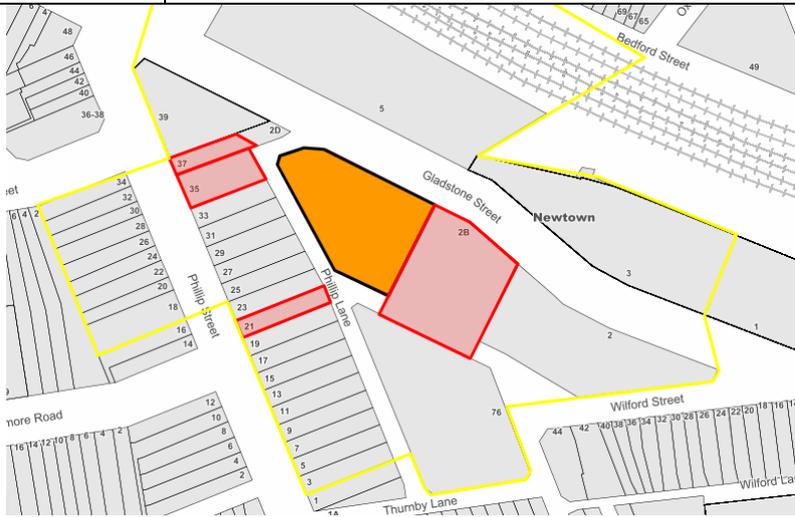


 DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	MOD/2022/0450
<b>Address</b>	2C Gladstone Street NEWTOWN
<b>Proposal</b>	Section 4.55 Modification to DA/2021/1188, modifications include changes to basement, unit layouts, commercial floor areas, material finishes and detailing of services to roof.
<b>Date of Lodgement</b>	16 December 2022
<b>Applicant</b>	Samcourt Pty Ltd
<b>Owner</b>	The Registered Proprietors Of SP 17149
<b>Number of Submissions</b>	Six (total)
<b>Value of works</b>	\$6,000,000
<b>Reason for determination at Planning Panel</b>	Variations exceed 10%
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Not substantially the same development</li> <li>• Contrary to the objectives of Zone E3 – Productivity Support</li> <li>• Contrary to Section 4.4 Floor space ratio development standard</li> <li>• Internal amenity of commercial spaces</li> </ul>
<b>Recommendation</b>	Refusal
<b>Attachment A</b>	Reasons for refusal
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Architectural excellence & design review panel meeting minutes & recommendations
<b>Attachment D</b>	Conditions of consent in the event of approval
	
LOCALITY MAP	
Subject Site 	Objectors 
Notified Area 	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 changes to the 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 at lodgement and five submissions were received. Amended plans were submitted which were inconsistent with Council's request for information and upon renotification on one submission was received.

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 of *IWLEP 2022*
- Contrary Section 4.4 (Floor space ratio) development standard of *IWLEP 2022*
- Internal amenity of commercial spaces

Given the above fundamental issues, during the assessment of the application Council requested the applicant to withdraw this application, however, amended plans have been submitted which are the subject of this report.

The non-compliances are unacceptable and therefore the application is recommended for refusal.

## 2. Proposal

The application seeks development consent under 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:

- The conversion and reconfiguration of the mezzanine level to a full first floor level through infill of a void to provide an additional 422.04sqm of commercial space.
- 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.
- 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.
- Unit 303 changed to an adaptable unit.
- 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 and glazing updated to reflect the proposed level 1 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 1,320sqm.

The site has a frontage to Gladstone Street of 39.7m 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 *Viburnum* 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.

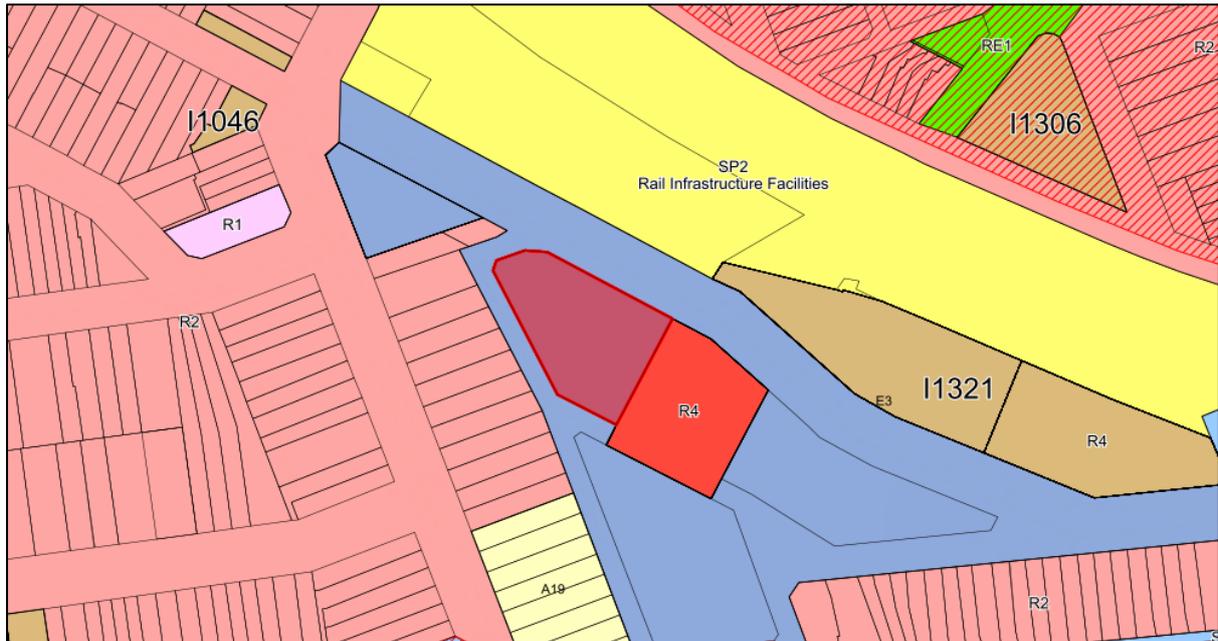


Figure 2: Zoning Map of the subject site (highlighted red).



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

## 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 February 2023	Architectural Excellence & Design Review Panel held.
27 March 2023	<p>Council issued a letter recommending withdrawal of the application based on the following issues:</p> <ul style="list-style-type: none"> <li>• Not substantially the same development</li> <li>• Consistency with zone objectives</li> </ul>
26 April 2023	The applicant advised they wish to proceed to determination with a recommendation for refusal, and Council finalised a report for the Inner West Local Planning Panel which was on the agenda for the 13 June 2023 Panel meeting.
25 May 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 June 2023	<p>Amended plans were submitted via the NSW Planning Portal which included:</p> <ul style="list-style-type: none"> <li>• Updated architectural plans</li> <li>• Updated schedule of amendments</li> <li>• Updated ADG design objective and design criteria</li> </ul>
22 June 2023	Amended plan fee was paid.
29 June 2023	Council reviewed the amended plans and advised via phone call that the proposed amendments were not consistent with what had previously been discussed (most notably the retention of the void space which was now proposed to be replaced with a full floor of commercial space) and did not resolve a number of significant issues as outlined throughout this report and would unlikely be supported.
04 July 2023	In an attempt to address Council's concerns, draft sketches and calculations were provided via email 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 <i>IWLEP 2022</i> . The draft scheme still resulted in a further substantial breach of the floor space ratio development standard.
12 July 2023	<p>Council advised the applicant via phone call and email that the amended scheme cannot be supported in principle. The submitted amended plans did not address some of the significant issues of the original design, were not consistent with what was discussed prior to the application for amendment, would not alter the recommendation for refusal, were not consistent with the modified development originally proposed.</p> <p>Council advised the applicant that the amended plans were rejected in accordance with Section 113(4) of the <i>Environmental Planning and Assessment Regulation 2021</i> and the application will be determined based on the originally submitted plans. Given that the amended plans were not supported in principle and would require renotification/re-referrals (which had not yet occurred), Council was in a position to provide a refund of the amended plan fee, and avoid incurring further fees such as the renotification fees.</p>
21 July 2023	A Refund memo for the amended plan fee was generated and approved by the Manager.

04 August 2023	Councils Finance Reporting team attempted to contact applicant for bank details to process refund however bank details withheld by applicant.
04 August 2023	The applicant submitted a legal advice prepared by Mills Oakley that Council is required to prepare their assessment report on the amended scheme submitted via the Planning Portal 14 June 2023.
08 August 2023	The Inner West Local Planning Panel was held. The Panel determined that this item will be deferred and will not be considered until the Panel receives an assessment report based on the amended scheme submitted in accordance with regulation 113 of the Environmental Planning and Assessment Regulation 2021, in accordance with the applicant's legal advice.
18 September 2023	The applicant paid the renotification fee.
27 September 2023 – 11 October 2023	The amended plans were renotified.

## 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)(i) 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"> <li>31 parking spaces</li> <li>1 motorcycle spaces</li> <li>12 bicycle spaces</li> <li>Waste, plant and storage rooms</li> <li>File and mail room (commercial GFA)</li> </ul>	<ul style="list-style-type: none"> <li><u>30 parking spaces</u></li> <li>1 motorcycle spaces</li> <li>12 bicycle spaces</li> <li>Waste, plant and storage rooms</li> <li><u>File and mail room deleted</u></li> </ul>
Ground floor	<ul style="list-style-type: none"> <li>Commercial space with 53% containing double floor to ceiling heights of 6.2m</li> </ul>	<ul style="list-style-type: none"> <li>Commercial space</li> <li><u>Double floor to ceiling height commercial space deleted</u></li> </ul>
Level 1	<ul style="list-style-type: none"> <li>Commercial space in the form of a mezzanine.</li> <li>Void space servicing the level below</li> </ul>	<ul style="list-style-type: none"> <li><u>Commercial space (increased by 422.04sqm)</u></li> <li><u>Void space deleted</u></li> </ul>
Level 2	<ul style="list-style-type: none"> <li>7 apartments                             <ul style="list-style-type: none"> <li>1 x 1 bed</li> <li>5 x 2 bed</li> <li>1 x 3 bed</li> </ul> </li> <li>Communal open space</li> </ul>	<ul style="list-style-type: none"> <li>7 apartments                             <ul style="list-style-type: none"> <li>1 x 1 bed</li> <li>5 x 2 bed</li> <li>1 x 3 bed</li> </ul> </li> <li>Communal open space</li> </ul>
Level 3	<ul style="list-style-type: none"> <li>5 apartments                             <ul style="list-style-type: none"> <li>1 x 1 bed</li> <li>3 x 2 bed</li> <li>1 x 3 bed</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>5 apartments                             <ul style="list-style-type: none"> <li><u>4 x 2 bed</u></li> <li>1 x 3 bed</li> </ul> </li> </ul>
Roof	<ul style="list-style-type: none"> <li>Plant area</li> </ul>	<ul style="list-style-type: none"> <li>Plant area</li> <li><u>Screening</u></li> <li><u>Solar PV panels</u></li> </ul>
GFA / FSR	2,702.5sqm or 2.04:1 (36.49% variation)	<u>3,124.54sqm or 2.37:1 (57.8% variation from the development standard)</u>
Residential GFA	1,081.1sqm (40% of GFA)	<u>1,182.26sqm (37.84% of GFA)</u>
Non-residential GFA	1,621.4sqm (60% of GFA)	<u>1,942.28sqm (62.16% 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).

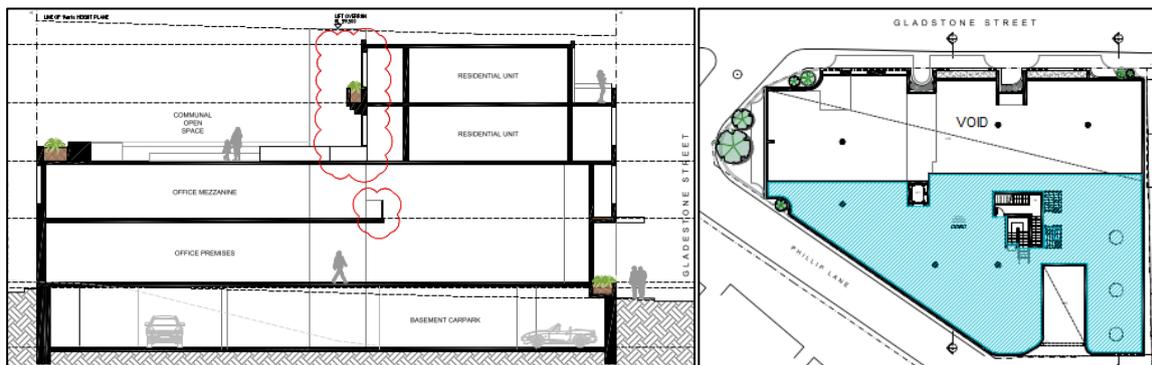


Figure 4: Approved plans – cross section and mezzanine/level 1 (GFA highlighted in blue)

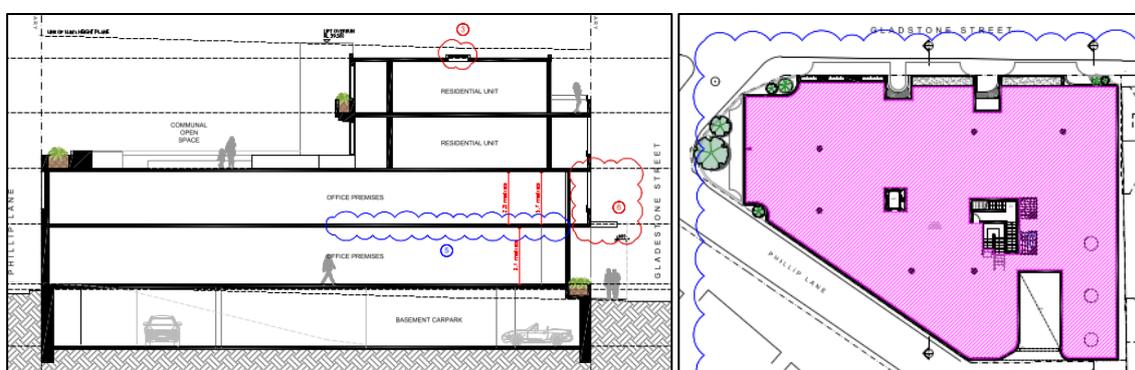


Figure 6: Revised plans – cross section and mezzanine/level 1 (GFA highlighted in pink)

As illustrated above, the infilling of the void space results in the loss 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 functionality and 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, discussed further below.

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 fails to achieve the minimum 3.3m ceiling height requirement of the Apartment Design Guide and significantly limits the nature of businesses capable of operating at the site. It appears an intent of the additional commercial floorspace is to offset the increase in apartment sizes whilst maintaining compliance with Section 6.22 of the *IWLEP 2022*, which requires not less than 60% of the total gross floor area being used for non-residential purposes.

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.

### Non-compliance with zone objectives

As mentioned above, the modified proposal results in floor plates and internal heights which are not considered to satisfy the following key objective of the E3 Productivity Support Zone:

- To facilitate development that has suitable floorplates, internal height and flexible spaces that accommodate a mix of medium to large format businesses.

The base consent approved office premises which will be utilised for creative purposes in accordance with Section 6.21 of the *IWLEP 2022* by way of condition of consent. Whilst this use is permissible, the broader intention and objectives of the E3 zone are to provide for a diversity of land uses such as those not suitable in other employment zones, emerging light industries, and creative uses, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.

As such, the internal reconfiguration and reduction in floor to ceiling heights results in a development that no longer achieves the following objectives of the zone:

- To provide a range of facilities and services, light industries, warehouses and offices.
- 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.

The approved internal configuration of the commercial spaces (including the double height ceiling) ensured that the site was capable of achieving all of the objectives of the zone. By contrast, the modified proposal results in floor plates and internal heights which significantly reduce the functionality and flexibility of future uses.

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

### Floor Space Ratio

The proposed modification will increase the total gross floor area of the proposed development by 422.04sqm from 2,702.5sqm to 3,107.5sqm with a resultant increase in the floor space ratio (FSR) from 2.04:1 to 2.37:1. The new FSR further exceeds the maximum permissible FSR under Section 4.4 of *IWLEP 2022* by 57.8% (21.31% greater 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)(ii) Section 4.55(3) Assessment

In consideration of Section 4.55(3) of the *EPA Act 1979* in relation to the determination of the original application, the Inner West Local Planning Panel in making its decision concluded that the development was acceptable for the following reasons:

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

It is considered that the modified proposal has failed to take into account those reasons that the original development consent was granted, in particular the proposed modification fails to comply with the objectives of the relevant LEP, the FSR development standard and floor to ceiling heights required for the non-residential component of the building.

#### 5(b) 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(b)(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(b)(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.

*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.

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 <sup>2</sup>	-	7%
650m <sup>2</sup> - 1,500m <sup>2</sup>	3m	
Greater than 1,500m <sup>2</sup>	6m	
Greater than 1,500m <sup>2</sup> 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 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 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 proposal makes no changes to the approved number of naturally cross ventilated apartments. 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, 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 <sup>2</sup>
1 Bedroom apartments	50m <sup>2</sup>
2 Bedroom apartments	70m <sup>2</sup>
3 Bedroom apartments	90m <sup>2</sup>

**Note:** The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> 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 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (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 complies 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 <sup>2</sup>	-
1 Bedroom apartments	8m <sup>2</sup>	2 metres
2 Bedroom apartments	10m <sup>2</sup>	2 metres
3+ Bedroom apartments	12m <sup>2</sup>	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 15m<sup>2</sup> and a minimum depth of 3 metres.

**Comment:** The modified apartment private open space and balconies 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:** The proposal makes no changes to the approved number of apartments off a circulation core.

### 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 <sup>3</sup>
2 Bedroom apartments	8m <sup>3</sup>
3+ Bedroom apartments	10m <sup>3</sup>

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

**Comment:** The modified apartment layout remains compliant with the above requirements. Adequate storage is provided for the amended 2 bed apartment 305.

Having regard to the above, whilst the proposal maintains adequate amenity for the residential component of the development, the modifications severely comprise the functionality of the commercial component which was intended for light industrial uses and creative industries. The constrained floor plate with sub optimal floor to ceiling heights restricts the ability to enable land uses which meet the requirements of the planning controls applicable to the site.

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

An updated BASIX Certificate was submitted with the application.

*5(b)(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(b)(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(b)(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"> <li>• (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,</li> <li>• (e) The proposal does not satisfactorily facilitate economic growth and employment opportunities within Inner West,</li> <li>• (i) The proposal does not satisfactorily prevent adverse social, economic and environmental impacts, including cumulative impacts.</li> </ul>	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.	No

The site is zoned E3 - Productivity Services under the *IWLEP 2022*. The development application was approved as a 'mixed use development' which comprised of **office premises** and a **residential flat building**.

- **Office premises** are permitted with consent in the E3 Productivity Services zone only where they satisfy the provisions of Cl6.21 of IWLEP 2011.
- **Residential flat building** of which the parent term **residential accommodation** is listed as a prohibited land use in the E3 Productivity Services zone. However Section 6.22 in *IWLEP 2022* (formally Clause 6.13 of *MLEP 2011*) permits **residential flat buildings** in certain circumstances.

As mentioned under Section 5(a) of this report, the modified proposal results in floor plates and internal heights which are not considered to satisfy the following key objective of the E3 Productivity Support Zone and furthermore erodes the broader consistency with the zone objectives:

- To facilitate development that has suitable floorplates, internal height and flexible spaces that accommodate a mix of medium to large format businesses.

*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.*

Control	Proposed	Compliance
Section 2.7 Demolition requires development consent	The proposal satisfies the section as follows: <ul style="list-style-type: none"> <li>• Demolition works are proposed, which are permissible with consent; and</li> <li>• 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.</li> </ul>	Yes, subject to conditions

**Part 4 – Principal development standards**

Control	Proposed	Compliance
Section 4.3 Height of building	Maximum	14m
	Proposed	14.25m (no change)
	Variation	0.25m or 1.8%
Section 4.4 Floor space ratio	Maximum	1.5:1 or 1,980sqm
	Proposed	2.37:1 or 3,124.54sqm
	Variation	1,144.54.sqm or 57.8%
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 &amp; Associates Pty Ltd</i> [1998] NSWSC 163) that states that Section 96 (now Section 4.55) is a:	N/A

	<p><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></p> <p>Notwithstanding, the assessment principles and considerations set out in Section 4.6 of <i>IWLEP 2022</i> are applied as guidance, which is discussed below this table.</p>	
--	--	--

**Section 4.6 – Exceptions to Development Standards**

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 57.8% (or 1,144.54.sqm).

It is noted that the base consent was approved with a non-compliant floor space ratio of 2.04:1 (2,702.5qm) or 36.49% exceedance. The modification is seeking a floor space ratio of 2.37:1 (3,124.54sqm) which is a further variation of 21.31% (being an additional 422.04sqm) 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, or 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:

- The additional GFA results in the loss of the double height commercial space. The loss of the double height commercial space will significantly compromise the functionality and 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 of commercial area with floor to ceiling 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 and inappropriate floor to ceiling heights 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 57.8% (3,124.54sqm). The variation results in an additional floor 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 and undermines the intent of the control.

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, including interiors' (item no. I1321) under schedule 5 of <i>IWLEP 2022</i> . The modified proposal does not alter compliance with this part.	Yes
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 premises will be utilised for creative purposes by way of condition of consent. It is acknowledged the ability to comply with this provisions is eroded by the new floors which have minimal floor to ceiling height, limiting the ability to capture genuine tenancies to facilitate business or office premises that will be used for a creative purpose.	No

<p>Section 6.22 Dwellings and residential flat buildings in Zone E3</p>	<p>The modified proposal satisfies this section as follows:</p> <ul style="list-style-type: none"> <li>• The development is part of a mixed-use development that includes office premises which are permitted within the E3 Productivity Support Zone.</li> <li>• No part of the proposed ground floor that fronts a street will be used for residential purposes (except for access and parking).</li> <li>• 62.16% of the total gross floor area of the building will be used for non-residential purposes.</li> <li>• All proposed dwellings are on the same lot of land as the non-residential uses.</li> </ul> <p>Whilst it is acknowledged the commercial/residential split complies with the prescribed control. The additional commercial floorspace has been designed to offset the increase in apartment sizes whilst maintaining compliance with Section 6.22 of the <i>IWLEP 2022</i>, which requires not less than 60% of the total gross floor area being used for non-residential purposes. This in turn results in a poor outcomes for the commercial component of the development which is the intended primary land use.</p>	<p>Complies numerically however fails to meet the intent of the zone objectives</p>
---	--	---

5(c) 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
<p>Part 2.5 – Equity of Access and Mobility</p>	<p>The modified development provides four adaptable dwellings. However, the proposed additional adaptable dwelling has not been provided with an accessible car space. Given the application proposes four adaptable dwelling which is above the minimum requirements for adaptable units (being three), a variation to the parking requirements is considered acceptable. If the application were to be recommended for approval, the existing condition would be amended accordingly.</p>	<p>Yes, subject to conditions</p>

<p>Part 2.6 – Acoustic and Visual Privacy</p>	<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"> <li>• 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</li> <li>• An Acoustic Report was submitted with the application and concluded the proposal will comply with the relevant noise emission criteria.</li> </ul>	<p>Yes</p>
<p>Part 2.7 – Solar Access and Overshadowing</p>	<p>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.</p>	<p>Yes</p>
<p>Part 2.9 – Community Safety</p>	<p>The proposed modified development does not seek to alter any of the approved outcomes.</p>	<p>Yes</p>
<p>Part 2.10 – Parking</p>	<p>Refer to discussion below.</p>	<p>Yes, subject to condition</p>
<p>Part 2.18 – Landscaping and Open Spaces</p>	<p>The proposed modified development does not seek to alter any of the approved outcomes with respect to landscaping and open space.</p>	<p>Yes</p>
<p>Part 2.20 – Tree Management</p>	<p>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.</p>	<p>Yes, subject to conditions</p>

Part 2.21 – Site Facilities and Waste Management	<ul style="list-style-type: none"> <li>The application was accompanied by an updated waste management plan in accordance with the Part; and</li> <li>Existing conditions would remain on the consent in the event of an approval.</li> </ul>	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
<b>Car Parking</b>				
Resident Car Parking – non adaptable units	<i>0.4 car parking spaces per 1 bedroom unit</i>	1 x 1 bed units = 0.4 spaces	7 spaces	Yes
	<i>0.8 car parking spaces per 2 bedroom unit</i>	5 x 2 bed unit = 4.0 spaces		
	<i>1.1 car parking spaces per 3 bedroom unit</i>	2 x 3 bed unit = 2.2 spaces		
Resident Car Parking – adaptable units	<i>1 mobility car parking space per 1 adaptable unit</i>	4 x adaptable units = 4 mobility spaces	3 spaces	No
Residential	<i>Total</i>	<i>11 spaces</i>	10 spaces	No
Office premises	<i>1 per 100sqm GFA for staff and visitors</i>	19.4 spaces	20 spaces (including 2 accessible)	Yes
<b>Bicycle Parking</b>				
Resident Bicycle Parking	<i>1 bicycle parking space per 2 units</i>	12 units = 6 spaces	8 spaces	Yes
Office Bicycle Parking	<i>1 bicycle parking space per 200sqm</i>	9.7 spaces	12 spaces	Yes
<b>Motorcycle Parking</b>				
Motorcycle Parking	5% of the total car parking requirement	30 car parking spaces required = 1.5 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 and one residential accessible space.

The original proposal complied with the minimum requirement for accessible parking (being one accessible parking space for every adaptable dwelling) and no justification has been provided for the shortfall. However, the modified application proposes an additional adaptable dwelling which is in excess of the minimum requirements. As such a variation to the parking requirements is considered acceptable in this circumstance.

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	<p>As outlined elsewhere in this report, the modified proposal does not comply with the FSR development standard. 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"> <li>• O1: The modified proposal does not ensure the density of development is compatible with the future desired character of the relevant commercial centre.</li> <li>• C1: The modified proposal is not consistent with the FSR standard prescribed within <i>IWLEP 2022</i>.</li> <li>• 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.</li> <li>• O12: The modified proposal does not facilitate the use of dual aspect building design for the commercial component.</li> <li>- C17: The modified development exceeds the maximum depth of 22m to the first floor commercial premises.</li> </ul>	No												
5.1.5.2 – Dwelling mix	<p>Unit 305 is proposed to change from a 1 bedroom apartment to a 2 bedroom apartment.</p> <p>The modified proposal provides the following mix of dwelling types:</p> <table border="1" data-bbox="408 1921 1176 2022"> <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>8.3% (1)</td> <td>No</td> </tr> </tbody> </table>		Required	Proposed	Complies	Studio	5-20%	nil	No	1 bedroom	10-40%	8.3% (1)	No	No
	Required	Proposed	Complies											
Studio	5-20%	nil	No											
1 bedroom	10-40%	8.3% (1)	No											

	<table border="1"> <tr> <td>2 bedroom</td> <td>40-75%</td> <td>75% (9)</td> <td>Yes</td> </tr> <tr> <td>3 bedroom</td> <td>10-45%</td> <td>16.7% (2)</td> <td>yes</td> </tr> </table>	2 bedroom	40-75%	75% (9)	Yes	3 bedroom	10-45%	16.7% (2)	yes	
2 bedroom	40-75%	75% (9)	Yes							
3 bedroom	10-45%	16.7% (2)	yes							
5.1.5.3 - Ceiling heights	<p>The modification has reduced the number of 1-bedroom apartments and increased the number 2-bedrrom apartments which in turn reduces the diversity in housing options provided within the development, resulting in poorer choice in dwelling types to meet a range of demographics and markets.</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"> <li>• O42 The modified proposal is detrimental to future flexibility of use.</li> <li>• O43 The modified proposal does not achieve quality interior spaces while considering the external building form requirements.</li> <li>• 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. The proposed ceiling heights do not contribute to flexibility of use.</li> </ul> <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>	No								

**Part 9 – Strategic Context**

<b>Control</b>	<b>Assessment</b>	<b>Compliance</b>
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"> <li>• (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</li> </ul>	No

#### 5(d) 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(e) 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(f) Any submissions

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

In addition, the proposal as revised was re-notified in the same manner as the original and in response one submission in opposition was received.

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

- 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
- 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
- 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 holiday period 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.

**Issue:** Additional exceedance to the height of building elements

**Comment:** The revised plans have deleted any further variation to the height of building standard.

**Issue:** Visual and acoustic privacy impacts from the two additional units 101 and 102

**Comment:** The revised plans have deleted the additional residential units from level one.

**Issue:** Increase in street traffic from the four additional residential units

**Comment:** The revised plans have deleted the additional residential units from level one.

## 5(g) The Public Interest

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

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 s4.55(2) of the *Environmental Planning and Assessment Act 1979*, refuse Application No. MOD/2022/0450 which seeks modifications including 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) Part 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 Objective 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) and (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) and (d) as:
    - i. The development does not provide an appropriate development density anticipated by the Local Environmental Plan.
    - ii. The development density does not reflect anticipated future development density of the locality.
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 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.
  - b) Part 5.1.5 – Building Use, in that the proposed dwelling mix does not provide a choice of dwelling types to meet a range of housing demographics in accordance with O37, 38, O39, and C55.
  - c) Part 5.1.5 – Building Use, in that the proposed ceiling heights to the commercial floors do not promote high quality amenity or flexible uses in accordance with O37, 38, O39, O41, O42, O43, C54 and 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*.



# Proposed Residential Building

## 2C Gladstone Street, Newtown

### Landscape Section 4.55

PLANT SCHEDULE  
 This schedule lists the plants and trees proposed for the site. The plants and trees are listed in the order they are to be installed. The plants and trees are listed in the order they are to be installed. The plants and trees are listed in the order they are to be installed.

**Legend**

1	As Shown
2	As Shown
3	As Shown
4	As Shown
5	As Shown
6	As Shown
7	As Shown
8	As Shown
9	As Shown
10	As Shown
11	As Shown
12	As Shown
13	As Shown
14	As Shown
15	As Shown
16	As Shown
17	As Shown
18	As Shown
19	As Shown
20	As Shown
21	As Shown
22	As Shown
23	As Shown
24	As Shown
25	As Shown
26	As Shown
27	As Shown
28	As Shown
29	As Shown
30	As Shown
31	As Shown
32	As Shown
33	As Shown
34	As Shown
35	As Shown
36	As Shown
37	As Shown
38	As Shown
39	As Shown
40	As Shown
41	As Shown
42	As Shown
43	As Shown
44	As Shown
45	As Shown
46	As Shown
47	As Shown
48	As Shown
49	As Shown
50	As Shown
51	As Shown
52	As Shown
53	As Shown
54	As Shown
55	As Shown
56	As Shown
57	As Shown
58	As Shown
59	As Shown
60	As Shown
61	As Shown
62	As Shown
63	As Shown
64	As Shown
65	As Shown
66	As Shown
67	As Shown
68	As Shown
69	As Shown
70	As Shown
71	As Shown
72	As Shown
73	As Shown
74	As Shown
75	As Shown
76	As Shown
77	As Shown
78	As Shown
79	As Shown
80	As Shown
81	As Shown
82	As Shown
83	As Shown
84	As Shown
85	As Shown
86	As Shown
87	As Shown
88	As Shown
89	As Shown
90	As Shown
91	As Shown
92	As Shown
93	As Shown
94	As Shown
95	As Shown
96	As Shown
97	As Shown
98	As Shown
99	As Shown
100	As Shown



Client: Sarncoort Pty Ltd

Project: 2C Gladstone Street, Newtown



\$4.55

Landscape Coversheet

SS21-4772 000 1



**Drawing Schedule**

Drawing Number	Drawing Title	Scale
000	Landscape Coversheet	N/A
001	Landscape Coversheet	N/A
101	Landscape Plan - Ground Floor	1:100
102	Landscape Plan - Level 1	1:100
103	Landscape Plan - Level 2	1:100
104	Landscape Plan - Level 3	1:100
501	Landscape Details	As Shown
502	Landscape Details	As Shown

**PLANT SCHEDULE**

Symbol	Basic Name	Common Name	Spaced Name	Plant Size (H x W)	Pre Size	Spacing	Notes/Remarks	Low Water Use	One Over Gallery Water Species
STREET TREES									
TREES									
A	Asplenium	Common Fern	Common Fern	2.0 x 1.5	200mm	As Shown	N		
B	Banksia laevigata	Common Banksia	Common Banksia	1.5 x 1.5	200mm	As Shown	N		
C	Callistemon citrinus	Common Callistemon	Common Callistemon	1.5 x 1.5	200mm	As Shown	N		
D	Conocarpus strictus	Common Conocarpus	Common Conocarpus	1.5 x 1.5	200mm	As Shown	N		
E	Crataegus monnina	Common Crataegus	Common Crataegus	1.5 x 1.5	200mm	As Shown	N		
F	Davidsonia involuta	Common Davidsonia	Common Davidsonia	1.5 x 1.5	200mm	As Shown	N		
G	Elaeagnus argentea	Common Elaeagnus	Common Elaeagnus	1.5 x 1.5	200mm	As Shown	N		
H	Excoecaria agallocha	Common Excoecaria	Common Excoecaria	1.5 x 1.5	200mm	As Shown	N		
I	Ficus virens	Common Ficus	Common Ficus	1.5 x 1.5	200mm	As Shown	N		
J	Grevillea robusta	Common Grevillea	Common Grevillea	1.5 x 1.5	200mm	As Shown	N		
K	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
L	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
M	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
N	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
O	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
P	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
Q	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
R	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
S	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
T	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
U	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
V	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
W	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
X	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
Y	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
Z	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AA	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AB	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AC	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AD	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AE	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AF	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AG	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AH	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AI	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AJ	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AK	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AL	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AM	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AN	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AO	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AP	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AQ	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AR	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AS	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AT	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AU	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AV	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AW	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AX	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AY	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
AZ	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BA	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BB	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BC	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BD	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BE	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BF	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BG	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BH	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BI	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BJ	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BK	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BL	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BM	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BN	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BO	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BP	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BQ	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BR	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BS	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BT	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BU	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BV	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BW	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BX	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BY	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
BZ	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CA	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CB	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CC	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CD	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CE	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CF	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CG	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CH	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CI	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CJ	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CK	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CL	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CM	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CN	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CO	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon	1.5 x 1.5	200mm	As Shown	N		
CP	Leptosiphon juncea	Common Leptosiphon	Common Leptosiphon						



© 2021 S&B IMAGE ARCHITECTURE PTY LTD. ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF S&B IMAGE ARCHITECTURE PTY LTD. THE INFORMATION CONTAINED HEREIN IS FOR THE EXCLUSIVE USE OF THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CLIENT ACCEPTS THAT THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CLIENT ACCEPTS THAT THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE.

- 1 S4.2
- 2 S4.3
- 3 S4.4
- 4 S4.5
- 5 S4.6
- 6 S4.7
- 7 S4.8
- 8 S4.9
- 9 S4.10
- 10 S4.11
- 11 S4.12
- 12 S4.13
- 13 S4.14
- 14 S4.15
- 15 S4.16
- 16 S4.17
- 17 S4.18
- 18 S4.19
- 19 S4.20
- 20 S4.21
- 21 S4.22
- 22 S4.23
- 23 S4.24
- 24 S4.25
- 25 S4.26
- 26 S4.27
- 27 S4.28
- 28 S4.29
- 29 S4.30
- 30 S4.31
- 31 S4.32
- 32 S4.33
- 33 S4.34
- 34 S4.35
- 35 S4.36
- 36 S4.37
- 37 S4.38
- 38 S4.39
- 39 S4.40
- 40 S4.41
- 41 S4.42
- 42 S4.43
- 43 S4.44
- 44 S4.45
- 45 S4.46
- 46 S4.47
- 47 S4.48
- 48 S4.49
- 49 S4.50
- 50 S4.51
- 51 S4.52
- 52 S4.53
- 53 S4.54
- 54 S4.55
- 55 S4.56
- 56 S4.57
- 57 S4.58
- 58 S4.59
- 59 S4.60
- 60 S4.61
- 61 S4.62
- 62 S4.63
- 63 S4.64
- 64 S4.65
- 65 S4.66
- 66 S4.67
- 67 S4.68
- 68 S4.69
- 69 S4.70
- 70 S4.71
- 71 S4.72
- 72 S4.73
- 73 S4.74
- 74 S4.75
- 75 S4.76
- 76 S4.77
- 77 S4.78
- 78 S4.79
- 79 S4.80
- 80 S4.81
- 81 S4.82
- 82 S4.83
- 83 S4.84
- 84 S4.85
- 85 S4.86
- 86 S4.87
- 87 S4.88
- 88 S4.89
- 89 S4.90
- 90 S4.91
- 91 S4.92
- 92 S4.93
- 93 S4.94
- 94 S4.95
- 95 S4.96
- 96 S4.97
- 97 S4.98
- 98 S4.99
- 99 S4.100
- 100 S4.101
- 101 S4.102
- 102 S4.103
- 103 S4.104
- 104 S4.105
- 105 S4.106
- 106 S4.107
- 107 S4.108
- 108 S4.109
- 109 S4.110
- 110 S4.111
- 111 S4.112
- 112 S4.113
- 113 S4.114
- 114 S4.115
- 115 S4.116
- 116 S4.117
- 117 S4.118
- 118 S4.119
- 119 S4.120
- 120 S4.121
- 121 S4.122
- 122 S4.123
- 123 S4.124
- 124 S4.125
- 125 S4.126
- 126 S4.127
- 127 S4.128
- 128 S4.129
- 129 S4.130
- 130 S4.131
- 131 S4.132
- 132 S4.133
- 133 S4.134
- 134 S4.135
- 135 S4.136
- 136 S4.137
- 137 S4.138
- 138 S4.139
- 139 S4.140
- 140 S4.141
- 141 S4.142
- 142 S4.143
- 143 S4.144
- 144 S4.145
- 145 S4.146
- 146 S4.147
- 147 S4.148
- 148 S4.149
- 149 S4.150
- 150 S4.151
- 151 S4.152
- 152 S4.153
- 153 S4.154
- 154 S4.155
- 155 S4.156
- 156 S4.157
- 157 S4.158
- 158 S4.159
- 159 S4.160
- 160 S4.161
- 161 S4.162
- 162 S4.163
- 163 S4.164
- 164 S4.165
- 165 S4.166
- 166 S4.167
- 167 S4.168
- 168 S4.169
- 169 S4.170
- 170 S4.171
- 171 S4.172
- 172 S4.173
- 173 S4.174
- 174 S4.175
- 175 S4.176
- 176 S4.177
- 177 S4.178
- 178 S4.179
- 179 S4.180
- 180 S4.181
- 181 S4.182
- 182 S4.183
- 183 S4.184
- 184 S4.185
- 185 S4.186
- 186 S4.187
- 187 S4.188
- 188 S4.189
- 189 S4.190
- 190 S4.191
- 191 S4.192
- 192 S4.193
- 193 S4.194
- 194 S4.195
- 195 S4.196
- 196 S4.197
- 197 S4.198
- 198 S4.199
- 199 S4.200
- 200 S4.201
- 201 S4.202
- 202 S4.203
- 203 S4.204
- 204 S4.205
- 205 S4.206
- 206 S4.207
- 207 S4.208
- 208 S4.209
- 209 S4.210
- 210 S4.211
- 211 S4.212
- 212 S4.213
- 213 S4.214
- 214 S4.215
- 215 S4.216
- 216 S4.217
- 217 S4.218
- 218 S4.219
- 219 S4.220
- 220 S4.221
- 221 S4.222
- 222 S4.223
- 223 S4.224
- 224 S4.225
- 225 S4.226
- 226 S4.227
- 227 S4.228
- 228 S4.229
- 229 S4.230
- 230 S4.231
- 231 S4.232
- 232 S4.233
- 233 S4.234
- 234 S4.235
- 235 S4.236
- 236 S4.237
- 237 S4.238
- 238 S4.239
- 239 S4.240
- 240 S4.241
- 241 S4.242
- 242 S4.243
- 243 S4.244
- 244 S4.245
- 245 S4.246
- 246 S4.247
- 247 S4.248
- 248 S4.249
- 249 S4.250
- 250 S4.251
- 251 S4.252
- 252 S4.253
- 253 S4.254
- 254 S4.255
- 255 S4.256
- 256 S4.257
- 257 S4.258
- 258 S4.259
- 259 S4.260
- 260 S4.261
- 261 S4.262
- 262 S4.263
- 263 S4.264
- 264 S4.265
- 265 S4.266
- 266 S4.267
- 267 S4.268
- 268 S4.269
- 269 S4.270
- 270 S4.271
- 271 S4.272
- 272 S4.273
- 273 S4.274
- 274 S4.275
- 275 S4.276
- 276 S4.277
- 277 S4.278
- 278 S4.279
- 279 S4.280
- 280 S4.281
- 281 S4.282
- 282 S4.283
- 283 S4.284
- 284 S4.285
- 285 S4.286
- 286 S4.287
- 287 S4.288
- 288 S4.289
- 289 S4.290
- 290 S4.291
- 291 S4.292
- 292 S4.293
- 293 S4.294
- 294 S4.295
- 295 S4.296
- 296 S4.297
- 297 S4.298
- 298 S4.299
- 299 S4.300
- 300 S4.301
- 301 S4.302
- 302 S4.303
- 303 S4.304
- 304 S4.305
- 305 S4.306
- 306 S4.307
- 307 S4.308
- 308 S4.309
- 309 S4.310
- 310 S4.311
- 311 S4.312
- 312 S4.313
- 313 S4.314
- 314 S4.315
- 315 S4.316
- 316 S4.317
- 317 S4.318
- 318 S4.319
- 319 S4.320
- 320 S4.321
- 321 S4.322
- 322 S4.323
- 323 S4.324
- 324 S4.325
- 325 S4.326
- 326 S4.327
- 327 S4.328
- 328 S4.329
- 329 S4.330
- 330 S4.331
- 331 S4.332
- 332 S4.333
- 333 S4.334
- 334 S4.335
- 335 S4.336
- 336 S4.337
- 337 S4.338
- 338 S4.339
- 339 S4.340
- 340 S4.341
- 341 S4.342
- 342 S4.343
- 343 S4.344
- 344 S4.345
- 345 S4.346
- 346 S4.347
- 347 S4.348
- 348 S4.349
- 349 S4.350
- 350 S4.351
- 351 S4.352
- 352 S4.353
- 353 S4.354
- 354 S4.355
- 355 S4.356
- 356 S4.357
- 357 S4.358
- 358 S4.359
- 359 S4.360
- 360 S4.361
- 361 S4.362
- 362 S4.363
- 363 S4.364
- 364 S4.365
- 365 S4.366
- 366 S4.367
- 367 S4.368
- 368 S4.369
- 369 S4.370
- 370 S4.371
- 371 S4.372
- 372 S4.373
- 373 S4.374
- 374 S4.375
- 375 S4.376
- 376 S4.377
- 377 S4.378
- 378 S4.379
- 379 S4.380
- 380 S4.381
- 381 S4.382
- 382 S4.383
- 383 S4.384
- 384 S4.385
- 385 S4.386
- 386 S4.387
- 387 S4.388
- 388 S4.389
- 389 S4.390
- 390 S4.391
- 391 S4.392
- 392 S4.393
- 393 S4.394
- 394 S4.395
- 395 S4.396
- 396 S4.397
- 397 S4.398
- 398 S4.399
- 399 S4.400
- 400 S4.401
- 401 S4.402
- 402 S4.403
- 403 S4.404
- 404 S4.405
- 405 S4.406
- 406 S4.407
- 407 S4.408
- 408 S4.409
- 409 S4.410
- 410 S4.411
- 411 S4.412
- 412 S4.413
- 413 S4.414
- 414 S4.415
- 415 S4.416
- 416 S4.417
- 417 S4.418
- 418 S4.419
- 419 S4.420
- 420 S4.421
- 421 S4.422
- 422 S4.423
- 423 S4.424
- 424 S4.425
- 425 S4.426
- 426 S4.427
- 427 S4.428
- 428 S4.429
- 429 S4.430
- 430 S4.431
- 431 S4.432
- 432 S4.433
- 433 S4.434
- 434 S4.435
- 435 S4.436
- 436 S4.437
- 437 S4.438
- 438 S4.439
- 439 S4.440
- 440 S4.441
- 441 S4.442
- 442 S4.443
- 443 S4.444
- 444 S4.445
- 445 S4.446
- 446 S4.447
- 447 S4.448
- 448 S4.449
- 449 S4.450
- 450 S4.451
- 451 S4.452
- 452 S4.453
- 453 S4.454
- 454 S4.455
- 455 S4.456
- 456 S4.457
- 457 S4.458
- 458 S4.459
- 459 S4.460
- 460 S4.461
- 461 S4.462
- 462 S4.463
- 463 S4.464
- 464 S4.465
- 465 S4.466
- 466 S4.467
- 467 S4.468
- 468 S4.469
- 469 S4.470
- 470 S4.471
- 471 S4.472
- 472 S4.473
- 473 S4.474
- 474 S4.475
- 475 S4.476
- 476 S4.477
- 477 S4.478
- 478 S4.479
- 479 S4.480
- 480 S4.481
- 481 S4.482
- 482 S4.483
- 483 S4.484
- 484 S4.485
- 485 S4.486
- 486 S4.487
- 487 S4.488
- 488 S4.489
- 489 S4.490
- 490 S4.491
- 491 S4.492
- 492 S4.493
- 493 S4.494
- 494 S4.495
- 495 S4.496
- 496 S4.497
- 497 S4.498
- 498 S4.499
- 499 S4.500
- 500 S4.501
- 501 S4.502
- 502 S4.503
- 503 S4.504
- 504 S4.505
- 505 S4.506
- 506 S4.507
- 507 S4.508
- 508 S4.509
- 509 S4.510
- 510 S4.511
- 511 S4.512
- 512 S4.513
- 513 S4.514
- 514 S4.515
- 515 S4.516
- 516 S4.517
- 517 S4.518
- 518 S4.519
- 519 S4.520
- 520 S4.521
- 521 S4.522
- 522 S4.523
- 523 S4.524
- 524 S4.525
- 525 S4.526
- 526 S4.527
- 527 S4.528
- 528 S4.529
- 529 S4.530
- 530 S4.531
- 531 S4.532
- 532 S4.533
- 533 S4.534
- 534 S4.535
- 535 S4.536
- 536 S4.537
- 537 S4.538
- 538 S4.539
- 539 S4.540
- 540 S4.541
- 541 S4.542
- 542 S4.543
- 543 S4.544
- 544 S4.545
- 545 S4.546
- 546 S4.547
- 547 S4.548
- 548 S4.549
- 549 S4.550
- 550 S4.551
- 551 S4.552
- 552 S4.553
- 553 S4.554
- 554 S4.555
- 555 S4.556
- 556 S4.557
- 557 S4.558
- 558 S4.559
- 559 S4.560
- 560 S4.561
- 561 S4.562
- 562 S4.563
- 563 S4.564
- 564 S4.565
- 565 S4.566
- 566 S4.567
- 567 S4.568
- 568 S4.569
- 569 S4.570
- 570 S4.571
- 571 S4.572
- 572 S4.573
- 573 S4.574
- 574 S4.575
- 575 S4.576
- 576 S4.577
- 577 S4.578
- 578 S4.579
- 579 S4.580
- 580 S4.581
- 581 S4.582
- 582 S4.583
- 583 S4.584
- 584 S4.585
- 585 S4.586
- 586 S4.587
- 587 S4.588
- 588 S4.589
- 589 S4.590
- 590 S4.591
- 591 S4.592
- 592 S4.593
- 593 S4.594
- 594 S4.595
- 595 S4.596
- 596 S4.597
- 597 S4.598
- 598 S4.599
- 599 S4.600
- 600 S4.601
- 601 S4.602
- 602 S4.603
- 603 S4.604
- 604 S4.605
- 605 S4.606
- 606 S4.607
- 607 S4.608
- 608 S4.609
- 609 S4.610
- 610 S4.611
- 611 S4.612
- 612 S4.613
- 613 S4.614
- 614 S4.615
- 615 S4.616
- 616 S4.617
- 617 S4.618
- 618 S4.619
- 619 S4.620
- 620 S4.621
- 621 S4.622
- 622 S4.623
- 623 S4.624
- 624 S4.625
- 625 S4.626
- 626 S4.627
- 627 S4.628
- 628 S4.629
- 629 S4.630
- 630 S4.631
- 631 S4.632
- 632 S4.633
- 633 S4.634
- 634 S4.635
- 635 S4.636
- 636 S4.637
- 637 S4.638
- 638 S4.639
- 639 S4.640
- 640 S4.641
- 641 S4.642
- 642 S4.643
- 643 S4.644
- 644 S4.645
- 645 S4.646
- 646 S4.647
- 647 S4.648
- 648 S4.649
- 649 S4.650
- 650 S4.651
- 651 S4.652
- 652 S4.653
- 653 S4.654
- 654 S4.655
- 655 S4.656
- 656 S4.657
- 657 S4.658
- 658 S4.659
- 659 S4.660
- 660 S4.661
- 661 S4.662
- 662 S4.663
- 663 S4.664
- 664 S4.665
- 665 S4.666
- 666 S4.667
- 667 S4.668
- 668 S4.669
- 669 S4.670
- 670 S4.671
- 671 S4.672
- 672 S4.673
- 673 S4.674
- 674 S4.675
- 675 S4.676
- 676 S4.677
- 677 S4.678
- 678 S4.679
- 679 S4.680
- 680 S4.681
- 681 S4.682
- 682 S4.683
- 683 S4.684
- 684 S4.685
- 685 S4.686
- 686 S4.687
- 687 S4.688
- 688 S4.689
- 689 S4.690
- 690 S4.691
- 691 S4.692
- 692 S4.693
- 693 S4.694
- 694 S4.695
- 695 S4.696
- 696 S4.697
- 697 S4.698
- 698 S4.699
- 699 S4.700
- 700 S4.701
- 701 S4.702
- 702 S4.703
- 703 S4.704
- 704 S4.705
- 705 S4.706
- 706 S4.707
- 707 S4.708
- 708 S4.709
- 709 S4.710
- 710 S4.711
- 711 S4.712
- 712 S4.713
- 713 S4.714
- 714 S4.715
- 715 S4.716
- 716 S4.717
- 717 S4.718
- 718 S4.719
- 719 S4.720
- 720 S4.721
- 721 S4.722
- 722 S4.723
- 723 S4.724
- 724 S4.725
- 725 S4.726
- 726 S4.727
- 727 S4.728
- 728 S4.729
- 729 S4.730
- 730 S4.731
- 731 S4.732
- 732 S4.733
- 733 S4.734
- 734 S4.735
- 735 S4.736
- 736 S4.737
- 737 S4.738
- 738 S4.739
- 739 S4.740
- 740 S4.741
- 741 S4.742
- 742 S4.743
- 743 S4.744
- 744 S4.745
- 745 S4.746
- 746 S4.747
- 747 S4.748
- 748 S4.749
- 749 S4.750
- 750 S4.751
- 751 S4.752
- 752 S4.753
- 753 S4.754
- 754 S4.755
- 755 S4.756
- 756 S4.757
- 757 S4.758
- 758 S4.759
- 759 S4.760
- 760 S4.761
- 761 S4.762
- 762 S4.763
- 763 S4.764
- 764 S4.765
- 765 S4.766
- 766 S4.767
- 767 S4.768
- 768 S4.769
- 769 S4.770
- 770 S4.771
- 771 S4.772
- 772 S4.773
- 773 S4.774
- 774 S4.775
- 775 S4.776
- 776 S4.777
- 777 S4.778
- 778 S4.779
- 779 S4.780
- 780 S4.781
- 781 S4.782
- 782 S4.783
- 783 S4.784
- 784 S4.785
- 785 S4.786
- 786 S4.787
- 787 S4.788
- 788 S4.789
- 789 S4.790
- 790 S4.791
- 791 S4.792
- 792 S4.793
- 793 S4.794
- 794 S4.795
- 795 S4.796
- 796 S4.797
- 797 S4.798
- 798 S4.799
- 799 S4.800
- 800 S4.801
- 801 S4.802
- 802 S4.803
- 803 S4.804
- 804 S4.805
- 805 S4.806
- 806 S4.807
- 807 S4.808
- 808 S4.809
- 809 S4.810
- 810 S4.811
- 811 S4.812
- 812 S4.813
- 813 S4.814
- 814 S4.815
- 815 S4.816
- 816 S4.817
- 817 S4.818
- 818 S4.819
-

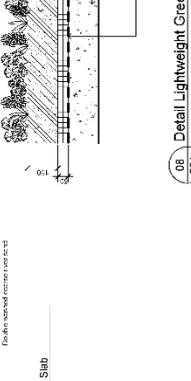
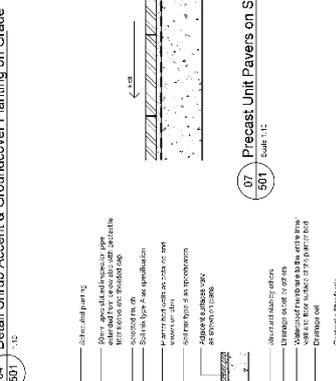
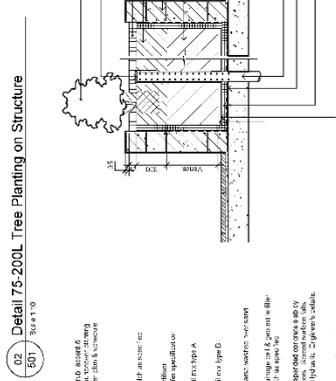
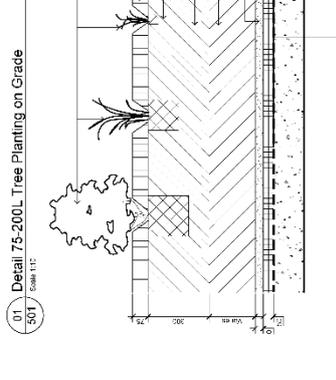
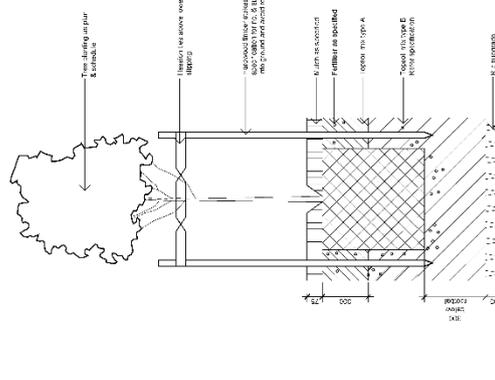
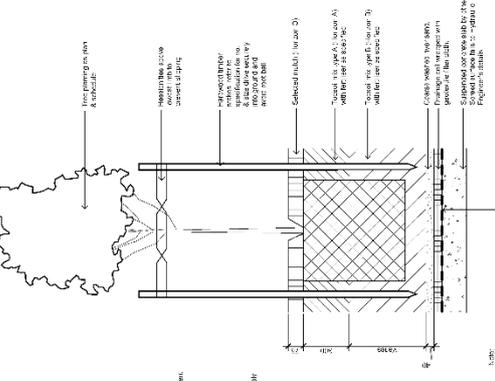
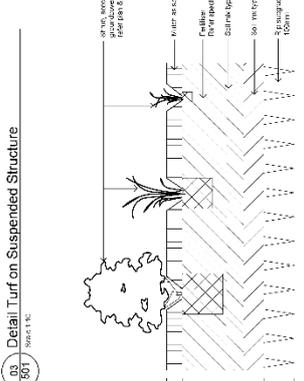
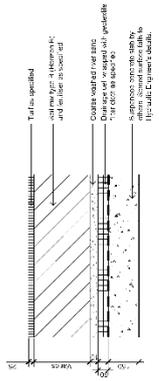






© 2014 by the NSW State Government. All rights reserved. This document is the property of the NSW State Government and is loaned to you for your use only. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the NSW State Government. The NSW State Government is not responsible for any loss or damage to your property or any other loss or damage that may result from the use of this document.

E	Excavation	10	100	100	100
F	Formwork	10	100	100	100
G	Gravel	10	100	100	100
H	Concrete	10	100	100	100
I	Reinforcement	10	100	100	100
J	Insulation	10	100	100	100
K	Drainage	10	100	100	100
L	Foundation	10	100	100	100



04 Samour Pty Ltd  
20 Gladstone Street, Newtown  
NSW 1590  
Phone: 02 9550 1234  
Email: info@samour.com.au  
www.samour.com.au

SITE IMAGE

S4.55

Drawn by: [Name]  
Landscape Details

Scale: As Shown  
Drawing No: SS21-4772  
Date: 01/10/2023

NOT FOR CONSTRUCTION





















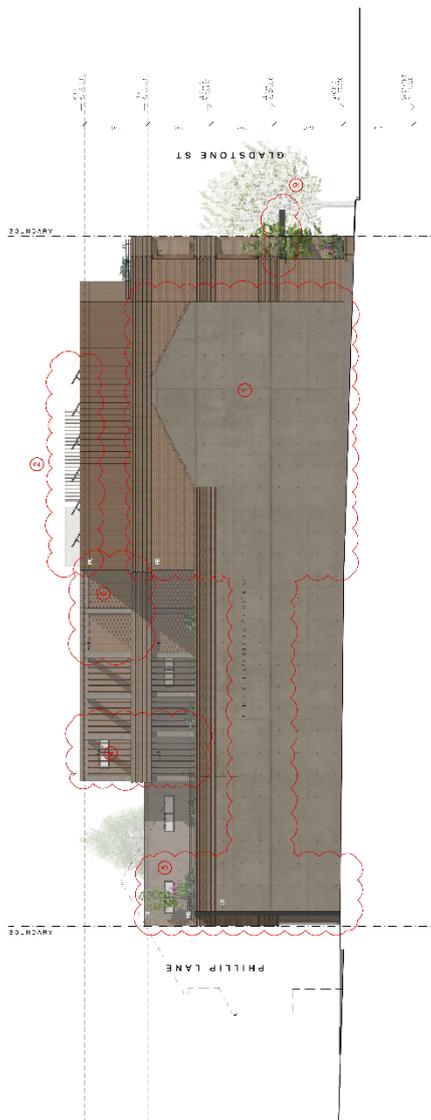


**GENERAL NOTES:**

1. THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
3. ALL MATERIALS AND FINISHES ARE TO BE APPROVED BY THE LOCAL PLANNING PANEL.
4. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2012.
5. ALL WORK IS TO BE IN ACCORDANCE WITH THE LOCAL PLANNING PANEL REQUIREMENTS.
6. ALL WORK IS TO BE IN ACCORDANCE WITH THE LOCAL PLANNING PANEL REQUIREMENTS.
7. ALL WORK IS TO BE IN ACCORDANCE WITH THE LOCAL PLANNING PANEL REQUIREMENTS.
8. ALL WORK IS TO BE IN ACCORDANCE WITH THE LOCAL PLANNING PANEL REQUIREMENTS.
9. ALL WORK IS TO BE IN ACCORDANCE WITH THE LOCAL PLANNING PANEL REQUIREMENTS.
10. ALL WORK IS TO BE IN ACCORDANCE WITH THE LOCAL PLANNING PANEL REQUIREMENTS.

**LEGEND:**

- 1. EXISTING
- 2. PROPOSED
- 3. TO BE DEMOLISHED
- 4. TO BE RETAINED
- 5. TO BE RELOCATED
- 6. TO BE REPLACED
- 7. TO BE ENLARGED
- 8. TO BE REDUCED
- 9. TO BE REMOVED
- 10. TO BE ADDED
- 11. TO BE MODIFIED
- 12. TO BE MAINTAINED
- 13. TO BE REPAIRED
- 14. TO BE REPLACED
- 15. TO BE ENLARGED
- 16. TO BE REDUCED
- 17. TO BE REMOVED
- 18. TO BE ADDED
- 19. TO BE MODIFIED
- 20. TO BE MAINTAINED
- 21. TO BE REPAIRED
- 22. TO BE REPLACED
- 23. TO BE ENLARGED
- 24. TO BE REDUCED
- 25. TO BE REMOVED
- 26. TO BE ADDED
- 27. TO BE MODIFIED
- 28. TO BE MAINTAINED
- 29. TO BE REPAIRED
- 30. TO BE REPLACED
- 31. TO BE ENLARGED
- 32. TO BE REDUCED
- 33. TO BE REMOVED
- 34. TO BE ADDED
- 35. TO BE MODIFIED
- 36. TO BE MAINTAINED
- 37. TO BE REPAIRED
- 38. TO BE REPLACED
- 39. TO BE ENLARGED
- 40. TO BE REDUCED
- 41. TO BE REMOVED
- 42. TO BE ADDED
- 43. TO BE MODIFIED
- 44. TO BE MAINTAINED
- 45. TO BE REPAIRED
- 46. TO BE REPLACED
- 47. TO BE ENLARGED
- 48. TO BE REDUCED
- 49. TO BE REMOVED
- 50. TO BE ADDED
- 51. TO BE MODIFIED
- 52. TO BE MAINTAINED
- 53. TO BE REPAIRED
- 54. TO BE REPLACED
- 55. TO BE ENLARGED
- 56. TO BE REDUCED
- 57. TO BE REMOVED
- 58. TO BE ADDED
- 59. TO BE MODIFIED
- 60. TO BE MAINTAINED
- 61. TO BE REPAIRED
- 62. TO BE REPLACED
- 63. TO BE ENLARGED
- 64. TO BE REDUCED
- 65. TO BE REMOVED
- 66. TO BE ADDED
- 67. TO BE MODIFIED
- 68. TO BE MAINTAINED
- 69. TO BE REPAIRED
- 70. TO BE REPLACED
- 71. TO BE ENLARGED
- 72. TO BE REDUCED
- 73. TO BE REMOVED
- 74. TO BE ADDED
- 75. TO BE MODIFIED
- 76. TO BE MAINTAINED
- 77. TO BE REPAIRED
- 78. TO BE REPLACED
- 79. TO BE ENLARGED
- 80. TO BE REDUCED
- 81. TO BE REMOVED
- 82. TO BE ADDED
- 83. TO BE MODIFIED
- 84. TO BE MAINTAINED
- 85. TO BE REPAIRED
- 86. TO BE REPLACED
- 87. TO BE ENLARGED
- 88. TO BE REDUCED
- 89. TO BE REMOVED
- 90. TO BE ADDED
- 91. TO BE MODIFIED
- 92. TO BE MAINTAINED
- 93. TO BE REPAIRED
- 94. TO BE REPLACED
- 95. TO BE ENLARGED
- 96. TO BE REDUCED
- 97. TO BE REMOVED
- 98. TO BE ADDED
- 99. TO BE MODIFIED
- 100. TO BE MAINTAINED



EAST ELEVATION  
1:100 (1:100)



WEST ELEVATION  
1:100 (1:100)

1	DATE	DESCRIPTION
1	10/10/2023	ISSUED FOR PERMIT
2	10/10/2023	ISSUED FOR PERMIT
3	10/10/2023	ISSUED FOR PERMIT
4	10/10/2023	ISSUED FOR PERMIT
5	10/10/2023	ISSUED FOR PERMIT
6	10/10/2023	ISSUED FOR PERMIT
7	10/10/2023	ISSUED FOR PERMIT
8	10/10/2023	ISSUED FOR PERMIT
9	10/10/2023	ISSUED FOR PERMIT
10	10/10/2023	ISSUED FOR PERMIT

SCALE: 1:100 (1:100)

PROJECT NO: DA201

DATE: 10/10/2023

ARCHITECT: PBD ARCHITECTS

PROFESSOR SHOP TOP HOUSING

30 CLARSTONE STREET, NEWTOWN

ELEVATIONS - SHEET 2

SCALE: 1:100 (1:100)

PROJECT NO: DA201

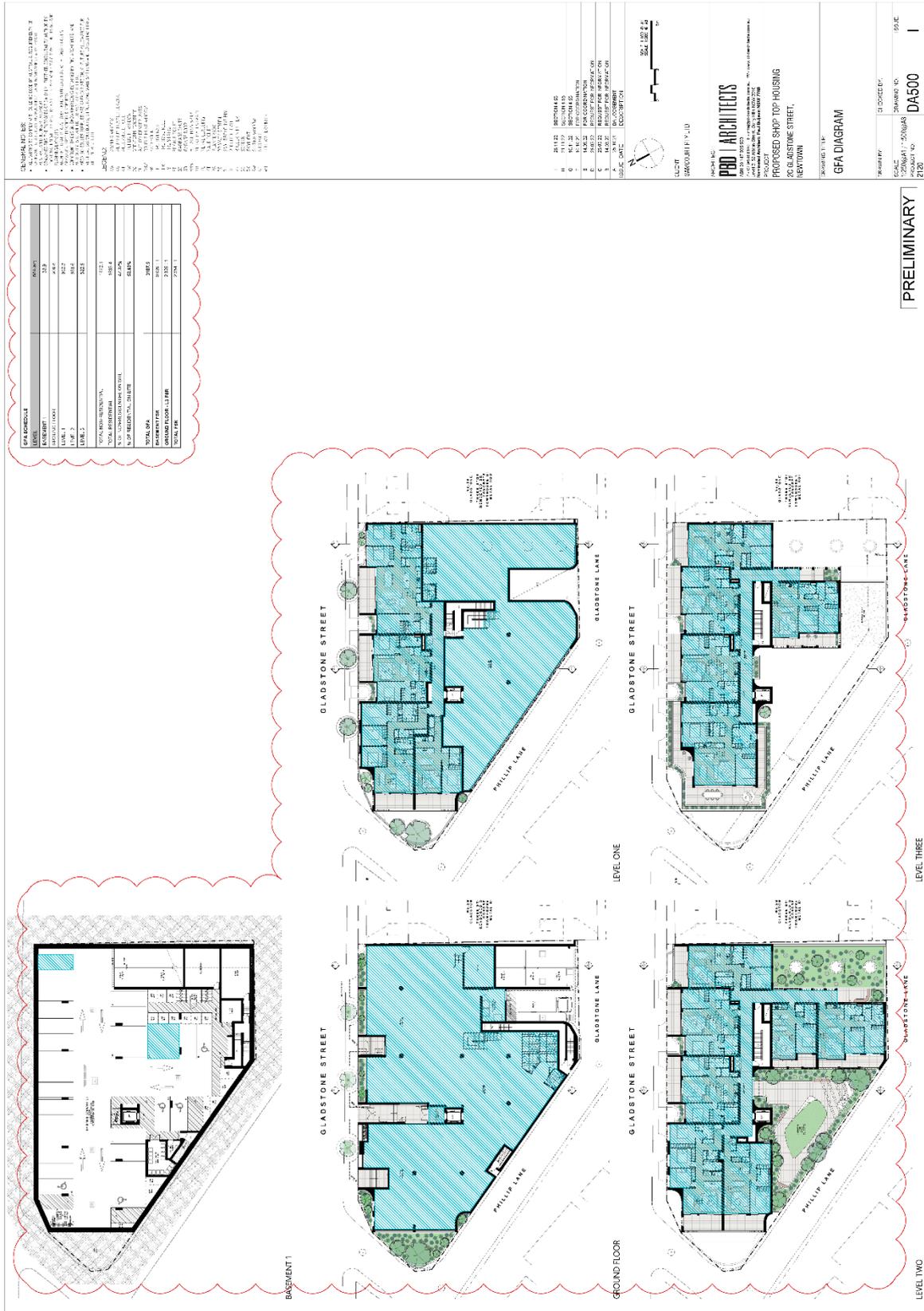
DATE: 10/10/2023

PRELIMINARY





GENERAL NOTES:	<p>1. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.</p> <p>2. ALL MATERIALS TO BE SUPPLIED AND INSTALLED BY THE CONTRACTOR.</p> <p>3. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.</p> <p>4. ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE ARCHITECT.</p> <p>5. ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE LOCAL PLANNING PANEL.</p>
LEGEND:	<p>MB METAL BALUSTRADE</p> <p>CO OFF-FORM COLOURED CONCRETE</p> <p>GD GARAGE DOOR</p>
PROJECT INFORMATION:	<p>PROJECT NO: DA400</p> <p>DATE: 13/06/2018</p> <p>SCALE: 1:100</p> <p>PROJECT NO: DA400</p> <p>SCALE: 1:100</p>
ARCHITECT:	<p>PBD ARCHITECTS</p> <p>PROFESSOR SHOP TOP HOUSING</p> <p>35 GLASSBORO STREET</p> <p>HELVETIA</p>
DATE:	13/06/2018
SCALE:	1:100
PROJECT NO:	DA400
SCALE:	1:100
PROJECT NO:	DA400
SCALE:	1:100









**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 CONSTRUCTION GENERAL REGULATIONS 2012.
- 3. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 4. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 5. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 6. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 7. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 8. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 9. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 10. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 11. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 12. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 13. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 14. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 15. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 16. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 17. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 18. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 19. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 20. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 21. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 22. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 23. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 24. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.
- 25. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL CONSTRUCTION GENERAL REGULATIONS 2012.

NO.	DESCRIPTION
1	REVISIONS
2	REVISIONS
3	REVISIONS
4	REVISIONS
5	REVISIONS
6	REVISIONS
7	REVISIONS
8	REVISIONS
9	REVISIONS
10	REVISIONS
11	REVISIONS
12	REVISIONS
13	REVISIONS
14	REVISIONS
15	REVISIONS
16	REVISIONS
17	REVISIONS
18	REVISIONS
19	REVISIONS
20	REVISIONS
21	REVISIONS
22	REVISIONS
23	REVISIONS
24	REVISIONS
25	REVISIONS

DATE: 10/10/2023

SCALE: 1:50

PROJECT: 38 CLARSTONE STREET, NEWTOWN

ARCHITECT: PBD ARCHITECTS

PROPOSED SHOP TOP HOUSING

ADAPTABLE UNITS

PROJECT NO: DA540

ISSUE: D

**PRELIMINARY**



**GENERAL NOTES:**

- 1. THIS SHADOW DIAGRAM IS A PRELIMINARY DESIGN STUDY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.
- 2. THE SHADOW DIAGRAM IS BASED ON THE PROPOSED DEVELOPMENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.
- 3. THE SHADOW DIAGRAM IS BASED ON THE PROPOSED DEVELOPMENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.
- 4. THE SHADOW DIAGRAM IS BASED ON THE PROPOSED DEVELOPMENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.
- 5. THE SHADOW DIAGRAM IS BASED ON THE PROPOSED DEVELOPMENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.
- 6. THE SHADOW DIAGRAM IS BASED ON THE PROPOSED DEVELOPMENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.
- 7. THE SHADOW DIAGRAM IS BASED ON THE PROPOSED DEVELOPMENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.
- 8. THE SHADOW DIAGRAM IS BASED ON THE PROPOSED DEVELOPMENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.
- 9. THE SHADOW DIAGRAM IS BASED ON THE PROPOSED DEVELOPMENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.
- 10. THE SHADOW DIAGRAM IS BASED ON THE PROPOSED DEVELOPMENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.

**LEGEND:**

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

DATE	DESCRIPTION
2018.06.20	ISSUED FOR DA
2018.06.20	ISSUED FOR DA
2018.06.20	ISSUED FOR DA

SCALE DATE: 1:1000 2018.06.20

PROJECT NO: DA551

PROJECT NAME: PROPOSED SHOP TOP HOUSING, NEWTOWN

PROJECT LOCATION: 25 GLASSTONE STREET, NEWTOWN

PROJECT NO: DA551

PROJECT NAME: PROPOSED SHOP TOP HOUSING, NEWTOWN

PROJECT LOCATION: 25 GLASSTONE STREET, NEWTOWN

SHADOW DIAGRAM - EXISTING BUILDINGS

DAW - JUNE 21<sup>ST</sup>

SHADOW DIAGRAM - APPROVED DA

DAW - JUNE 21<sup>ST</sup>

SHADOW DIAGRAM - PROPOSED DEVELOPMENT

DAW - JUNE 21<sup>ST</sup>

SHADOW DIAGRAM - EXISTING BUILDINGS

DAW - JUNE 21<sup>ST</sup>

SHADOW DIAGRAM - APPROVED DA

DAW - JUNE 21<sup>ST</sup>

SHADOW DIAGRAM - PROPOSED DEVELOPMENT

DAW - JUNE 21<sup>ST</sup>

SHADOW DIAGRAM - EXISTING BUILDINGS

DAW - JUNE 21<sup>ST</sup>

SHADOW DIAGRAM - APPROVED DA

DAW - JUNE 21<sup>ST</sup>

SHADOW DIAGRAM - PROPOSED DEVELOPMENT

DAW - JUNE 21<sup>ST</sup>

PRELIMINARY

WWW.PDDARCHITECTS.COM.AU













**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

### 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 <del>E</del> <b>KJ</b>	Basement 1	<del>25/03/2022</del> <b>09/06/2023</b>	PBD Architects
DA101 Issue <del>F</del> <b>J</b>	Ground Floor	<del>28/03/2022</del> <b>21/11/2022</b>	PBD Architects
DA102 Issue <del>E</del> <b>J</b>	Level One	<del>25/03/2022</del> <b>09/06/2023</b>	PBD Architects
DA103 Issue <del>D</del> <b>J</b>	Level Two	<del>25/03/2022</del> <b>09/06/2023</b>	PBD Architects
DA104 Issue <del>D</del> <b>J</b>	Level Three	<del>25/03/2022</del> <b>09/06/2023</b>	PBD Architects
DA105 issue <del>D</del> <b>J</b>	Roof Plan	<del>25/03/2022</del> <b>09/06/2023</b>	PBD Architects
DA200 Issue <del>B</del> <b>G</b>	Elevations Sheet 1	<del>25/03/2022</del> <b>09/06/2023</b>	PBD Architects
DA201 Issue <del>B</del> <b>G</b>	Elevations Sheet 2	<del>25/03/2022</del> <b>21/11/2022</b>	PBD Architects
DA202 Issue <del>B</del> <b>G</b>	Elevations Sheet 3	<del>25/03/2022</del> <b>09/06/2023</b>	PBD Architects
DA300 issue <del>C</del> <b>H</b>	Sections	<del>25/03/2022</del> <b>09/06/2023</b>	PBD Architects
<b>DA400 issue D</b>	<b>Materials Schedule</b>	<b>09/06/2023</b>	<b>PBD Architects</b>
Drawing No. 000 Issue <del>H</del> <b>I</b>	Landscape Coversheet	<del>30/03/2022</del> <b>28/11/2022</b>	Site Image
<b>Drawing No. 001 Issue A</b>	<b>Plant Schedule</b>	<b>28/11/2022</b>	<b>Site Image</b>
Drawing No. 101 Issue <del>H</del> <b>I</b>	Landscape Plan Ground Floor	<del>30/03/2022</del> <b>28/11/2022</b>	Site Image
Drawing No. 102 Issue <del>F</del> <b>G</b>	Landscape Plan Level 1	<del>30/03/2022</del> <b>28/11/2022</b>	Site Image
Drawing No. 103 Issue <del>G</del> <b>H</b>	Landscape Plan Level 2	<del>30/03/2022</del> <b>28/11/2022</b>	Site Image
Drawing No. 104 Issue <del>F</del> <b>G</b>	Landscape Plan Level 3	<del>30/03/2022</del> <b>28/11/2022</b>	Site Image
Drawing No. 501 Issue <del>D</del> <b>E</b>	Landscape Details	<del>29/10/2021</del> <b>28/11/2022</b>	Site Image

Drawing No. 502 Issue <b>E-F</b>	Landscape Details	<del>18/03/2021</del> 28/11/2022	Site Image
-------------------------------------	-------------------	-------------------------------------	------------

As amended by the conditions of consent.

(Amended – XX/XX/23 - MOD/2022/0450)

### 1. Section 7.11 (~~Former Section 94~~) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of ~~\$440,426.02~~ **\$496,210.00** indexed in accordance with ~~Marriekville 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~~ **13 October 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:

<b>Public Amenities Type:</b>	<b>Contribution \$</b>
Recreation Facilities	<del>\$371,303.94</del> <b>\$229,203.00</b>
Community Facilities	<del>\$30,354.27</del> <b>\$31,805.00</b>
Traffic Facilities	<del>\$30,132.01</del> <b>\$174,047.00</b>
<b>Drainage</b>	<b>\$51,517.00</b>
Plan Administration	<del>\$8,635.80</del> <b>\$9,639.00</b>
<b>TOTAL</b>	<del>\$440,426.02</del> <b>\$496,210.00</b>

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<sub>payment</sub> = is the contribution at time of payment*
- *C<sub>consent</sub> = is the contribution at the time of consent, as shown above*
- *CPI<sub>consent</sub> = 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<sub>payment</sub> = 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](http://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](mailto: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. ~~3430~~ car parking spaces must be paved and line marked;
- b. **45** 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 2024~~ **11 November 2022.**

*(Amended – XX/XX/23 - MOD/2022/0450)*