

INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	MOD/2023/0250
Address	265-273 Illawarra Road MARRICKVILLE
Proposal	Section 4.56 application to modify Modified Determination DA201700349 dated 22 March 2023 to modify the layout and the basement levels and the ground floor level including modifications to the parking layout and arrangement, storage provisions and minor changes to the ground floor commercial tenancies
Date of Lodgement	09 August 2023
Applicant	Astute Constructions
Owner	Illawarra Mad Pty Ltd Illawarra Apartments Pty Ltd Illawarra Jiang Pty Ltd
Number of Submissions	Initial: 0
Value of works	\$15,800,000.00 \$24,547.00
Reason for determination at Planning Panel	FSR variation exceeds 10% SEPP 65
Main Issues	FSR variation
Recommendation	Approved with Conditions
Attachment A	Recommended amendments to conditions of consent
Attachment B	Plans of proposed development
Attachment C	Current consent/conditions

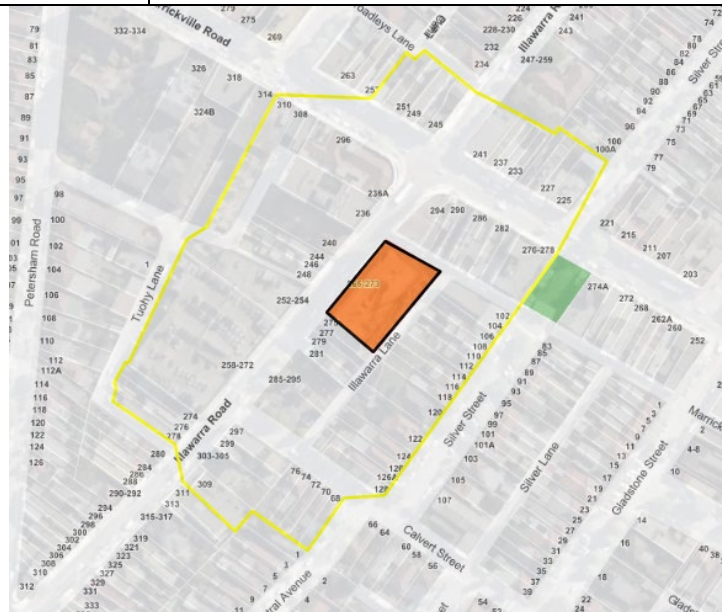







Figure 1: Locality map

Subject Site		Objectors		 N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council under Section 4.56 of the *Environmental Planning and Assessment Act 1979* to modify Modified Determination DA201700349 dated 22 March 2023 to alter the layout and the basement levels and the ground floor level including modifications to the parking layout and arrangement, storage provisions and minor changes to the ground floor commercial tenancies at 265-273 Illawarra Road Marrickville.

The application was notified to surrounding properties and no submissions were received.

The main issues that have arisen from the application include:

- A further increase to the FSR variation, resulting in an FSR of 2.88:1 and a variation of 560.21m², or 15.1%.

As discussed in this report, the non-compliance is acceptable and, therefore, the application is recommended for approval.

2. Proposal

As outlined in the submitted Statement of Environmental Effects and on the architectural plans, the following modifications are proposed:

Basement Level B2

- Relocation and reconfiguration of parking spaces.
- New residential storage area.
- Grease arrestor relocated from basement level B1 to basement level B2.

Basement Level B1

- Relocation and reconfiguration of parking spaces.
- Reduction of residential storage cages within the bicycle parking area.

Ground Floor

- Addition of five (5) car parking spaces within the loading dock.
- Internal floor area changes to commercial tenancies and loading dock due to structural alignment changes.

Overall, the proposal results in an increase of 11 residential parking spaces, providing a total of 45 spaces.

Condition 8 in relation to parking is to be modified such that five accessible car parking spaces and five adaptable parking spaces are to be provided as illustrated on the architectural drawings. The commercial floor area is increased by 3sqm. As a result of the proposal to provide additional parking spaces, the total gross floor area will increase by 145.56m².

3. Site Description

The subject site is located on the eastern side of Illawarra Road, between Marrickville Lane and Calvert Street. The site consists of 8 allotments and is generally irregular shaped with a total area of 1,483.9sqm.

The site has a frontage to Illawarra Road, Marrickville Lane and Illawarra Lane. The site currently contains a six (6) storey mixed-use building under construction and is located within the Marrickville Town Centre Commercial Precinct. The adjoining properties support predominantly mixed-use commercial uses or high density residential developments along Illawarra and Marrickville Road; properties to the rear, along Illawarra Lane support single and two storey dwelling houses.

The subject site is not listed as a heritage item nor is it located within a conservation area. The property is not flood prone.

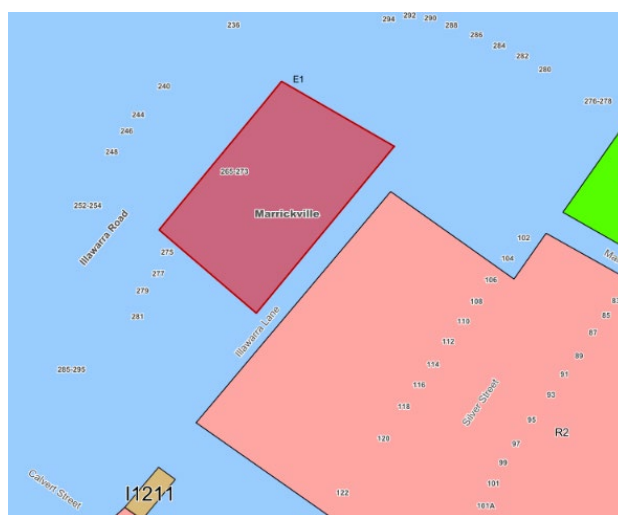


Figure 2: Zoning map

4. 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
DA201700349	To demolish existing improvements and construct a 6-storey mixed use development containing 4 retail/commercial tenancies on the ground floor and residential apartments above with associated 2 level basement	Approved 10/10/2018
MOD/2021/0407	To increase the size of the basement levels to provide additional storage areas	Approved 12/11/2021
MOD/2022/0137	To change vehicular access ramps within basement car park, changes to fenestration on all levels, provision of plant on the roof and change to dwelling mix and reduction of units from 44 to 43	Approved 18/07/2022

MOD/2022/0385	Modification to condition 8(b) of the consent	Approved 22/03/2023
MOD/2022/0401	To amend condition 129(b) of the consent to remove the requirement for the 2m x 2m splay on the corner of Illawarra Road and Marrickville Lane.	Approved 22/03/2023
MOD/2022/0402	Modification to DA201700349 including changes to balcony sizes, removal of screens and changes to shopfront glazing.	Approved 22/03/2023

5. Assessment

5(a) Section 4.55 Modification Provisions

Section 4.56(1) 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 the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, and*
 - (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*
- (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

In addition, in accordance with section 4.56(1A) of the *EPA Act 1979*,

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

In considering the above:

- The essence of the development, as modified, is substantially the same as the original consent.
- The application was notified in accordance with section 4.56(b) and (c).
- No submissions were received during the required notification period.

- As outlined below, the application has been assessed in accordance with Section 4.15 of the *EPA Act 1979*.
- An agreement under s 34(3) of the *Land and Environment Court Act 1979* was reached between the parties as to the terms of a decision in the proceedings that was acceptable to the parties. The development, as proposed to be modified and outlined in detail below, is considered acceptable.

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

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*

The following provides further discussion of the relevant issues:

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

Chapter 4 Remediation of land

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

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

Conditions imposed on the DA consent will remain in force to ensure compliance.

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

The development is subject to the requirements of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65).

The development will not result in changes to the building envelope and external design and, hence, there is no change with regard to the nine design quality principles.

It is proposed to reconfigure and relocate residential storage cages provided within the basement levels and to increase the volume of the cages from 1.2m³ to 2.6m³; no changes are proposed to the storage areas within the residential units.

Overall, 43 storage cages are provided for the 43 residential units and the proposal complies with section 4G of the ADG.

Other changes proposed do not impact previously assessed ADG provisions.

5(a)(iii) 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*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Part 4 – Principal development standards
 - Section 4.3 – Height of buildings
 - Section 4.4 – Floor space ratio
 - Section 4.5 – Calculation of floor space ratio and site area
 - Section 4.6 – Exceptions to development standards
- Section 4.5 – Calculation of floor space ratio and site area
- Section 4.6 – Exceptions to development standards

(i) Section 1.2 – Aims of Plan

The modified proposal is consistent with the relevant aims as follows:

- (a) The development complies with BASIX requirements and, hence, demonstrates efficient and sustainable use of energy. The proposal, as approved conditioned, will not result in adverse economic, environmental, or social impacts.
- (d) The proposal is close to public transport, increases density and, hence, encourages walking, cycling and use of public transport.
- (e) The proposal facilitates economic growth and employment opportunities within Inner West.
- (f) The development provides diverse housing to meet the needs of, and enhance amenity for, Inner West residents.
- (g) No change is proposed to the massing or design of the building and the approved development creates a high quality urban place through the application of design excellence.
- (h) The proposal would not result in adverse social, economic and environmental impacts on the local character of Inner West.
- (i) The development would not result in adverse social, economic and environmental impacts, including cumulative impacts.

(ii) Section 2.3 – Land Use Table and Zone objectives

The property is zoned E1 Local Centre under the provisions of the *IWLEP 2022*. No change is proposed to the permissible use (i.e., shop top housing) and the development remains consistent with the zone objectives.

- Section 4.3 – Height of buildings
- Section 4.4 – Floor space ratio

(iii) Part 4 – Principal development standards

The proposal does not result in a change to the approved height of the building. However, the proposal seeks to increase the gross floor area (GFA) and floor space ratio (FSR). The maximum FSR is 2.5:1, which equates to 3709.75m² of allowable GFA.

The currently approved GFA is 4124.4m², representing an FSR of 2.78:1. The proposed modification seeks an additional 145.56m² of GFA; a total GFA of 4269.96m², being an FSR of 2.88:1 proposed, resulting in a variation of 560.21m², or 15.1%. The additional GFA is a result of the internal changes to the commercial area on the ground floor (additional 3m²) and additional GFA of 142.56m² is sought as a result of the additional car parking spaces provided within the basement as the development exceeds the minimum required parking spaces.

○ Section 4.6 – Exceptions to development standards

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

- Section 4.4 – Floor Space Ratio

The applicant seeks a variation to the FSR development standard under Section 4.4 of the Inner West Local Environmental Plan 2022 by 15.1% (560.21 metres).

The requirement to justify departures to a development standard under clause 4.6 does not apply to section 4.55 and section 4.56 applications of the *EP&A Act 1979*. However, under section 4.56 of the *EP&A Act 1979*, the consent authority, shall take into consideration the matters referred to in Section 4.15 of the *EP&A Act 1979*, which, in turn, include the provisions of the *IWLEP 2022*.

The applicant has provided the following justification for the proposed variation:

- Despite the exceedance in gross floor area, the approved bulk and scale of the development as viewed from the public domain will not be altered.
- The proposed additional floor area sought is located entirely within the footprint of the basement levels and ground floor and has primarily been generated by the provision of additional parking spaces beyond the minimum requirement.
- Although the proposed modifications seek to further exceed the FSR standard, the increase in density sought will not be discernible from the streetscape. Thus, the additional building density proposed within the basement and ground floor levels will not result in any impacts to the locality.
- As outlined above, the proposed increase in density sought will be contained within the existing envelope of the building. Thus, the existing transition of the building to the surrounding low density residential properties will not be altered.
- The site is capable of accommodating the additional floor area without affecting the amenity of the adjoining properties and public domain in terms of visual bulk, overshadowing, loss of privacy and views. As the proposed additional floor area is contained entirely within the existing envelope of the building, no changes to the approved relationship of the building to the surrounding low density residential properties will occur.
- The approved landscaping arrangement of the site will not be impacted by the additional GFA sought. As the proposed modifications sought are contained wholly

within the basement and ground floor levels, the use of private properties and the public domain will not be impacted.

- Overall, additional carparking spaces have been proposed to ensure each unit has access to a dedicated carparking space, reducing the demand for on-street carparking. Therefore, while the proposed FSR exceeds the maximum control, the additional carparking spaces will provide a better outcome for the development. This is achieved without compromising the amenity of adjoining properties.

It is considered that the applicant's justification demonstrates that compliance with the development standard is unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the variation to the FSR development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the E1 zone for the following reasons.

The objectives of the zone are:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To provide employment opportunities and services in locations accessible by active transport.
- To provide retail facilities and business services for the local community commensurate with the centre's role in the local centres hierarchy.
- To ensure Inner West local centres are the primary location for commercial and retail activities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To enhance the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality and contributes to the desired character and cultural heritage of the locality.

The development provides a mixed-use development that generates employment opportunities and economic growth, which can provide for a range of services that serve the people who live, work and visit the area.

The development provides non-residential uses on the ground floor that are accessible and that provide street activation. The design of the building, as approved and not being changed, displays high quality architectural and urban design.

It is considered the development is in the public interest because it is consistent with the objectives of the FSR development standard for the following reasons:

The objectives of the FSR development standard are:

- 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 additional FSR is wholly located within the approved building envelope and footprint. hence, there will be no adverse impacts on local amenity and the proposal will not impact or alter tree canopy. The additional FSR is a result of providing additional parking that exceeds the minimum required. Hence, the proposal is considered to be an improvement that provides better access and parking for the approved development.

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 of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes
Part 2.6 – Acoustic and Visual Privacy	No change
Part 2.7 – Solar Access and Overshadowing	No change
Part 2.8 – Social Impact	No change
Part 2.9 – Community Safety	No change
Part 2.10 – Parking	Yes – see discussion
Part 5 – Commercial and Mixed Use Development	Yes
Part 9 – Strategic Context	No change

The following provides discussion of the relevant issues:

- (i) Part 2.5 – Equity of Access and Mobility and Part 2.10 – Parking

The subject site is located within a parking area 1. The following parking is required:

Commercial

1 space per 100m2 GFA for customers & staff

Residential

Non adaptable units:

- 0.2 spaces per studio;
- 0.4 spaces per 1 bedroom unit;
- 0.8 spaces per 2 bedroom unit; and
- 1.1 spaces per 3 bedroom unit.

Adaptable Units

- 1 space per adaptable unit.

The following unit mix is approved for the residential component:

- 16 x 1 bedroom units;

- 16 x 2 bedroom units;
- 2 x 3 bedroom units; and
- 9 x adaptable units.

Based on the above, the following car parking is required:

- 4 spaces for commercial component, and
- 30 spaces for the residential component, including 9 accessible spaces.

The development was approved to provide a total of 38 car parking spaces, comprised of 34 residential, including 9 adaptable and 4 retail parking spaces. The proposal seeks to increase the number of parking spaces to 49, consisting of 4 commercial spaces, including one accessible space, and 45 residential spaces, including four accessible and five adaptable spaces. As such, the proposal complies with the car parking requirements of this part of the DCP.

It is acknowledged that control C11 within Part 2.5 of MDCP 2011 (Equity of Access and Mobility) requires the provision of an 'accessible' parking space per adaptable dwelling; hence the requirement for '9 accessible car parking spaces' for the residential component of the development as conditioned in the original determination. Notwithstanding, it is acknowledged that, often, these apartments are purchased by persons who do not have access requirements and that parking on a parking space labelled "accessible" can often be challenging. The provision of an adaptable space ensures the allocated space is of the correct dimensions to ensure that the owner of that apartment, and associated parking, could easily use the parking space as per its intended design an accessible space if required. As such, the proposed development, while, technically, not complying with control C11 of Part 2.5 of the MDCP 2011, is consistent with the applicable objectives within Part 2.5 as follows:

- O1 – The proposal provides equitable access.
- O2 – The proposal retains accessible features.
- O3 – The proposal increases the supply of adaptable housing.
- O4 The proposal provides an adequate supply of car parking facilities for use by people with a disability.
- O5 – The proposal, as approved, modified, and conditioned, makes people aware of their responsibilities under the Disability Discrimination Act 1992 (Cth) (DDA).
- O6 – The proposal provides best practice in the design, construction and operation of development.

No change is proposed to motorcycle and bicycle parking and the proposal retains one service area for an SRV and an area for an MRV. Council's development engineer has reviewed the proposal and submitted traffic report and raised no objection to the proposed changes to parking numbers and reconfiguration of the parking layout and advised that "no new or change to existing engineering conditions" is required.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

No submissions were received.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

The application was referred to the following internal sections/officers:

- Development Engineer

Council's development engineer supports the proposal as lodged, which has been discussed in section 5(c) of this report

- Urban Design

Council's urban design advisor provided the following comments:

- *The applicant should apply CPTED (Crime Protection through Environmental Design) principles in developing the ground floor layout with the carpark addressing the laneway.*
- *Opportunities of passive surveillance of the laneway should be maximised by considering a roller door profile with an open-type treatment allowing visual connectivity whilst achieving the desired security.*
- *Additionally, a suggested strategy is to create additional openings within the 'blue marked' locations to maximise surveillance of the carpark from the common lobby area, so the carpark is not visually isolated from the remaining of the ground floor, and to promote surveillance of the carpark. Such opening/s could further improve passive surveillance of the laneway with a possible direct visual connection to the laneway.*
- *The applicant should develop night-time lighting and pedestrian safety strategy for the carpark component laneway.*
- *Detailed architectural facade (1:100) elevations should be provided with the nominated building materials and door profile for further review.*
- *It is also recommended that all residential parking spaces 44 and 45 be relocated within the basement (same as other residential cars spaces), and only retail car spaces and visitor spaces be provided on ground floor.*

With regard to the above, the following is noted:

- The proposed changes do not alter the external design of the approved development and, hence, it is considered onerous to require additional changes to the already approved design. No additional openings are proposed, the proposed parking spaces on the ground floor utilise the previously approved loading dock and access arrangements.

- It is sought to relocate three of the commercial parking spaces from basement 1 to the ground floor, which is considered an improvement as there will be reduced access from the commercial parking spaces/area to the basements. Only the accessible commercial parking space is located within the basement (1), which is located near Lift 1 and Lift 2 to improve access to the ground floor commercial spaces.
- Under the provisions of Part 2.10 of the MDCP 2011, visitor parking is not required for the residential component as the site is within parking area 1; the proposal complies with this part of the MDCP 2011.

7. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* 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.

8. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.56 of the *Environmental Planning and Assessment Act 1979*, grant consent to application No. MOD/2023/0250 which seeks to modify Modified Determination DA201700349, dated 22 March 2023, to alter the layout and the basement levels and the ground floor level, including modifications to the parking layout and arrangement, storage provisions and minor changes to the ground floor commercial tenancies at 265-273 Illawarra Road, Marrickville subject to the amendments listed in Attachment A below.

Attachment A – Recommended amendments to conditions of consent

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

Plan No. & Revision No.	Title	Date Issued	Prepared by
110-000 Rev D 110-000 Rev F	Level B2	21/6/22 3/8/23	Benson McCormack Architecture
110-001 Rev D 110-001 Rev G	Level B1	21/6/22 3/8/23	Benson McCormack Architecture
110-002 Rev E 110-002 Rev F 110-002 Rev H	Level Ground	21/6/22 4/11/22 3/8/23	Benson McCormack Architecture
110-003 Rev E 110-003 Rev F	Level 01	21/6/22 4/11/22	Benson McCormack Architecture
110-004 Rev E 110-004 Rev F	Level 02	21/6/22 4/11/22	Benson McCormack Architecture
110-005 Rev E 110-005 Rev F	Level 03	21/6/22 4/11/22	Benson McCormack Architecture

Plan No. & Revision No.	Title	Date Issued	Prepared by
110-006 Rev E 110-006 Rev F	Level 04	21/6/22 4/11/22	Benson McCormack Architecture
110-007 Rev E 110-007 Rev F	Level 05	21/6/22 4/11/22	Benson McCormack Architecture
110-008 Rev E	Roof Plan	21/6/22	Benson McCormack Architecture
210-001 Rev E 210-001 Rev E	North West Elevation	21/6/22 4/11/22	Benson McCormack Architecture
210-002 Rev E 210-002 Rev E	North East Elevation	21/6/22 4/11/22	Benson McCormack Architecture
210-003 Rev E 210-003 Rev F	South East Elevation	21/6/22 4/11/22	Benson McCormack Architecture
210-004 Rev D	South West Elevation	21/6/22	Benson McCormack Architecture

310-001 Rev D	Section AA	21/6/22	Benson McCormack Architecture
310-002 Rev D	Section BB	21/6/22	Benson McCormack Architecture
310-003 Rev E	Section CC	21/6/22	Benson McCormack Architecture
310-004 Rev D	Section DD	21/6/22	Benson McCormack Architecture
750-001 Rev A	Materials & Finishes	17/2/22	Benson McCormack Architecture
750-002 Rev A	Materials & Finishes 3D Snapshots	17/2/22	Benson McCormack Architecture
820-001 Rev A 820-001 Rev B	Adaptability Universal Design	17/2/22 4/11/22	Benson McCormack Architecture
LP01 Issue B	Landscape Plan Ground	29/06/22	Matthew Higginson Landscape Architecture P/L
LP02 Issue B	Landscape Plan Level 1	29/06/22	Matthew Higginson Landscape Architecture P/L
LP03 Issue B	Landscape Plan Level 2	29/06/22	Matthew Higginson Landscape Architecture P/L
LP04 Issue B	Landscape Plan Level 3 + Schedule	29/06/22	Matthew Higginson Landscape Architecture P/L
LP05 Issue B	Landscape Plan Level 4	29/06/22	Matthew Higginson Landscape Architecture P/L
LP05 Issue B	Landscape Plan Roof + Schedule	19/06/22	Matthew Higginson Landscape Architecture P/L
LP07 Issue B	Landscape Plan Sections	29/06/22	Matthew Higginson Landscape Architecture P/L

Plan No. & Revision No.	Title	Date Issued	Prepared by
Sheet 1 of 2, 101 Issue A	Stormwater Layout Plan, Basement Level 2	7/3/22	Civil & Stormwater Engineering Services P/L
Sheet 2 of 2, 102 Issue A	Stormwater Layout Plan, Basement Level 2	7/3/22	Civil & Stormwater Engineering Services P/L
103 Issue A	Stormwater Layout Plan, Basement Level 1	7/3/22	Civil & Stormwater Engineering Services P/L
104 Issue A	Stormwater Layout Plan, Ground Level	7/3/22	Civil & Stormwater Engineering Services P/L
105 Issue A	Stormwater Layout Plan, Level 1	7/3/22	Civil & Stormwater Engineering Services P/L

106 Issue A	Stormwater Layout Plan, Level 2	7/3/22	Civil & Stormwater Engineering Services P/L
107 Issue A	Stormwater Layout Plan, Level 3	7/3/22	Civil & Stormwater Engineering Services P/L
108 Issue A	Stormwater Layout Plan, Level 4	7/3/22	Civil & Stormwater Engineering Services P/L
109 Issue A	Stormwater Layout Plan, Level 5	7/3/22	Civil & Stormwater Engineering Services P/L
110 Issue A	Stormwater Layout Plan, Roof Level	7/3/22	Civil & Stormwater Engineering Services P/L
111 Issue A	Onsite Detention Details and Calculations	7/3/22	Civil & Stormwater Engineering Services P/L
112 Issue A	Catchment Plan and Music Results	7/3/22	Civil & Stormwater Engineering Services P/L
113 Issue A	Sediment & Erosion Control Plan & Details	7/3/22	Civil & Stormwater Engineering Services P/L
114 Issue A	Miscellaneous Details Sheet	7/3/22	Civil & Stormwater Engineering Services P/L
1283365M_03	BASIX Certificate	29/06/22	GAT & Associates
20170267.1/15 05A/R1/JL	Acoustic Assessment	15.5.17	Acoustic Logic

Plan No. & Revision No.	Title	Date Issued	Prepared by
E23205.E02_Rev0	Detailed Site Investigation	8.12.17	Ei Australia
E23205 AB_Rev1	Acid Sulfate Soils Management Plan	16.5.18	Ei Australia
E23205 GA	Geotechnical Report	31.1. 17	Ei Australia
Job No. 222013	Statement of Compliance Access for People with Disability	4/3/22	Accessible Building Solutions
SO3475, Rev C	Operational Waste Management Plan	22/2/22	Elephants Foot

Plan No. and Revision No.	Plan/ Certificate Type	Date Issued	Prepared by
----------------------------------	-------------------------------	--------------------	--------------------

DA100-J	Cover Sheet	19.09.2018	BKA architecture
DA110-F	Basement 2 Plan	13.09.2018	BKA architecture
A-DA-110-000 A	Level B2	August 2021	Benson McCormack
DA111-F	Basement 1 Plan	20.09.2018	BKA architecture
A-DA-110-001 A	Level B1	August 2021	Benson McCormack
DA112-L	Ground Floor Plan	19.09.2018	BKA architecture
A-DA-110-002 A	Level Ground	August 2021	Benson McCormack
DA113-I	First Floor Plan	19.09.2018	BKA architecture
DA114-G	Second Floor Plan	13.09.2018	BKA architecture
DA115-H	Third Floor Plan	13.09.2018	BKA architecture
DA116-J	Fourth Floor Plan	13.09.2018	BKA architecture

Plan No. and Revision No.	Plan/ Certificate Type	Date Issued	Prepared by
DA117-J	Fifth Floor Plan	13.09.2018	BKA architecture
DA119-G	Roof Plan	19.09.2018	BKA architecture
DA200-K	East & West Elevations	19.09.2018	BKA architecture
DA201-I	North Elevation	13.09.2018	BKA architecture
DA202-J	South Elevation	19.09.2018	BKA architecture
DA300-H	Sections	13.09.2018	BKA architecture
DA800-E	External Finishes Schedule—North	13.09.2018	BKA architecture
DA801-F	External Finishes Schedule—South	20.09.2018	BKA architecture

DA806-D	External Finishes Schedule—East	20.09.2 018	BKA architecture
SK03-M	Ground Floor Landscape Plan	-	Scape Design
SK04-L	Levels 2 & 4 Landscape Plan	-	Scape Design
SK05-E	Levels 1 & 3 Landscape Plan	-	Scape Design
SK06-K	Planting Plan	-	Scape Design
821605M_02	BASIX Certificate	20.09.2 018	Planning & Environment
20170267.1/15 05A/R1/JL	Acoustic Assessment	15.05.2 017	Acoustic Logic
E23205.E02_ Rev0	Detailed Site Investigation	08.12.2 017	Ei Australia
E23205 AB_Rev1	Acid Sulfate Soils Management Plan	16.05.2 018	Ei Australia
E23205-GA	Geotechnical Report	31.01.2 017	Ei Australia

And details submitted to Council with the application for development consent and as amended by the following conditions.

~~AMENDED by MOD/2021/0407 dated 12 November 2021~~

~~AMENDED by APPEAL 2022/73897 OF THE LAND AND ENVIRONMENT COURT DETERMINATION dated 18 July 2022~~

~~AMENDED – 22 MARCH 2022 – MOD/2022/0402~~

(Amended – 14 November 2023 – MOD/2023/0250)

8. A total of **38 49** off-street car parking spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. The parking must be allocated as follows:
- a) **25 36** spaces being allocated to the residential dwellings;
 - b) **4 accessible car parking spaces, and 5 adaptable car parking spaces, being 1 such space per adaptable dwelling; 9 accessible adaptable car parking spaces, being 1 accessible adaptable car space per adaptable dwelling;**

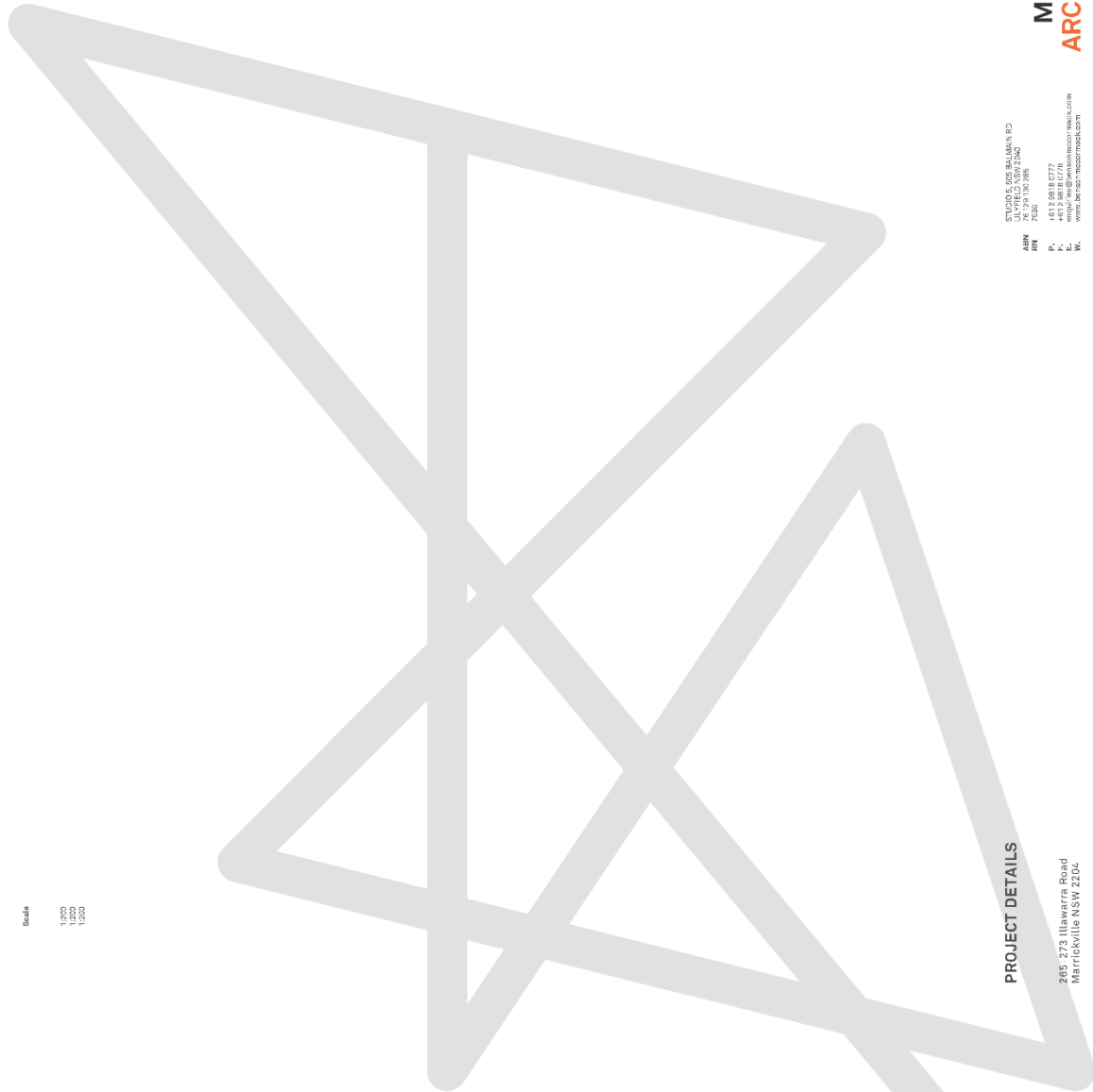
- c) 4 car parking spaces allocated to the ground floor retail/commercial tenancies, ***including 1 accessible***; and
- d) ~~1 loading dock for use by the commercial tenancies.~~
- e) ***1 service area for an SRV and 1 service area for an MRV as shown on drawing number 110-002, revision H, prepared by Benson McCormack Architecture, dated 3 August 2023.***

All accessible car spaces must be provided and marked as disabled car parking spaces.

~~(AMENDED – 22 MARCH 2023 – MOD/2022/0385)~~

(Amended – 14 November 2023 – MOD/2023/0250)

Attachment B – Plans of proposed development



Subject/Draw Name	Layout ID	Rvw	Layout Name	Scale
BDC-DEVELOP	001-001	H	Title Sheet	1:200
110-GA-Plan	110-001	F	Level B2	1:200
	110-002	H	Level Ground	1:200

MOSAIC
\$4.55
 CLIENT DETAILS

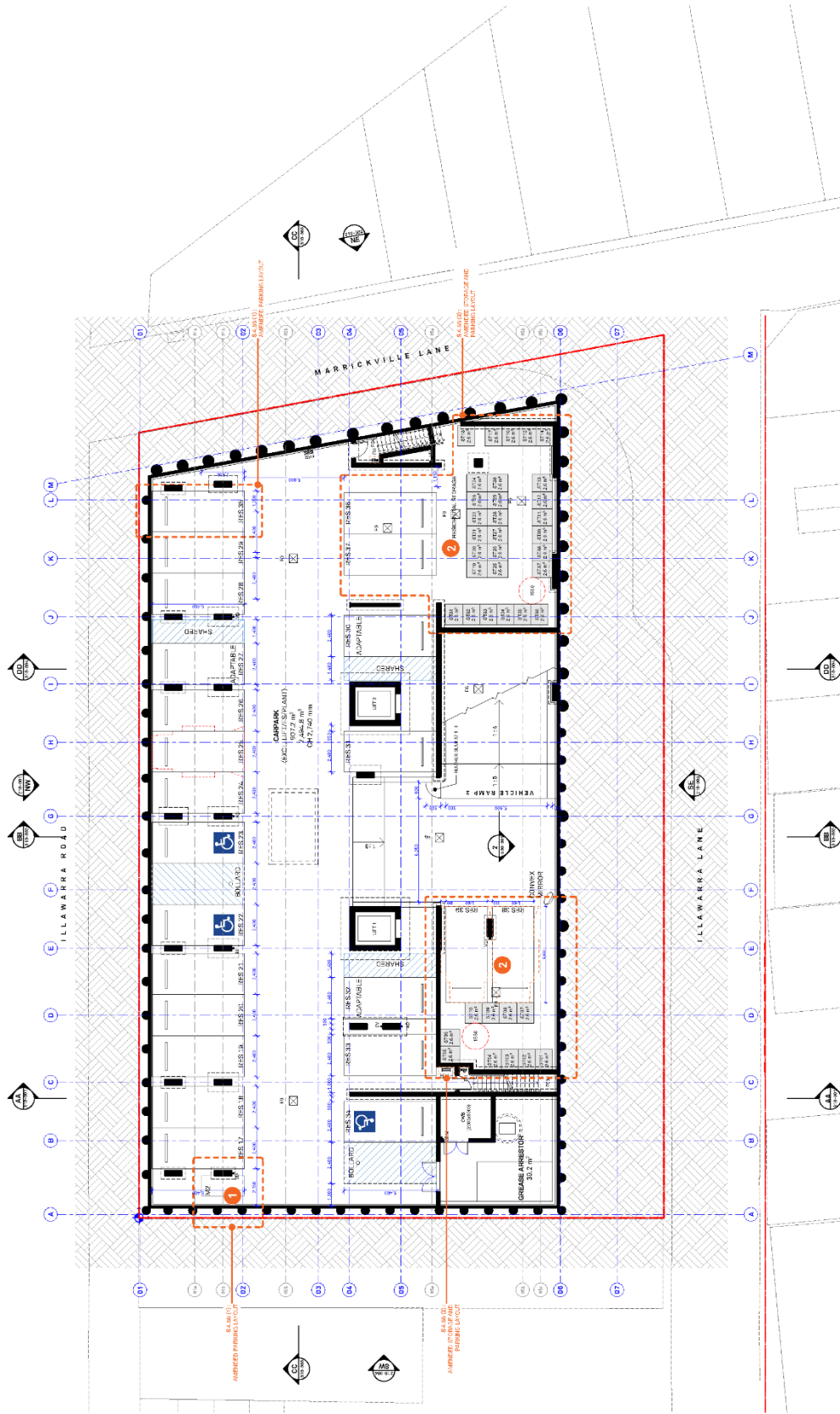
ASTUTE Property
 Shop 1, 454-458 Liverpool Rd
 Strathfield South NSW 2139
 Document Set ID: 38281638
 Version: 1, Version Date: 06/09/2023

PROJECT DETAILS

265-273 Illawarra Road
 Marrickville NSW 2204

STUDIO 505 BALMAIN RD
 BALMAIN NSW 1510
 ABRN 7530
 4612 9818 0777
 4612 9818 0778
 info@bensonmccormack.com
 www.bensonmccormack.com

BENSON
MCCORMACK
ARCHITECTURE



DISCLAIMER
 The drawing is a technical drawing and is not intended to be used for any other purpose. It is the responsibility of the user to ensure that the drawing is used in accordance with the relevant standards and regulations. The drawing is provided as a guide only and does not constitute a contract. The user should consult the relevant authorities for any specific requirements. The drawing is the property of the architect and should not be reproduced or distributed without the architect's written consent.

REVISIONS
 1. 01/01/2023: Initial design
 2. 02/01/2023: Client feedback incorporated
 3. 03/01/2023: Final design approved

CLIENT
ASTUTE Property
 ADDRESS: 45-47 Liverpool Rd, Stanfield South NSW 2136
 www.astuteproperty.com.au

PROJECT NAME
MOSAIC

PROJECT NO
Z123A

PROJECT ADDRESS
 265-273 Illawarra Road, Marrickville NSW 2204

PROJECT STATUS
 94-50

PROJECT TITLE
GA Plans
Level B2
110-000

SCALE
1:200

REV
F

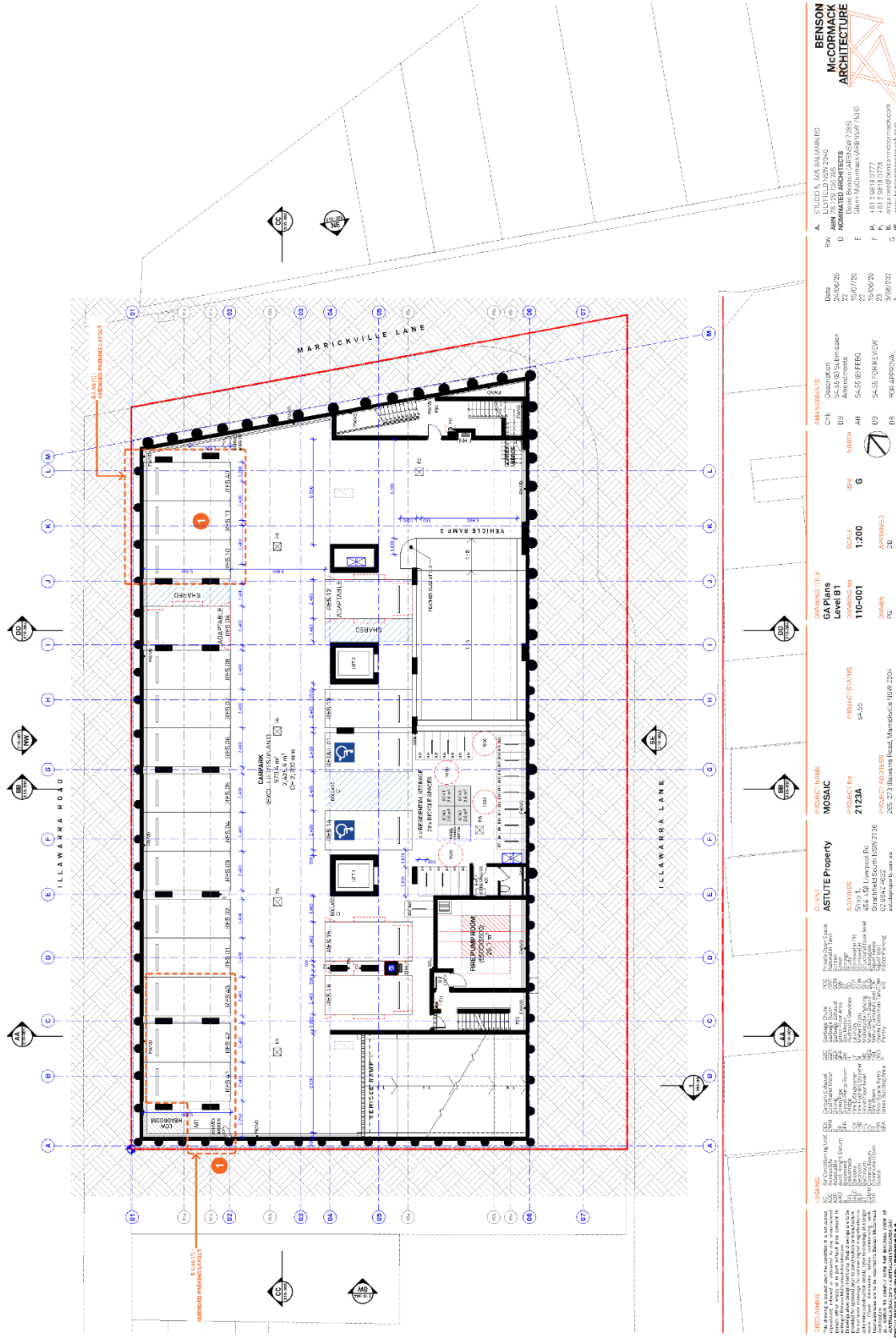
DATE
7/03/2023

AMENDMENTS
 CHN Description
 A11 34-45 (6/5) Submission
 D15 34-45 (6/5) Submission
 D16 34-45 (6/5) Submission
 D17 34-45 (6/5) Submission
 D18 34-45 (6/5) Submission
 D19 34-45 (6/5) Submission
 D20 34-45 (6/5) Submission
 D21 34-45 (6/5) Submission
 D22 34-45 (6/5) Submission
 D23 34-45 (6/5) Submission
 D24 34-45 (6/5) Submission
 D25 34-45 (6/5) Submission
 D26 34-45 (6/5) Submission
 D27 34-45 (6/5) Submission
 D28 34-45 (6/5) Submission
 D29 34-45 (6/5) Submission
 D30 34-45 (6/5) Submission

DATE
 7/03/2023
 24/06/2023
 27/06/2023
 23/06/2023
 3/08/2023

REVISIONS
 A. STUDIOS, 606 BALMAIN RD
 LEVELED NSW 2204
NOMINATED ARCHITECTS
 Dave Benson (61858477385)
 Glenn McCormack (61841474268)
 E. P. 481 2 88 10 773
 F. E. www.bensonmccormack.com

BENSON MCCORMACK ARCHITECTURE



DISCLAIMER
 The owner is advised that this document is not intended to be used for any purpose other than that for which it is prepared. It is the responsibility of the user to ensure that the information contained herein is accurate and complete. The user should consult with a qualified professional before relying on the information contained herein. The user should also ensure that the information contained herein is up-to-date and accurate. The user should also ensure that the information contained herein is accurate and complete. The user should consult with a qualified professional before relying on the information contained herein. The user should also ensure that the information contained herein is up-to-date and accurate.

REVISIONS

REV	DATE	DESCRIPTION
01	25/06/23	Issue for RFP
02	15/07/23	Issue for RFP
03	23/08/23	Issue for RFP
04	30/08/23	Issue for RFP

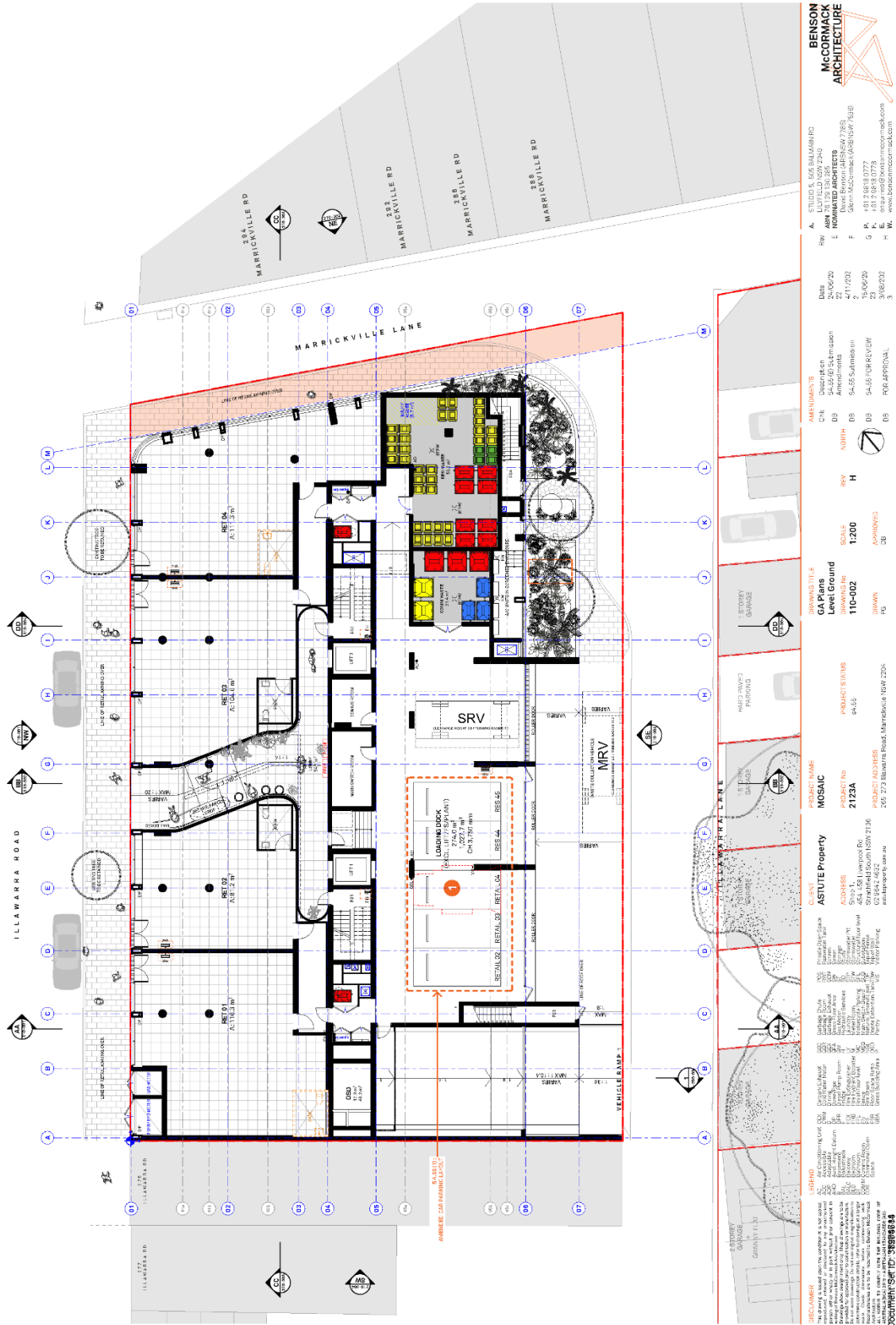
PROJECT INFORMATION

CLIENT: ASTUTE Property
ADDRESS: 265-273 Illawarra Road, Marrickville NSW 2204
PROJECT NO: Z123A
PROJECT ADDRESS: 265-273 Illawarra Road, Marrickville NSW 2204

PROJECT TITLE: GA Plans Level B1
SCALE: 1:200
DATE: 30/08/23

DESIGNER: BENSON McCORMACK ARCHITECTURE
DATE: 30/08/23
PROJECT NO: 110-001
SCALE: 1:200
DATE: 30/08/23

APPROVED: [Signature]
DATE: 30/08/23



DISCLAIMER
 The drawing is a professional architectural drawing prepared by the architect for the client. It is not to be used for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in the drawing or for any consequences arising from the use of the drawing. The client is responsible for ensuring that the drawing is used in accordance with its intended purpose and for obtaining all necessary approvals and permits for the project.

LEGEND
 All dimensions are in millimeters unless otherwise stated.
 All dimensions are to the centerline of walls and columns unless otherwise stated.
 All dimensions are to the centerline of walls and columns unless otherwise stated.
 All dimensions are to the centerline of walls and columns unless otherwise stated.

CLIENT
 ASTUTE Property
 265-273 Illawarra Road, Marrickville NSW 2204
 www.astuteproperty.com.au

PROJECT NAME
 MOSAIC

PROJECT NO
 Z120A

PROJECT ADDRESS
 265-273 Illawarra Road, Marrickville NSW 2204

PROJECT 0021888

SCALE
 1:200

DRAWING NO
 110-002

DRAWING TITLE
 GA Plans Level Ground

DATE
 24/06/20

PROJECT STATUS
 94-50

REVISIONS

REV	DESCRIPTION
1	Issue for Approval
2	Issue for Approval
3	Issue for Approval

AMENDMENTS

CH	DESCRIPTION
D3	Issue for Approval
D5	Issue for Approval

DESIGNER
 BENSON McCORMACK ARCHITECTURE
 5/55 BALMAIN RD
 BALMAIN NSW 2214
 Phone: (02) 9550 7385
 Email: info@bensonmccormack.com.au
 Website: www.bensonmccormack.com.au

DATE
 24/06/20

SCALE
 1:200

DRAWING NO
 110-002

DRAWING TITLE
 GA Plans Level Ground

PROJECT NAME
 MOSAIC

PROJECT NO
 Z120A

PROJECT ADDRESS
 265-273 Illawarra Road, Marrickville NSW 2204

PROJECT 0021888

CLIENT
 ASTUTE Property
 265-273 Illawarra Road, Marrickville NSW 2204
 www.astuteproperty.com.au

PROJECT STATUS
 94-50

REVISIONS

REV	DESCRIPTION
1	Issue for Approval
2	Issue for Approval
3	Issue for Approval

AMENDMENTS

CH	DESCRIPTION
D3	Issue for Approval
D5	Issue for Approval

DESIGNER
 BENSON McCORMACK ARCHITECTURE
 5/55 BALMAIN RD
 BALMAIN NSW 2214
 Phone: (02) 9550 7385
 Email: info@bensonmccormack.com.au
 Website: www.bensonmccormack.com.au

Attachment C – Current consent/conditions



NOTICE OF DETERMINATION - APPROVAL

Issued under Section S4.56 of the Environmental Planning and Assessment Act 1979

Development Application No.	DA201700349
Applicant	Astute Constructions
Land to be developed	265-273 Illawarra Road MARRICKVILLE NSW 2204
Approved development	Demolish existing improvements and construct a 6-storey mixed use development containing 4 retail/commercial tenancies on the ground floor and residential apartments above with associated 2 level basement
Cost of development	\$15,800,000.00
Determination	This S4.56 modification application was determined by Delegation to Staff and was granted consent subject to the conditions attached.
Other Approvals	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act.
Date of Development Consent:	10 October 2018
Date of Modification of Consent:	22 March 2023
Modification Number:	MOD/2022/0402

Reasons for conditions

Inner West Council
 innerwest.nsw.gov.au
 02 9392 5000

council@innerwest.nsw.gov.au
 PO Box 14, Petersham NSW 2049

Document Set ID: 38208689
 Version: 1, Version Date: 17/10/2023

To protect the environmental amenity of the area and the public interest.

Right of appeal

If you are dissatisfied with this decision, Section 8.9 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in [Section 8.10](#) of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. Section 8.2 does not apply to complying development, designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that is already subject to a Section 8.2 review.

For further information please contact **George Nehme** on **9392 5431** or **george.nehme@innerwest.nsw.gov.au**.



Ruba Osman
Development Assessment Manager

CONDITIONS OF CONSENT

GENERAL

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

Plan No. & Revision No.	Title	Date Issued	Prepared by
110-000 Rev D	Level B2	21/6/22	Benson McCormack Architecture
110-001 Rev D	Level B1	21/6/22	Benson McCormack Architecture
110-002 Rev E 110-002 Rev F	Level Ground	21/6/22 4/11/22	Benson McCormack Architecture
110-003 Rev E 110-003 Rev F	Level 01	21/6/22 4/11/22	Benson McCormack Architecture
110-004 Rev E 110-004 Rev F	Level 02	21/6/22 4/11/22	Benson McCormack Architecture
110-005 Rev E 110-005 Rev F	Level 03	21/6/22 4/11/22	Benson McCormack Architecture

Plan No. & Revision No.	Title	Date Issued	Prepared by
110-006 Rev E 110-006 Rev F	Level 04	21/6/22 4/11/22	Benson McCormack Architecture
110-007 Rev E 110-007 Rev F	Level 05	21/6/22 4/11/22	Benson McCormack Architecture
110-008 Rev E	Roof Plan	21/6/22	Benson McCormack Architecture
210-001 Rev E 210-001 Rev E	North West Elevation	21/6/22 4/11/22	Benson McCormack Architecture
210-002 Rev E 210-002 Rev E	North East Elevation	21/6/22 4/11/22	Benson McCormack Architecture
210-003 Rev E 210-003 Rev F	South East Elevation	21/6/22 4/11/22	Benson McCormack Architecture

210-004 Rev D	South West Elevation	21/6/22	Benson McCormack Architecture
310-001 Rev D	Section AA	21/6/22	Benson McCormack Architecture
310-002 Rev D	Section BB	21/6/22	Benson McCormack Architecture
310-003 Rev E	Section CC	21/6/22	Benson McCormack Architecture
310-004 Rev D	Section DD	21/6/22	Benson McCormack Architecture
750-001 Rev A	Materials & Finishes	17/2/22	Benson McCormack Architecture
750-002 Rev A	Materials & Finishes 3D Snapshots	17/2/22	Benson McCormack Architecture
820-001 Rev A	Adaptability	17/2/22	Benson McCormack Architecture
820-001 Rev B	Universal Design	4/11/22	
LP01 Issue B	Landscape Plan Ground	29/06/22	Matthew Higginson Landscape Architecture P/L
LP02 Issue B	Landscape Plan Level 1	29/06/22	Matthew Higginson Landscape Architecture P/L
LP03 Issue B	Landscape Plan Level 2	29/06/22	Matthew Higginson Landscape Architecture P/L
LP04 Issue B	Landscape Plan Level 3 + Schedule	29/06/22	Matthew Higginson Landscape Architecture P/L
LP05 Issue B	Landscape Plan Level 4	29/06/22	Matthew Higginson Landscape Architecture P/L
LP05 Issue B	Landscape Plan Roof + Schedule	19/06/22	Matthew Higginson Landscape Architecture P/L
LP07 Issue B	Landscape Plan Sections	29/06/22	Matthew Higginson Landscape Architecture P/L

Plan No. & Revision No.	Title	Date Issued	Prepared by
Sheet 1 of 2, 101 Issue A	Stormwater Layout Plan, Basement Level 2	7/3/22	Civil & Stormwater Engineering Services P/L

Sheet 2 of 2, 102 Issue A	Stormwater Layout Plan, Basement Level 2	7/3/22	Civil & Stormwater Engineering Services P/L
103 Issue A	Stormwater Layout Plan, Basement Level 1	7/3/22	Civil & Stormwater Engineering Services P/L
104 Issue A	Stormwater Layout Plan, Ground Level	7/3/22	Civil & Stormwater Engineering Services P/L
105 Issue A	Stormwater Layout Plan, Level 1	7/3/22	Civil & Stormwater Engineering Services P/L
106 Issue A	Stormwater Layout Plan, Level 2	7/3/22	Civil & Stormwater Engineering Services P/L
107 Issue A	Stormwater Layout Plan, Level 3	7/3/22	Civil & Stormwater Engineering Services P/L
108 Issue A	Stormwater Layout Plan, Level 4	7/3/22	Civil & Stormwater Engineering Services P/L
109 Issue A	Stormwater Layout Plan, Level 5	7/3/22	Civil & Stormwater Engineering Services P/L
110 Issue A	Stormwater Layout Plan, Roof Level	7/3/22	Civil & Stormwater Engineering Services P/L
111 Issue A	Onsite Detention Details and Calculations	7/3/22	Civil & Stormwater Engineering Services P/L
112 Issue A	Catchment Plan and Music Results	7/3/22	Civil & Stormwater Engineering Services P/L
113 Issue A	Sediment & Erosion Control Plan & Details	7/3/22	Civil & Stormwater Engineering Services P/L
114 Issue A	Miscellaneous Details Sheet	7/3/22	Civil & Stormwater Engineering Services P/L
1283365M_03	BASIX Certificate	29/06/2 2	GAT & Associates

20170267.1/15 05A/R1/JL	Acoustic Assessment	15.5.17	Acoustic Logic
----------------------------	------------------------	---------	----------------

Plan No. & Revision No.	Title	Date Issued	Prepared by
E23205.E02_Rev0	Detailed Site Investigation	8.12.17	Ei Australia
E23205 AB_Rev1	Acid Sulfate Soils Management Plan	16.5.18	Ei Australia
E23205 GA	Geotechnical Report	31.1.17	Ei Australia
Job No. 222013	Statement of Compliance Access for People with Disability	4/3/22	Accessible Building Solutions
SO3475, Rev C	Operational Waste Management Plan	22/2/22	Elephants Foot

Plan No. and Revision No.	Plan/ Certificate Type	Date Issued	Prepared by
DA100J	Cover Sheet	19.09.2018	BKA architecture
DA110F	Basement 2 Plan	13.09.2018	BKA architecture
A-DA-110-000A	Level B2	August 2021	Benson McCormack
DA111F	Basement 1 Plan	20.09.2018	BKA architecture
A-DA-110-001A	Level B1	August 2021	Benson McCormack
DA112L	Ground Floor Plan	19.09.2018	BKA architecture

A-DA-110-002 A	Level Ground	August 2021	Benson McCormack
DA113-I	First Floor Plan	19.09.2 018	BKA architecture
DA114-G	Second Floor Plan	13.09.2 018	BKA architecture
DA115-H	Third Floor Plan	13.09.2 018	BKA architecture
DA116-J	Fourth Floor Plan	13.09.2 018	BKA architecture

Plan No. and Revision No.	Plan/ Certificate Type	Date Issued	Prepared by
DA117-J	Fifth Floor Plan	13.09.2 018	BKA architecture
DA119-G	Roof Plan	19.09.2 018	BKA architecture
DA200-K	East & West Elevations	19.09.2 018	BKA architecture
DA201-I	North Elevation	13.09.2 018	BKA architecture
DA202-J	South Elevation	19.09.2 018	BKA architecture
DA300-H	Sections	13.09.2 018	BKA architecture
DA800-E	External Finishes Schedule – North	13.09.2 018	BKA architecture
DA801-F	External Finishes Schedule – South	20.09.2 018	BKA architecture
DA806-D	External Finishes Schedule – East	20.09.2 018	BKA architecture
SK03-M	Ground Floor Landscape Plan	-	Scape Design

SK04-L	Levels 2 & 4 Landscape Plan	-	Scape Design
SK05-E	Levels 1 & 3 Landscape Plan	-	Scape Design
SK06-K	Planting Plan	-	Scape Design
821605M_02	BASIX Certificate	20.09.2018	Planning & Environment
20170267.1/1505A/R1/JL	Acoustic Assessment	15.05.2017	Acoustic Logic
E23205.E02_Rev0	Detailed Site Investigation	08.12.2017	Ei Australia
E23205 AB_Rev4	Acid Sulfate Soils Management Plan	16.05.2018	Ei Australia
E23205-GA	Geotechnical Report	31.01.2017	Ei Australia

And details submitted to Council with the application for development consent and as amended by the following conditions.

AMENDED by MOD/2021/0407 dated 12 November 2021

*AMENDED by APPEAL 2022/73897 OF THE LAND AND ENVIRONMENT COURT DETERMINATION dated 18 July 2022
(Amended – 22 March 2022 – MOD/2022/0402)*

2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. Where any plans and/or information forming part of a construction certificate issued in relation to this consent are inconsistent with:
 - a) the plans and/or information approved under this consent; or
 - b) any relevant requirements of this consent,

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

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

4. [Not used]
5. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes documentation as referenced in Condition 1 of this Determination, No changes may be made to these drawings except by way of an application under section 4.55 of the *Environmental Planning and Assessment Act 1979*. The simplification or diminution of the quality of the architectural resolution, architectural expression and external finishes is not permitted.
6. Where units or dwellings are provided with separate individual hot water systems, these must be located within the internal area of the unit/dwelling and not on any balcony or terrace.
7. A minimum of 9 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
8. A total of 38 off-street car parking spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. The parking must be allocated as follows:
 - a) 25 spaces being allocated to the residential dwellings;

- b) ~~9 accessible adaptable~~ car parking spaces, being 1 ~~accessible adaptable~~ car space per adaptable dwelling;
- c) 4 car parking spaces allocated to the ground floor retail/commercial tenancies; and
- d) 1 loading dock for use by the commercial tenancies.

All accessible car spaces must be provided and marked as disabled car parking spaces.

(Amended – 22 March 2023 – MOD/2022/0385)

- 9. A minimum of 2 motorcycle parking spaces must be provided and maintained. The design of require motorcycle parking spaces must be in accordance with the relevant provision of Part 2.10 of Marrickville Development Control Plan 2011 – Parking and be for the exclusive use of residents.
- 10. ~~26~~ A total of 28 off-street bicycle parking spaces must be provided, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. *AMENDED by MOD/2021/0407 dated 12 November 2021*
- 11. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
Reason: To ensure adequate maneuverability to all car parking spaces and that the spaces are used exclusively for parking.
- 12. The resident car parking spaces for the non-adaptable dwellings must be allocated based on unit type in accordance with the rates specified in Table 1: On site car parking requirements for Parking Area 2 under Part 2.10 of Marrickville Development Control Plan 2011 – Parking.

13. ~~A total of 32~~ All storage cages must be maintained in accordance with the plans approved under Part B Condition 1. The distribution of storage cages must ensure that units are provided with a storage cage consistent with the unit size in accordance with the provisions of the Residential Flat Design Code. *AMENDED by MOD/2021/0407 dated 12 November 2021*
14. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15min noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assess as an LAeq, 15min and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

15. The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.
16. Separate Development Consent or a Complying Development Certificate must be obtained for the use of the commercial tenancies prior to the occupation of those tenancies on the ground level of the building.
17. [Not used]

18. Each dwelling must be used exclusively as a single dwelling and not be adapted for use as backpackers' accommodation, serviced apartments or a boarding house and not be used for any industrial or commercial purpose.
19. The development is approved to a maximum height of 37.4 metres above Australian Height Datum (AHD). Should the height be exceeded a new application must be submitted in accordance with the Civil Aviation (Building Control) Regulations 1988.
20. Should the height of any temporary structure and/or equipment be greater than 15.24 AEGH metres, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
21. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations; Sydney Airport Corporation Limited advises that approval to operate construction equipment (i.e. Cranes) should be obtained prior to any commitment to construct.
22. Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any advertisements or advertising structures. The shop windows must not be painted with advertisements and no flashing lights are to be installed on the premises.
Reason: To confirm the terms of Council's approval.
23. The following is a waste condition:
 - a) The owners of the property are responsible for appointing a designated

- person(s) responsible for moving waste bins from their usual storage space in the basement to the place to the collection point for the storage of domestic bins being in accordance with details to be submitted to Council's satisfaction;
- b) The domestic bins only being placed in the approved collection point after 7.00pm on the day prior to collection and are to be returned to their storage location within the building within two (2) hours of the bins being collected by Council. The owner/operator is responsible to ensure compliance with this condition;
 - c) Tenants (commercial and residential) shall be advised to anticipate heightened noise levels during garbage collection;
 - d) Should the waste conditions not be met, Council reserves the right to reconsider servicing the site for garbage collection, in accordance with Council's Fees and Charges.
 - e) No compaction of waste is permitted within the development in accordance Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management.
 - f) The person acting on this consent shall advise any purchaser or prospective tenant of this condition.
 - g) To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 9pm and 8am on any day.
24. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
25. The proposed awning shall be of cantilever type and be set back at least 600mm from the kerb line. The proposed awning shall be designed so as to be easily removed if required in future. The awning shall include pedestrian lighting (Category P3-AS1158) and shall be maintained and owned by the property owner(s). The owner shall maintain, modify or remove the structure at any time if given notification by Council to do so. All works shall be at no cost to Council.
26. The person acting on this consent shall advise any purchaser or prospective

tenant to consult the Council as to whether they are able to access a parking permit. Any by-laws of any future residential strata plans created for the property shall reflect this condition.

27. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2015 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
28. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
29. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the basement or any below ground structure shall be design to be "tanked" preventing the ingress of seepage or groundwater.
30. The two street trees shall be retained and protected in accordance with these conditions and with the Australian Standard Protection of Trees on Development Sites AS 4970—2009.
31. All reasonable directions in writing by the project arborist in relation to tree management and tree protection shall be complied with.

32. During construction the project arborist shall undertake periodic inspections of trees and tree protection measures, as detailed in the tree protection plan.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

- A. For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 6.5 of the Environmental Planning and Assessment Act 1979. Pursuant to Section 6.5 of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the Building Code of Australia.**

33. A Hazardous Materials Survey (HMS) of current site structures is required to be undertaken and submitted to the satisfaction of the principal certifying authority prior to the commencement of work.

Reason: To ensure that appropriate and necessary remediation of the land is undertaken.

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

Please refer to the web site www.sydneywater.com.au for:

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

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

35. No work must commence until:
- a) A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
 - b) A minimum of 2 days written notice must be given to Council of the intention to commence work.
36. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures. Reason: To comply with the provisions of the Environmental Planning and Assessment Act.
37. Sanitary facilities are to be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.
- Facilities are to be located so that they will not cause a nuisance.
38. [Not used]
39. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from

Council before work commences.

40. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
41. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
42. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.
43. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:
 - a) The name, address and telephone number of the PCA;
 - b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
44. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan must indicate:
 - a) Where the builder's materials and waste are to be stored;

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

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

- 45. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining property at 275 Illawarra Road, Marrickville, if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.
- 46. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.
- 47. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:
 - a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work

Zone application.

- b) A concrete pump across the roadway/footpath
- c) Mobile crane or any standing plant
- d) Skip bins
- e) Scaffolding/Hoardings (fencing on public land)
- f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- g) Awning or street verandah over footpath
- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity

- 48. The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.
- 49. The person acting on this consent shall ensure the site is secured with temporary fencing prior to any works commencing.

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

Separate approval is required from Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

50. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities.
51. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
52. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
53. A project arborist with a minimum AQF level 5 qualification in arboriculture and who does not remove or prune trees in the Inner West local government area shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.

54. The contact details of the project arborist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.

55. The project arborist shall prepare a Tree Protection Plan, which shall be submitted to and approved by Council before work commences. The Tree Protection Plan shall include details of tree protection whilst the awnings adjacent to the street trees are constructed.

Note: A full Arboricultural Impact Assessment (AIA) report is not required.

Council requirements for a tree protection plan are detailed in Marrickville Development Control Plan, Clause 2.20 Appendix 1.

56. The tree protection measures detailed in the council-approved tree protection plan shall be established before work commences.

57. The project arborist shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the council-approved tree protection plan before work commences.

58. A street tree security deposit of \$2,500 per tree for the two street trees in Illawarra Road shall be lodged with Council before work commences.

Note: The security deposit will be refunded following the issue of the Occupation Certificate if the trees have not been, in council's opinion, negatively impacted during demolition and construction.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

- b) Before the *issue of a Construction Certificate, the Council must be paid a monetary contribution of \$720,611.92 ~~\$748,004.90~~ indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 24 September 2018.

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

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

(CONTRIBUTION PAYMENT REFERENCE NO. DC002416)

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:

Community Facilities	\$81,088.95
Plan Administration	\$14,078.66

<u>Recreation Facilities</u>	
	<u>\$620,81</u>
4.73 Traffic Facilities	
6	\$2,022.5
<u>Community Facilities</u>	<u>\$79,619.82</u>
<u>Plan Administration</u>	<u>\$14,088.73</u>
<u>Recreation Facilities</u>	
	<u>\$626,90</u>
3.36 Traffic Facilities	
	\$0.00

A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.

The contribution must be paid either in **cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card***.

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

AMENDED by APPEAL 2022/73897 OF THE LAND AND ENVIRONMENT COURT DETERMINATION dated 18 July 2022

- 60. Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction before

the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

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

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.

<http://www.lspc.nsw.gov.au>.

61. At the completion of demolition and prior to the commencement of any works on the site additional groundwater monitoring including well installations and investigation is required to be undertaken in accordance with the requirements contained in the Detailed Site Investigation. Confirmation from Ei Australia that the site is suitable to commence works is required to be provided to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.
62. Prior to the issue of the Construction Certificate, the landscape plan shall be reviewed and amended, and submitted to Council for approval. The amended landscape plan shall provide small trees (minimum 4 metres) on structure that will provide a minimum of 15% canopy across the subject site. Adequate soil volume, irrigation and drainage shall be provided.

AMENDED by APPEAL 2022/73897 OF THE LAND AND ENVIRONMENT COURT DETERMINATION dated 18 July 2022

63. A statement from a qualified Architect, verifying that the plans and

specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

64. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.
65. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
66. Adequate outdoor clothes drying areas/facilities must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. Where such areas/facilities are provided on street facing balconies, the areas/facilities must be appropriately screened from view from the street.

AMENDED by APPEAL 2022/73897 OF THE LAND AND ENVIRONMENT COURT DETERMINATION dated 18 July 2022

67. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
68. Plans fully reflecting the selected commitments listed in BASIX Certificate

submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

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

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

70. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit	\$158,000
Inspection fee	\$691.95

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

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

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

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

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

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

71. The stormwater drainage plans 101 (Rev A), 102 (Rev A), 103 (Rev A), 104 (Rev A), 105 (Rev A), 106 (Rev A) 107 (Rev A) 108 (Rev A) 109 (Rev A) 110 (Rev A) 111 (Rev A), 112 (Rev A), 113 (Rev A) and 114 (Rev A) by Civil & Stormwater Engineering Services must be amended and/or additional information provided as follows:

- i. The Plans shall be amended to suit the amended architectural plans;
- ii. Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files and or excel

- spreadsheets). In this regard the on-site detention system must be designed for all storm events from the 1 in 5 year to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions;
- iii. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area;
 - iv. Details of the Height v Storage and Height v Discharge relationships must be submitted;
 - v. Details of the 1 in 100 year overflow route in case of failure/blockage of the drainage system shall be provided;
 - vi. Construction details for the proposed new kerb inlet pit to be installed in Illawarra Road;
 - vii. The MUSIC model (.sqz file) used in the water quality design shall be provided to ensure the treatment measures proposed meet Council's water quality targets;
 - viii. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
 - ix. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the basement shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.
71. ~~The stormwater drainage plans H5500 (Rev A), H5501 (Rev B), H5502 (Rev B), H5503 (Rev C), H5504 (Rev B), H5505 (Rev B) H5506 (Rev B) H5507 (Rev B) H5508 (Rev B) H5509 (Rev C) and H5510 (Rev B) by J & M Group must be amended and/or additional information provided as follows:~~
- ~~x. The Plans shall be amended to suit the amended architectural plans;~~
 - ~~xi. Detailed calculations for sizing of the OSD system to be provided for assessment (this shall include the DRAINS files and or excel spreadsheets). In this regard the on-site detention system must be~~

designed for all storm events from the 1 in 5 year to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions;

- ~~xii. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area;~~
- ~~xiii. Details of the Height v Storage and Height v Discharge relationships must be submitted;~~
- ~~xiv. Details of the 1 in 100 year overflow route in case of failure/blockage of the drainage system shall be provided;~~
- ~~xv. Construction details for the proposed new kerb inlet pit to be installed in Illawarra Road;~~
- ~~xvi. The MUSIC model (.sqz file) used in the water quality design shall be provided to ensure the treatment measures proposed meet Council's water quality targets;~~
- ~~xvii. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and~~
- ~~xviii. Dry weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the basement shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.~~

The above additional information shall be shall be submitted to and approved by Council before the issue of a Construction Certificate.

AMENDED by APPEAL 2022/73897 OF THE LAND AND ENVIRONMENT COURT DETERMINATION dated 18 July 2022

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

- a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc. shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide;
- b) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- c) New kerb and gutter along the frontage of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Infrastructure Services Division on 9335 2000; and
- d) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath shall be set at 2.5%. These sections will set the alignment levels at the boundary. Cross sections must include existing and design levels for back of footpath; top of kerb; kerb invert; kerb lip; road level 1m from kerb lip and road centre line;
- e) Street tree and planting details; and
- f) Details of all existing and proposed signage and line marking.

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

73. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2002 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities so that:
 - a) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:-
 - (i) car spaces adjacent to walls or fences are increased in width by an additional 300mm;

- (ii) end spaces are provided with an additional 1m aisle extension; and
 - (iii) the location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
- b) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles; and
- c) The intersections between the parking aisles and ramps on basement level 1 and basement level 2 shall be designed to allow a B85 vehicle to pass a B99 vehicle. Swept paths demonstrating the above including the swept path clearances specified in paragraph B3.2 of AS2890.1 shall be submitted to Council for all basement parking aisles and ramp intersections.

Details of compliance with the above requirements including engineering certification by a Traffic Engineer shall be submitted to and approved by Council before the issue of a Construction Certificate.

74. To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided.

The ventilation systems are to be designed, constructed and operated in accordance with the:

- The Building Code of Australia,
- Australian Standard AS 1668 Part 1 – 1998,
- Australian Standard AS 1668 Part 2 – 2012,
- Australian Standard 3666.1 – 2011,
- Australian Standard 3666.2 – 2011; and
- Australian Standard 3666.3 - 2011.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate. The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house

the system must be the subject of further approval from Council (the consent authority).

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

Reason: To confirm the terms of Council's approval.

75. ~~[Not used] The approved acoustic report shall be amended or a new acoustic report shall be prepared addressing the approved amended plans. All recommended mitigation measures shall be notated on the plans prior to the release of the Construction Certificate.~~

AMENDED by APPEAL 2022/73897 OF THE LAND AND ENVIRONMENT COURT DETERMINATION dated 18 July 2022

76. ~~All plant and associated equipment must be located within the approved building envelope and is not be located on the roof. Details on the location of all plant and equipment must be consistent with the approved plans and submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.~~

AMENDED by APPEAL 2022/73897 OF THE LAND AND ENVIRONMENT COURT DETERMINATION dated 18 July 2022

77. Waste water arising from the use must be directed to the sewers of the Sydney Water under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of Sydney Water prior to discharge to the sewer. Details of the requirements of the Trade Waste Agreement must be obtained prior to the issue of a Construction Certificate. Plans detailing how compliance will be achieved must be prepared and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

SITE WORKS

78. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work being carried out on any Saturday that falls adjacent to a Public Holiday.
79. During any construction works and activities, no injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
80. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
81. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'.
82. All demolition work must be carried out in accordance with the following:
 - a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
 - b) all works involving the demolition, removal, transport and disposal of

asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;

- c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
 - d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
 - e) the generation of dust and noise on the site must be controlled;
 - f) the site must be secured to prohibit unauthorised entry;
 - g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
 - h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
 - i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
 - j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
 - k) the person acting on this consent must ensure that all contractors and sub- contractors associated with the demolition are fully aware of these requirements.
83. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another certifying authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:
- a) At the commencement of the building work;
 - b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);

- c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

84. If it is necessary to excavate below the level of the base of the footings of a building on the adjoining allotments, including a public place such as footways and roadways, the person acting on this consent must ensure:
- a) At least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work; and
 - b) That any building is preserved and protected from damage.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained. Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.

85. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
86. Satisfactory methods and/or devices must be employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the

site.

87. A clear unobstructed path of travel of not less than 1,000mm must be provided to all exits and paths of travel to exits.
88. All builders' refuse, spoil and/or material unsuitable for use in landscape areas must be removed from the site on completion of the building works.
89. All fill imported on to the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site must also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
 - b) Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.
90. If during site works there are significant unexpected occurrences, site works shall immediately cease. A suitably qualified environmental consultant shall be engaged to assess the site and determine if remediation is required in accordance with the NSW Environmental Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites 2011*. Any unexpected occurrences and management plans to address these occurrences shall be reported to and approved by Council. Note that Council may request that a

NSW EPA Accredited Site Auditor review any proposed remedial or management plans.

91. Any water (including water from excavations) shall be discharged to sewer, with the appropriate licence to be obtained; or disposed off-site to a suitably licensed facility. Alternatively, any water to be discharged to Council's stormwater system shall comply with the ANZECC Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems (95% protection level for marine ecosystems).
92. Alignment levels for the site at all pedestrian and vehicular access locations shall be set by the approved public domain plans. Note: This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the above alignment levels. Failure to comply with this condition will result in vehicular access being denied.
93. The applicant shall, within fourteen (14) days of notification by Council, execute any and all maintenance works required by Council. In the event that the applicant fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security bond and Council may recover any costs in excess of the security from the applicant.
94. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.
95. Tree protection measures detailed in the council-approved tree protection plan and in Section 4 of Australian Standard Protection of Trees on Development Sites AS 4970—2009 shall be implemented and complied with for the duration of works including site preparation, demolition, construction

and landscaping (except where these conditions permit otherwise). Any reasonable directions in writing by the Project Arborist relating to tree protection shall be complied with.

96. If either street tree needs to be pruned, it shall be pruned by a practicing arborist who has a minimum qualification of Certificate 3 in arboriculture, in accordance with the following:
- a) a pruning specification prepared by the project arborist and approved by council, and
 - b) the Australian Standard *Pruning of Amenity Trees* AS 4373—2007.

Note: The trees should be tied back in preference to pruning, if possible.

97. Landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved landscape plan, and must be maintained at all times to Council's satisfaction. Specified tree protection measures shall be complied with for all landscaping works, except where these conditions permit otherwise.

98. Following completion of construction and prior to the issue of the Occupation Certificate, trees detailed on the approved landscape plan shall be planted in accordance with the following criteria:
- a) The new trees shall be located in accordance with the approved landscape plan.
 - b) The species of trees and planting stock size shall be as detailed in the approved landscape plan.
 - c) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
 - d) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
 - e) Each new tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by Council's Development Control Plan (DCP).
 - f) If any tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.

1. BEFORE OCCUPATION OF THE BUILDING

99. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:
- a) A copy of the determination;
 - b) Copies of any documents that were lodged with the Occupation Certificate application;
 - c) A copy of Occupation Certificate, if it was issued;
 - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
 - e) A copy of any missed inspections; and
 - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
100. Occupation of the building must not be permitted until such time as:
- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
 - b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
 - c) An Occupation Certificate has been issued.
101. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:
- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
 - b) Display a copy of the Final Safety Certificate and Fire Safety Schedule

in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate shall be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

102. The separate lots comprising the development must be consolidated into one lot and under one title and registered at the NSW Department of Lands before the issue of a Occupation Certificate.

103. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

- a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
- b) Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.

104. [Not used]

105. Upon completion of the development, a statement from a qualified Architect, verifying that the development achieves the design quality of the development
as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality

of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of an Occupation Certificate.

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

107. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.

108. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.

109. Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery to arrange the following number of bins in relation to the residential component of the approved development:

- 13 x 240Lbins or 5 x 660L bins for general waste streams;
- 26 x 240Lor 10 x 660 L bins for recycling waste streams; and
- UP to 10 x 240L bins or Up to 5 x 660L green waste bins. (optional)

Reason: To confirm the operation and servicing of the site meets Council's requirements prior to occupation or use of the building.

110. Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the *EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999* and the *Protection of the Environmental Operations Act 1997*.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

111. [Not used]

112. At the completion of the installation of the mechanical exhaust system, a certificate from the installer shall be submitted to Council or the Principal Certifying Authority indicating the following:

- a) inspection, testing and commissioning details,
- b) date of inspection testing and commissioning,
- c) the name and address of the individual who carried out the test, and
- d) a statement that the service has been designed, installed and is capable of operating to their accordance with AS 1668.2-1991/2012 – Mechanical ventilation for acceptable indoor-air quality above standard.

Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property. The system must be in accordance with the approved plans. Any requirement for the system to be visible from the public domain or adjoining properties and is not consistent with the approved plans will require further consent from Council.

Noise and vibration from the use of the mechanical exhaust and/or ventilation system shall not exceed the background noise level by more than 5dB(A) and shall not be audible in any premises of a neighbouring occupancy.

113. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
114. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" must be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
115. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
116. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
117. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
118. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the

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

119. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of the Occupation Certificate.
120. The existing concrete footpath across the frontage of the site shall be reconstructed in accordance with approved public domain plans and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of an Occupation Certificate.
121. The existing unsatisfactory road pavement in Marrickville Lane shall be repaired using a 40mm Mill and Fill treatment for half the road width for the full frontage of the site. Any failed section shall be boxed out and replaced with deeplift asphalt before the Mill and Fill treatment.
122. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans shall be submitted to and accepted by Council. In addition, full works-as- executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.
123. With the regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate. The Positive Covenant shall include the following:
 - a) The proprietor of the property shall be responsible for maintaining the stormwater treatment facility in accordance with the approved plans;
 - b) The Proprietor shall have the stormwater quality treatment facilities

inspected annually (minimum) by a competent person and must provide the

WSUD maintenance plan approved under this Consent to competent person to record the annual inspections.

- c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all elements of the stormwater quality treatment facilities to ensure that the water quality targets provided in the design of the system are achieved; and recover the costs of any such works from the proprietor.

124. With the regard to the On Site Detention System (OSD), a Positive Covenant in accordance with supplement 7 of Inner West Council Stormwater and On Site Detention Code shall be placed on the Title in favour of Council before the issue of the Occupation Certificate.

125. All instruments under Section 88B of the Conveyancing Act used to create positive covenants, easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Inner West Council.

126. All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's standard plans and specifications. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the approved plans and specifications before the issue of the Occupation Certificate. In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works.

127. The applicant shall provide security, in a manner satisfactory to Council for

the proper maintenance of the public domain works in an amount of \$16,000 for a period of twelve (12) months from the date of completion of the public domain works as surety for the proper maintenance of these works.

128. A second Dilapidation Report addressing the public infrastructure identified in pre work Dilapidation Report including a photographic survey and structural condition, must be submitted after the completion of works. A copy of this Dilapidation Report must be lodged with Council and the Principal Certifying Authority before to the issue of an Occupation Certificate. Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to Council before to the issue of an Occupation Certificate.
129. Before the issue of the Occupation Certificate, The Council must be provided with evidence which establishes that a plan of subdivision has been registered by the Land Registry Services which results in the following road widening:
- a) ~~A0~~ Widening of Marrickville Lane by 2m; and
 - b) Provision of 2m x 2m splays at the corner of **Illawarra Road and Marrickville Lane and at the corner of** Marrickville Lane and Illawarra Lane; **and**
 - c) **Provision of a curved splay at the corner of Illawarra Road and Marrickville Lane which follows the line of the proposed curved building alignment at the corner.**
- (Amended – 22 March 2023 – MOD/2022/0401)**
130. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Public Domain Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.
131. [Not used].
132. The project arborist shall certify in writing to the Principal Certifying Authority

(PCA) before the issue of the Occupation Certificate that the conditions of consent relating to tree removal, tree pruning, tree protection and tree planting have been complied with and that the protected trees have not been damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure from the conditions. The Principal Certifying Authority shall report breaches of the conditions to Inner West Council.

- 133. Prior to the issue of the occupation certificate, council shall be notified and shall inspect the street trees to determine if there has been any negative impact upon the street trees and whether the security deposit will be forfeited

Advisory

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