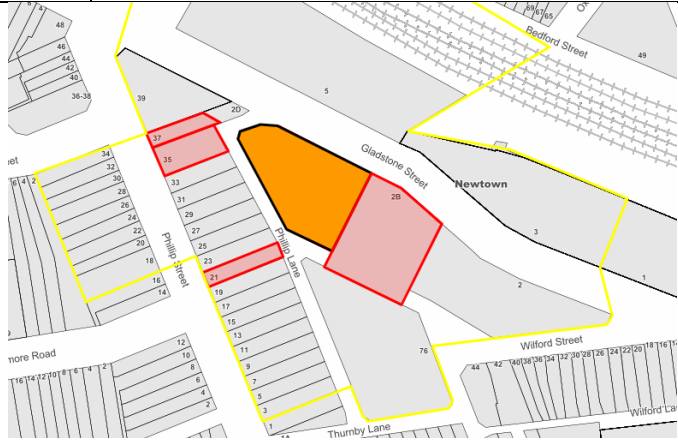








 DEVELOPMENT ASSESSMENT REPORT	
Application No.	MOD/2022/0450
Address	2C Gladstone Street NEWTOWN NSW 2042
Proposal	Section 4.55 Modification to DA/2021/1188, modifications include increase total number of residential units from 12 to 16, changes to basement, unit layouts, commercial floor areas, material finishes and detailing of services to roof.
Date of Lodgement	16 December 2022
Applicant	Samcourt Pty Ltd
Owner	The Registered Proprietors Of SP 17149
Number of Submissions	Five
Value of works	\$6,000,000.00
Reason for determination at Planning Panel	Variations exceed 10%
Main Issues	<ul style="list-style-type: none"> • Not substantially the same development • Contrary to the objectives of Zone E3 – Productivity Support • Contrary to Section 4.4 (Floor space ratio) development standard of <i>IWLEP 2022</i> • Contrary to Section 6.22 (Dwellings and residential flat buildings in Zone E3) of <i>IWLEP 2022</i> • Internal amenity of commercial spaces
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Plans of proposed development
Attachment C	Architectural excellence & design review panel meeting minutes & recommendations
Attachment D	Conditions of consent in the event of approval
	
LOCALITY MAP	
Subject Site	  
Notified Area	 
Objectors	 
Supporters	

1. Executive Summary

This report is an assessment of the application submitted to Council to modify DA/2021/1188 under Section 4.55(2) of *Environmental Planning and Assessment Act 1979 (EPA Act 19179)*. Modifications include increasing the total number of residential units from 12 to 16, changes to basement, unit layouts, commercial floor areas, material finishes and detailing of services to roof at 2C Gladstone Street Newtown.

The application was notified to surrounding properties in accordance with Councils community engagement framework and five submissions were received in response.

The main issues that have arisen during the assessment of the application include:

- Substantially the same development
- Contrary to the objectives of Zone E3 – Productivity Support
- Contrary Section 4.4 (Floor space ratio) development standard of *IWLEP 2022*
- Contrary to Section 6.22 (Dwellings and residential flat buildings in Zone E3)
- Internal amenity of commercial spaces of *IWLEP 2022*

The non-compliances are not considered to be acceptable and therefore the application is recommended for refusal.

Given the above fundamental issues, during the assessment of the application Council requested the applicant to withdraw this application, however, they have advised to proceed to determination with the originally submitted documentation.

2. Proposal

The application seeks development consent for Section 4.55(2) of *EPA Act 19179* to modify DA/2021/1188 dated 14 June 2022, which approved the construction of a mixed use development consisting of 1 level of basement carparking, office premises and 12 residential apartments above.

Specifically, the following modifications are proposed:

- Basement reconfiguration including deletion of mail room, new storage area, and a reduction in car parking from 31 to 30 spaces, resulting in a loss of commercial GFA.
- The conversion and reconfiguration of the mezzanine level to a full first floor level through infill of a void to provide an additional 4 new apartments comprising of 1 x 1 bed, 1 x 2 bed and 2 x 3 bed.
- Modification to the eastern and western building setbacks by extending the external wall 300mm closer to the property boundaries.
- Unit 305 reconfigured from a 1 bed unit to 2-bedroom unit and minor internal reconfigurations to all other apartments.
- Level 2 and 3 service room removed and replaced with a small landscaped area and void space.
- Fire stair relocated to northern side of fire stair shaft.
- Elevations updated to reflect the proposed level 1 apartments and glazing updated to reflect apartment reconfigurations.
- Provision of hit and miss brick work between communal open space and apartments U206, U207 and U305.
- Provision of three street trees and modified awning dimensions along Gladstone Street

- Roof top to include the provision of solar panels, door hatch, skylights, and 'screening' balustrade.

3. Site Description

The subject site is located on the southern side of Gladstone Street, between Phillip Lane and Wilford Street. The site consists of one allotment and is generally triangular shaped with a total area of 1,320square meters (sqm) and is legally described as 2C Gladstone Street, Newtown.

The site has a frontage to Gladstone Street of 39.7 metres (m) and a secondary frontage of approximate 39.9m to Phillip Lane.

The site supports a single storey brick building. Adjoining properties to the east of the site consist of two storey townhouses/terraces and a recently constructed four storey mixed use development. Located to the west and south of the site on the opposite side of Phillip Lane are a series of single and two storey dwelling houses, which address Phillip Street as the primary frontage. These houses each have rear lane access to Phillip Lane.

The subject site is not listed as a heritage item or within a heritage conservation area. The property is however within proximity to the Cragos Flour Mills site, which is identified as a local heritage item (item no. I1321).

The following trees are located on the site and within the vicinity.

- 2 x Jacaranda mimosifolia (Jacaranda) are located within the front setback
- 1 x Callistemon viminalis (Weeping Bottlebrush) is located within the front setback of the property
- 1 x Celtis sp. (Hackberry) - is located within the front setback of the property
- 1 x Viburnun sp. (Viburnum) - is located within the front setback of the property
- 2 x Casuarina glauca (Swamp Oak) - is located within the front setback of the property
- 1 x Triadica sebifera (Chinese Tallow) - within the rear setback of a neighbouring property at 27 or 29 Phillip St.

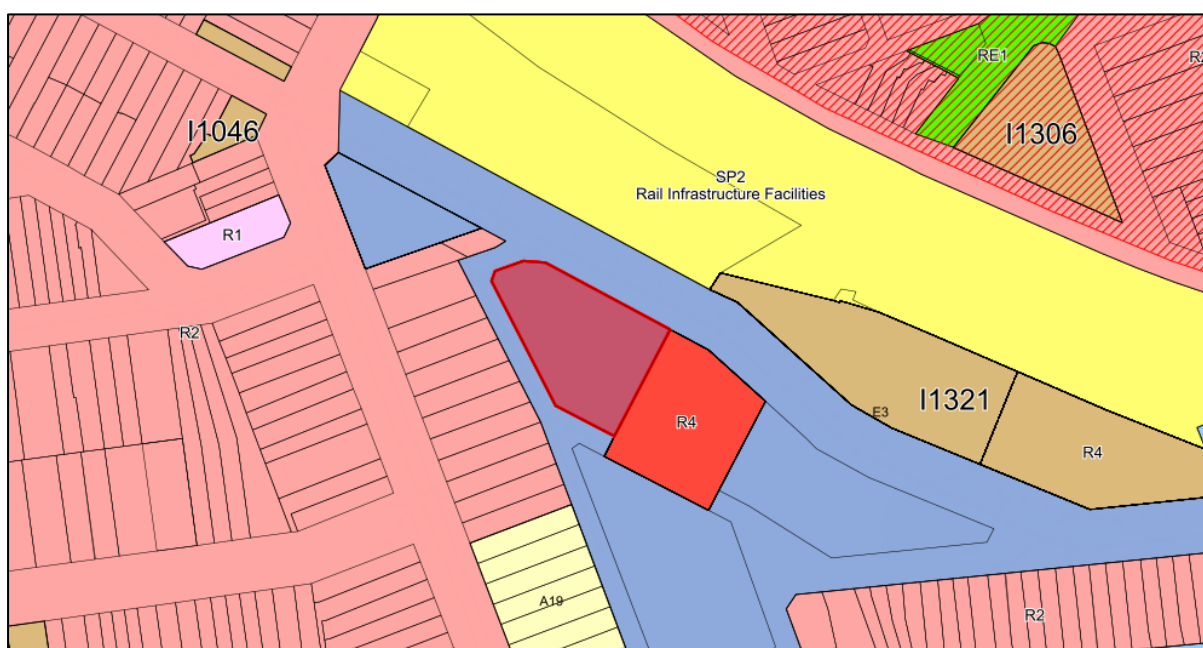


Figure 2: Zoning Map of the subject site (highlighted red).



Figure 3: Subject site as viewed from Gladstone Street.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
DA/2021/1188	Construction of a mixed use development consisting of 1 level of basement carparking, office premises and 12 residential apartments above.	LPP Approved – 14/06/2022
REV/2020/0009	S8.2 Review of DA201900038 for alterations and additions to existing building and use as an artisan food and drinks premises.	Withdrawn – 11/05/2020
DA201900038	To demolish part of the premises and carry out ground and first floor alterations and additions to the building and use the premises as a brewery and restaurant operating 7:00am to 10:00pm daily	LPP Refused – 22/11/2019 LEC Consent Order with Amended Plan– 17/12/2020
DA201600628	To demolish existing structures, subdivide the site into 16 allotments and construct 16 individual shop top houses above basement parking	LPP Refused – 05/05/2017. LEC Dismissed – 21/8/2018
DA201500708	To demolish the existing industrial buildings on the site and construct a mixed use development comprising 1x 4 storey building containing commercial premises, 15 apartments (3x studio, 9x 1 bed and 3x 2 bed) and parking spaces within a basement; 11x 3-4 storey townhouses comprising live/ work units (8x 2 bed, 3x 3 bed); and the removal of 3 trees, replacement plantings and associated landscaping	Withdrawn – 11/07/2016

PDA201500079	Demolish existing improvements and construct a 4-storey mixed use development containing 3 ground floor commercial tenancies, 11 live/work units and 26 dwellings with car parking	Advice Issued – 8/09/2015
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Surrounding properties

Application	Proposal	Decision & Date
2A Gladstone Street, Newtown - MOD/2021/0059	S4.56 Application to DA201900242. Modification involves various internal and external changes.	Approved - 27/05/2021
2A Gladstone Street, Newtown - DA/2020/0366	'Amending' DA to DA201900242. Amendments include internal and external design changes and, changes of commercial uses to residential.	LEC Dismissed – 18/02/2021
2A Gladstone Street, Newtown - DA201900242	Demolition of existing buildings on the site. Construction of a 5 storey mixed use development comprising creative use tenancies and 40 dwellings, with associated basement parking	LEC Approved – 08/04/2020

4(b) Application history

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

Date	Milestones
21/02/2023	Architectural Excellence & Design Review Panel held.
27/03/2023	Council issued a letter recommending withdrawal of the application based on the following issues: <ul style="list-style-type: none"> • Not substantially the same development • Consistency with zone objectives
26/04/2023	The applicant advised they wish to proceed to determination with a recommendation for refusal, and Council prepared a report.
25/05/2023	The applicant requested the opportunity to submit amended plans to respond to the withdrawal letter with a key change being the deletion of the additional residential component proposed on level 1 and the retention of the approved void/mezzanine space. Council agreed to consider amended plans.
14/06/2023	Amended plans were submitted which sought to replace the approved void space with a full floor of commercial space. Council advised the proposed amendments did not resolve a number of significant issues as outlined throughout this report and would unlikely be supported.
04/07/2023	Draft sketches and calculations were provided demonstrating that approximately 50% of the void space (~200sqm) would need to be infilled as commercial floor space to offset the additional residential floor space on the upper levels to ensure compliance with Section 6.22(3)(c) of the Inner West LEP 2022. Furthermore, the draft scheme still resulted in a further substantial breach of the floor space ratio development standard.
12/07/2023	Given the submitted amended plans did not address some of the significant issues of the original design, would not alter the recommendation for refusal, were not consistent with the modified development originally proposed and therefore would have required renotification and re-referrals, Council advised the applicant that the amended plans were rejected in accordance Part 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> and the application will be determined based on the originally submitted plans. The originally submitted plans are the subject of this assessment report.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 and 4.55(2) of the *EPA Act 1979*.

5(a) Section 4.55(2)

Section 4.55(2) of the *EPA Act 1979* allows a consent authority to modify a development consent granted by it, if:

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

In considering whether the development as modified is substantially the same as that for which consent was granted, an assessment against relevant case law has been undertaken, particularly the authority in *Moto Projects (No 2) v North Sydney Council [1999] NSWLEC 280*, which deals with taking both a qualitative and quantitative approach to addressing the ‘Substantially the same’ test of Section 4.55.

A summary of the modifications comparing the approved development and the proposed modification is provided below:

Aspect of the development	Approved development	Modified development (key changes underlined)
Basement	<ul style="list-style-type: none"> • 31 parking spaces • 1 motorcycle spaces • 12 bicycle spaces • Waste, plant and storage rooms • File and mail room (commercial GFA) 	<ul style="list-style-type: none"> • <u>30 parking spaces</u> • 1 motorcycle spaces • 12 bicycle spaces • Waste, plant and storage rooms • <u>File and mail room deleted</u>
Ground floor	<ul style="list-style-type: none"> • Commercial space with 53% containing floor to ceiling heights of 6.2m 	<ul style="list-style-type: none"> • Commercial space • <u>Double height commercial space deleted</u>
Level 1	<ul style="list-style-type: none"> • Commercial space in the form of a mezzanine. • Void space servicing the level below 	<ul style="list-style-type: none"> • <u>Commercial space</u> • <u>Void space deleted</u> • <u>4 apartments added (428.3sqm)</u>

		<ul style="list-style-type: none"> ○ <u>1 x 1 bed</u> ○ <u>1 x 2 bed</u> ○ <u>2 x 3 bed</u>
Level 2	<ul style="list-style-type: none"> • 7 apartments <ul style="list-style-type: none"> ○ 1 x 1 bed ○ 5 x 2 bed ○ 1 x 3 bed • Communal open space 	<ul style="list-style-type: none"> • 7 apartments <ul style="list-style-type: none"> ○ 1 x 1 bed ○ 5 x 2 bed ○ 1 x 3 bed • Communal open space
Level 3	<ul style="list-style-type: none"> • 5 apartments <ul style="list-style-type: none"> ○ 1 x 1 bed ○ 3 x 2 bed ○ 1 x 3 bed 	<ul style="list-style-type: none"> • 5 apartments <ul style="list-style-type: none"> ○ <u>4 x 2 bed</u> ○ 1 x 3 bed
Roof	<ul style="list-style-type: none"> • Plant area 	<ul style="list-style-type: none"> • Plant area • <u>Screening</u> • <u>Solar PV panels</u>
Room numbers	12	16
GFA / FSR	2,702.5sqm or 2.04:1 (36.49% variation)	<u>3,107.5sqm or 2.35:1 (56.9% variation from the development standard)</u>
Residential GFA	1,081.1sqm (40% of GFA)	<u>1,472.1sqm (52.63% of GFA)</u>
Non-residential GFA	1,621.4sqm (60% of GFA)	<u>1,472.1sqm (47.37% of GFA)</u>

Deletion of the void/double height commercial space

The proposed modifications relate to numerous internal and external changes to the approved building, with the built form remaining largely unchanged and the proposed modifications taking place within the envelope of the previously approved building. Despite this, a key aspect of the approved development is the double height non-residential space on the ground floor (53% of the ground floor area).

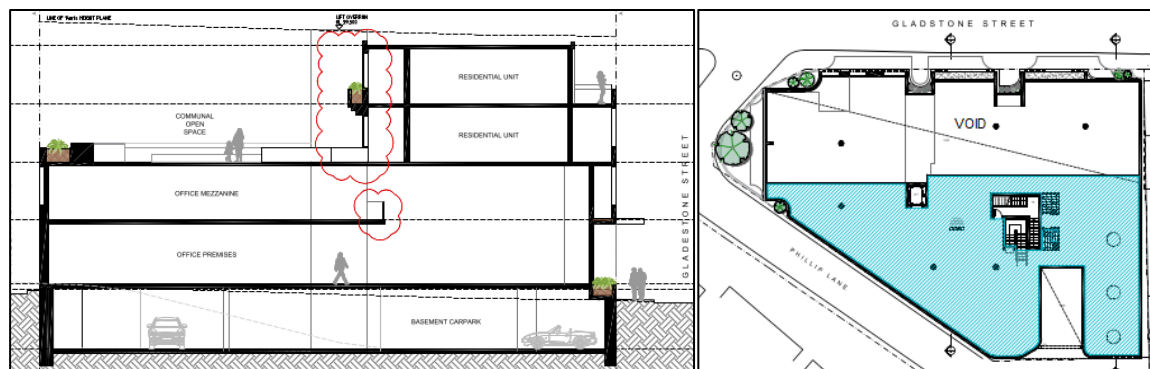


Figure 4: Approved plans – cross section and mezzanine/level 1 (GFA highlighted in blue)

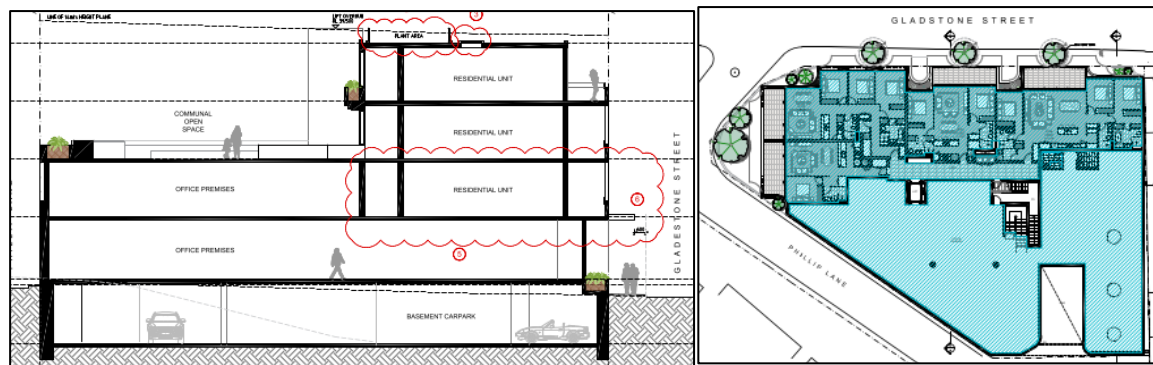


Figure 5: Proposed modified plans – cross section and mezzanine/level 1 (GFA highlighted in blue)

As illustrated above, the infilling of the void space with residential apartments results in the removal of the double height (approximately 6.2m) component of the commercial space. The double height commercial space was an important element of the original proposal as it enabled flexibility for future uses by providing an internal height that could accommodate a mix of medium to large format businesses and emerging light industries in accordance with the E3 zone objectives. The modified proposal results in the entirety of the commercial space having floor to ceiling heights of 3.1m on the ground floor and 2.8m on the first floor which significantly limit the nature of businesses capable of operating at the site. Furthermore, the infill of the void results in a floor depth of up to 29m which is detrimental to amenity and viability of both the ground floor and first floor commercial spaces. As such, it is considered that this modification changes a significant material feature and essential component of the original consent and if proposed as part of the originally approved DA would likely have resulted in a refusal.

Additional apartments on level 1

The approved development has a compliant ratio of 40:60 of residential to non-residential uses, in accordance with Section 6.22 (Dwellings and residential flat buildings in Zone E3) of *IWLEP 2022*. The proposed additional four apartments significantly increases the residential component of the mixed use development which is inconsistent with the objectives of the E3 Productivity Services zone and Section 6.22 of *IWLEP 2022*.

The modifications increase the number of apartments by 33% (from 12 to 16 apartments) which increases the number of residents and the intensity of the development than that previously approved. As such, increasing the residential component for this development is considered a radical transformation and significant material change and if proposed as part of the originally approved DA would likely have resulted in a refusal.

In addition, if approval is granted to modify the consent in this circumstance, it would erode Council's ability to enforce the requirements of Section 6.22 of *IWLEP 2022*.

Floor Space Ratio

The proposed modification will increase the total gross floor area of the proposed development by 405sqm from 2,702.5sqm to 3,107.5sqm with a resultant increase in the floor space ratio (FSR) from 2.04:1 to 2.35:1. The new FSR further exceeds the maximum permissible FSR under Section 4.4 of *IWLEP 2022* by 56% (a further 14.98% than previously approved).

As discussed further in this report, the proposed modification results in a significant non-compliance to the development standard, and if proposed as part of the originally DA would likely have resulted in a refusal.

Given the above, the application has not demonstrated a quantitative and qualitative appreciation of the development in its proper context, including the circumstances in which the development consent and Section 4.6 variations were granted. As such, the proposal as modified is not considered substantially the same development as the development for which consent was originally granted and accordingly is recommended for refusal.

Notwithstanding the above:

- The relevant approval bodies were consulted, and any response considered.
- The application was notified to persons who made a submission against the original application sought to be modified.
- Submissions received have been considered.

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 No. 65—Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 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 4.6 (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.”*

It was determined in the base consent that the consent authority can be satisfied that the land will be suitable for the proposed use and that the land can be remediated in accordance with the RAP. The modified development does not alter compliance with this Section, and in the event of approval, the existing conditions of consent relating to site remediation would remain.

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

The development is subject to the requirements of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65). SEPP 65 prescribes nine design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including

context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

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

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

Apartment Design Guide

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

The following provides further discussion of the relevant issues:

Communal and Open Space

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

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

Comment: The proposal makes no changes to the approved communal open space area (132sqm in size being 10% of the site area). However, the demand for this area will increase as the residential density of the development increases by 33% (from 12 to 16 apartments). As such, the existing shortfall in communal open space is no longer considered acceptable on merit, as it is an inadequate size to accommodate for the needs of the increased number of occupants and support a range of activities whilst being an attractive and inviting space.

Given the above, the proposal is not considered to achieve the objectives 3D-1, 3D-2 contained in the ADG.

Deep Soil Zones

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

Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)
Less than 650m ²	-	7%
650m ² - 1,500m ²	3m	
Greater than 1,500m ²	6m	
Greater than 1,500m ² with significant existing tree cover	6m	

Comment: The proposal makes no changes to the approved deep soil zones.

Visual Privacy/Building Separation

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

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

Under section 2F of the ADG where a site is at the boundary between a change in zone from apartment buildings to a lower density area the building setback from the boundary is to be increased by 3m. In this instance, the southern and western boundaries of the site is adjoining the R2 Low Density Residential Zone, which forms residential properties to Philip Street.

Comment: The modified proposal largely maintains the approved built form and visual privacy outcomes. The following amendments are considered acceptable as follows:

- The two additional western orientated units 101 and 102 provide a compliant separation distance of 9.2m with the requirements of the ADG.
- In addition, these apartments match the approved western balcony setbacks of similarly orientated apartments on levels 2 and 3, and as such will result in a comparable visual and acoustic privacy outcome as the approved development.
- The two additional northern units 103 and 104 are orientated towards Gladstone Street and will match the similarly orientated apartments on levels 2 and 3, and as such will result in a comparable visual and acoustic privacy outcome as the approved development.
- The generally minor modifications to the building setbacks and form do not alter any of the balcony setbacks, and as such the modified proposal does not alter the approved building separation.
- The south-western highlight window which services a bedroom in unit 207 has been relocated approximately 800mm closer to Philip Lane. It is considered to result in a similar visual privacy outcome as approved. In addition, the window services a low use room (bedroom) and has a sill height of 1.8m which would limit any overlooking. Further a highlight window has been deleted from the bathroom of this apartment which will improve the perception of overlooking.
- Whilst the building line of apartments 206, 207, 305 moves close to Philip Lane, the apartments maintain the existing balcony setbacks and introduces hit and miss brick walls to provide screening to apartments 206 and 207 and as such will result in a comparable visual and acoustic privacy outcome as the approved development.

Solar and Daylight Access

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

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

Comment: The modified apartments layout and the new apartments complies with the above requirements.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

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

Comment: The modified apartment layouts and new apartments complies with the above requirements with 62.5% (10 out of 16) of the apartments being naturally cross ventilated. Additionally, the overall depth of each unit does not exceed 18 metres.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7 metres
Non-Habitable	2.4 metres
For 2 storey apartments	2.7 metres for main living area floor 2.4 metres for second floor, where its area does not exceed 50% of the apartment area
If located in mixed used area	3.3 for ground and first floor to promote future flexibility of use

Comment: The modified proposal does not comply with the above requirements with ground and first floor ceiling heights of 3.1m and 2.8m respectively. Whilst the floor levels remain unaltered by this proposal, the infilling of the void space results in non-compliant ceiling heights for the ground and first floors. As discussed further within this report, given the non-residential intention of the site, it is considered that the proposed ceiling heights may be restrictive for the types of future uses and undermine the employment focus of the zone.

Notwithstanding, the commercial tenancies would result in poor amenity due to their apparent depth and limited access to natural light and ventilation.

Given the above, the proposal is not considered to achieve the objectives 4C1 and 4C-3 contained in the ADG.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

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

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
 - 3.6 metres for studio and 1 bedroom apartments.
 - 4 metres for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Comment: The modified apartments layout and the new apartments comply with the above requirements.

Private Open Space and Balconies

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

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

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

The ADG also prescribes for apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3 metres.

Comment: The modified apartment layouts and the new apartments comply with the above requirements.

Common Circulation and Spaces

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

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

- Daylight and natural ventilation should be provided to all common circulation spaces that are above ground
- Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors

Comment: It is noted that the new level 1 residential common corridor which services 4 apartments is internalised and as such, does not achieve good amenity. Whilst not a reason for refusal, opportunities for the admission of natural light and ventilation into the common corridor should be considered to lift the amenity of this space in any future application.

Storage

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

Apartment Type	Minimum Internal Area
1 Bedroom apartments	6m ³
2 Bedroom apartments	8m ³
3+ Bedroom apartments	10m ³

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

Comment: The modified apartment layout and the new apartments comply with the above requirements. Adequate storage is provided for the amended 3 bed apartment 305 and new apartments.

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

An updated BASIX Certificate was submitted with the application.

5(a)(iv) State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Development in, above, below or adjacent to rail corridors and interim rail corridors

The proposed development has been referred to the rail authority in accordance with Section 2.99 of *SEPP (Transport and Infrastructure) 2021*.

Transport for NSW (Sydney Trains) has granted concurrence to the modification application and no new conditions are required in this regard.

Impact of rail noise or vibration on non-rail development

The modified development does not alter compliance with this Section, and in the event of approval, the existing conditions of consent would remain.

5(a)(v) State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The modified development does not alter compliance with this Chapter, and in the event of approval, the existing conditions of consent relating to tree removal and protection would remain.

5(a)(vi) Inner West Local Environmental Plan 2022 (IWLEP 2022)

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

Part 1 – Preliminary

Control	Proposed	Compliance
Section 1.2 Aims of Plan	As detailed further within this report, the proposal is not consistent with the following relevant aims: <ul style="list-style-type: none"> • (aa) The proposal does not satisfactorily protect and promote the use and development of land for arts and cultural activity, including music and other performance arts, • (e) The proposal does not satisfactorily facilitate economic growth and employment opportunities within Inner West, • (i) The proposal does not satisfactorily prevent adverse social, economic and environmental impacts, including cumulative impacts. 	No

Part 2 – Permitted of prohibited development

Zone Objectives	Proposed	Permissible with consent?
Section 2.3 Zone objectives and Land Use Table <i>E3 - Productivity Services</i>	Refer to discussion below. <i>Note: The Employment Zones Reform came into force Wednesday 26 April 2023. This means that the previous zone B7 Business Park has been replaced by the equivalent zone E3 Productivity Services.</i>	No
<p>The site is zoned E3 - Productivity Services under the <i>IWLEP 2022</i>. The development application was approved as a 'mixed use development' which comprised of office premises and a residential flat building.</p> <ul style="list-style-type: none"> • Office premises are permitted with consent in the E3 Productivity Services zone. • Residential flat building of which the parent term residential accommodation is listed as a prohibited land use in the E3 Productivity Services zone. <p>It is noted that the previous approval relied on Section 6.22 in <i>IWLEP 2022</i> (formally Clause 6.13 of <i>MLEP 2011</i>) which permits residential flat buildings in certain circumstances.</p> <ul style="list-style-type: none"> • Section 6.22 – Dwellings and residential flat buildings in Zone E3 <p>Section 6.22(3)(c) of <i>IWLEP 2022</i> outlines that for key sites within land zoned E3:</p>		

(3) *Development consent must not be granted to development for the purposes of dwellings or residential flat buildings on land to which this clause applies unless the consent authority is satisfied that—*
 (c) *not less than 60% of the total gross floor area of the building will be used for non-residential purposes...*

The base consent approved a compliant proposal which contained 60% being 1,188sqm of non-residential GFA and 40% being 792sqm of residential GFA.

The modified proposal results in a variation to the above provision with 47.37% being 1,472.1sqm of non-residential GFA (149sqm less than approved) and 52.63% being 1,635.4sqm of residential GFA (554.34sqm additional than approved). As such the modified proposal results in a 21% variation from the standard and approved compliant scheme.

As decided in *Australian Village No. 12 – Gladstone St Pty Ltd v Inner West Council [2021] NSWLEC 1080*, Section 6.22(3)(c) was considered a development standard and as such varied under Section 4.6 of *IWLEP 2022*. However, a subtle difference in legislation for this application is that **Residential flat building** is no longer included in the land use table as permitted with consent in the E3 Zone. This is discussed further below in this report.

Control	Proposed	Compliance
Section 2.7 Demolition requires development consent	The proposal satisfies the section as follows: <ul style="list-style-type: none"> Demolition works are proposed, which are permissible with consent; and The modified development does not alter compliance with this part and in the event of approval, the existing conditions relating to manage demolition impacts remain. 	Yes, subject to conditions

Part 4 – Principal development standards

Control	Proposed	Compliance	
Section 4.3 Height of building	Maximum	14m	No
	Proposed	14.46m	
	Variation	0.46m or 3.3%	
Section 4.4 Floor space ratio	Maximum	1.5:1 or 1,980sqm	No
	Proposed	2.35:1 or 3,107sqm	
	Variation	1,127.5sqm or 56.9%	
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.	Yes	
Section 4.6 Exceptions to development standards	The proposed modification is not required to formally submit a written request to vary a development standard having regard to the decision within <i>North Sydney Council v Michael Standley & Associates Pty Ltd [1998] NSWSC 163</i>) that states that Section 96 (now Section 4.55) is a: <i>“free-standing provision’, meaning that “a modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application”.</i> Notwithstanding, the assessment principles and considerations set out in Section 4.6 of <i>IWLEP 2022</i> are	N/A	

	applied as guidance, which is discussed below this table.	
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Section 4.6 – Exceptions to Development Standards

The proposal results in a breach of the following development standards:

- Section 4.3 Height of buildings,
- Section 4.4 Floor space ratio, and
- Section 6.22 Dwellings and residential flat buildings in Zone E3

Section 4.3 Height of buildings

As outlined in the table above, the proposal results in a further variation to the height of building development standard under Section 4.3 of *IWLEP 2022* by 0.46m or 3.3%. The new elements proposed above the height plane include the western set of solar panels, and a ‘screening’ balustrade structure.

It is noted that the base consent was approved with a height of building non-compliance of 0.25m or 1.8% to the lift overrun only.



Figure 6: Approved height of building exceedance (height plane shown in blue)

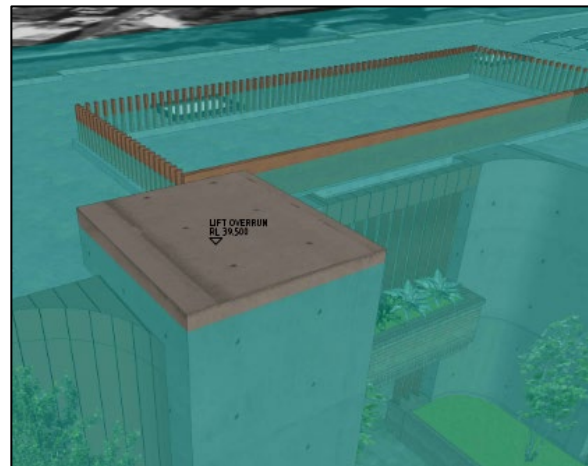


Figure 7: Proposed height of building exceedance (height plane shown in blue)

As noted above, a formal Section 4.6 request is not required, however the SEE provides no justification for the further variation. Whilst a further variation for plant related elements may have merit, the screening balustrade is in close proximity to the roof perimeter and may contribute unnecessarily to amenity impacts such as visual bulk and additional overshadowing.

As such, with the information submitted, if the proposal were to be approved it is recommended that a condition be imposed which requires a minimum 1.5m setback for any additional plant elements to minimise adverse impacts on local amenity in accordance with the objectives of the standard.

The objectives of the E3 Productivity Support zone are reproduced as follows:

- *To provide a range of facilities and services, light industries, warehouses and offices.*
- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*

- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*
- *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.*
- *To provide opportunities for new and emerging light industries.*
- *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*
- *To enhance the visual appearance of the area by ensuring development achieves high architectural, urban design and landscape standards.*
- *To facilitate development that has suitable floorplates, internal height and flexible spaces that accommodate a mix of medium to large format businesses.*

It is considered that the height variation does not adversely affect the public interest as it is consistent with the objectives of the E3 Productivity Support zoning, in accordance with Section 4.6(4)(a)(ii) of *IWLEP 2022* for the following reasons:

- The additional height does not compromise the economic viability of area or opportunities for new and emerging light industries.
- As previously discussed, in the event of approval, a condition is recommended requiring any additional rooftop elements which exceed the height limit to be offset from the roof top perimeter to enhance the visual appearance of the building.

The objectives of the height of building development standard are as follows:

- *To ensure the height of buildings is compatible with the character of the locality,*
- *To minimise adverse impacts on local amenity,*
- *To provide an appropriate transition between buildings of different heights.*

It is considered the height variation does not adversely affect the public interest because it is consistent with the objectives of the development standard, in accordance with Section 4.6(4)(a)(ii) of *IWLEP 2022* for the following reasons:

- The additional height variation is minor and does not exceed the maximum RL approved for this site. As such the building remains compatible with the character of the locality.
- As previously discussed, in the event of approval, a condition is recommended requiring any additional rooftop elements which exceed the height limit to be offset from the roof top perimeter to enhance the visual appearance of the building.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning.

The proposal thereby accords with the objective in Section 4.6(1)(b) and requirements of Section 4.6(3)(b) of *IWLEP 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the further departure from the Height of building development standard.

Section 4.4 Floor space ratio

As outlined in the table above, the proposal results in a variation to the floor space ratio development standard under Section 4.4 of *IWLEP 2022* by 56.9% (or 2.35:1).

It is noted that the base consent was approved with a non-compliant floor space ratio of 2.04:1 or 36.49% exceedance (2,702.5qm.) The modification is seeking a floor space ratio of 2.35:1

(3,107.5sqm) which is a further variation of 14.98% (being an additional 405sqm) from the approved development.

Whilst a formal Section 4.6 request is not required, the SEE provides the following justification:

- The variation arises from the infill of the double height void

The applicant's written rationale does not adequately demonstrate compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. An assessment against the following objectives of the development standard and zone is provided below.

The objectives of the E3 Productivity Support zone are reproduced as follows:

- *To provide a range of facilities and services, light industries, warehouses and offices.*
- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*
- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*
- *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.*
- *To provide opportunities for new and emerging light industries.*
- *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*
- *To enhance the visual appearance of the area by ensuring development achieves high architectural, urban design and landscape standards.*
- *To facilitate development that has suitable floorplates, internal height and flexible spaces that accommodate a mix of medium to large format businesses.*

The modified proposal is not considered to satisfy the relevant objectives of the zone as follows:

- As a result of accommodating 4 additional units and reconfiguration of the basement there is a reduction in non-residential GFA by 149.44sqm undermining the strategic vision for the zone, which aims to facilitate employment generation.
- The additional GFA results in the loss of the double height commercial space which significantly lessens the flexibility of the space to accommodate a mix of medium to large format businesses.
- Whilst the floorplate levels remain unaltered by this proposal, the infilling of the void space results in two full floors with ceilings heights of 3.1m and 2.8m on the ground and first floor respectively which does not facilitate flexible spaces that accommodate a mix of medium to large format businesses.
- The proposed additional GFA would result in poor amenity to the ground floor and first floor commercial tenancies due to the apparent depth and limited access to natural light and ventilation that arises as a result of filling in an earlier mezzanine and void space.

The objectives of the floor space ratio development standards are reproduced as follows:

- *To establish a maximum floor space ratio to enable appropriate development density,*
- *To ensure development density reflects its locality,*
- *To provide an appropriate transition between development of different densities,*

- *To minimise adverse impacts on local amenity,*
- *To increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.*

The modified proposal is not considered to satisfy the above objectives of the development standard as follows:

- Whilst it is acknowledged that the existing development already breaches the maximum FSR, the proposed further non-compliance is significant and results in a variation from the development standard of 56.9% (1,127sqm). The variation results in an additional 4 dwellings which is not appropriate for the existing and future development density of the site and locality as envisioned by *IWLEP 2022*.

Given the above inconsistencies with the objectives of the zone and development standard, the modified development is not in the public interest in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022*. Further, the degree of flexibility being sought is not considered appropriate in these circumstances and does not achieve a better planning outcome for the site.

As such, it is recommended that the application be refused.

Section 6.22 Dwellings and residential flat buildings in Zone E3

As outlined above, the proposal results in a variation to Section 6.22(3)(c) - Dwellings and residential flat buildings in Zone E3 of *IWLEP 2022* by 21%.

It is noted that the development was approved with a compliant ratio of non residential development which constituted 60% of the proposal as prescribed by the provisions of CI 6.22. As such, the modification is seeking a variation of 21% (being a reduction in non-residential GFA of 149.44sqm, and an increase in residential GFA of 554.34sqm) from the approved development.

Whilst a formal Section 4.6 request is not required, the SEE provides the following justification:

- *Due to the infill of the double height void at the north of the subject site the office space will comprise 47.37% and the residential will comprise 52.63%.*
- *While the building as approved met the 60% requirement of office space, the infill of the double height void has reduced the overall percentage.*
- *The building has not increased in volume but does meet the objectives of assisting in the revitalisation of employment areas and the ability to work from home and provides a transition between adjoining land use zones which are R2 Residential and R4 High Density Residential.*
- *It is considered that the proposed amendments relate to the surrounding residential uses and respond appropriately to the surrounding residential uses, consistent with the objectives.*

The applicant's written rationale does not adequately demonstrate compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

Notwithstanding, an assessment against the following objectives of the development standard and zone is provided below.

The modified proposal is not considered to satisfy the relevant objectives of the zone as follows:

- The proposed development would undermine the strategic vision for the zone, which aims to facilitate employment generation; particularly within the creative industries sector; whilst limiting residential development.
- The loss of the double height commercial space is does not facilitate flexible spaces that accommodate a mix of medium to large format businesses.
- Whilst the floorplate levels remain unaltered by this proposal, the infilling of the void space results in full floors with ceilings heights of 3.1m and 2.8m on the ground and first floor respectively which does not facilitate flexible spaces that accommodate a mix of medium to large format businesses.
- The proposed development would result in poor amenity to the ground floor and first floor commercial tenancies due to the apparent depth and limited access to natural light and ventilation that arises as a consequence of filling in an earlier mezzanine and void space.

The objectives of Section 6.22 Dwellings and residential flat buildings in Zone E3 (3)(c) development standard are reproduced below:

- (1) *The objective of this clause is to provide for limited residential development associated with non-residential uses permitted in Zone E3 Productivity Support, including small scale live-work enterprises, to—*
- (a) *assist in the revitalisation of employment areas, and*
 - (b) *provide a transition between adjoining land use zones.*

The modified proposed is not considered to satisfy the relevant objectives of the zone as follows:

- This Section seeks to limit residential development to a minor proportion of the building. The proposal thus fails to provide ‘limited’ residential development contrary to this objective.
- As a result of accommodating 4 additional units and basement reconfiguration there is a reduction in non-residential GFA by 149.44sqm undermining the strategic vision for the zone, which aims to facilitate employment generation.
- The proposed development fails to preserve the employment focus of the zone.
- Whilst those who come to live in an area will utilise services within the area, it is the provision of non-residential uses which are expected to be the employment generating factor, leading to revitalisation of the area. If it was the residential component that was the driver for revitalisation then the residential component would not be required to be limited as an objective of the standard.

Given the above inconsistencies with the objectives of the zone and development standard, the modified development is not in the public interest in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022*. Further, the degree of flexibility being sought is not considered appropriate in these circumstances and does not achieve a better planning outcome for the site.

As such, it is recommended that the application be refused.

Part 5 – Miscellaneous provisions

Control	Compliance	Compliance
Section 5.10 Heritage conservation	The subject site is located adjacent to a locally listed heritage item, namely the ‘Cragos Flour Mills site,	Yes

	including interiors' (item no. I1321) under schedule 5 of <i>IWLEP 2022</i> . The modified proposal does not alter compliance with this part.	
Section 5.21 Flood planning	The site is not identified as a flood control lot. However, Council's flood maps show that considerable amount of flow adjacent to the site. The modified proposal does not alter compliance with this part, and in the event of approval, the existing conditions of consent relating to flood management would remain.	Yes, subject to condition

Part 6 – Additional local provisions

Control	Proposed	Compliance
Section 6.2 Earthworks	The modified proposal does not alter compliance with this part.	Yes
Section 6.3 Stormwater Management	The modified development maintains the use of permeable surfaces, includes on site retention as an alternative supply and subject to existing conditions would not result in any significant runoff to adjoining properties or the environment.	Yes
Section 6.8 Development in areas subject to aircraft noise	The modified development does not alter compliance with this part and subject to existing conditions.	Yes, subject to condition
Section 6.21 Business and office premises in Zones E3 and E4	It was determined in the base consent that the consent authority was satisfied that the unspecified office spaces will be utilised for creative purposes by way of condition of consent. The modified development does not alter compliance with this Section, and if the application were to be recommended for approval, the existing condition would remain.	Yes
Section 6.22 Dwellings and residential flat buildings in Zone E3	Refer to discussion earlier in this report.	No

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.

Part 2 – Generic Provisions

Control	Proposed	Compliance
Part 2.1 – Urban Design	An assessment of the proposal has been carried out against the relevant provisions under this Part and the following matters have been identified: <ul style="list-style-type: none"> O1 & C1: The modified proposal fails to provide a complementary mix of uses for the area and does not respect the predominant use required for this site (Principle 3). As a result of significant land use implications., the development does not achieve a high quality urban design outcome. 	No
Part 2.5 – Equity of	The modified development proposes four adaptable dwellings which is in accordance with this Part. The modified development	Yes, subject to conditions

Access and Mobility	does not alter compliance with this part and existing conditions would remain on any consent granted.	
Part 2.6 – Acoustic and Visual Privacy	<p>The modified development satisfies the acoustic and visual privacy provisions contained in MDCP 2011 in that:</p> <p><i>Residential</i></p> <p>As discussed earlier in this report, the proposed development is considered to maintain a similar level of visual and acoustic privacy as approved to future occupants and adjoining properties. The proposal is considered to satisfy the relevant objectives and controls contained in Part 2.6.</p> <p><i>Commercial</i></p> <ul style="list-style-type: none"> • The use of the commercial tenancies remains subject to a separate application. Notwithstanding, the commercial tenancies are sufficiently separated from adjoining sites to provide an acceptable level of visual and acoustic privacy; and • An Acoustic Report was submitted with the application and concluded the proposal will comply with the relevant noise emission criteria. 	Yes
Part 2.7 – Solar Access and Overshadowing	The modified proposal will have a satisfactory impact on solar access and overshadowing to the surrounds as the development largely maintains the approved built form with the amendments increasing the setbacks to the east and west by 300mm. As such, the modified development does not substantially alter any of the approved outcomes, and the modified proposal is considered acceptable in accordance with Part 2.7 of the MDCP 2011.	Yes
Part 2.9 – Community Safety	The proposed modified development does not seek to alter any of the approved outcomes.	Yes
Part 2.10 – Parking	Refer to discussion below.	Yes, subject to condition
Part 2.18 – Landscaping and Open Spaces	The proposed modified development does not seek to alter any of the approved outcomes with respect to landscaping and open space.	Yes
Part 2.20 – Tree Management	The proposed modified development does not seek to alter any of the approved outcomes with respect to tree management. Existing conditions would remain on any consent granted.	Yes, subject to conditions
Part 2.21 – Site Facilities and Waste Management	<ul style="list-style-type: none"> • The application was accompanied by an updated waste management plan in accordance with the Part; and • Existing conditions would remain on the consent in the event of an approval. 	Yes, subject to conditions
Part 2.25 – Stormwater Management	The proposed modified development does not seek to alter any of the approved outcomes with respect to stormwater management. Existing conditions would remain on any consent granted.	Yes, subject to conditions

(i) Part 2.10 – Parking

The site is identified within ‘Parking Area 1’ (most constrained) under Part 2.10 in MDCP 2011. The following table summarises the car, bicycle, and motorcycle parking requirements for the development:

Component	Control	Required	Proposed	Complies
Car Parking				
Resident Car Parking – non adaptable units	0.4 car parking spaces per 1 bedroom unit	2 x 1 bed units = 0.8 spaces	10 spaces	Yes
	0.8 car parking spaces per 2 bedroom unit	6 x 2 bed unit = 4.8 spaces		
	1.1 car parking spaces per 3 bedroom unit	4 x 3 bed unit = 4.4 spaces		
	<i>Total</i>	<i>10 spaces</i>		
Resident Car Parking – adaptable units	1 mobility car parking space per 1 adaptable unit	4 x adaptable units = 4 mobility spaces	4 spaces	Yes
Office premises	1 per 100sqm GFA for staff and visitors	14 spaces	15 spaces (including 1 accessible)	Yes
Bicycle Parking				
Resident Bicycle Parking	1 bicycle parking space per 2 units	16 units = 8 spaces	15 spaces	Yes
Office Bicycle Parking	1 bicycle parking space per 200sqm	7 spaces	8 spaces	Yes
Motorcycle Parking				
Motorcycle Parking	5% of the total car parking requirement	31 car parking spaces required = 1.55 spaces	1 space	No

As noted above, while the application provides a compliant scheme in terms of the total number of residential and commercial parking spaces, there is a shortfall of one motorcycle space.

It is considered that the additional peak vehicles trips of 4 per hour generated by the proposed additional units will have little impact on the surrounding road network.

Given the above, the proposed car parking and bicycle parking is considered acceptable with regard to Part 2.10 of MDCP 2011. In the event of approval, Condition 16 is to be amended to reflect the amended number of car spaces and motorcycle shortfall.

Part 5 – Commercial and Mixed Use Development

Control	Assessment	Compliance
5.1 3 – Building Form	As outlined elsewhere in this report, the modified proposal does not comply with the FSR and height of buildings development standards. An assessment of the proposal has been carried out against the relevant provisions under this Part and the following matters have been identified: <ul style="list-style-type: none"> • O1: The modified proposal does not ensure the density of development is compatible with the future desired character of the relevant commercial centre. • C1: The modified proposal is not consistent with the FSR standard prescribed within <i>IWLEP 2022</i>. 	No

	<ul style="list-style-type: none"> • O11: The modified proposal does not provide adequate amenity for building occupants of the commercial space in terms of direct solar access and natural light and ventilation. • O12: The modified proposal does not facilitate the use of dual aspect building design for the commercial component. • C17: The modified development exceeds the maximum depth of 22m to the first floor commercial premises. <p>Notwithstanding the above, the following is noted:</p> <ul style="list-style-type: none"> - The proposed modified development does not seek to alter any of the approved outcomes with respect to building separation, corner sites, and front, rear, upper level, roof top massing provisions. - The modified proposal remains largely unchanged with regards to the massing and setbacks, with the eastern and western exterior wall extended 300mm to the respective property boundaries. - The modified proposal remains largely unchanged with regards to the built form and character of the facades. Elevations have been updated to reflect new room configurations and modified glazing sizes. 																					
<p>5.1.5.2 – Dwelling mix</p>	<p>The modified proposal provides the following mix of dwelling types:</p> <table border="1" data-bbox="408 1025 1176 1189"> <thead> <tr> <th></th> <th>Required</th> <th>Proposed</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>5-20%</td> <td>nil</td> <td>No</td> </tr> <tr> <td>1 bedroom</td> <td>10-40%</td> <td>12%</td> <td>Yes</td> </tr> <tr> <td>2 bedroom</td> <td>40-75%</td> <td>62.5%</td> <td>Yes</td> </tr> <tr> <td>3 bedroom</td> <td>10-45%</td> <td>25%</td> <td>yes</td> </tr> </tbody> </table> <p>The above mix of dwelling types is generally consistent with the relevant provisions of Part 5.1.5.2 dwelling mix of MDCP 2011</p>		Required	Proposed	Complies	Studio	5-20%	nil	No	1 bedroom	10-40%	12%	Yes	2 bedroom	40-75%	62.5%	Yes	3 bedroom	10-45%	25%	yes	<p>Yes</p>
	Required	Proposed	Complies																			
Studio	5-20%	nil	No																			
1 bedroom	10-40%	12%	Yes																			
2 bedroom	40-75%	62.5%	Yes																			
3 bedroom	10-45%	25%	yes																			
<p>5.1.5.3 - Ceiling heights</p>	<p>An assessment of the proposal has been carried out against the relevant provisions under this Part and the following matters have been identified:</p> <ul style="list-style-type: none"> • O41: The modified proposal does not promote the penetration of daylight into the depths of the apartment. • O42 The modified proposal does not contribute to flexibility of use. • O43 The modified proposal does not achieve quality interior spaces while considering the external building form requirements. • C55: The modified proposal has not demonstrated a minimum ceiling height measured from finished floor level to finished ceiling level of 3.3 metre minimum for ground floor and any other retail or commercial floors. <p>Considering the above, the modified proposal does not satisfy the relevant controls and objectives under Part 5.1.5.3 of MDCP 2011.</p>	<p>No</p>																				

Part 9 – Strategic Context

Control	Assessment	Compliance
Part 9.8 – Enmore North and Newtown Central (Precinct 8)	<p>The property is located in the Enmore North and Newtown Central Planning Precinct (Precinct 8). The development is contrary to the desired future character statements of the area as follows:</p> <ul style="list-style-type: none"> • (7) To maintain non-retail employment as part of any mixed use redevelopment of former industrial land and reflect the existing industrial streetscape character in the design 	No

5(e) The Likely Impacts

These matters have been considered as part of the assessment of the development application. As demonstrated within this report, it is considered that the proposed development will have significant adverse environmental, social or economic impacts upon the locality.

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

As demonstrated within this report, it is considered that the modified proposal will have an adverse impact on the adjoining properties and is inconsistent with the zone, therefore it is considered that the site is unsuitable to accommodate the modified development.

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 21 days to surrounding properties. Five submissions were received in response to the notification.

The following issues raised in submissions have been addressed in the body of this report:

- Visual and acoustic privacy impacts from the two additional units 101 and 102
- Lack of privacy treatments to windows and balconies facing Philip Lane
- Overlooking into 21 Philip Streets outdoor living area.
- Highlight windows do not provide enough privacy.
- Changes to 206, 207 and 305 bring internal areas of the apartment closer to 21 Philip which results in less separation and screening
- Increase in street traffic from the four additional residential units
- Increase in noise and safety from resultant additional vehicle movements
- The proposal is not considered to be substantially the same as that which was originally approved.
- The modified development does not carry substantially the same environmental impacts and amenity impacts as the originally approved development with regard to traffic, parking, overshadowing and amenity impacts.
- Increase garage and waste collection which will exacerbate disturbance to residents backing onto Philip Lane
- Additional exceedance to the height of building elements is inconsistent with the circumstances in which development consent was originally accorded as they have no relation to providing equitable access to the development.
- The proposed amendments give rise to unacceptable loss of solar access to the principal private open space of no. 2B Gladstone Street
- The developer continues to ignore the fundamental intent of the zoning area.

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

Issue: Inadequate shadow diagrams

Comment: The shadow diagrams are considered sufficient to complete an assessment given the extent of works to the built form under this application.

Issue: Notification over the Christmas and new year break making it difficult for all residents and landlords to be aware of the application

Comment: These comments are noted, however the notification period over the holiday period is extended for this reason. Notwithstanding, any submissions received until determination are considered.

Issue: Lack of community engagement from developer

Comment: Whilst it is encouraged, there is no statutory requirement for applicants to engage with the local community.

Issue: No consideration given to the existence of home at 21 Philip Street which is less than 10m from the subject development.

Comment: It is understood from a site visit that 21 Philip Street has completed constructed.

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.

As detailed within this report, given the several inconsistencies with relevant EPIs and the MDCP 2011, which results in adverse impacts on the surrounds, the proposal is not considered to be in the public interest.

6 Referrals

6(a) Internal

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

- Building Certification
- Environmental Health
- Waste Management
- Architect Excellence Panel
- Development Engineering

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.

- Sydney Trains

7. Section 7.11 Contributions

The carrying out of the modified development would result in an increased demand for public amenities and public services within the area. Revised Section 7.11 contributions would be payable for the proposal if approved.

8. Conclusion

The proposal as modified is not considered substantially the same development as the development for which consent was originally granted.

Notwithstanding, the modified proposal does not comply with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

9. Recommendation

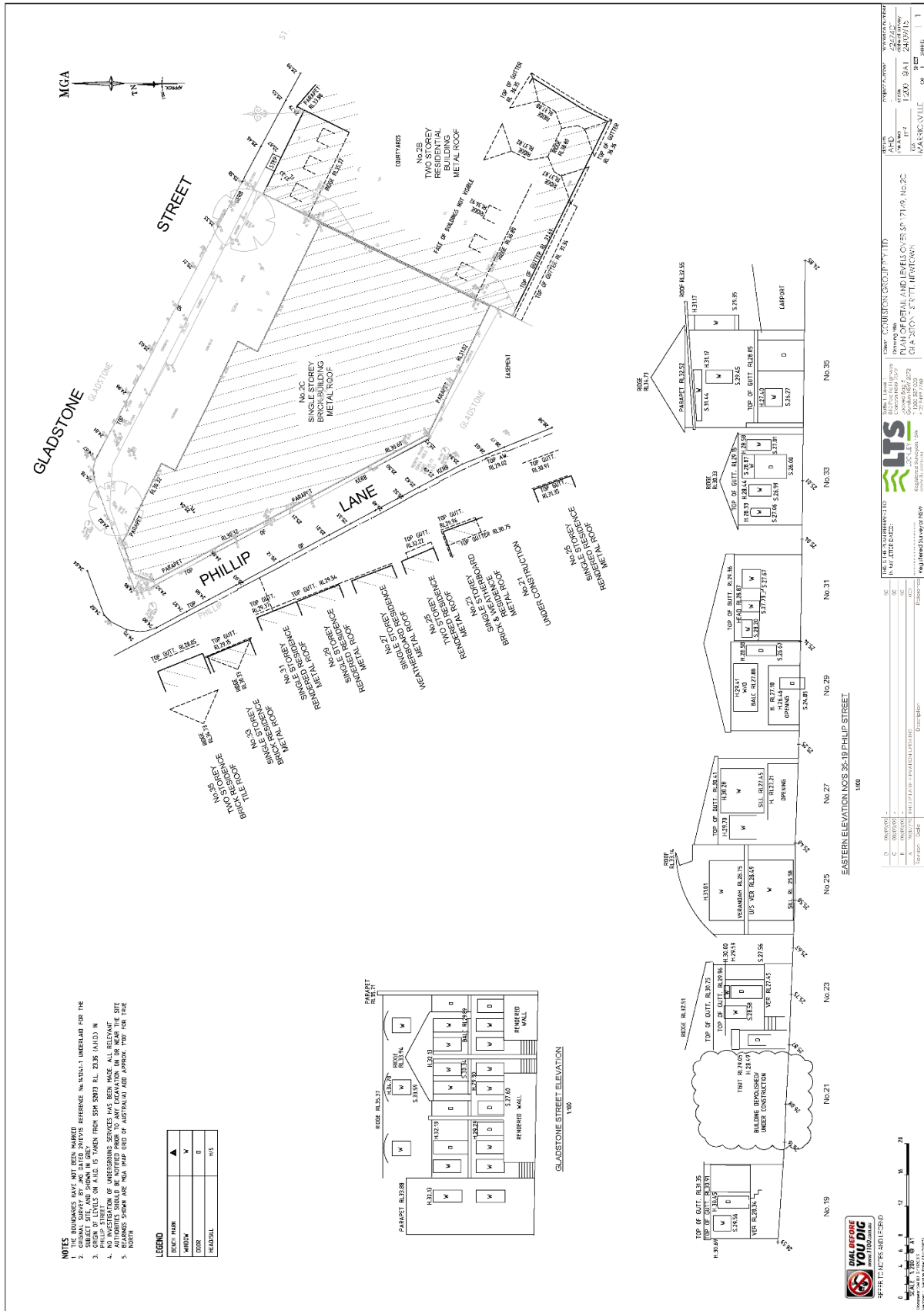
- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Application No. MOD/2022/0450 for Section 4.55 Modification to DA/2021/1188, modifications include increase total number of residential units from 12 to 16, changes to basement, unit layouts, commercial floor areas, material finishes and detailing of services to roof. at 2C Gladstone Street, Newtown for the following reasons:

Attachment A – Reasons for refusal

1. The proposed development has not satisfied Section 4.55(2)(a) of the *Environmental Planning and Assessment Act 1979*, in that the proposal is not substantially the same development as the development for which consent was originally granted.
2. The proposal has not demonstrated compliance with the *State Environmental Planning Policy – 65 (Design Quality of Residential Apartment Development) 2002* pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
 - a) 3D Communal open space, in that the area is inadequate to facilitate a range of activities and be attractive and inviting to the number of occupants proposed under this application in accordance with 3D-1 and 3D-2.
 - b) 4C Ceiling heights, in that the ceiling heights to the commercial spaces provide insufficient natural ventilation and daylight access, and limit the flexibility of building use over the life of the building in accordance with 4C1 and 4C-3.
3. The proposed development is inconsistent and has not demonstrated compliance with the *Inner West Local Environmental Plan 2022*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
 - a) Section 1.2 - Aims of Plan, in that the modified development fails to protect and promote the use and development of land for arts and cultural activity, facilitate economic growth and employment opportunities within Inner West, and prevent adverse social, economic and environmental impacts, including cumulative impacts in accordance with (aa) (e) & (i).
 - b) Section 2.3 – Zone E3 Productivity Support, as the modified development fails to demonstrate that it satisfies the objectives of the zone.
 - c) Section 4.4 - Floor Space Ratio in that the modified development fails to satisfy the standard as it has not demonstrated consistency with the objectives of the E3 Zone and the objectives (a)(b)&(d) as:
 - i. The development does not provide an appropriate development density.
 - ii. The development density does not reflect its employment and commercial locality.
 - iii. The development does not to minimise adverse impacts on local amenity including the amenity of the commercial floors of the subject site.
 - d) Section 6.22 - Dwellings and residential flat buildings in Zone E3 in that the modified development fails to satisfy the standard as it has not demonstrated consistency with the objectives of the E3 Zone and the objectives (1)(a) as:
 - i. The development does not provide for limited residential development associated with non-residential uses.
 - ii. The development does not assist in the revitalisation of employment areas.
4. The proposed development is inconsistent and has not demonstrated compliance with the *Marrickville Development Control Plan 2011*, pursuant to Section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*:
 - a) Part 2.1 – Urban Design, in that the proposal fails to provide a complementary mix of uses for the area (Principle 3) in accordance with O1 & C1.
 - b) Part 5.1.3 – Building Form, in that the proposed density and use is not compatible with the future desired character of the commercial centre and that the proposed depth of the building does not provide adequate amenity to the commercial spaces in accordance with O1, C1, O11, O12, C17.

- c) Part 5.1.5 – Building Use, in that the proposed ceiling heights to the commercial floors does not promote high quality amenity or flexible uses in accordance with O41, O42, O43 & C55.
 - d) Part 9.8 – Enmore North (Precinct 8), in that the proposal will be inconsistent with the desired future character of the Enmore North Precinct.
5. The proposal is considered to result in adverse environmental impacts on the built environment pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
 6. The proposal is not considered suitable for the site in its current form pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
 7. The proposal is not considered to be in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

Attachment B – Plans of proposed development



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PLANT SCHEDULE
LEVEL 01

Symbol	Botanic Name	Common Name	Mature size (h x w)	Pot Size	Spacing	Quantity
SHRUBS AND ACCENTS						
Aa	<i>Agave attenuata</i>	Century Plant	2 x 1.5	300mm	As shown	24
Aa	<i>Asplenium australasicum</i>	Bird's Nest Fern	1.5 x 1.5	300mm	As shown	3
Aa	<i>Aspidistra elatior</i>	Cast Iron Plant	1.2 x 1.5	300mm	As shown	13
Aa	<i>Aspidistra formosa</i>	White Lily Fern	1.2 x 1.5	300mm	As shown	3
Cf	<i>Cordyline fruticosa</i>	Ti Plant	1.2 x 1.5	300mm	As shown	4
Clj	<i>Callistemon luteo-olivaceus</i>	Dwarf Bottlebrush	0.8 x 1	300mm	As shown	4
MCT	<i>Melaleuca linifolia</i>	Citrus Tree	1.2 x 1	300mm	As shown	3
PM	<i>Photinia glabra</i>	Chinese Laurel	1 x 1.5	300mm	As shown	12
PX	<i>Philadelphus australis</i>	White-flowered Syringa	0.7 x 0.7	300mm	As shown	18
WAB	<i>Westringera frutescens</i>	Native Rose	1 x 1	300mm	As shown	11
Va	<i>Vaccinium coccineum</i>	Emerald Heath	3 x 2	300mm	As shown	11
GROUNDCOVERS AND GRASSES						
Cm	<i>Cymbopogon niger</i>	Kaffir Lily	1 x 0.8	150mm	5m ²	6
Cg	<i>Carpetobrotcha purpurea</i>	Pig Face	0.1 x 1	150mm	5m ²	13
Cg	<i>Carpenteria acuminata</i>	Orange Lily	0.1 x 1	150mm	5m ²	9
Lf	<i>Liatris pycnostachya</i>	White Lily	0.3 x 0.5	150mm	5m ²	6
Ss	<i>Stenactis setacea</i>	Blade Grass	0.4 x 0.2	150mm	5m ²	24

Site: **Samcort Pty Ltd**

Project: **20 Gloucester Street, Newtown**



S4 55

Document No: **Plant Schedules**

Scale: **SS21-4772**

Sheet No: **001 A**

PLANT SCHEDULE
LEVEL 01

Symbol	Botanic Name	Common Name	Mature size (h x w)	Pot Size	Spacing	Quantity
STREET TREES						
Cm	<i>Corymbia maculata</i>	Spotted Gum	30 x 10	200L	As shown	3
TREES						
Wt	<i>Walteria exonioides</i>	Wandering Lily Fern	15 x 10	100L	As shown	4
SHRUBS AND ACCENTS						
Aa	<i>Agave attenuata</i>	Century Plant	2 x 1.5	300mm	As shown	16
Bt	<i>Banksia integrifolia</i>	Muscovy Gum	1 x 2	300mm	As shown	3
Cf	<i>Cordyline fruticosa</i>	White Lily Fern	1.2 x 1.5	300mm	As shown	13
Clj	<i>Callistemon luteo-olivaceus</i>	Dwarf Bottlebrush	0.8 x 1	300mm	As shown	17
MCT	<i>Melaleuca linifolia</i>	Citrus Tree	1.2 x 1	300mm	As shown	3
PM	<i>Photinia glabra</i>	Chinese Laurel	1 x 1.5	300mm	As shown	23
PX	<i>Philadelphus australis</i>	White-flowered Syringa	0.7 x 0.7	300mm	As shown	2
WAB	<i>Westringera frutescens</i>	Native Rose	1 x 1	300mm	As shown	17
GROUNDCOVERS AND GRASSES						
Cm	<i>Cymbopogon niger</i>	Kaffir Lily	1 x 0.8	150mm	5m ²	10
Cg	<i>Carpenteria acuminata</i>	Orange Lily	0.1 x 1	150mm	5m ²	30
DB	<i>Dianella caerulea</i>	Blue Star	0.2 x 0.6	150mm	5m ²	19
LT	<i>Lomatium longifolium</i>	Native Star	0.5 x 0.6	150mm	5m ²	30
Ss	<i>Stenactis setacea</i>	Blade Grass	0.3 x 0.5	150mm	5m ²	38
Va	<i>Vaccinium coccineum</i>	Emerald Heath	0.2 x 1.0	150mm	5m ²	6

PLANT SCHEDULE
LEVEL 01

Symbol	Botanic Name	Common Name	Mature size (h x w)	Pot Size	Spacing	Quantity
SHRUBS AND ACCENTS						
Aa	<i>Agave attenuata</i>	Century Plant	2 x 1.5	300mm	As shown	4
GROUNDCOVERS AND GRASSES						
Ss	<i>Stenactis setacea</i>	Blade Grass	0.4 x 0.2	150mm	5m ²	8

PLANT SCHEDULE
LEVEL 02

Symbol	Botanic Name	Common Name	Mature size (h x w)	Pot Size	Spacing	Quantity
TREES						
Bt	<i>Banksia integrifolia</i>	Muscovy Gum	6 x 4	250L	As shown	1
Ma	<i>Macaranga indica</i>	Black Ash	10 x 4.5	100L	As shown	1
Mt	<i>Melaleuca cajuputi</i>	White Chamberlain	6 x 4	100L	As shown	3
Tl	<i>Tristania lamarckii</i>	Wallpaper	8 x 8	100L	As shown	4
SHRUBS AND ACCENTS						
Aa	<i>Agave attenuata</i>	Century Plant	2 x 1.5	300mm	As shown	24
Bt	<i>Banksia integrifolia</i>	Bird's Nest Fern	1.5 x 1.5	300mm	As shown	4
Aa	<i>Asplenium australasicum</i>	Cast Iron Plant	1.2 x 1.5	300mm	As shown	18
Bt	<i>Banksia integrifolia</i>	White Chamberlain	1 x 1	300mm	As shown	18
Bt	<i>Banksia integrifolia</i>	White Chamberlain	1 x 1	300mm	As shown	14
By	<i>Bysoxylum succosum</i>	Black Olive	1.2 x 0.5	300mm	As shown	5
Cf	<i>Cordyline fruticosa</i>	White Lily Fern	1.2 x 0.5	300mm	As shown	5
Clj	<i>Callistemon luteo-olivaceus</i>	Dwarf Bottlebrush	0.8 x 1	300mm	As shown	3
MCT	<i>Melaleuca linifolia</i>	Citrus Tree	1.2 x 1	300mm	As shown	12
PM	<i>Photinia glabra</i>	Chinese Laurel	1 x 1.5	300mm	As shown	20
PX	<i>Philadelphus australis</i>	White-flowered Syringa	0.7 x 0.7	300mm	As shown	6
WAB	<i>Westringera frutescens</i>	Native Rose	1 x 1	300mm	As shown	6
Va	<i>Vaccinium coccineum</i>	Emerald Heath	3 x 2	300mm	As shown	9
GROUNDCOVERS AND GRASSES						
ALR	<i>Alchemilla arvensis</i>	Alchemilla	0.1 x 0.9	150mm	5m ²	11
Cm	<i>Cymbopogon niger</i>	Kaffir Lily	1 x 0.8	150mm	5m ²	36
Cg	<i>Carpenteria acuminata</i>	Orange Lily	0.1 x 1	150mm	5m ²	26
Cg	<i>Carpenteria acuminata</i>	Orange Lily	0.1 x 1	150mm	5m ²	23
Lf	<i>Liatris pycnostachya</i>	White Lily	0.3 x 0.5	150mm	5m ²	23
LT	<i>Lomatium longifolium</i>	Native Star	0.5 x 0.6	150mm	5m ²	18
Ss	<i>Stenactis setacea</i>	Blade Grass	0.4 x 0.2	150mm	5m ²	35
Tj	<i>Thymophytum paniculatum</i>	Star Jasmine	0.3 x 0.5	150mm	5m ²	22
Va	<i>Vaccinium coccineum</i>	Emerald Heath	0.2 x 1.0	150mm	5m ²	2
GREEN ROOF PLANTING MATRIX						
ALR	<i>Alchemilla arvensis</i>	Alchemilla	0.4 x 0.9	150mm	5m ²	152
Cg	<i>Carpenteria acuminata</i>	Orange Lily	0.1 x 1	150mm	5m ²	114
Dd	<i>Dianella caerulea</i>	Blue Star	0.15 x 1	150mm	5m ²	152
Gm	<i>Gymnoschoenus aemula</i>	Native Star	1 x 0.6	150mm	5m ²	114
LEG	<i>Lepidosperma paniculatum</i>	Star Jasmine	0.3 x 0.5	150mm	5m ²	114
Tj	<i>Thymophytum paniculatum</i>	Star Jasmine	0.3 x 0.5	150mm	5m ²	114

NOT FOR CONSTRUCTION

Project: **Samcort Pty Ltd**
Version: **1.0**

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9	Architect	Lot 9	28/11/2022
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49	Architect	Lot 49	28/11/2022
50	Architect	Lot 50	28/11/2022

Legend

- Site Boundary
- Proposed Trees
- Proposed Shrubs and Accents
- Proposed Grasses and Groundcovers
- Wall
- Units Paving



Client: **Samscourt Pty Ltd**

Project: **2C Gladstone Street, Newtown**

SITE IMAGE

Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50

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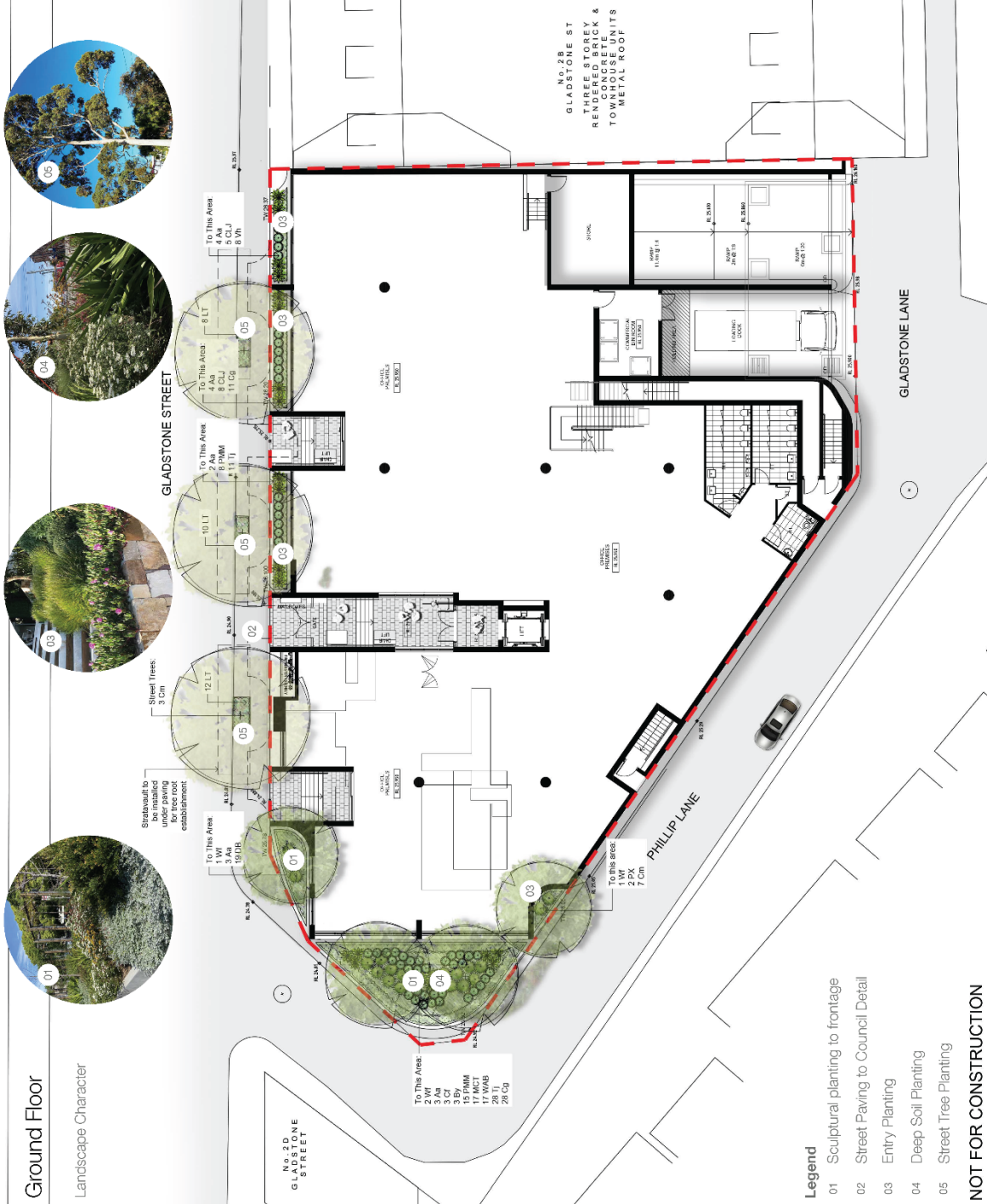
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S4.55

Ground Floor

Scale: 1:100 @ A1

SS21-4772



Ground Floor

Landscape Character

- Legend**
- 01 Sculptural planting to frontage
 - 02 Street Paving to Council Detail
 - 03 Entry Planting
 - 04 Deep Soil Planting
 - 05 Street Tree Planting
- NOT FOR CONSTRUCTION**

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9	S455	26/11/2022
8	Architectural Consultant	26/11/2022
7	Architectural Consultant	26/11/2022
6	Architectural Consultant	26/11/2022
5	Architectural Consultant	26/11/2022
4	Architectural Consultant	26/11/2022
3	Architectural Consultant	26/11/2022
2	Architectural Consultant	26/11/2022
1	Architectural Consultant	26/11/2022
	Project: 2021-001-001	Sheet: 1006

- Legend
- Site Boundary
- Proposed Trees
- Proposed Shrubs and Accents
- Proposed Grasses and Groundcover
- Wall
- Units Paving Type 1
- Outdoor Table and Seating



Client: S455 (NSW) Pty Ltd

Project: 2C Gladstone Street, Newtown

Scale: 1:100 @ A1

SS21-4772

Level 1

SS21-4772

SS21-4772

SS21-4772

SS21-4772

SS21-4772

Level 1

Landscape Character



GLADSTONE STREET

No. 2D
GLADSTONE
STREET

No. 2B
GLADSTONE ST
THREE STOREY
RENDERED BRICK &
CONCRETE
TOWNHOMES
METAL ROOF

PHILLIP LANE

GLADSTONE LANE

Legend

01 Trailing plants to green building edge

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Level 2

Landscape Character



GLADSTONE STREET



- Legend**
- 01 Communal BBQ area
 - 02 Integrated Seating
 - 03 Raised lawn area for flexible use
 - 04 Green Roof Planting

NOT FOR CONSTRUCTION

DATE: 11/01/2018

Legend

- Site boundary
- Proposed Trees
- Proposed Grasses and Groundcovers
- Wall
- Units Parking Type 1
- Units Parking Type 2
- Outdoor Bench
- Lawn
- Pergola
- BBQ
- Outdoor Table and Chairs
- Green Roof



Samcort Pty Ltd

2C Gladstone Street, Newtown

SITE IMAGE

LANDSCAPE ARCHITECT

S4.55

Level 2

Scale: 1:100 @ A1

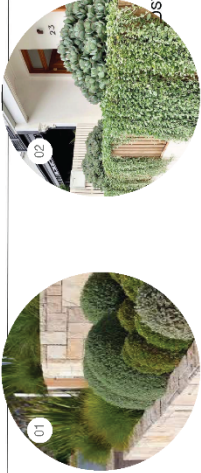
SS21-4772

103 H

© 2013, 18th August 2013, 17th July 2014, 18th July 2014, 22nd July 2014, 25th July 2014, 26th July 2014, 27th July 2014, 28th July 2014, 29th July 2014, 30th July 2014, 31st July 2014, 1st August 2014, 2nd August 2014, 3rd August 2014, 4th August 2014, 5th August 2014, 6th August 2014, 7th August 2014, 8th August 2014, 9th August 2014, 10th August 2014, 11th August 2014, 12th August 2014, 13th August 2014, 14th August 2014, 15th August 2014, 16th August 2014, 17th August 2014, 18th August 2014, 19th August 2014, 20th August 2014, 21st August 2014, 22nd August 2014, 23rd August 2014, 24th August 2014, 25th August 2014, 26th August 2014, 27th August 2014, 28th August 2014, 29th August 2014, 30th August 2014, 31st August 2014, 1st September 2014, 2nd September 2014, 3rd September 2014, 4th September 2014, 5th September 2014, 6th September 2014, 7th September 2014, 8th September 2014, 9th September 2014, 10th September 2014, 11th September 2014, 12th September 2014, 13th September 2014, 14th September 2014, 15th September 2014, 16th September 2014, 17th September 2014, 18th September 2014, 19th September 2014, 20th September 2014, 21st September 2014, 22nd September 2014, 23rd September 2014, 24th September 2014, 25th September 2014, 26th September 2014, 27th September 2014, 28th September 2014, 29th September 2014, 30th September 2014, 1st October 2014, 2nd October 2014, 3rd October 2014, 4th October 2014, 5th October 2014, 6th October 2014, 7th October 2014, 8th October 2014, 9th October 2014, 10th October 2014, 11th October 2014, 12th October 2014, 13th October 2014, 14th October 2014, 15th October 2014, 16th October 2014, 17th October 2014, 18th October 2014, 19th October 2014, 20th October 2014, 21st October 2014, 22nd October 2014, 23rd October 2014, 24th October 2014, 25th October 2014, 26th October 2014, 27th October 2014, 28th October 2014, 29th October 2014, 30th October 2014, 31st October 2014, 1st November 2014, 2nd November 2014, 3rd November 2014, 4th November 2014, 5th November 2014, 6th November 2014, 7th November 2014, 8th November 2014, 9th November 2014, 10th November 2014, 11th November 2014, 12th November 2014, 13th November 2014, 14th November 2014, 15th November 2014, 16th November 2014, 17th November 2014, 18th November 2014, 19th November 2014, 20th November 2014, 21st November 2014, 22nd November 2014, 23rd November 2014, 24th November 2014, 25th November 2014, 26th November 2014, 27th November 2014, 28th November 2014, 29th November 2014, 30th November 2014, 1st December 2014, 2nd December 2014, 3rd December 2014, 4th December 2014, 5th December 2014, 6th December 2014, 7th December 2014, 8th December 2014, 9th December 2014, 10th December 2014, 11th December 2014, 12th December 2014, 13th December 2014, 14th December 2014, 15th December 2014, 16th December 2014, 17th December 2014, 18th December 2014, 19th December 2014, 20th December 2014, 21st December 2014, 22nd December 2014, 23rd December 2014, 24th December 2014, 25th December 2014, 26th December 2014, 27th December 2014, 28th December 2014, 29th December 2014, 30th December 2014, 31st December 2014.

Level 3

Landscape Character



GLADSTONE STREET



No. 28B
GLADSTONE ST
THREE STOREY
REINFORCED
CONCRETE &
TOWNHOUSE UNITS
METAL ROOF

PHILLIP LANE

GLADSTONE LANE

Legend

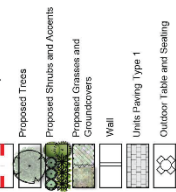
- 01 Private terraces with layered planting
- 02 Trailing plants to green building edge

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18/08/2014 11:00 AM

9	S433		
10	Site Boundary	01	02
11	Proposed Trees		
12	Proposed Shrubs and Accents		
13	Proposed Grasses and Groundcovers		
14	Wall		
15	Units Parking Type 1		
16	Outdoor Table and Seating		

Legend



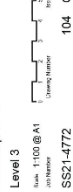
Samcourt Pty Ltd

28C Gladstone Street, Newtown



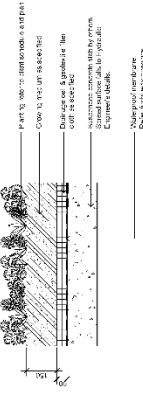
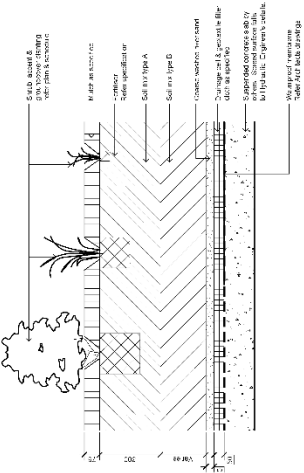
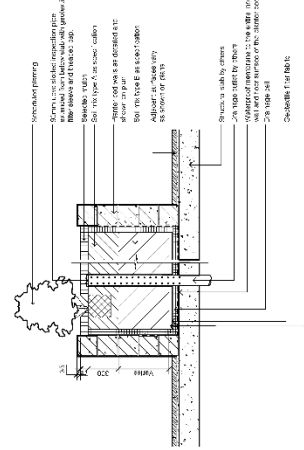
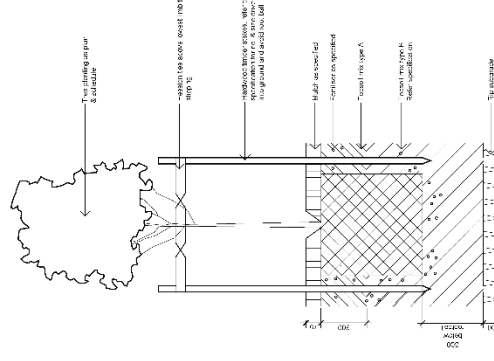
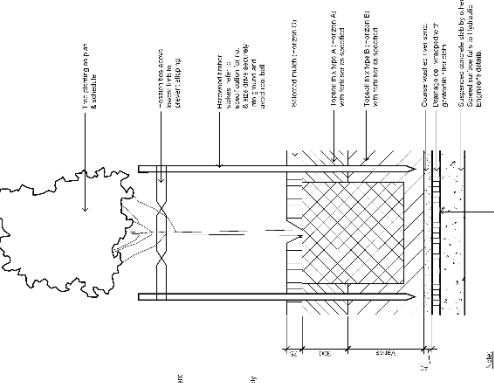
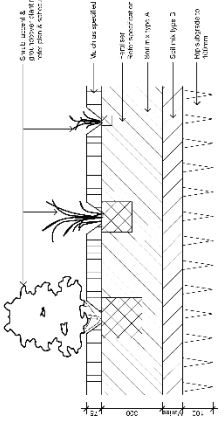
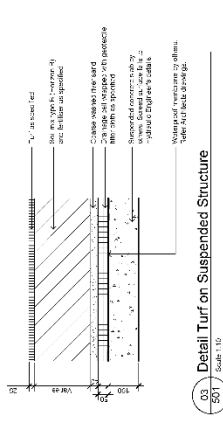
S4.55

Level 3



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F	FIN	FINISH
G	GRASS	GRASS
H	HARDWARE	HARDWARE
I	IRON	IRON
J	JOB	JOB
K	KIT	KIT
L	LANDSCAPE	LANDSCAPE
M	MATERIAL	MATERIAL
N	NOTE	NOTE
O	OPENING	OPENING
P	PLANTING	PLANTING
Q	QUALITY	QUALITY
R	REINFORCEMENT	REINFORCEMENT
S	STRUCTURE	STRUCTURE
T	TYPICAL	TYPICAL
U	UNIT	UNIT
V	VARIABLE	VARIABLE
W	WALL	WALL
X	WOOD	WOOD
Y	YIELD	YIELD
Z	ZONE	ZONE



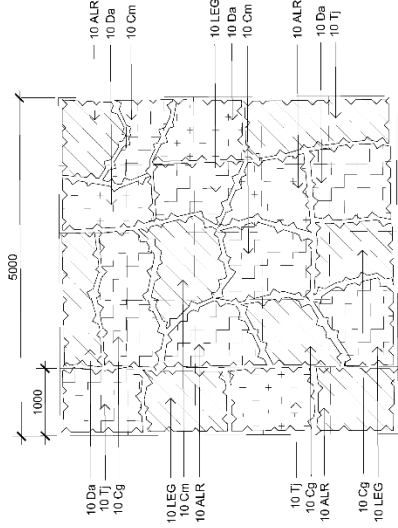
Client: **Samour Pty Ltd**
Project: **20 Gladstone Street, Newtown**
Drawing No: **SS21-4772**
Revision: **501 E**
Date: **10/10/2021**



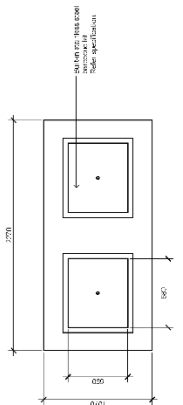
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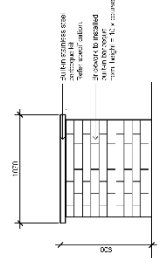
REV	DATE	BY	DESCRIPTION
1	18/01/2012	360°	Issue for Client Review
2	18/01/2012	360°	Issue for Council Review
3	18/01/2012	360°	Issue for Council Review
4	18/01/2012	360°	Issue for Council Review
5	18/01/2012	360°	Issue for Council Review
6	18/01/2012	360°	Issue for Council Review
7	18/01/2012	360°	Issue for Council Review
8	18/01/2012	360°	Issue for Council Review
9	18/01/2012	360°	Issue for Council Review
10	18/01/2012	360°	Issue for Council Review
11	18/01/2012	360°	Issue for Council Review
12	18/01/2012	360°	Issue for Council Review
13	18/01/2012	360°	Issue for Council Review
14	18/01/2012	360°	Issue for Council Review
15	18/01/2012	360°	Issue for Council Review
16	18/01/2012	360°	Issue for Council Review
17	18/01/2012	360°	Issue for Council Review
18	18/01/2012	360°	Issue for Council Review
19	18/01/2012	360°	Issue for Council Review
20	18/01/2012	360°	Issue for Council Review



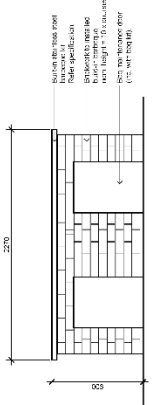
04 Green Roof Matrix Planting
Scale 1:50



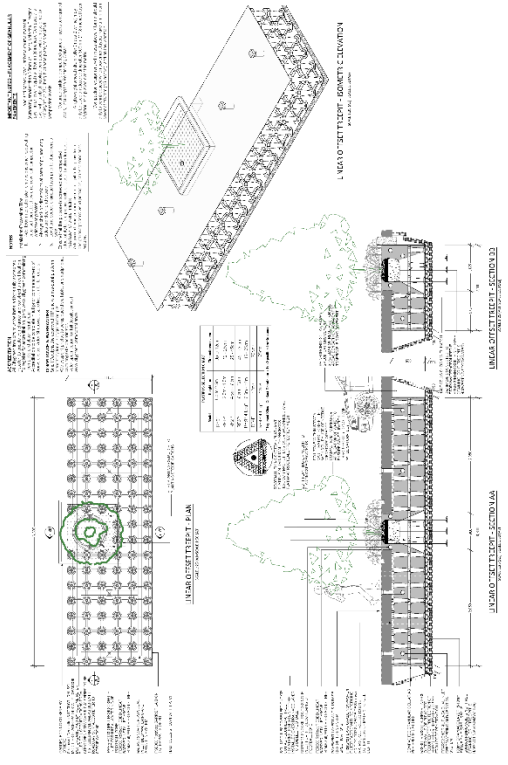
01 Built in Barbiex - Plan
Scale 1:20



03 Built in Barbiex - Side Elevation
Scale 1:20



02 Built in Barbiex - Elevation
Scale 1:20



05 Structural Details
Scale 1:10

NOT FOR CONSTRUCTION

Version: 18/01/2012 09:02

Client: Samecourt Pty Ltd

Project: 20 Gladstone Street, Newtown



S4 55

Project Name: Landscape Details

Client: Ag Showm

Project Number: SS21-4772

Scale: 502 F



GENERAL NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
2. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2012.
3. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL ELECTRICAL REGULATIONS 2017 AND THE NATIONAL PLUMBING REGULATIONS 2017.
4. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL WATER SUPPLY REGULATIONS 2017 AND THE NATIONAL SEWERAGE REGULATIONS 2017.
5. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL GAS REGULATIONS 2017 AND THE NATIONAL PETROL REGULATIONS 2017.
6. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL SOLAR RADIATION REGULATIONS 2017 AND THE NATIONAL THERMAL PERFORMANCE REGULATIONS 2017.
7. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL SOUND REGULATIONS 2017 AND THE NATIONAL VIBRATION REGULATIONS 2017.
8. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL AIR QUALITY REGULATIONS 2017 AND THE NATIONAL PARTICULATE REGULATIONS 2017.
9. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL LIGHTING REGULATIONS 2017 AND THE NATIONAL ENERGY REGULATIONS 2017.
10. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL SAFETY REGULATIONS 2017 AND THE NATIONAL HEALTH REGULATIONS 2017.
11. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL ENVIRONMENTAL REGULATIONS 2017 AND THE NATIONAL CLIMATE REGULATIONS 2017.
12. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL CULTURAL REGULATIONS 2017 AND THE NATIONAL HERITAGE REGULATIONS 2017.
13. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL LANDSCAPE REGULATIONS 2017 AND THE NATIONAL BIODIVERSITY REGULATIONS 2017.
14. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL WILDLIFE REGULATIONS 2017 AND THE NATIONAL PLANTS REGULATIONS 2017.
15. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL INSECTS REGULATIONS 2017 AND THE NATIONAL MAMMALS REGULATIONS 2017.
16. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BIRDS REGULATIONS 2017 AND THE NATIONAL REPTILES REGULATIONS 2017.
17. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL AMPHIBIANS REGULATIONS 2017 AND THE NATIONAL FISH REGULATIONS 2017.
18. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL MARINE REGULATIONS 2017 AND THE NATIONAL FRESHWATER REGULATIONS 2017.
19. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL SOIL REGULATIONS 2017 AND THE NATIONAL WATER REGULATIONS 2017.
20. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL AIR REGULATIONS 2017 AND THE NATIONAL CLIMATE REGULATIONS 2017.

DRAWING SCHEDULE

- DA 001 COVER SHEET
- DA 002 PROJECT SUMMARY
- DA 004 SITE ANALYSIS
- DA 100 BASEMENT 1 PLAN
- DA 101 GROUND FLOOR PLAN
- DA 102 LEVEL 1 PLAN
- DA 103 LEVEL 2 PLAN
- DA 104 LEVEL 3 PLAN
- DA 105 ROOF PLAN
- DA 200 ELEVATIONS - SHEET 1
- DA 201 ELEVATIONS - SHEET 2
- DA 202 ELEVATIONS - SHEET 3
- DA 300 SECTIONS
- DA 400 MATERIAL SCHEDULE
- DA 500 GFA DIAGRAM
- DA 510 NATURAL CROSS VENTILATION DIAGRAM
- DA 520 SQUARE ACCESS DIAGRAM
- DA 530 NATURAL OPEN SPACE
- DA 540 ADAPTABLE UNITS
- DA 550 SHADOW DIAGRAMS - SHEET 1
- DA 551 SHADOW DIAGRAMS - SHEET 2
- DA 560 LANDSCAPE CALCULATIONS DIAGRAM
- DA 570 HEIGHT PLANE DIAGRAM
- DA 600 3D PERSPECTIVES - SHEET 1
- DA 601 3D PERSPECTIVES - SHEET 2
- DA 602 3D PERSPECTIVES - SHEET 3

PRELIMINARY

DRAWING SCHEDULE

NO.	DATE	DESCRIPTION	BY	CHECKED	APPROVED	SCALE	STATUS
1	10/10/2023	COVER SHEET	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
2	10/10/2023	PROJECT SUMMARY	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
3	10/10/2023	SITE ANALYSIS	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
4	10/10/2023	BASEMENT 1 PLAN	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
5	10/10/2023	GROUND FLOOR PLAN	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
6	10/10/2023	LEVEL 1 PLAN	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
7	10/10/2023	LEVEL 2 PLAN	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
8	10/10/2023	LEVEL 3 PLAN	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
9	10/10/2023	ROOF PLAN	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
10	10/10/2023	ELEVATIONS - SHEET 1	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
11	10/10/2023	ELEVATIONS - SHEET 2	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
12	10/10/2023	ELEVATIONS - SHEET 3	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
13	10/10/2023	SECTIONS	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
14	10/10/2023	MATERIAL SCHEDULE	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
15	10/10/2023	GFA DIAGRAM	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
16	10/10/2023	NATURAL CROSS VENTILATION DIAGRAM	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
17	10/10/2023	SQUARE ACCESS DIAGRAM	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
18	10/10/2023	NATURAL OPEN SPACE	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
19	10/10/2023	ADAPTABLE UNITS	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
20	10/10/2023	SHADOW DIAGRAMS - SHEET 1	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
21	10/10/2023	SHADOW DIAGRAMS - SHEET 2	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
22	10/10/2023	LANDSCAPE CALCULATIONS DIAGRAM	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
23	10/10/2023	HEIGHT PLANE DIAGRAM	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
24	10/10/2023	3D PERSPECTIVES - SHEET 1	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
25	10/10/2023	3D PERSPECTIVES - SHEET 2	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT
26	10/10/2023	3D PERSPECTIVES - SHEET 3	J. SMITH	M. JONES	P. BROWN	1:1	ISSUED FOR PERMIT

DATE: 10/10/2023
 TIME: 10:00 AM
 PROJECT: 10/10/2023

GENERAL NOTES:

- 1. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
- 2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
- 3. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN.
- 4. THE DESIGNER HAS NOT CONDUCTED A VISUAL IMPACT ASSESSMENT.
- 5. THE DESIGNER HAS NOT CONDUCTED A CULTURAL IMPACT ASSESSMENT.
- 6. THE DESIGNER HAS NOT CONDUCTED A SOCIAL IMPACT ASSESSMENT.
- 7. THE DESIGNER HAS NOT CONDUCTED AN ENVIRONMENTAL IMPACT ASSESSMENT.
- 8. THE DESIGNER HAS NOT CONDUCTED A TRANSPORT IMPACT ASSESSMENT.
- 9. THE DESIGNER HAS NOT CONDUCTED A CLIMATE CHANGE IMPACT ASSESSMENT.
- 10. THE DESIGNER HAS NOT CONDUCTED A BIODIVERSITY IMPACT ASSESSMENT.
- 11. THE DESIGNER HAS NOT CONDUCTED A WATER RESOURCES IMPACT ASSESSMENT.
- 12. THE DESIGNER HAS NOT CONDUCTED A SOIL CONSERVATION IMPACT ASSESSMENT.
- 13. THE DESIGNER HAS NOT CONDUCTED A NOISE IMPACT ASSESSMENT.
- 14. THE DESIGNER HAS NOT CONDUCTED A LIGHT POLLUTION IMPACT ASSESSMENT.
- 15. THE DESIGNER HAS NOT CONDUCTED A RADIO FREQUENCY INTERFERENCE IMPACT ASSESSMENT.
- 16. THE DESIGNER HAS NOT CONDUCTED A TELECOMMUNICATIONS IMPACT ASSESSMENT.
- 17. THE DESIGNER HAS NOT CONDUCTED A POWER LINE INTERFERENCE IMPACT ASSESSMENT.
- 18. THE DESIGNER HAS NOT CONDUCTED A CHEMICAL HAZARD IMPACT ASSESSMENT.
- 19. THE DESIGNER HAS NOT CONDUCTED A BIOLOGICAL HAZARD IMPACT ASSESSMENT.
- 20. THE DESIGNER HAS NOT CONDUCTED A NUCLEAR HAZARD IMPACT ASSESSMENT.
- 21. THE DESIGNER HAS NOT CONDUCTED A SPACE WEATHER IMPACT ASSESSMENT.
- 22. THE DESIGNER HAS NOT CONDUCTED A COSMIC RAY IMPACT ASSESSMENT.
- 23. THE DESIGNER HAS NOT CONDUCTED A GRAVITATIONAL IMPACT ASSESSMENT.
- 24. THE DESIGNER HAS NOT CONDUCTED A QUANTUM IMPACT ASSESSMENT.
- 25. THE DESIGNER HAS NOT CONDUCTED A DARK MATTER IMPACT ASSESSMENT.
- 26. THE DESIGNER HAS NOT CONDUCTED A DARK ENERGY IMPACT ASSESSMENT.
- 27. THE DESIGNER HAS NOT CONDUCTED A MULTIDIMENSIONAL IMPACT ASSESSMENT.
- 28. THE DESIGNER HAS NOT CONDUCTED A SUPERSTRING IMPACT ASSESSMENT.
- 29. THE DESIGNER HAS NOT CONDUCTED A BRANE IMPACT ASSESSMENT.
- 30. THE DESIGNER HAS NOT CONDUCTED A STRING IMPACT ASSESSMENT.
- 31. THE DESIGNER HAS NOT CONDUCTED A LOOP IMPACT ASSESSMENT.
- 32. THE DESIGNER HAS NOT CONDUCTED A M2 IMPACT ASSESSMENT.
- 33. THE DESIGNER HAS NOT CONDUCTED A D BRANE IMPACT ASSESSMENT.
- 34. THE DESIGNER HAS NOT CONDUCTED A FUNDAMENTAL IMPACT ASSESSMENT.
- 35. THE DESIGNER HAS NOT CONDUCTED A SUPERGRAVITY IMPACT ASSESSMENT.
- 36. THE DESIGNER HAS NOT CONDUCTED A HETEROGENEOUS IMPACT ASSESSMENT.
- 37. THE DESIGNER HAS NOT CONDUCTED A NON-COMMUTATIVE IMPACT ASSESSMENT.
- 38. THE DESIGNER HAS NOT CONDUCTED A QUANTUM GRAVITY IMPACT ASSESSMENT.
- 39. THE DESIGNER HAS NOT CONDUCTED A QUANTUM COSMOLOGY IMPACT ASSESSMENT.
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- 97. THE DESIGNER HAS NOT CONDUCTED A QUANTUM ASTROPHYSICS IMPACT ASSESSMENT.
- 98. THE DESIGNER HAS NOT CONDUCTED A QUANTUM COSMOLOGY IMPACT ASSESSMENT.
- 99. THE DESIGNER HAS NOT CONDUCTED A QUANTUM GRAVITY IMPACT ASSESSMENT.
- 100. THE DESIGNER HAS NOT CONDUCTED A QUANTUM FIELD THEORY IMPACT ASSESSMENT.

PROPOSED DEVELOPMENT

Site Area: 1200.11²

Height Control: 4.0P

Permissible FFR: 15.0%

Zoning: DP - DUNEDON PARK

UNIT MIX

Level	Studio	1 Bed	2 Bed	3 Bed	Total
GROUND FLOOR	5	5	2	0	12
LEVEL 1	5	1	1	2	9
LEVEL 2	5	1	3	1	10
LEVEL 3	5	1	3	1	10
TOTAL	20	8	9	4	41

OFF SCHEDULE

Unit Type	Area (sqm)	Count
STUDIO	18.2	20
1 BED	20.0	8
2 BED	45.0	9
3 BED	52.0	4
TOTAL OFF SCHEDULE	135.2	41

RESIDENTIAL PARKING REQUIREMENTS

Requirement	Min. Rate (per unit)	No. of Units / Area	Required	Proposed
Stalls	0.2	8	2	2
1 Bed	0.4	8	4	4
2 Bed	0.6	18	10	10
3 Bed	1.1	4	4	4
Visitor	0.2	15	3	3
TOTAL			18	18

OTHER PARKING REQUIREMENTS

Requirement	Min. Rate (per unit)	No. of Units / Area	Required	Proposed
Office	0.1	15	1	1
Visitor	0.2	15	3	3
Residential	0.1	41	4	4
TOTAL			8	8

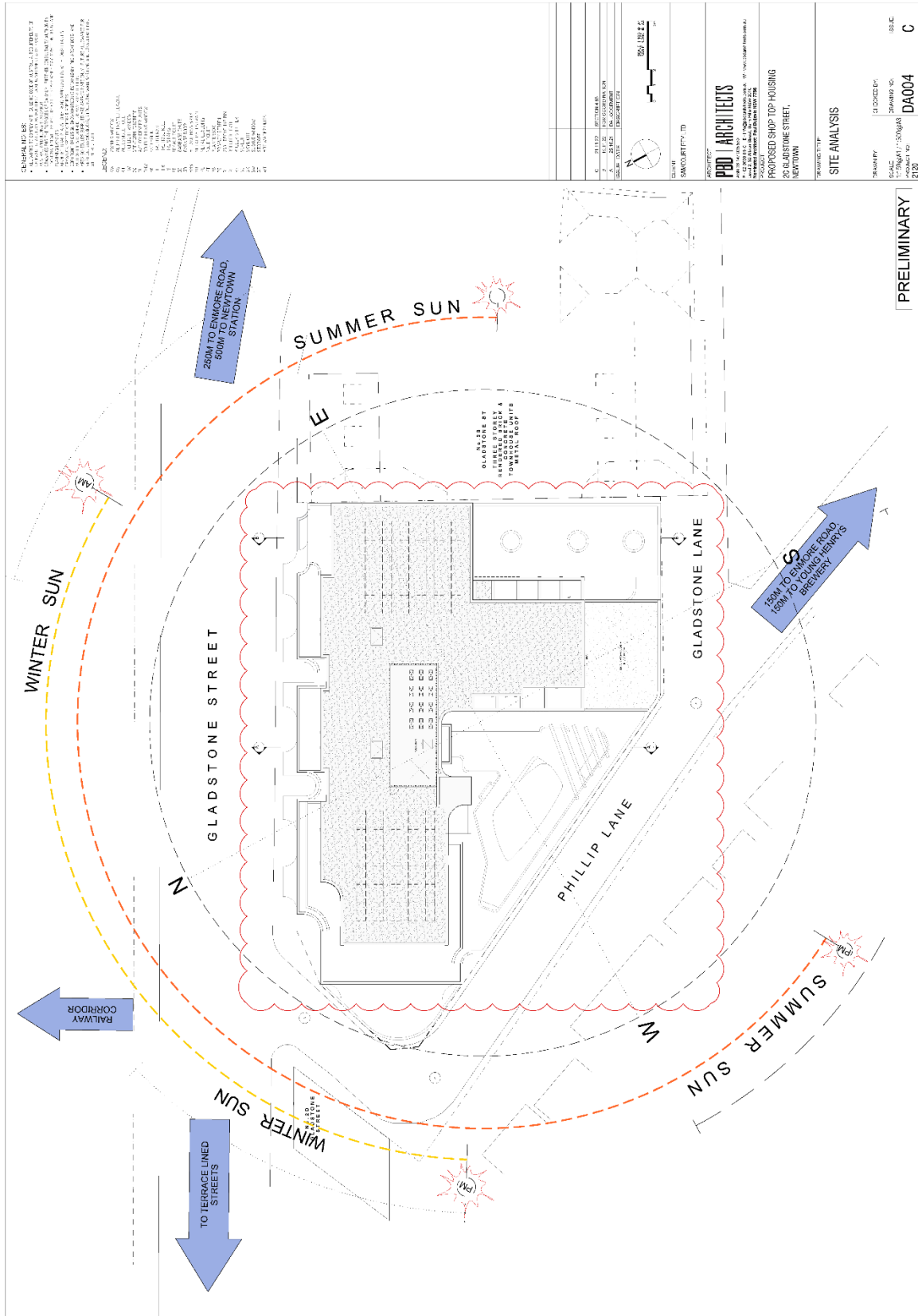
PRELIMINARY

PROJECT SUMMARY

PROJECT NO: DA002

SCALE: 1:100

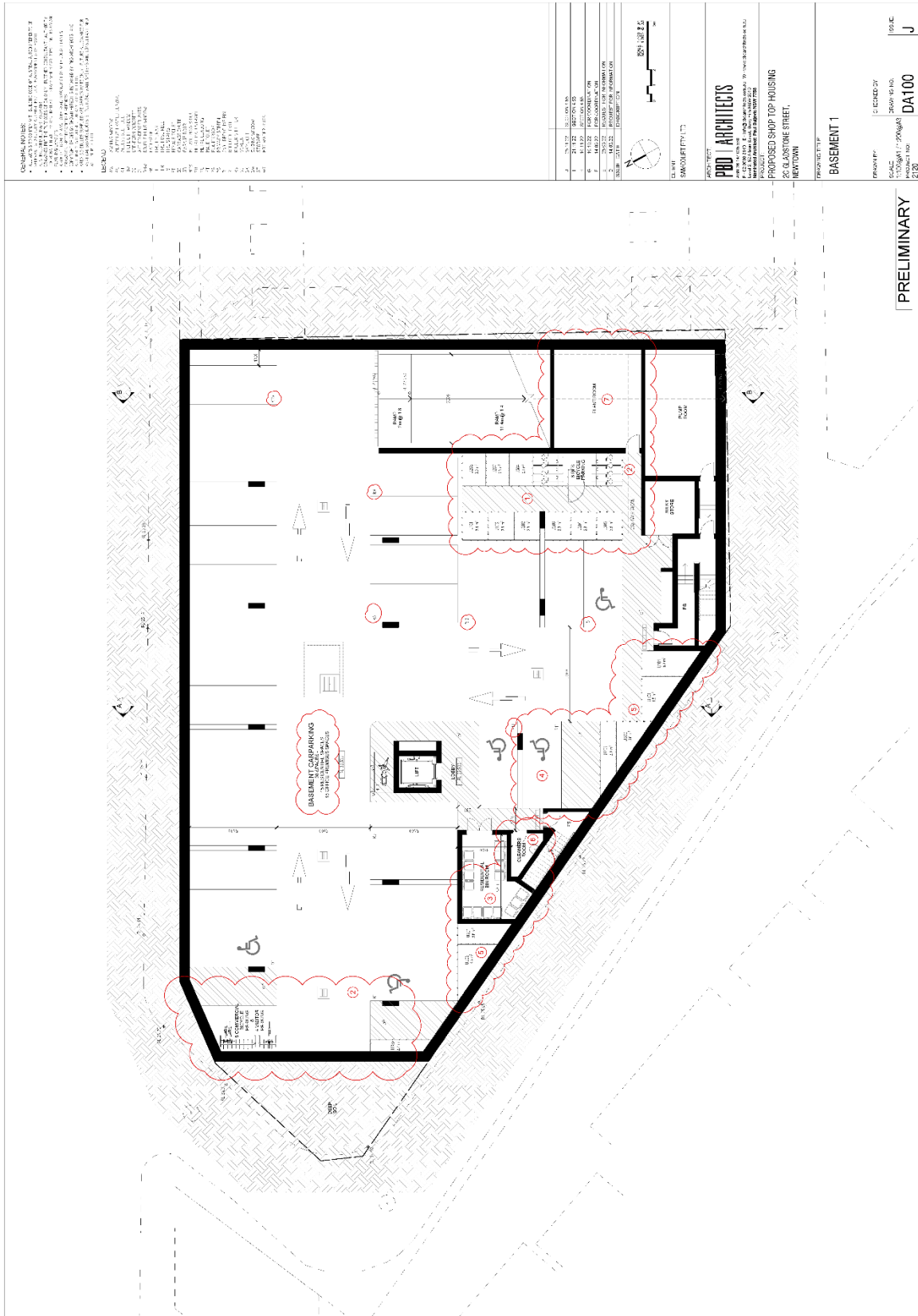
DATE: 10/10/2023

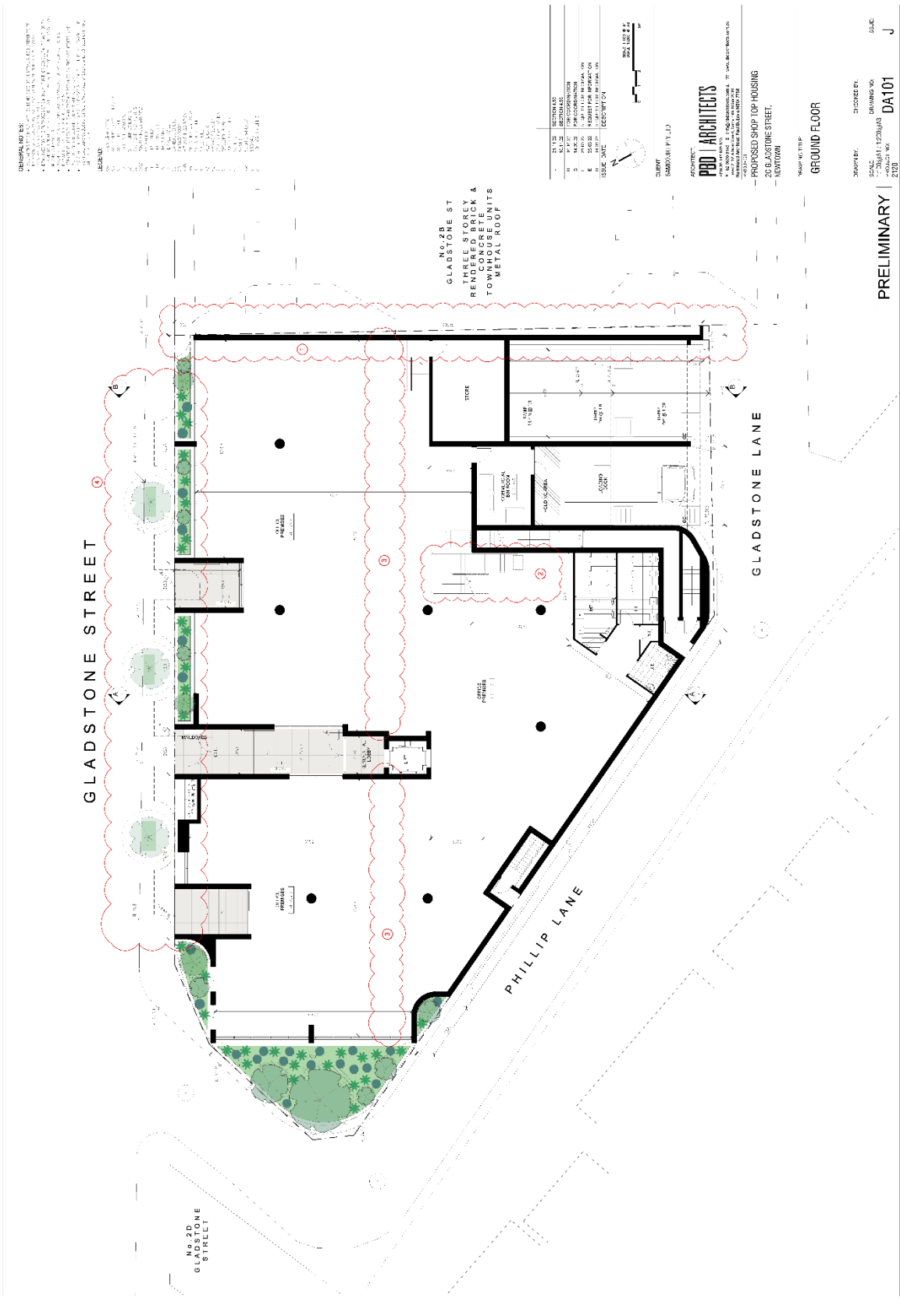


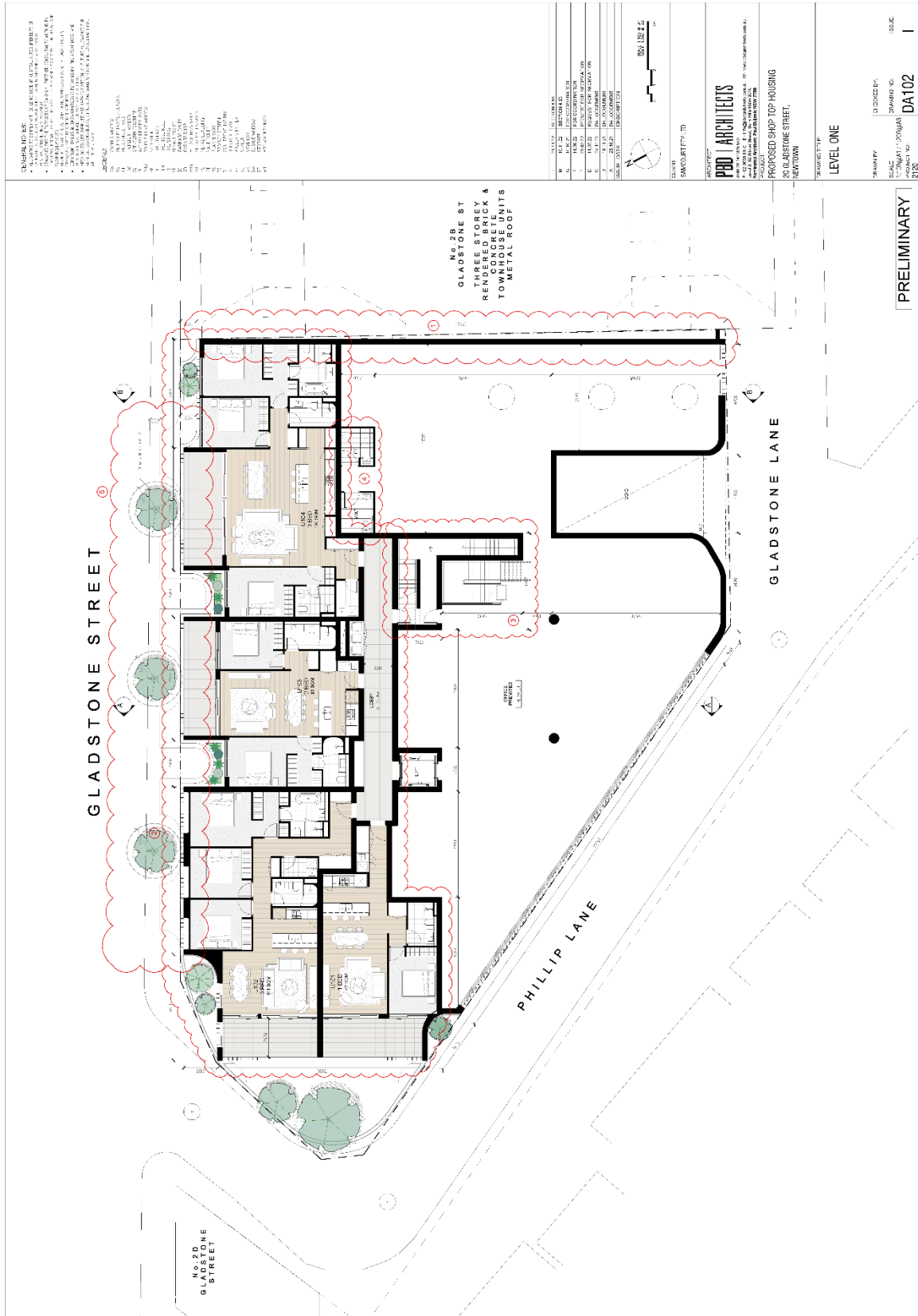
GENERAL NOTES:
 1. THIS SITE ANALYSIS IS PRELIMINARY AND FOR INFORMATION PURPOSES ONLY.
 2. THIS SITE ANALYSIS IS BASED ON THE INFORMATION PROVIDED AND THE ASSUMPTIONS MADE.
 3. THE CLIENT IS ADVISED THAT THIS SITE ANALYSIS DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY.
 4. THE CLIENT IS ADVISED THAT THIS SITE ANALYSIS IS NOT TO BE USED AS A BASIS FOR ANY DECISION.
 5. THE CLIENT IS ADVISED THAT THIS SITE ANALYSIS IS NOT TO BE USED AS A BASIS FOR ANY LEGAL PROCEEDINGS.
 6. THE CLIENT IS ADVISED THAT THIS SITE ANALYSIS IS NOT TO BE USED AS A BASIS FOR ANY CONTRACTUAL OBLIGATIONS.
 7. THE CLIENT IS ADVISED THAT THIS SITE ANALYSIS IS NOT TO BE USED AS A BASIS FOR ANY FINANCIAL DECISIONS.
 8. THE CLIENT IS ADVISED THAT THIS SITE ANALYSIS IS NOT TO BE USED AS A BASIS FOR ANY INVESTMENT DECISIONS.
 9. THE CLIENT IS ADVISED THAT THIS SITE ANALYSIS IS NOT TO BE USED AS A BASIS FOR ANY OTHER PURPOSES.
 10. THE CLIENT IS ADVISED THAT THIS SITE ANALYSIS IS NOT TO BE USED AS A BASIS FOR ANY OTHER DECISIONS.
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PRELIMINARY

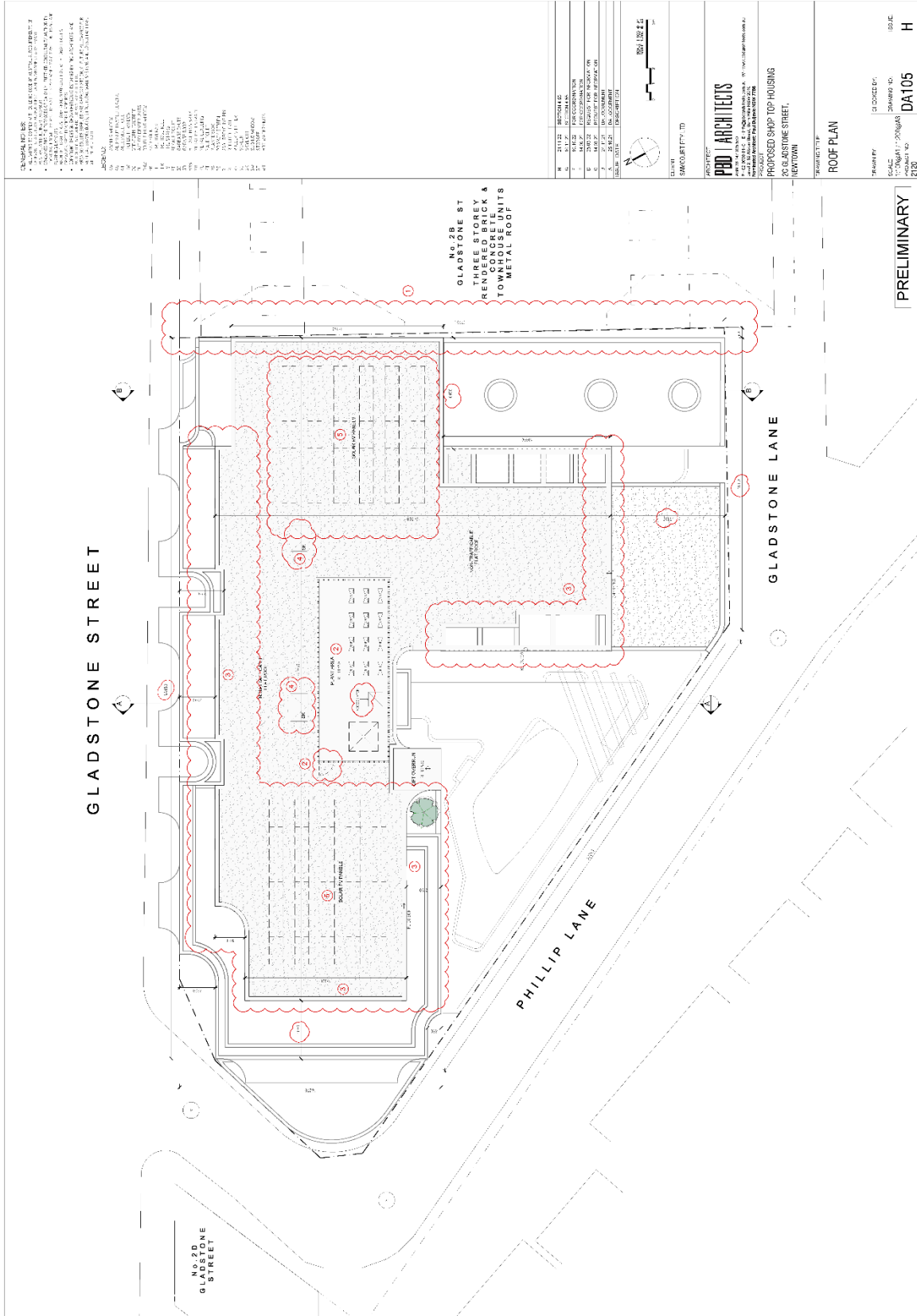
PROJECT: PROPOSED SHOP TOP HOUSING, NEWTOWN
 DRAWING NO: DA004
 DATE: 11/01/2023
 CLIENT: DAVID & JANE HAYES
 ARCHITECT: PBD ARCHITECTS
 SCALE: 1:500
 PROJECT NO: DA004





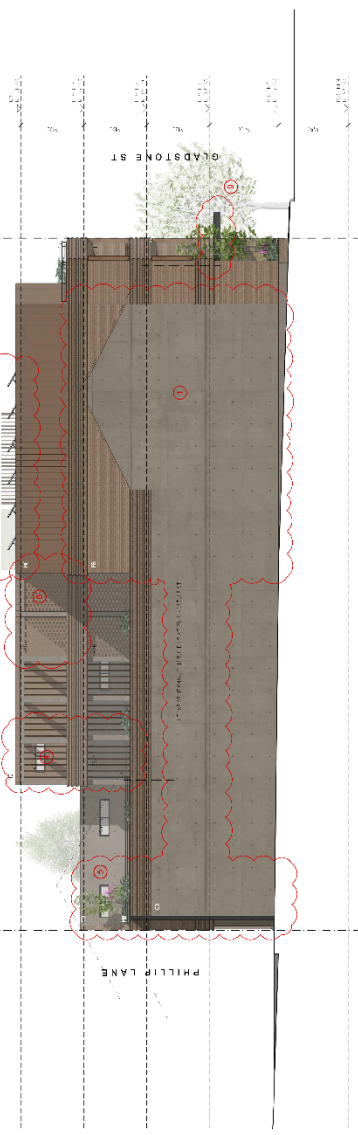




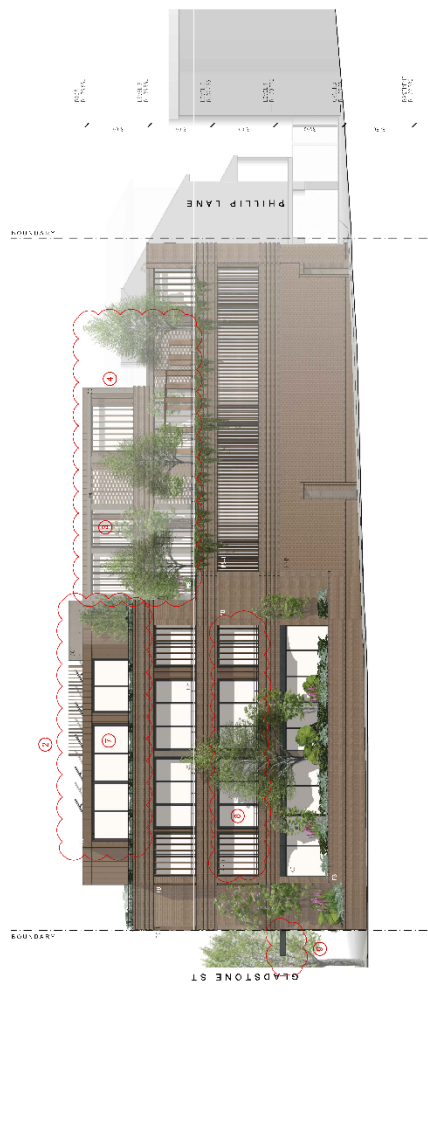


GENERAL NOTES:

1. THIS DRAWING IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
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20. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.



EAST ELEVATION



WEST ELEVATION

NO.	REVISED	DATE	DESCRIPTION
1	ISSUED	12/20/23	FOR PERMIT
2			
3			
4			
5			
6			
7			
8			
9			
10			

DATE:	12/20/23
SCALE:	AS SHOWN
PROJECT NO.:	23/0005/01
CLIENT:	SANDS/COURTY TO
ARCHITECT:	PBD ARCHITECTS
ADDRESS:	20/200A ST. ST. GEORGE ROAD, ST. GEORGE, NSW
PROJECT NAME:	PROPOSED SHOP TOP HOUSING
LOCATION:	20 GLADSTONE STREET, NEWTON
DRAWING TITLE:	ELEVATIONS - SHEET 2
DESIGNED BY:	
CHECKED BY:	
PROJECT NO.:	23/0005/01
DATE:	12/20/23
SCALE:	F

PRELIMINARY

10/23/2024 11:02:11 AM
 2024/11/15 11:02:11 AM



REVISIONS:

- 1. REVISED TO REFLECT THE LATEST APPROVED PERMITS.
- 2. REVISED TO REFLECT THE LATEST APPROVED PERMITS.
- 3. REVISED TO REFLECT THE LATEST APPROVED PERMITS.
- 4. REVISED TO REFLECT THE LATEST APPROVED PERMITS.
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- 11. REVISED TO REFLECT THE LATEST APPROVED PERMITS.
- 12. REVISED TO REFLECT THE LATEST APPROVED PERMITS.

NOTES:

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. ALL MATERIALS AND FINISHES TO BE AS SHOWN ON THE DRAWINGS.
3. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011.
4. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL REGULATIONS 2017.
5. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL WATER AND SEWERAGE REGULATIONS 2017.
6. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL PLUMBING REGULATIONS 2017.
7. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL MECHANICAL REGULATIONS 2017.
8. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL TILING REGULATIONS 2017.
9. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL PAINTING REGULATIONS 2017.
10. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL CARPENTRY REGULATIONS 2017.
11. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL JOINERY REGULATIONS 2017.
12. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL GLAZING REGULATIONS 2017.

NO.	REVISIONS	DATE
1	ISSUED FOR PERMITS	12/11/2024
2	ISSUED FOR PERMITS	12/11/2024
3	ISSUED FOR PERMITS	12/11/2024
4	ISSUED FOR PERMITS	12/11/2024
5	ISSUED FOR PERMITS	12/11/2024
6	ISSUED FOR PERMITS	12/11/2024
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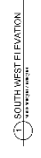
ARCHITECT
PBD ARCHITECTS
 10/100 ST. JAMES STREET, SYDNEY NSW 1585
 PHONE: (02) 9550 1234
 FAX: (02) 9550 1235
 WWW.PBDARCHITECTS.COM.AU

PROJECT
PROPOSED SHOP TOP HOUSING
 26 CLAYSTONE STREET,
 NEWTON

DATE: 12/11/2024
 DRAWING NO: DA202
 SCALE: F

ELEVATIONS - SHEET 3

PRELIMINARY





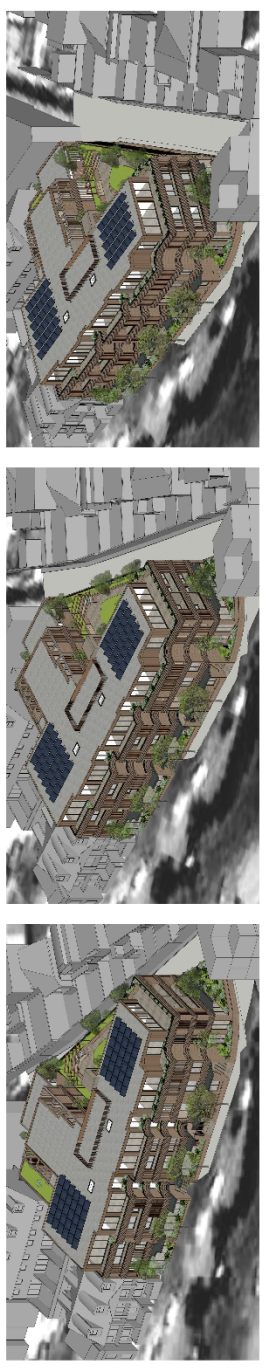


REVISIONS:
1. Revise solar shading diagram to show proposed building and existing buildings.
2. Revise solar shading diagram to show proposed building and existing buildings.
3. Revise solar shading diagram to show proposed building and existing buildings.
4. Revise solar shading diagram to show proposed building and existing buildings.
5. Revise solar shading diagram to show proposed building and existing buildings.
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9. Revise solar shading diagram to show proposed building and existing buildings.
10. Revise solar shading diagram to show proposed building and existing buildings.

NOTES:
1. Proposed building height is 12m.
2. Proposed building footprint is 20m x 30m.
3. Proposed building is located at the corner of the site.
4. Proposed building is located at the corner of the site.
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10. Proposed building is located at the corner of the site.



① JUNE 21ST - 9AM



② JUNE 21ST - 11AM

③ JUNE 21ST - 12PM



④ JUNE 21ST - 3PM

REVISIONS:

NO.	DATE	DESCRIPTION
1	11/01/20	REVISED SOLAR SHADING
2	11/01/20	REVISED SOLAR SHADING
3	11/01/20	REVISED SOLAR SHADING
4	11/01/20	REVISED SOLAR SHADING
5	11/01/20	REVISED SOLAR SHADING
6	11/01/20	REVISED SOLAR SHADING
7	11/01/20	REVISED SOLAR SHADING
8	11/01/20	REVISED SOLAR SHADING
9	11/01/20	REVISED SOLAR SHADING
10	11/01/20	REVISED SOLAR SHADING

SCALE: 1:500

PROJECT TITLE
20 & ASTOR STREET,
NEWTOWN

PROPOSED SHOP TOP HOUSING

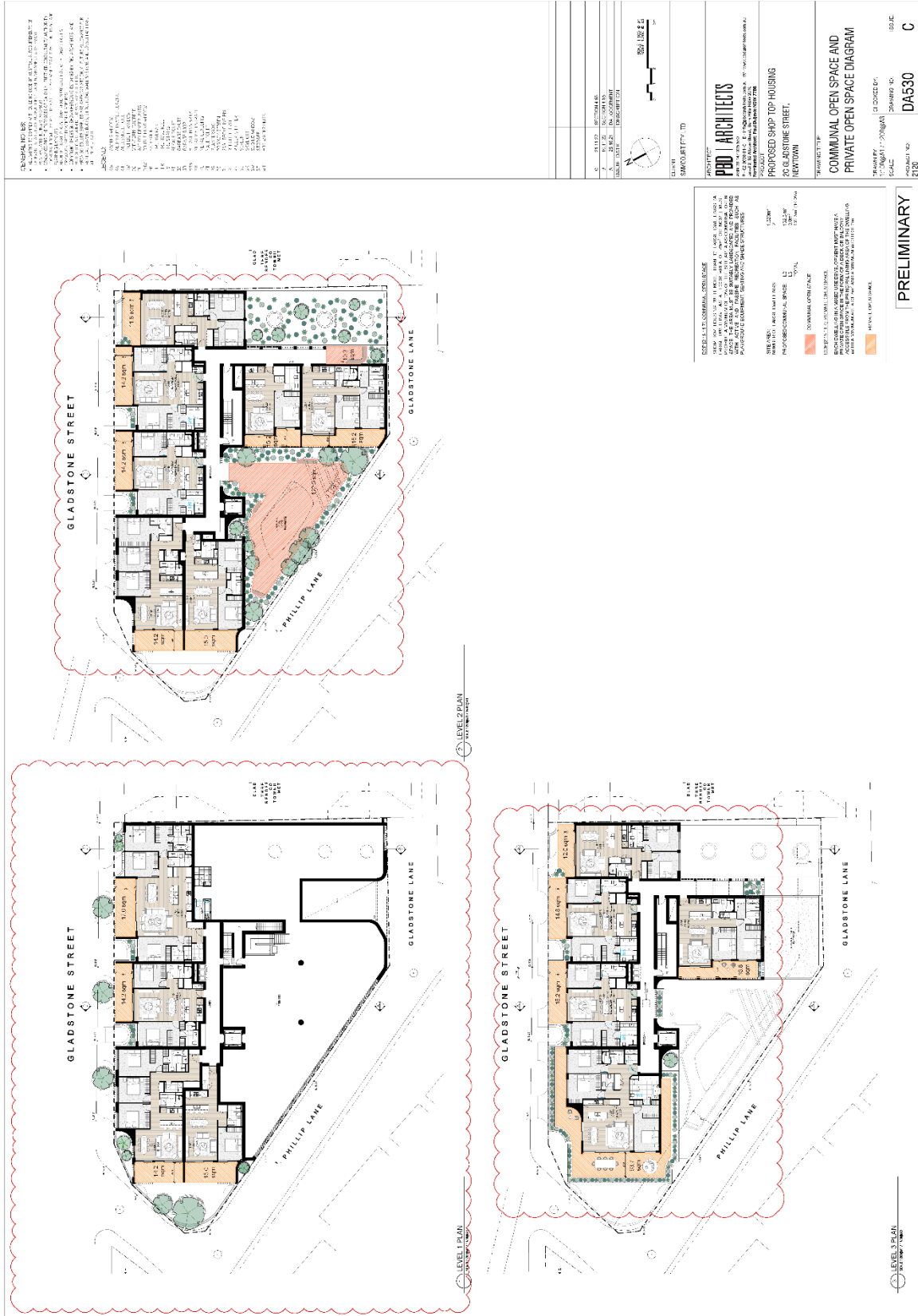
PREPARED BY
PBD ARCHITECTS

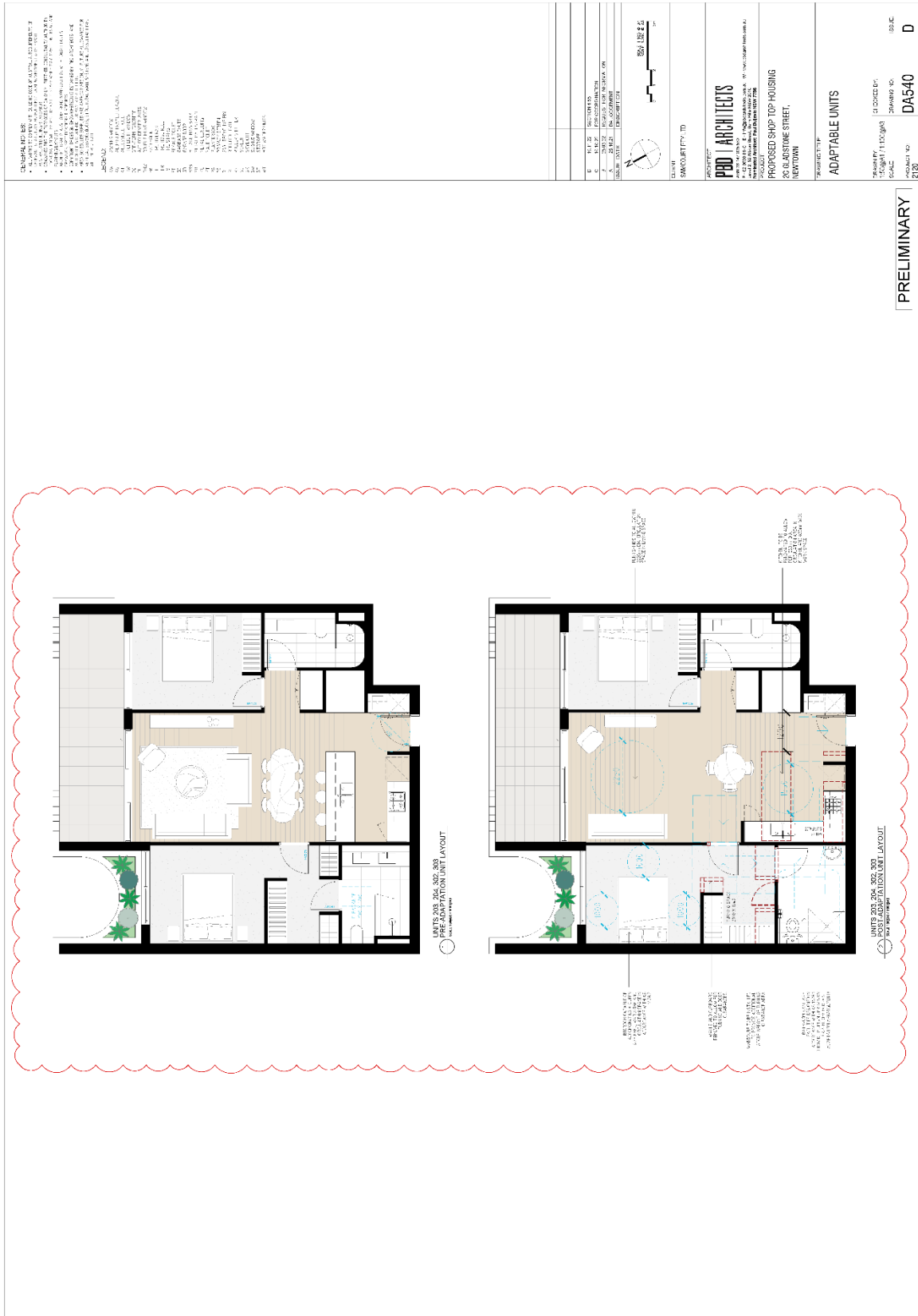
DRAWN BY
DA520

SOLAR ACCESS DIAGRAM

AZIMUTH	11:00 AM		12:00 PM		1:00 PM		2:00 PM		3:00 PM		4:00 PM		5:00 PM	
	SH	SH	SH	SH	SH	SH	SH	SH	SH	SH	SH	SH	SH	
90°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
105°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
120°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
135°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
150°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
165°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
180°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
195°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
210°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
225°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
240°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
255°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
270°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
285°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
300°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
315°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
330°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
345°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
360°	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

PRELIMINARY





GENERAL NOTES:

- 1. THIS SHADOW DIAGRAM IS A PRELIMINARY DESIGN STUDY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
- 2. THE SHADOW DIAGRAM IS BASED ON THE PROPOSED DEVELOPMENT AND IS SUBJECT TO APPROVAL BY THE LOCAL PLANNING PANEL.
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- 5. THE SHADOW DIAGRAM IS BASED ON THE PROPOSED DEVELOPMENT AND IS SUBJECT TO APPROVAL BY THE LOCAL PLANNING PANEL.

LEGEND:

- EXISTING BUILDING
- PROPOSED DEVELOPMENT
- SHADOW CAST BY PROPOSED DEVELOPMENT
- STREETS

PROJ. NO. 2024/0001

PROJ. NAME PROPOSED SHOP TOP HOUSING

PROJ. ADDRESS 25 GLASSTONE STREET, NEWTOWN

PROJ. DATE 2024/06/21

PROJ. DRAWN BY [Name]

PROJ. CHECKED BY [Name]

PROJ. APPROVED BY [Name]

PROJ. SCALE 1:1000

PROJ. SHEET NO. DA551

PROJ. SHEET TOTAL 2/20

SHADOW DIAGRAM - EXISTING BUILDINGS

SWH - JUNE 21st

SHADOW DIAGRAM - APPROVED DA

SWH - JUNE 21st

SHADOW DIAGRAM - PROPOSED DEVELOPMENT

SWH - JUNE 21st

SHADOW DIAGRAM - EXISTING BUILDINGS

SWH - JUNE 21st

SHADOW DIAGRAM - APPROVED DA

SWH - JUNE 21st

SHADOW DIAGRAM - PROPOSED DEVELOPMENT

SWH - JUNE 21st

SHADOW DIAGRAM - EXISTING BUILDINGS

SWH - JUNE 21st

SHADOW DIAGRAM - APPROVED DA

SWH - JUNE 21st

SHADOW DIAGRAM - PROPOSED DEVELOPMENT

SWH - JUNE 21st

PRELIMINARY

WWW.PBDARCHITECTS.COM.AU



PRELIMINARY

GENERAL NOTES:

- 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 2. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE N.S.W. BUILDING REGULATIONS 2015 AND THE N.S.W. PLANNING REGULATIONS 2015.
- 3. THE ARCHITECT'S OFFICE HAS CONDUCTED VISUAL IMPACT ASSESSMENT AND HAS CONSIDERED THE VISUAL IMPACT OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT.
- 4. THE ARCHITECT'S OFFICE HAS CONSIDERED THE VISUAL IMPACT OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT.
- 5. THE ARCHITECT'S OFFICE HAS CONSIDERED THE VISUAL IMPACT OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT.

LEGEND:

- 1. LANDSCAPING
- 2. GROUND FLOOR
- 3. LEVEL 1

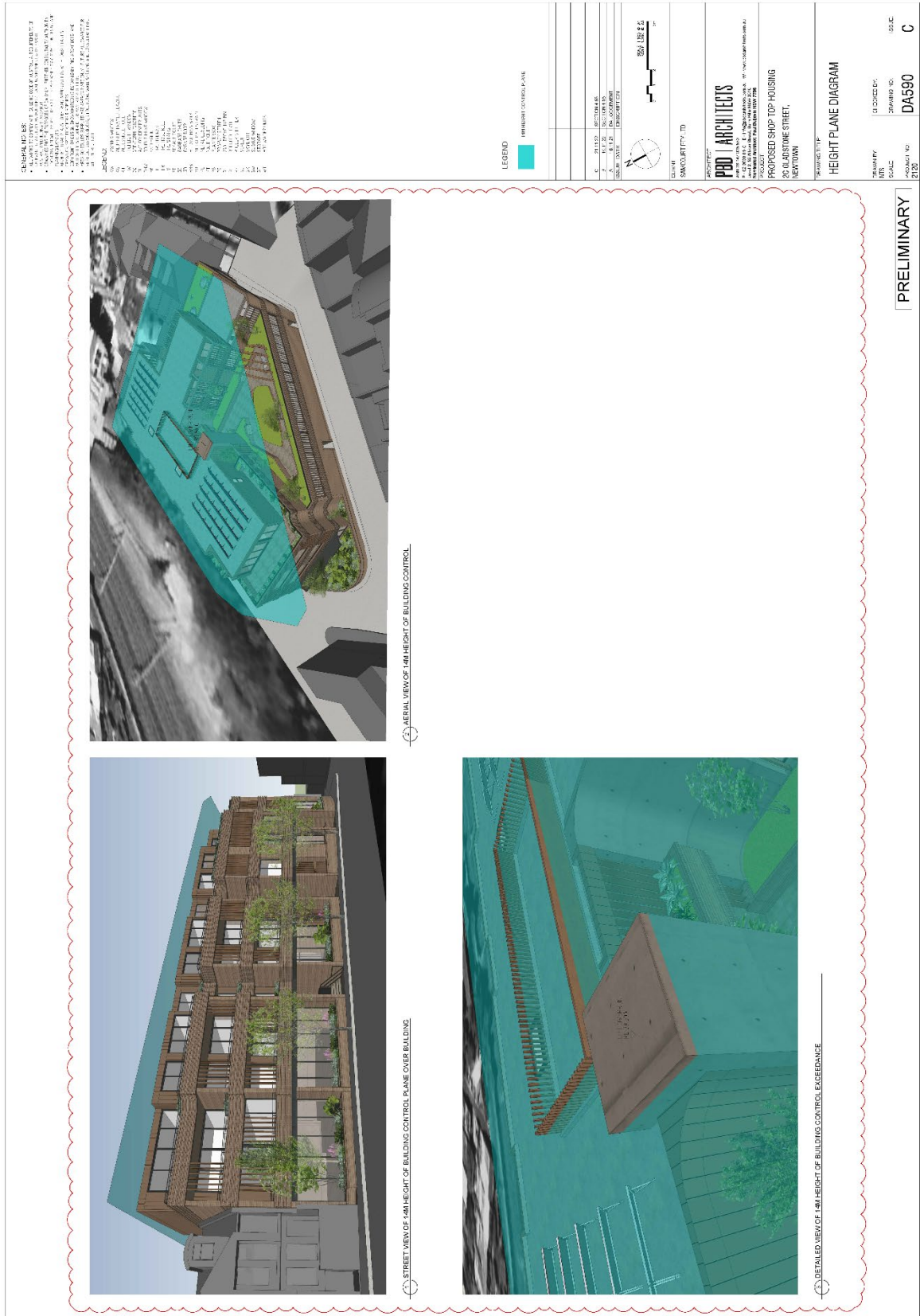
CLIENT: SMCOURTY, PTY LTD

ARCHITECT: PBD ARCHITECTS
11/111 GLENVIEW ROAD, NEWTON
NSW 1590

PROJECT NAME: PROPOSED SHOP TOP HOUSING
20 GLADSTONE STREET, NEWTON

DRAWING TITLE: LANDSCAPING DIAGRAM

TRIMMARY: 11/111 GLENVIEW ROAD
SCALE: DA570
DATE: 2024



GENERAL NOTES:

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2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
3. ALL MATERIALS AND FINISHES TO BE APPROVED BY THE LOCAL PLANNING PANEL.
4. ALL UTILITIES TO BE DEEPENED AND REINSTALLED TO MEET THE REQUIREMENTS OF THE LOCAL PLANNING PANEL.
5. ALL SERVICES TO BE INSTALLED TO MEET THE REQUIREMENTS OF THE LOCAL PLANNING PANEL.
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10. ALL SERVICES TO BE INSTALLED TO MEET THE REQUIREMENTS OF THE LOCAL PLANNING PANEL.

LEGEND:

- 1. CONCRETE
- 2. BRICK
- 3. CLAY TILE
- 4. METAL CLADDING
- 5. GLASS
- 6. WOOD
- 7. PLASTER
- 8. STONE
- 9. TERRAZZO
- 10. CARPET
- 11. LINOLEUM
- 12. PAINT
- 13. STAINLESS STEEL
- 14. ALUMINIUM
- 15. COPPER
- 16. ZINC
- 17. BRASS
- 18. BRONZE
- 19. GOLD
- 20. SILVER
- 21. BLACK
- 22. WHITE
- 23. GREY
- 24. BLUE
- 25. GREEN
- 26. RED
- 27. YELLOW
- 28. PURPLE
- 29. PINK
- 30. BROWN
- 31. TAN
- 32. BEIGE
- 33. CREAM
- 34. IVORY
- 35. SLATE
- 36. MARBLE
- 37. GRANITE
- 38. QUARTZ
- 39. GEMSTONE
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- 99. PINK
- 100. BROWN

NO.	DATE	DESCRIPTION
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2	10/11/2014	REVISED PER PERMIT
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100	10/11/2014	REVISED PER PERMIT

DATE: 10/11/2014

SCALE: 1:100

PROJECT NO: DA600

ISSUE: F

2/20

PRELIMINARY

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REVISIONS:

NO.	DATE	DESCRIPTION
1	15/01/2024	ISSUED FOR PERMIT
2	15/01/2024	ISSUED FOR PERMIT
3	15/01/2024	ISSUED FOR PERMIT
4	15/01/2024	ISSUED FOR PERMIT
5	15/01/2024	ISSUED FOR PERMIT
6	15/01/2024	ISSUED FOR PERMIT
7	15/01/2024	ISSUED FOR PERMIT
8	15/01/2024	ISSUED FOR PERMIT
9	15/01/2024	ISSUED FOR PERMIT
10	15/01/2024	ISSUED FOR PERMIT

3D PERSPECTIVES - SHEET 2

PROPOSED SHOP TOP HOUSING REATOWN

25 CLARSTONE STREET, REATOWN

ARCHITECTS
PBD ARCHITECTS
 10/120 WILSON STREET, WILSON, VIC 3177
 PH: 03 9492 1111
 WWW.PBDARCHITECTS.COM.AU

DATE: 15/01/2024
SCALE: 1:100
PROJECT NO.: DA601
CLIENT: [REDACTED]

PRELIMINARY

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- 10. THE CLIENT HAS ADVISED THAT THIS DRAWING IS FOR INFORMATION ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION.

LEGEND:

- 1. 3D PERSPECTIVE - EXTERIOR
- 2. 3D PERSPECTIVE - INTERIOR
- 3. 3D PERSPECTIVE - ROOF
- 4. 3D PERSPECTIVE - GROUND
- 5. 3D PERSPECTIVE - PLANTING
- 6. 3D PERSPECTIVE - FURNITURE
- 7. 3D PERSPECTIVE - LIGHTING
- 8. 3D PERSPECTIVE - MATERIALS
- 9. 3D PERSPECTIVE - COLORS
- 10. 3D PERSPECTIVE - TEXTURES
- 11. 3D PERSPECTIVE - SHADOWS
- 12. 3D PERSPECTIVE - REFLECTIONS
- 13. 3D PERSPECTIVE - ANIMATIONS
- 14. 3D PERSPECTIVE - RENDERING
- 15. 3D PERSPECTIVE - EXPORTING
- 16. 3D PERSPECTIVE - VIEWPORTS
- 17. 3D PERSPECTIVE - TOOLS
- 18. 3D PERSPECTIVE - SETTINGS
- 19. 3D PERSPECTIVE - HELP
- 20. 3D PERSPECTIVE - ABOUT

NO.	DATE	DESCRIPTION
1	10/10/2023	ISSUE FOR PERMIT
2	10/10/2023	ISSUE FOR PERMIT
3	10/10/2023	ISSUE FOR PERMIT
4	10/10/2023	ISSUE FOR PERMIT
5	10/10/2023	ISSUE FOR PERMIT
6	10/10/2023	ISSUE FOR PERMIT
7	10/10/2023	ISSUE FOR PERMIT
8	10/10/2023	ISSUE FOR PERMIT
9	10/10/2023	ISSUE FOR PERMIT
10	10/10/2023	ISSUE FOR PERMIT

CLIENT: **SHAWCOURT PTY LTD**

ARCHITECT: **PBD ARCHITECTS**
 1/177 WILSON STREET, SYDNEY NSW 2000
 1/177 WILSON STREET, SYDNEY NSW 2000
 1/177 WILSON STREET, SYDNEY NSW 2000

PROPOSED SHOP TOP HOUSING
 28 CLARKE STREET,
 NEWTOWN

DRAWING TITLE: **3D PERSPECTIVES - SHEET 3**

DRAWN BY: **1100415 / J.DONOVAN**

CHECKED BY: **1100415 / J.DONOVAN**

ISSUE NO: **DA602**

ISSUE: **D**




PRELIMINARY

Attachment C- Architectural excellence & design review panel meeting minutes & recommendations

-



Architectural Excellence & Design Review Panel Meeting Minutes & Recommendations

Site Address:	2c Gladstone Street Newtown
Proposal:	Section 4.55(2) Modification of Development Consent DA/2021/1188, modifications include increase total number of residential units from 12 to 16, changes to basement, unit layouts, commercial floor areas, material finishes and detailing of services to roof
Application No.:	MOD/2022/0450
Meeting Date:	21 February 2023
Previous Meeting Dates:	25 January 2022
Panel Members:	Matthew Pullinger – chair; Dr Michael Zanardo; and Garth Paterson
Apologies:	-
Council staff:	Vishal Lakhia; Annalise Ifield; and Kaitlin Zieme
Guests:	-
Declarations of Interest:	None
Applicant or applicant’s representatives to address the panel:	Paul Buljevic (PBD Architects) – Architect for the project

Background:

1. The Architectural Excellence & Design Review Panel reviewed the architectural drawings and landscape design drawings and discussed the proposed modification of an earlier approval with the applicant through an online conference.
2. The proposal was reviewed previously by the AEDRP in January 2022 and the comments were made available to this Panel.



3. The Panel thanks the applicant for providing a well-coordinated architectural and landscape design set as part of this Modification Application.
4. During the pre-briefing, the Panel was informed of a IWLEP requirement for non-residential and residential floor space ratio distribution. The Panel understands a split of 60% non-residential and 40% residential floor space ratio is required. The Panel recommends the applicant consider statutory planning advice, and whether the modification remains 'substantially the same,' with Council's assessment officers.

Discussion & Recommendations:

1. The Panel commends the overall architectural expression and well-planned internal apartment layouts considered within the proposal, and offers in principle design support for the proposed modification, subject to acceptable resolution of the following recommendations made in this report, as well as statutory planning matters.
2. The Panel notes that the new residential common corridor for 4 new apartments on Level 1 is internalised. Opportunities for the admission of natural light and ventilation into the common corridor needs to be considered to lift the amenity of this space.
3. The Panel recommends the use of clerestory windows perhaps in addition to skylights, rather than operable skylights alone to achieve natural cross ventilation to apartments.
4. The Panel discussed the apparent depth and limited access to natural light and ventilation within the Level 1 commercial space - this arises as a consequence of filling in an earlier mezzanine and void space. A suggested strategy is to introduce operable skylights to the Level 2 terrace for natural light and ventilation.
5. Further to this, the Panel encourages refinement in the relationship of the commercial use as it addresses Phillip Lane. A more developed interface between the lane and the interior space - potentially involving a combination of planting, screening and operable glazing - would bring far greater amenity to the commercial space.
6. Additionally, the Panel recommends the use of operable windows to the commercial spaces proposed on the ground floor addressing Gladstone Street to improve environmental performance, internal amenity and the capacity to activate the street.
7. The Panel suggests either a physical separation of residential and commercial uses with different circulation and lift systems to improve the amenity for the residents, or a further developed strategy to demonstrate that a single lift is adequate to serve all residential and non-residential uses efficiently.
8. The Panel encourages the addition of low level ground covers to the non-habitable rooftop surfaces, including addition of photovoltaic cells to minimise potential heat island effect.
9. A reduction in the proposed height of the retaining wall around the deep soil area at the intersection of Gladstone and Phillips is recommended to improve street integration and amenity. A suggested strategy is to create stepped treatment to allow seating integrated with the wall structure.
10. Developed architectural documentation should include details of the proposed design intent of each primary facade type with 1:20 or 1:50 sections indicating materials, balustrade types and fixing, vertical screens, junctions, rainwater drainage including any downpipes, any A/C condenser unit enclosures and similar details, including any recessed slot areas in line with the Department of Planning and Environment Application requirements March 2022 1.2(k).
11. The public art strategy/contribution was not clearly articulated and in the Panel's opinion this important public realm contribution needs to be incorporated into the current DA package.

Conclusion:

With acceptable resolution of the recommendations made in this report, the Panel is of the view that the proposal is capable of delivering an acceptable level of design quality.

Attachment D – Conditions of Consent in the event of approval

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA100 Issue E -J	Basement 1	25/03/2022 28/11/2022	PBD Architects
DA101 Issue F J	Ground Floor	28/03/2022 21/11/2022	PBD Architects
DA102 Issue E I	Level One	25/03/2022 21/11/2022	PBD Architects
DA103 Issue D H	Level Two	25/03/2022 21/11/2022	PBD Architects
DA104 Issue D H	Level Three	25/03/2022 21/11/2022	PBD Architects
DA105 issue D H	Roof Plan	25/03/2022 21/11/2022	PBD Architects
DA200 Issue B F	Elevations Sheet 1	25/03/2022 21/11/2022	PBD Architects
DA201 Issue B F	Elevations Sheet 2	25/03/2022 21/11/2022	PBD Architects
DA202 Issue B F	Elevations Sheet 3	25/03/2022 21/11/2022	PBD Architects
DA300 issue C -G	Sections	25/03/2022 21/11/2022	PBD Architects
Drawing No. 000 Issue H -I	Landscape Coversheet	30/03/2022 28/11/2022	Site Image
Drawing No. 001 Issue A	Plant Schedule	28/11/2022	Site Image
Drawing No. 101 Issue H -I	Landscape Plan Ground Floor	30/03/2022 28/11/2022	Site Image
Drawing No. 102 Issue F G	Landscape Plan Level 1	30/03/2022 28/11/2022	Site Image
Drawing No. 103 Issue G -H	Landscape Plan Level 2	30/03/2022 28/11/2022	Site Image

Drawing No. 104 Issue F G	Landscape Plan Level 3	30/03/2022 28/11/2022	Site Image
Drawing No. 501 Issue D-E	Landscape Details	29/10/2021 28/11/2022	Site Image
Drawing No. 502 Issue E-F	Landscape Details	18/03/2021 28/11/2022	Site Image

As amended by the conditions of consent.

(Amended – XX/XX/23 - MOD/2022/0450)

1A. Design change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that a minimum 1.5m setback from the perimeter of the roof top is provided for any roof top elements that exceed the height limit.

(Added – XX/XX/23 - MOD/2022/0450)

4. Section 7.11 (~~Former Section 94~~) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of ~~\$440,426.02~~ **\$490,456.00** indexed in accordance with ~~Marrickville Section 94/94A Contributions Plan 2014~~ **Inner West Local Infrastructure Contributions Plan 2023** (“CP”) has been paid to the Council.

The above contribution is the contribution applicable as at ~~13 April 2022~~ **20 May 2023**.

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

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Public Amenities Type:	Contribution \$
Recreation Facilities	\$371,303.94 \$267,123.00
Community Facilities	\$30,354.27 \$42,407.00
Traffic Facilities	\$30,132.01 \$130,864.00
Drainage	\$42,178.00

Plan Administration	-\$8,635.80 \$7,884.00
TOTAL	-\$440,426.02 \$490,456.00

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at: <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

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.~~

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

- *C_{payment} = is the contribution at time of payment*
- *C_{consent} = is the contribution at the time of consent, as shown above*
- *CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being [insert CPI value] for the [insert latest quarter and year].*
- *CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment*

Note: The contribution payable will not be less than the contribution specified in this condition.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres at council@innerwest.nsw.gov.au or 9392 5000 to request an invoice confirming

the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

(Amended – XX/XX/23 - MOD/2022/0450)

13. Residential Flat Buildings – Adaptable Dwellings

Prior to the issue of a Construction Certificate, the Certifying Authority, must be provided with plans that demonstrate ~~3-4~~ units are Adaptable units.

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

(Amended – XX/XX/23 - MOD/2022/0450)

16. Car Parking

The development must provide and maintain within the site:

- a. ~~3130~~ car parking spaces must be paved and line marked;
- b. 4 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces
- c. 16 Bicycle storage capacity within the site;
- d. 1 Loading docks/bays.
- e. **2 motorcycle spaces.**

(Amended – XX/XX/23 - MOD/2022/0450)

84. Acoustic Verification Report

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant, confirming that the development complies with the requirements of:

- a. *The State Environmental Planning Policy (Infrastructure) 2007;*
- b. *The NSW Development near Rail Corridors and Busy Roads – Interim Guideline;*
- c. *Australian Standard 2021-2000: Acoustics - Aircraft noise intrusion - Building siting and construction;*
- d. Any relevant conditions of development consent; and
- e. All recommendations of the Noise and Vibration Impact Assessment prepared by Pulse White Noise Acoustics, reference 210380, dated ~~27-October-2021~~ **11 November 2022.**

(Amended – XX/XX/23 - MOD/2022/0450)