works with 25 metres of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.

Reason: To ensure compliance with Sydney Trains concurrence terms

88. No rock anchors/bolts are to be installed into Sydney Trains and or RailCorp's property.

Reason: To ensure compliance with Sydney Trains concurrence terms

**BEFORE OCCUPATION OF THE BUILDING**

89. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:

- a) A copy of the determination;
- b) Copies of any documents that were lodged with the Occupation Certificate application;
- c) A copy of Occupation Certificate, if it was issued;
- d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
- e) A copy of any missed inspections; and
- f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

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

90. Occupation of the building must not be permitted until such time as:

- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
- b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
- c) An Occupation Certificate has been issued.

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

91. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate must be prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To reduce noise levels within the dwellings from aircraft and rail noise and to ensure that the noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

92. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).

Reason: To ensure that all of the BASIX commitments have been fulfilled and to comply with the requirements under Section 154B of the Environmental Planning and Assessment Regulations 2000.

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

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

94. Before the issue of an Occupation Certificate the person acting on this consent is to submit the as-built drawings to Sydney Trains and Council. The Certifying Authority must receive written confirmation from Sydney Trains that this condition has been satisfied.

Reason: To ensure compliance with Sydney Trains concurrence terms.

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

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

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

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

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

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

98. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage and quality measures have been constructed in accordance with the approved plans and the Stormwater Quality Report submitted by Australian Consulting Engineers P/L shall be submitted to and accepted by Council. The Certificate shall also state that no dry-weather flows of seepage or groundwater have been connected to any kerb outlets. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.

Reason: To ensure drainage works are constructed in accordance with approved plans.

99. With the regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate. The Positive Covenant shall include the following:

- a) The proprietor of the property shall be responsible for maintaining the stormwater treatment facility as outlined in the approved Stormwater Quality Report;
- b) The Proprietor shall have the stormwater quality treatment facilities inspected annually by a competent person and must provide the WSUD maintenance plan approved under this Consent to competent person to record the annual inspections.
- c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all elements of the stormwater quality treatment facilities to ensure that the water quality targets provided in the design of the system are achieved; and recover the costs of any such works from the proprietor.

Reason: To ensure that the integrity of the stormwater quality treatment facilities is maintained.

All instruments under Section 88B of the Conveyancy Act used to create positive covenants, easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council. Reason: To ensure Council's interests are protected.

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

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



**ADVISORY NOTES**

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor **must** complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.

Further information and brochures on how to reduce exposure to lead based paints is available from Council's Planning and Environmental Services Division, 9335-2222.

- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

BASIX Information ☐☐ 1300 650 908 weekdays 2:00pm - 5:00pm  
[www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Department of Fair Trading ☐☐ 13 32 20  
[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)  
Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Before You Dig	1100 <a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
Marrickville Council	9335 2222 <a href="http://www.marrickville.nsw.gov.au">www.marrickville.nsw.gov.au</a> Copies of all Council documents and application forms can be found on the web site.
NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diyasafe.nsw.gov.au">www.diyasafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - SITA Environmental Solutions	1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

Pursuant to Clause 100(4) of the Regulations under the Act, Council will notify you in writing if Part A of this Consent has been satisfied and the date from which this Consent operates.

Yours faithfully



**Ruba Osman**  
**Team Leader Development Assessment**

Enquiries: Ellen Shannon on .93925503

Ref: **D3A** TRIM Doc. 77233.19