

	
DEVELOPMENT ASSESSMENT PANEL REPORT	
Application No.	DA/2025/0049
Address	7 Dibble Avenue MARRICKVILLE NSW 2204
Proposal	Demolition of existing structures, Torrens title subdivision of the existing lot(s) into 4 allotments and construction of a three storey attached dwelling with roof terrace on each lot and associated ancillary works.
Date of Lodgement	3 February 2025
Applicant	Cracknell & Lonergan Architects
Owner	Packet Houses Pty Ltd
Number of Submissions	19
Cost of works	\$1,650,000.00
Reason for determination at Planning Panel	Number of submissions
Main Matters	• Pattern of subdivision • Private open space provided • Stormwater issues • Built form • Setbacks • Acoustic and visual privacy • Landscaping • Tree management • Site facilities
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Plans of proposed development
Attachment C	Draft Conditions of consent in the event of an approval
	
LOCALITY MAP	
Objectors	
Notified Area	
Subject Site	
Supporters	Nil
Note: Due to scale of map, not all objectors could be shown.	

1. Executive Summary

This report is an assessment of the application submitted to Council for the demolition of existing structures, Torrens title subdivision of the existing lot into 4 allotments and construction of a three storey attached dwelling with roof terrace on each lot and associated ancillary works at 7 Dibble Avenue MARRICKVILLE.

The application was notified to surrounding properties and 19 submissions were received in response to the notification.

The main issues that have arisen from the application include:

- Proposal inconsistent with prevailing pattern of subdivision
- Lack of private open space provided
- Stormwater
- Built form
- Setbacks
- Acoustic and visual privacy
- Landscaping
- Tree management
- Site facilities

The non-compliances are not acceptable and will result in detrimental environmental and amenity impacts and therefore the application is recommended for refusal.

2. Proposal

The proposal involves the demolition of all existing structures on the site, Torrens Title subdivision of the site into four lots, and the construction of four attached dwelling houses, each comprising three storeys with a service roof incorporating solar panels and a green roof. Each dwelling house will contain three bedrooms, a study, 2 bathrooms plus WC, a rear elevated courtyard with decking, and off-street parking for each dwelling within the front setback area.

3. Site Description

The subject site is located on the south eastern side of Dibble Avenue, between Ewart Street and Riverside Crescent, Marrickville. The site consists of one allotment and is generally square in shape with a total area of 374.6 sqm and is legally described as Lot 9 in DP 11298.

The site has a frontage to Dibble Avenue of 16.015 metres. The site supports a single storey dwelling. The adjoining properties contain three-storey residential flat buildings to the south and west and a two-storey dwelling to the east of the site.

The subject site is located near a heritage item. The following trees are located on the site and within the vicinity.

- The rear yard contains a self-seeded Mulberry tree
- A small Evergreen Ash Street tree is located on the Council verge at the front
- A Bottlebrush and Jacaranda located in the rear adjoining property overhang the site.



Figure 4: Aerial photo of subject site

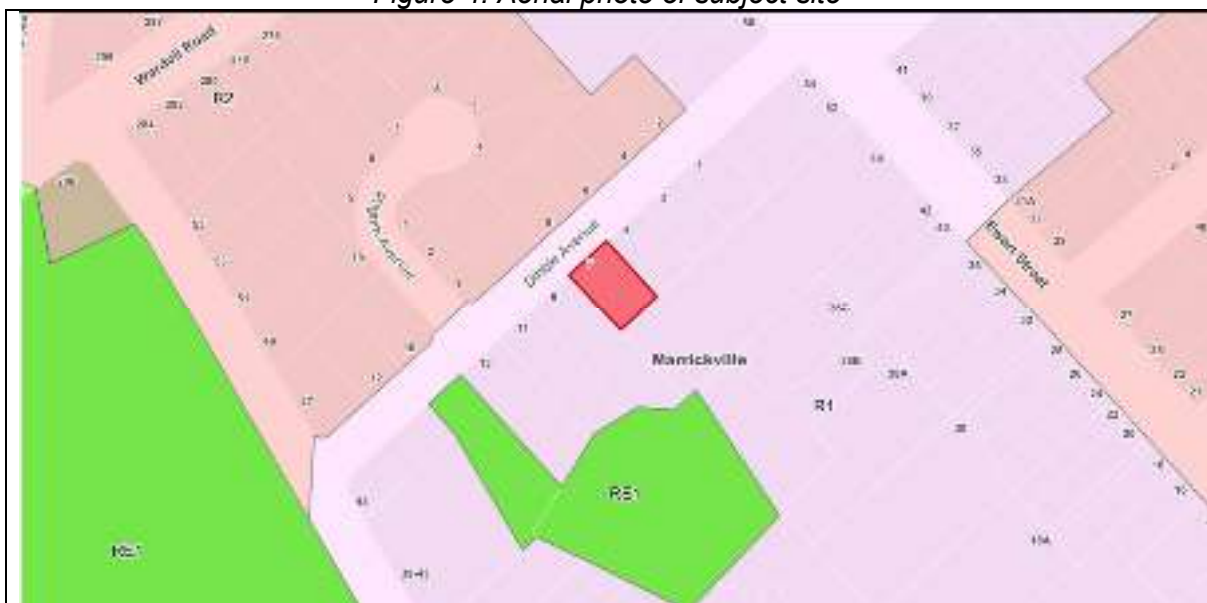


Figure 5: Zoning Map (subject site in red)

4. Background

Application history

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

Date	Discussion / Letter / Additional Information
7 th May 2025	A request for withdrawal was sent to the applicant for the following reasons: 1. Subdivision The proposed subdivision fails to align with MDCP 2011 objectives and controls. It does not reflect the prevailing subdivision pattern of Dibble Avenue, with proposed lot widths and areas significantly below surrounding standards. No subdivision context analysis was provided.

As a result, the proposal conflicts with both the R1 zone objectives and Clause 4.1 of IWLEP 2022. Council recommends reducing the proposal to two lots with dimensions similar to neighbouring properties.

2. Floor Space Ratio (FSR)

The development exceeds the maximum FSR of 1.1:1 due to incorrect GFA calculations that omit non-exempt structures. The excess floor area contributes to non-compliance with DCP controls related to setbacks, bulk and scale, and POS. No Clause 4.6 variation request has been submitted, and Council will not support one due to the site's overdevelopment.

3. Streetscape Compatibility & Design

The proposed design is inconsistent with the established character of Dibble Avenue. Key issues include inappropriate front setback parking, poor integration with surrounding built form, unsympathetic materials, and insufficient façade articulation. Amendments requested include deleting front car spaces, modifying the roof form, adjusting building height, refining materials, and increasing façade articulation.

4. Built Form & Design

The proposal creates excessive visual bulk and lacks adequate setbacks, leading to privacy and amenity impacts, especially to 5 Dibble Avenue. The design does not accommodate the existing stormwater infrastructure or allow for suitable POS. Council requests amended plans with increased side/rear setbacks, deletion of upper floor courtyards, and reconfiguration of building massing.

5. Car Parking & Access

The proposed off-street parking reduces on-street parking and disrupts the development pattern. It does not comply with MDCP 2011 or AS/NZS 2890.1-2004 standards. Council supports retaining one off-street space but requires deletion of the proposed parking structures and driveways.

6. Solar Access

The proposal fails to demonstrate adequate solar access to both neighbouring properties and its own POS areas. Shadow diagrams are insufficient and do not comply with MDCP 2011 standards. The main concern stems from the proposed density, narrow lot widths, excessive bulk, and lack of articulation, not site orientation. Council considers the design and site layout the primary causes of overshadowing.

7. Landscaping & Private Open Space (POS)

Each lot's POS is significantly below the required 45m² and lacks pervious landscaping. The proposal doesn't meet solar access or tree planting requirements and lacks sufficient open areas for use. Council recommends reducing the number of lots to two to achieve compliant POS and landscaping provisions.

8. Tree Management

The proposal fails to protect existing trees or provide opportunities for new plantings. The Arborist Report is incomplete. Vehicular crossovers impact a street tree's SRZ and TPZ. No deep soil zones are included for new trees. Council recommends deleting driveways and adding a deep soil area in the front setback to accommodate at least two new trees.

9. Site Coverage

Site coverage is excessive, leaving inadequate space for outdoor recreation, landscaping, and stormwater management. To achieve

	compliance, Council requests a reduction to two allotments and compliance with FSR, POS, tree planting, and setbacks. 10. Acoustic Privacy Second-floor courtyards exceed the permitted size and depth, contributing to privacy concerns. Council requires these elements to be removed from the proposal. 11. Stormwater Drainage The proposal builds over an existing Council stormwater pipe without proper easements or clearances. Amendments are required to provide a 2.5m easement and appropriate setbacks, showing all footings outside the easement and no surcharge loads on Council infrastructure. 12. BASIX Certificate A revised BASIX Certificate must be submitted to reflect the amended design. 13. Other Matters Written consent from neighbours is required for encroachments and potential new fencing and bin storage areas must be located entirely within each proposed lot.
4 th June 2025	Amended plans and supporting documentation were received. Renotification was not required in accordance with Council's Community Engagement Strategy. The amended plans and supporting documentation are the subject of this report.

5. Assessment

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

A. Environmental Planning Instruments

The application has been assessed, and the following provides a summary of the relevant Environmental Planning Instruments.

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards 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.*

In considering the above, there is no evidence of contamination on the site. There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

Notwithstanding this, the application is recommended for refusal for other reasons outlined in this report.

SEPP (Sustainable Buildings) 2022

Chapter 2 Standards for residential development - BASIX

The application is accompanied by a BASIX Certificate (lodged within 3 months of the date of the lodgment of this application) in compliance with the *EP&A Regulation 2021*.

Notwithstanding this, the application is recommended for refusal for other reasons outlined in this report.

(A) SEPP (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The *Biodiversity and Conservation SEPP* requires consideration for the protection and/or removal of vegetation and gives effect to the local tree preservation provisions of Part 2.20 of the MDCP 2011.

The application seeks the removal of the Mulberry tree in the rear yard. This tree is a smaller specimen considered of low retention value and removal could be supported subject to replacement tree planting within the site.

In this regard an assessment of the proposal has revealed the proposed areas of private open space are of an insufficient size and would receive inadequate solar access to enable the provision of replacement planting as required.

There is one *Fraxinus griffithii* (Evergreen Ash) street tree located within the Council verge to the front of the site. The tree is a smaller specimen, however the proposed vehicular crossovers either side of the tree will significantly reduce the area of transpiration and will likely impact the structural root zone for this tree, resulting in a major incursion rather than a minor incursion under AS4970-2025 Protection of Trees on development sites. In addition, canopy pruning would likely be required to allow for vehicles to move beneath the tree. This tree cannot be retained as part of the proposed works in their current form and as such an advanced replacement street tree would be required to be planted. The Marrickville Street Tree Masterplan recommends the planting of *Tristaniopsis laurina* or *Acmena smithii* 'Minor' under wires in Dibble Avenue, and although both would be suitable for the location, from an Arboricultural perspective neither would attain a height or spread suitable to soften the proposed bulk and scale of the built form.

Overall, the proposal is considered unsatisfactory with regard to the *Biodiversity and Conservation SEPP* and Part 2.20 of the MDCP 2011.

Inner West Local Environmental Plan 2022

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

Part 1 – Preliminary

Section	Proposed	Complies
Section 1.2 Aims of Plan	Due to the concerns raised in this report, it has not been demonstrated that the proposal satisfies the relevant Aims of the Plan under Section 1.2(2) as follows: - To encourage development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles, - To conserve and maintain the natural, built and cultural heritage of Inner West, - To encourage diversity in housing to meet the needs of, and enhance amenity for, Inner West residents, - To create a high-quality urban place through the application of design excellence in all elements of the built environment and public domain.	No

Part 2 – Permitted or prohibited development

Section	Proposed	Complies
Section 2.3 Zone objectives and Land Use Table	- The application proposes attached dwellings, attached dwellings are permissible with consent in the R1 General Residential zone. - The proposal is not considered to provide residential development that maintains the character of built and natural features in the surrounding area and as such fails to achieve this objective of the zone.	No
Section 2.6 Subdivision – consent requirements	The application seeks development consent for the subdivision of the existing lot into 4 Torrens title lots, which is permissible with consent. Notwithstanding this, the proposed subdivision of the site is not supported and fails to comply with the subdivision requirements prescribed under Part 3 of MDCP 2011 and as such the application is recommended for refusal.	Yes
Section 2.7 Demolition requires development consent	The proposal satisfies the section as follows: - Demolition works are proposed, which are permissible with consent; and - Standard conditions could be imposed to manage impacts which may arise during demolition.	Yes

Part 4 – Principal development standards

Section	Proposed		Complies
Section 4.3	Maximum	14m	Yes

Section	Proposed		Complies
Height of buildings	Proposed	9.84m	
	Variation	N/A	
Section 4.4 Floor space ratio	Maximum	Lot 1: 1.1:1 or 103.829sqm Lot 2: 1.1:1 or 101.596sqm Lot 3: 1.1:1 or 101.717sqm Lot 4: 1.1:1 or 104.918sqm	Yes
	Proposed	Lot 1: 1.03:1 or 97.84sqm Lot 2: 1.05:1 or 97.84sqm Lot 3: 1.05:1 or 97.84sqm Lot 4: 1.02:1 or 97.84sqm	
	Variation	N/A	
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.		Yes

Part 5 – Miscellaneous provisions

Section	Proposed	Complies
Section 5.10 Heritage conservation	The site at 7 Dibble Road, Marrickville is not identified as a heritage item and is not located within a Heritage Conservation Area. However, it is situated near the locally listed heritage item known as the Dibble Avenue Waterhole (Item I1221), located at 15 Dibble Avenue and adjoining the rear of several surrounding properties. The Dibble Avenue Waterhole is significant as the only remaining brick pit from the many small operations that were active in Marrickville during the late 19th century and is also valued as a rare inner-city refuge for waterbirds. Its visual accessibility from Crofts Playground adds to its heritage value. A Statement of Heritage Impact has been submitted with the application, which proposes the demolition of existing structures, subdivision of the lot into four Torrens title allotments, and the construction of a three-storey attached dwelling with a roof terrace on each lot, along with associated works. The development does not directly adjoin the heritage item, as it is separated by a walk-up apartment complex accessed from Ewart Street. The proposed building height is comparable to nearby walk-up apartments at 9 Dibble Avenue and those along Ewart Street. Based on Council's assessment, the proposal does not result in any adverse heritage impact on the Dibble Avenue Waterhole and is therefore considered acceptable from a heritage perspective.	Yes

Section	Proposed	Complies
	Notwithstanding this, the application is recommended for refusal for other reasons outlined in this report.	
Section 5.21 Flood planning	The site is located in a flood planning area. The design of the proposal and its scale is unlikely to affect the flood affectation of the subject site or adjoining properties and is considered to appropriately manage flood risk to life and the environment. Notwithstanding this, the application is recommended for refusal for other reasons outlined in this report.	Yes

Part 6 – Additional local provisions

Section	Proposed	Complies
Section 6.1 Acid sulfate soils	The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable.	Yes
Section 6.2 Earthworks	The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.	Yes
Section 6.3 Stormwater Management	The proposed subdivision layout is not supported, as it involves building structures over Council owned stormwater pipe. A Council-owned stormwater pipeline traverses the site. An easement in favour of Council must be created over this pipeline. The required easement width is equal to the width of the pipe, box, or channel section plus 1.5 metres, with an overall minimum width of 2.5 metres. No buildings or structures are permitted over drainage lines or within easements in accordance with Control C31 of Part 2.25 of MDCP. The applicant failed to address this requirement adequately within the amended documentation and as such Council cannot support the current proposal. For the reasons listed above the application is recommended for refusal.	No
Section 6.4 Terrestrial biodiversity	The subject site is identified as being located within the 'Biodiversity' area on the Natural Resource – Biodiversity Map. The proposal does not involve any work that will disturb or reduce existing pervious surface area of the site by more than 25% (it should be noted that the site currently is mostly hard surfaces), as such a test of significance is not required.	Yes

B. Development Control Plans**Summary**

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

MDCP 2011	Complies
Part 2.1 – Urban Design	No – see discussion
Part 2.6 – Acoustic and Visual Privacy	No – see discussion
Part 2.7 – Solar Access and Overshadowing	No – see discussion
Part 2.10 – Parking	No – see discussion
Part 2.11 – Fencing	No – see discussion
Part 2.18 – Landscaping and Open Space	No – see discussion
Part 2.20 – Tree Management	No – see discussion
Part 2.21 – Site Facilities and Waste Management	No – see discussion
Part 2.22 – Flood Management	Yes
Part 2.25 – Stormwater Management	No – see discussion
Part 3 – Subdivision	No – see discussion
Part 4.1 – Low Density Residential Development	No – see discussion
Part 9 – Strategic Context	No – see discussion

Marrickville Development Control Plan 2011

The application was assessed against the following relevant parts of the Marrickville Development Control Plan 2011 (MDCP 2011).

Part 2 – Generic Provisions

Control	Assessment	Complies
Part 2.1 Urban Design	The proposed development does not satisfy the relevant provisions of this Part as follows: • The proposed subdivision results in an inconsistent lot shape, size and dimension, which is inconsistent with the surrounding cadastral typography. • The proposal results in visual bulk impacts due to its scale and is not considered appropriate for the character of the locality given its form and resulting subdivision pattern. • The proposal does not preserve the existing character of Dibble Avenue, as the proposal gives no consideration to the architectural character, scale and massing of the existing dwellings on the Street which, erode Dibble Avenue's sense of place. • As such, the proposal is not considered to satisfy objective O1 of this part, as the proposal does not achieve high quality urban design in this instance given the proposed impact on surrounding character, siting, and subdivision pattern.	No
Part 2.6 Acoustic and Visual Privacy	Part 2.6 of MDCP 2011 contains objectives and controls to ensure development has an acceptable impact on acoustic and visual privacy and the following are relevant to the development:	No

Control	Assessment	Complies
	<i>O1 To ensure new development and alterations and additions to existing buildings provide adequate visual and acoustic privacy for the residents and users of surrounding buildings.</i> <i>O2 To design and orientate new residential development and alterations and additions to existing residential buildings in such a way to ensure adequate acoustic and visual privacy for occupants.</i> <i>O3 To ensure new development does not unreasonably impact on the amenity of residential and other sensitive land uses by way of noise or vibration.</i> <i>C3ii Elevated external decks for dwelling houses must generally be less than 10sqm in area and have a depth not greater than 1.5 metres so as to minimise privacy and noise impacts to surrounding dwellings;</i> The windows proposed predominantly face into the site or are adequately offset from adjoining windows, thereby protecting existing privacy levels for surrounding occupiers. However, the proposal is not considered to be consistent with the abovementioned objectives and controls as it includes an elevated deck at the rear on the ground floor and a roof terrace on the second floor of each proposed dwelling which will result in privacy impacts for the adjoining properties. These decks are greater than 10sqm in area and have a depth greater than 1.5m and given their size will lend themselves to be used for extended periods for entertainment. It is considered that they will result in adverse overlooking impacts to the adjoining properties and have not been designed to protect the privacy of neighbouring dwellings to the side and rear of the site. The elevated decks on the second floor fronting the street, will also add to the bulk and scale of the dwellings, which affects the streetscape and character of Dibble Avenue. Due to the level of the rear deck on the ground floor at the rear of the site, the sliding door and verandas will sit approximately 1.5metres above the ground level of the neighbouring properties to the east (No.44 Ewart Street) and south (No.9 Dibble Avenue), which will increase the privacy impacts for the neighbouring properties. Given the adverse privacy impacts, the proposed development is inconsistent with the objectives and controls contained in Part 2.6 of MDCP 2011. Given the	

Control	Assessment	Complies
	circumstances, the application is recommended for refusal.	
Part 2.7 Solar Access and Overshadowing	The proposal has an unsatisfactory impact in terms of overshadowing on the surrounds as follows: - No 44-50 Ewart Street Communal landscaped areas and living area windows positioned within 30 degrees east and 20 degrees west of true north will not be impacted by overshadowing as a result of the proposed works. - However, the proposal does result in increased overshadowing of the northern elevation of the residential flat building at 5 Ewart Street with the front most ground floor dwelling not receiving the prescribed 2 hours of solar access at winter solstice as a result of the proposal with its kitchen and living room window/balcony impacted by the proposal. Furthermore, the proposal results in an adverse impacts on solar access of the proposed dwelling houses as follows: <i>Solar Access to the subject site</i> - Control C8 requires private open space to receive a minimum of 2 hours direct sunlight over 50% of its finished surface between 9am-3pm on June 21 (winter solstice). - The proposed subdivision and built form locate the main POS at the rear of the site which would not achieve a minimum two hours of direct sunlight over 50% of the finished surface between 9.00am and 3.00pm on 21 June for any of the allotments. - Given the above, the proposal is recommended for refusal as the proposed subdivision results in a non-compliance with C8.	No
Part 2.10 Parking	The proposal seeks to subdivide the site into four (4) Torrens title lots. - The site currently has a vehicular crossing and car parking space with access from Dibble Avenue. - Control C1 requires all dwellings to provide at least one (1) car parking space per development, where considered appropriate. The proposal seeks to provide each dwelling with one off-street car parking space. It is noted that each car parking is located within the front setback, which is generally not a supported location. In this instance it is not considered appropriate that each allotment be provided with parking. The provision of a parking space for each narrow lot proposed is inconsistent with the streetscape character, limit the ability to provide meaningful landscaping within the front setback and also result in the loss of on-street parking spaces.	No

Control	Assessment	Complies
	Given the above, the proposal is recommended for refusal as the proposal does not comply with the car parking provision in C1 of this part.	
Part 2.11 Fences	The proposed development does not satisfy the relevant provisions of this Part as follows: - The proposed eastern and western side boundary fence measures 1.8m in height which is acceptable. - A front fence is not proposed in the application. This is due to the proposed parking spaces for each lot being located in and consuming the entire front setback. This is inconsistent with the character of the streetscape in terms of landscaping and low fencing that contributes to consistency in the street.	No
Part 2.18 Landscaping and Open Spaces <u>Private Open Space (POS)</u> Min: 45sqm <u>Pervious Landscaping</u> Min: 50% of POS	The proposed development does not satisfy the relevant provisions of this Part as follows: - The Ground Floor Plan identifies that a minimum of 14.2sqm with no dimension being less than 3 metres is to be provided as private open space for all of the proposed dwellings, as such the proposed lots do not meet the minimum requirements for POS having a significant shortfall of 30.8sqm for each dwelling. - The inadequate size of the POS directly contributes to an inability to provide appropriate impervious area for stormwater management and for the required tree planting required under Part 2.20 of the DCP. - Given the proposed location of the ground POS, none of the lots receive compliant solar access as discussed earlier in this report, this is unsatisfactory. - Each lot does provide a POS on the second floor, however not supported as it is not directly accessible from the living area so not considered the main POS and does not negate the need to comply with the controls. 50% of the proposed POS is pervious landscaping, however given the size of the POS, it is considered that the proposal does not satisfy this part of the DCP - The proposed POS is not capable of providing for required tree planting, and the location and impacts of overshadowing from the proposed dwellings would adversely impact the ability for sustaining vegetation and tree growth. - The proposed landscape area to the front setback remains effectively non-existent, with proposed planter beds conflicting with proposed bin storage and the remaining surface area existing as car parking. From an Arboricultural and Landscape perspective, there is no relief to soften the proposed bulk and scale of the built form. - Having regard to the above, the proposal fails to comply with the provision s of POS and the need for	No

Control	Assessment	Complies
	pervious landscaping resulting in a poor amenity outcome for the proposed dwellings	
Part 2.20 Tree Management	The proposed development doesn't satisfy the relevant provisions of this Part as follows: • The rear yard contains a self-seeded Mulberry tree of low retention value, and its removal may be supported if replacement planting is provided on-site. • A small Evergreen Ash Street tree is located on the Council verge at the front, and the proposed vehicle crossovers on either side would impact its root zone and reduce its transpiration area, breaching AS4970-2009 standards. Canopy pruning may also be needed for vehicle clearance, as such the new crossings are not supported. • A Bottlebrush and Jacaranda located in the rear adjoining property overhang the site, but the proposed development is sufficiently set back to avoid significant impacts on their roots or canopies. • The POS provided does not allow for adequate space to support tree planting, which would require 1 tree within the rear of each site, the narrow site width all presents issues with being able to accommodate the required plantings at maturity. Having regard to this, the application is recommended for refusal.	No
Part 2.21 Site Facilities and Waste Management	The proposed development satisfies the relevant provisions of this Part as follows: • The application was accompanied by a waste management plan in accordance with the Part. • The bin location for Lots 2 & 3 are over the boundaries for each lot, which would require an easement be created, if the application was recommended for approval, this could be conditioned, however it is considered that new lots should be able to support the required facilities within each lot upon creation, the inability to do so directly contributes to reasons why the proposed subdivision is inappropriate.	No
Part 2.22 Flood Management	Refer to LEP discussion.	Yes
Part 2.25 Stormwater Management	Refer to LEP discussion.	No

Part 3 – Subdivision, Amalgamation and Movement Networks

Control	Assessment	Complies
Part 3.2.2 Residential Torrens title subdivision and	The proposed development does not satisfy the relevant provisions of this Part as follows: • The subdivision is not consistent with, nor does it retain the prevailing cadastral pattern of the lots fronting Dibble Avenue; and	No, see discussion below

Control	Assessment	Complies
amalgamation controls	The subdivision would not allow for continuation of the dominant built form of development on Dibble Avenue.	

Part 3.1.1.2 of MDCP 2011 does not contain minimum lot width or area requirements for subdivisions but rather relies on performance-based controls that aim to ensure that new lots facilitate development that is compatible with the immediate area.

The application proposes to subdivide the property into four (4) Torrens title allotments. The streetscape and immediate locality are generally characterised by a mix of single and two storey dwellings, and residential flat buildings on a mix of narrow and deep lots. The following table illustrates the proposed lot dimensions and the approximate dimensions of lots within the street:

Number	Site Area	Frontage
Subject Site		
Lot 1	94.39sqm	4.03m
Lot 2:	92.41sqm	3.95m
Lot 3:	92.42sqm	3.95m
Lot 4	95.38sqm	4.1m
Surrounding properties		
1 Dibble	367.1sqm	15.2m
2 Dibble	380.8sqm	16m
3 Dibble	370.5sqm	15.9m
4 Dibble	390.1sqm	15.9m
5 Dibble	383.9sqm	15.7m
6 Dibble	383.7sqm	16.1m
8 Dibble	377.3sqm	15.4m
9 Dibble	822sqm	16.1m
10 Dibble (excluding tangent point)	447.4sqm	12m
11 Dibble	619.2sqm	14.2m
12 Dibble– Lot 1	211.3sqm	7.62m
12 Dibble – Lot 2	211.3sqm	7.62m
13 Dibble	754.4sqm	16.8m

As the above table demonstrates, the frontages of adjoining properties range between 7.62metres at the lower end of the range up to 16.1 metres at the higher end. Further, the size of the adjoining properties range between 211.3sqm at the lower end and 822sqm at the higher end.

The proposed subdivision would result in the new lots fronting Dibble Avenue ranging from 3.95metres to 4.1 metres and 92.41sqm to 95.38sqm in area. The proposed subdivision results in four (4) generally rectangular shaped lots.

The proposed subdivision is not considered to meet the following relevant provisions of Part 3.2.2:

O3 To retain the prevailing cadastral character of the street.

O5 To ensure that the subdivision or amalgamation of sites reflects and reinforces the predominant subdivision pattern of the street.

C5 The proposed subdivision or amalgamation must have characteristics similar to the prevailing cadastral pattern of the lots fronting the same street, in terms of area, dimensions, shape and orientation. For the purpose of this control, Council generally considers the 'prevailing cadastral pattern' to be the typical characteristics of up to ten allotments on either side of the subject site and corresponding number of allotments directly opposite the subject site, if applicable.

C7 Subdivision or site amalgamation must not compromise the setting of any existing building on the site or the setting of adjoining sites.

C8 Where a proposal for subdivision or site amalgamation involves the creation of new allotments, the development application must be accompanied by a conceptual building plan, demonstrating that the relevant DCP controls can be complied with.

The proposed subdivision results in new allotments that are not similar to the lots fronting the same street in terms of dimension, size and shape. The proposed 4 Lots are inconsistent with the neighbouring lots and is not considered to protect this pattern. Furthermore, the proposal was accompanied with architectural plans showing the proposed built form which does not comply with the relevant DCP controls, as stated in this report as such fails to meet control C8.

As demonstrated, the proposed lots do not have characteristics similar to lots fronting the same street in terms of width and area and do not reinforce the prevailing cadastral pattern of the street.

Given the above, the proposed development is not considered to satisfy the relevant provisions of Part 3 of MDCP 2011, and the application is recommended for refusal.

Part 4 – Low Density Residential Development

Control	Assessment	Complies
Part 4.1.4 Good Urban Design Practice	The proposed development does not satisfy the relevant provisions of this Part as follows: - Given the matters raised elsewhere in this report, the proposal impacts upon the definition between the public and private domain and is not appropriate for the character of the locality given its form, massing, siting and detailing. - The proposed subdivision is not in keeping with the character of the area.	No
Part 4.1.5 Streetscape and Design	Part 4.1.5 of MDCP 2011 contains objectives and controls to ensure new development is compatible with the streetscape character. The following controls are relevant to the development: <i>C1 New dwellings must address the principal street frontage and be orientated to complement the existing pattern of development found in the street. This pattern will include the spacing between dwellings, the shape and size of lots and the placement of dwellings on those lots.</i> <i>C2 Facade design must enhance the existing built character by interpreting and translating any positive characteristics found in the surrounding locality into</i>	No

Control	Assessment	Complies
	<i>design solutions, with particular reference to: i. The massing, which includes overall bulk and arrangement, modulation and articulation of building parts; ii. Roof shape, pitch and overhangs; iii. Verandah, balconies and porches; and iv. Window shape, textures, patterns, colours and decorative detailing.</i> <i>C3 The facade of new development must be divided into bays or units of dimensions appropriate to the scale of the building proposed and that of adjoining development</i> The proposed development does not satisfy the relevant provisions of this Part as follows: • The development is not consistent with the adjoining cadastral pattern given the proposed size and dimensions of the allotments. • The proposed dwellings would not complement the pattern in the street in terms of spacing, shape of lots and placement. • The façade design would not enhance the existing built form found in the street, as the overall bulk of the proposed development, the verandahs (second level POS) on the front facade and proposed fenestration is not keeping within the streetscape of Dibble Avenue. • The design does not translate positive characteristics within the streetscape into the design and would be out of character with development in the street. • As such, the development results in dwellings that have a streetscape design that is inconsistent with surrounding development in terms of setbacks and building placement on the lot. Given the above, the proposal is inconsistent with Part 4.1.5 of MDCP 2011. Given the circumstances, the application is recommended for refusal.	
Part 4.1.6 Built form and character <u>Front setback</u> • Consistent with adjoining developments <u>Side setbacks</u> • Lot width <8m – On merit • One storey – 900mm • Two storeys – 1.5m	Part 4.1.6 of MDCP 2011 contains objectives and controls to ensure the built form of new development is acceptable for the site and surrounds. The following objectives and controls are relevant to the development: <i>O13 To ensure adequate separation between buildings for visual and acoustic privacy, solar access and air circulation.</i> <i>O14 To integrate new development with the established setback character of the street and maintain established gardens, trees and vegetation networks.</i> <i>C10 (i) Front setback must be consistent with the setback of adjoining development or the dominant setback found along the street</i> <i>C10 (iii). Rear setback must:</i> <i>a. Where a predominant first storey rear building line exists, is consistent and visible from the public domain, aim to maintain that upper rear building line;</i>	No

Control	Assessment	Complies
<u>Rear setback</u> - On merit <u>Site coverage</u> - On merit (0-300sqm lots)	<i>b. In all other cases, be considered on merit with the adverse impacts on the amenity of adjoining properties being the primary consideration along with ensuring adequate open space; and</i> The proposal is considered inconsistent with the abovementioned objectives and controls for the following reasons: - The side setbacks proposed are not considered satisfactory, as the proposal will have adverse impact on adjoining properties in terms of visual bulk and privacy and overshadowing. In addition, the proposed side setbacks are not consistent with the established setback pattern of the street and have impacts on stormwater infrastructure. - The proposed second floor rear setbacks are not considered appropriate, as they will create adverse impacts on adjoining properties in terms of visual bulk, overshadowing and privacy; and - The proposal seeks to increase the existing site coverage. The overall site coverage of the development is not acceptable, as it is inconsistent with surrounding development, results in an impact on adjoining properties and is inconsistent with the streetscape which is characterised by lots with side setbacks, large rear and front gardens, which the proposal is at odds with. - All setbacks proposed are considered to result in adverse amenity impacts for surrounding properties and thus the overall bulk and scale of the proposal is considered unacceptable. Given the above, the proposal is not considered to be consistent with the objectives and controls contained in Part 4.1.6 of MDCP 2011 with particular regard to the first-floor rear setback. Given the circumstances, the application is recommended for refusal.	
Part 4.1.7 Car Parking	Part 4.1.7 of MDCP 2011 requires the provision of car parking reasonably satisfy the needs of current and future residents. The following control is relevant to the development: <i>C14 Car parking structures must be located and designed to:</i> <i>Conveniently and safely serve all users;</i> <i>Enable efficient use of car spaces, including adequate manoeuvrability for vehicles between the site and the street;</i> <i>Not dominate or detract from the appearance of the existing dwelling or new development and the streetscape;</i>	

Control	Assessment	Complies
	iv. <i>Be compatible in scale, form, materials and finishes with the associated dwelling or development on the site;</i> v. <i>Not reduce availability of kerbside parking;</i> vi. <i>Retain any significant trees; and</i> vii. <i>Have minimal impact on existing fences and garden areas that contribute to the setting of the associated dwelling and the character of the streetscape.</i> <i>C15 For existing and new dwellings, a car parking structure in order of priority must be:</i> i. <i>Located at the rear of the site with access from a rear lane; or</i> ii. <i>Located at the side of the dwelling house behind the front building alignment where it is the predominant form of parking structure in the street and is consistent with the desired future character for the area.</i> <i>C17 Parking structures forward of the building line are not permitted.</i> The proposed development does not satisfy the relevant provisions of this Part as follows: • The car parking spaces are located at the front of the site which is not supported. • The entire front setback is retained for carparking and whilst an attempt has been made to soften the area reducing the use of concrete, the impact is still detrimental to the streetscape and the design of the dwellings suffer as a result. • The location of the carparking spaces impact the ability to provide landscaped front gardens which is consistent in the street. • The proposal reduces the availability of on-street parking. • The carparking spaces are not located adjacent to a side boundary with a clearance of 600mm from any boundary fence to allow access and landscaping. Given the above, the proposal is not considered to be consistent with the controls contained in Part 4.1.7 of MDCP 2011. Given the circumstances, the application is recommended for refusal.	
Part 4.1.9 Additional Controls for Contemporary Dwellings	Part 4.1.9 of MDCP 2011 contains controls to ensure new dwellings are compatible with development in the surrounding area. The following control is relevant to the development: <i>C49 In a street with buildings of various heights, a full first floor addition will be considered by Council, subject to compliance with the relevant objectives and design controls of this DCP.</i>	No

Control	Assessment	Complies
	- In this regard the height of the development combined with nil side setbacks will appear dominant and out of character with the locality. - Furthermore, the scale and density of the attached dwellings will result in adverse visual privacy impacts to adjoining properties and as such is not considered compatible with the surrounding area. Therefore, the proposal is not consistent with Control C49 contained within Part 4.1.9 of MDCP 2011. Given the circumstances, the application is recommended for refusal.	

Part 9 – Strategic Context

Control	Assessment	Complies
Part 9.22 Dulwich Hill Station South (Precinct 22)	The proposed development doesn't satisfy the relevant provisions of this Part as follows: - The proposal doesn't meet the desired future character of the area - The proposal does not retain the low-density residential character - The proposed onsite parking will result in adverse amenity impacts.	No

C. The Likely Impacts

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have significant adverse environmental, social and economic impacts upon the locality and as such is not supported.

D. The Suitability of the Site for the Development

Whilst the property is in a residential surrounding and amongst similar uses to that proposed, given the issues with the subdivision, design of the dwellings and environmental and amenity impacts outlined in the report, the proposal is considered to be an overdevelopment and not suitable for the site.

E. Submissions

The application was required to be notified in accordance with Council's Community Engagement Strategy between 6 February 2025 to 20 February 2025.

A total of 19 submissions opposing the proposal, were received in response to the notification which raised the concerns relating to the following matters which have been discussed throughout the body of this report:

- Visual and Acoustic Privacy
- Noise impacts

- Car Parking
- Solar access & Overshadowing
- Streetscape Impacts
- Setbacks
- Scale of development
- Subdivision

Further issues raised in the submissions received are discussed below:

Concern	Comment
Construction impacts	If the application was recommended for approval, standard conditions regarding construction hours and noise levels, would be recommended in the development consent to mitigate any significant impacts.
Inconsistencies in the architectural plans/SEE	It is considered sufficient details and information have been submitted with the application to allow for a complete assessment. As detailed in this report, an independent assessment against the relevant planning controls/policies was carried out on the merits of the proposal.
Property value	It is considered that matters that may affect property value, such as amenity impacts, have been assessed and considered above. Furthermore, the proposal is recommended for refusal.
Overdevelopment	An objection has been raised that the proposal represents an overdevelopment of the site. The proposed built form results in a development density that is inconsistent with the established subdivision pattern and character of the surrounding area. The allotment sizes and configuration depart significantly from the minimum lot size and dimensions envisaged under the applicable planning controls, resulting in a built form that does not appropriately respond to the site's context. In this instance, the concerns about overdevelopment are well founded. The proposal is considered to result in an intensity of development that is inconsistent with the objectives of the planning controls and is one of the key reasons for the recommendation for refusal.
Increased traffic	Concerns have been raised that the proposal will generate unacceptable increases in traffic movements within the locality. The proposed development involves the subdivision of the site into four Torrens Title lots and the construction of four attached dwellings. While an increase in vehicle movements is expected compared to the existing single dwelling, the scale of the proposal is considered consistent with the capacity of the local road network, which is designed to accommodate a low to moderate increase in traffic associated with incremental residential development. However, the application is not supported for other reasons unrelated to traffic impacts.
Waste collection issues	Concerns have been raised that the proposal will create waste collection issues due to the number of new dwellings and the associated increase in waste and recycling bins. The plans indicate bin storage areas within each lot, however the frontage and verge area are limited, which may constrain the space

	available for kerbside presentation of bins on collection days. Notwithstanding the above, waste collection is not the primary reason for refusal. The application is recommended for refusal due to other fundamental non-compliances, including inconsistency with the established subdivision pattern, bulk and scale of the built form, and inadequate landscaping opportunities.
Inconsistency with planning controls	An objection has been raised that the proposal is inconsistent with applicable planning controls. The assessment identified several areas of non-compliance, including lot size and dimensions, building setbacks, landscaping provisions, and compatibility with the established subdivision pattern and streetscape character. These inconsistencies result in a development outcome that does not meet the objectives of the relevant planning controls, particularly those seeking to ensure that subdivision and built form respond appropriately to site constraints, respect the existing character of the locality, and provide a high standard of residential amenity. The concerns raised in the objection are therefore supported, as the identified departures from the planning controls form a key part of the reasons for refusal.

F. 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.

This has not been achieved in this instance.

6. Section 7.11 / 7.12 Contributions

The proposal would require the payment of s7.11 contributions.

7. Housing and Productivity Contributions

The application if supported would require the payment of a Housing and Productivity Contribution.

8. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Heritage Specialist.
- Development Engineer.
- Urban Forest.
- Waste Management Residential.

9. Conclusion

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

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

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

10. Recommendation

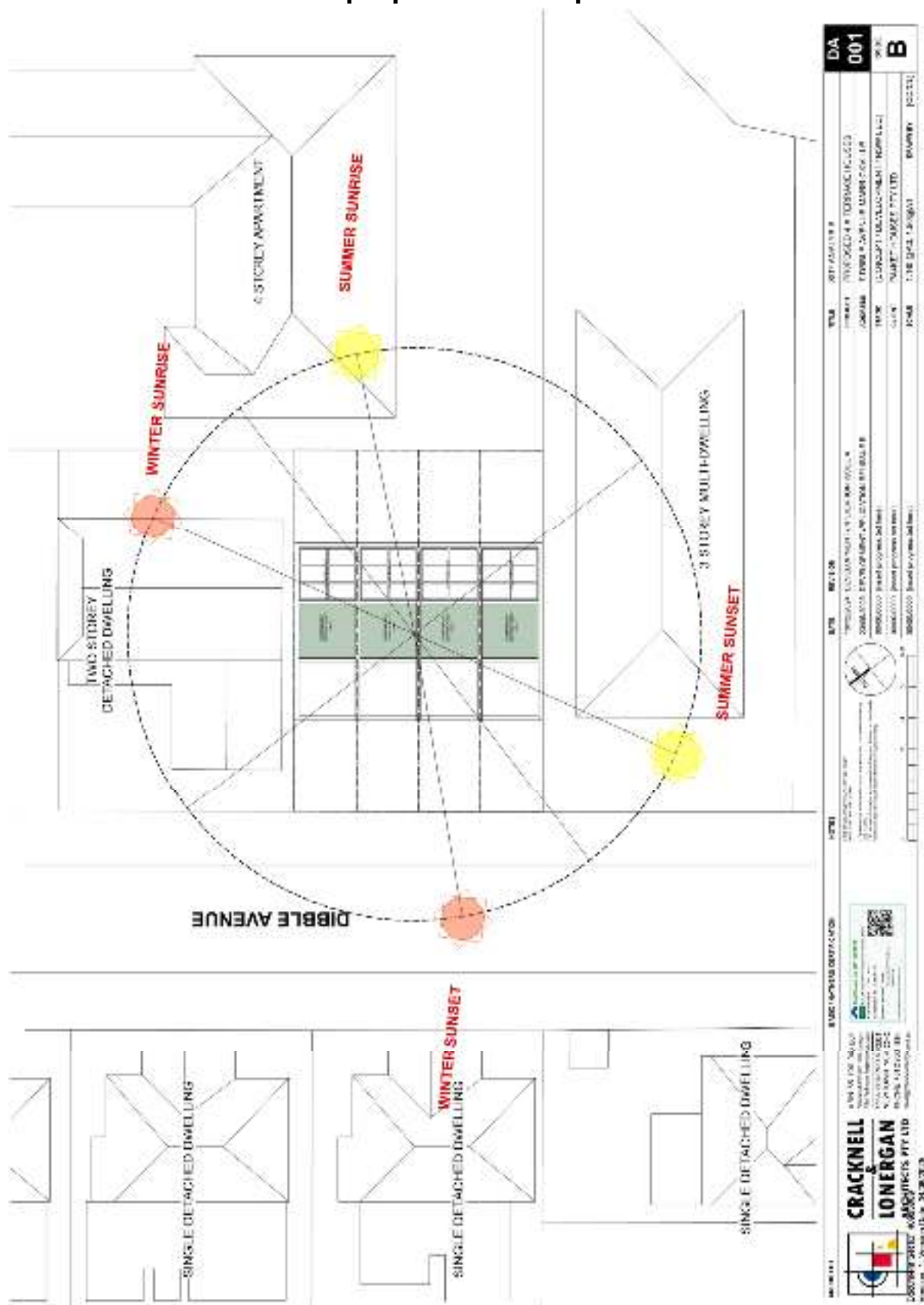
- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2025/0049 for demolition of existing structures, Torrens title subdivision of the existing lot(s) into 4 allotments and construction of a three storey attached dwelling with roof terrace on each lot and associated ancillary works at 7 Dibble Avenue MARRICKVILLE for the following reasons outlined in Attachment A:

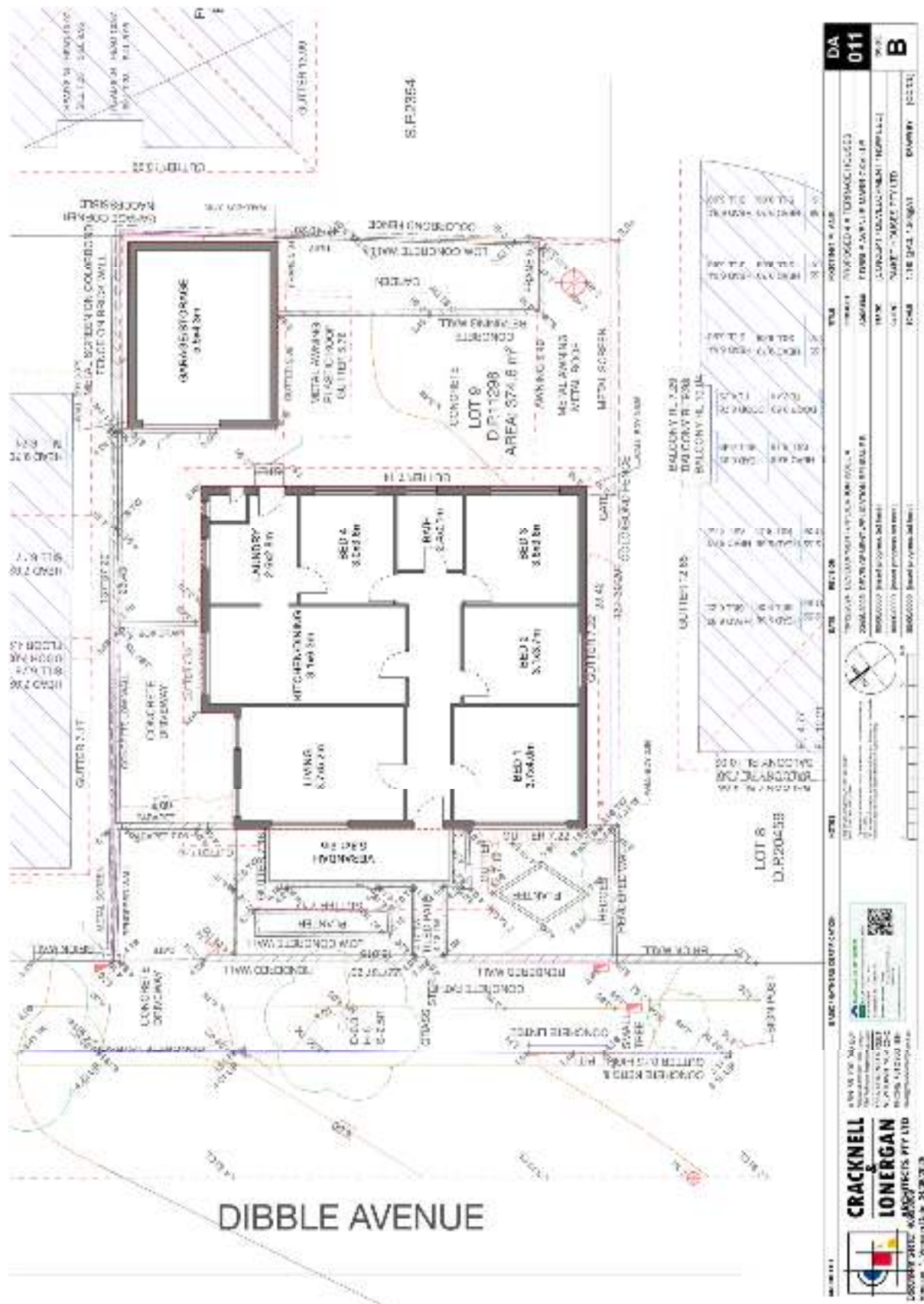
Attachment A – Reasons for Refusal

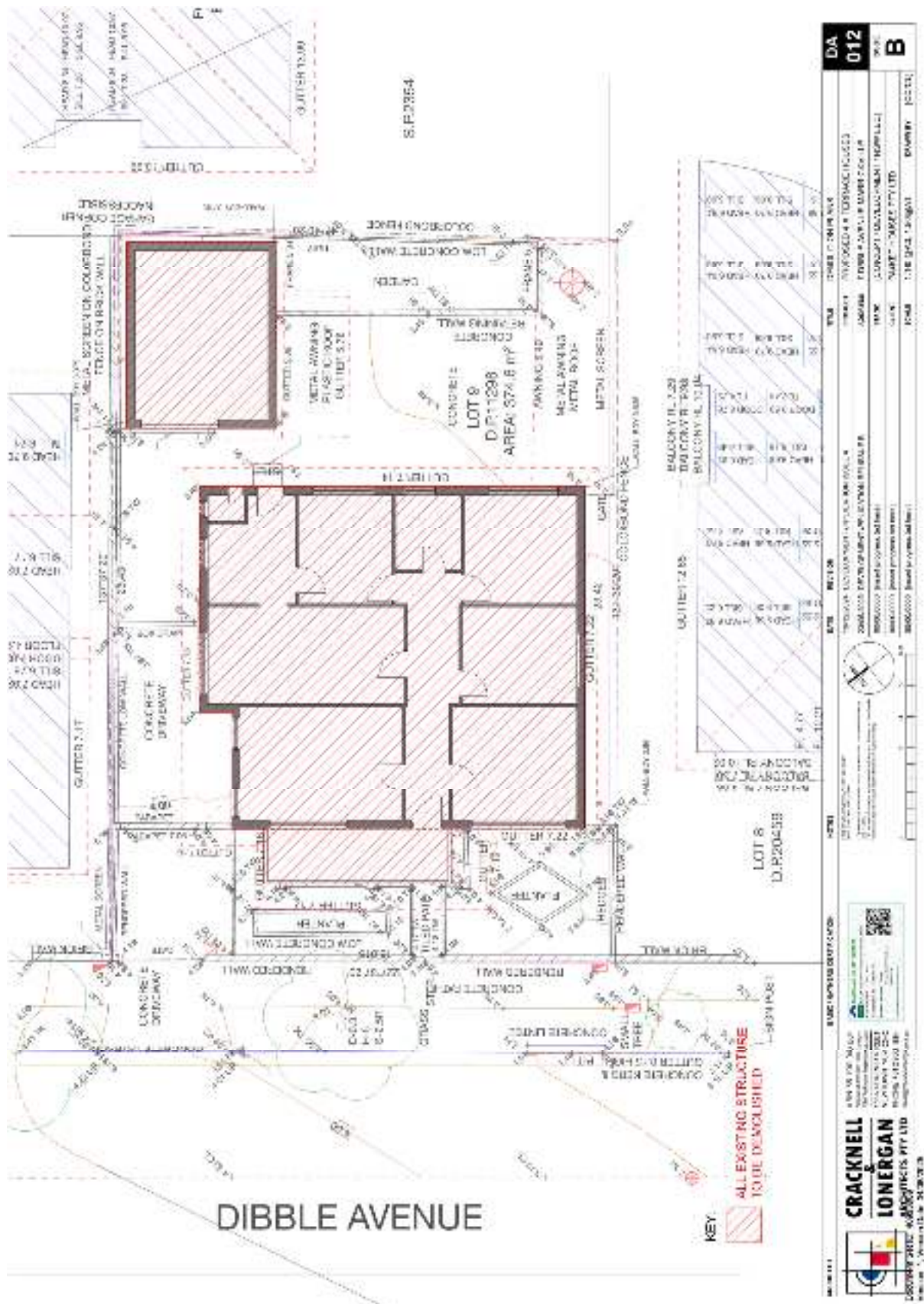
1. The proposed development is inconsistent with, and has not demonstrated compliance with the *Inner West Local Environmental Plan 2022*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Section 1.2(2)(b) and 1.2(2)(h) - Aims of Plan in that the proposed Torrens title subdivision and construction of a three-storey attached dwellings are inconsistent with the zone objectives, and does not prevent adverse social, economic and environmental impacts on the local character, given the inconsistent pattern of subdivision and resultant siting proposed.
2. The proposed development is inconsistent with, and has not demonstrated compliance with the Marrickville Development Control Plan 2011, pursuant to Section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Part 2.1 - Urban Design, as the proposal is inconsistent with objective O1 within this Part as the proposal does not achieve a high quality of urban design given the inconsistent subdivision pattern proposed, and the resultant uncharacteristic siting of the proposed dwellings on the site. The proposal and associated form/design is considered to adversely impact the streetscape character.
 - b. Part 2.6 – Acoustic and Visual Privacy as the proposal does not comply with control C3 within this Part as the proposed elevated terraces on the second floor and ground floor glazing and alfresco would result in overlooking of adjoining properties.
 - c. Part 2.7 – Solar Access and Overshadowing as the proposal does not comply with control C8 within this Part as the proposed lots do not achieve compliant solar access for future occupants.
 - d. Part 2.10 - Parking as the proposal is inconsistent with objective O1 and control C6 as the development does not meet the car parking requirements given all of the proposed parking spaces are within the front setback and result in impacts to streetscape character and loss of on-street parking availability.
 - e. Part 2.18 - Landscaping and Open Spaces as the proposal is inconsistent with objective O7 as the proposal results in private open spaces that do not receive adequate sunlight or achieve the minimum area prescribed.
 - f. Part 2.20 – Tree Management as the proposal is inconsistent with objective O3 and O6 as the proposed POS provided does not allow for adequate space to support tree planting and the proposed driveway crossings are located too close to trees located on the Council verge.
 - g. Part 2.25 - Stormwater Management as the proposal is inconsistent with objective O3 as the proposed subdivision layout is not supported, as it involves constructing structures over Council's stormwater pipe and easement in contravention of control C31.
 - h. Part 3.2.2 - Residential Torrens title subdivision and amalgamation controls as the proposal is inconsistent with objectives O3 and O5 and controls C5 and C7 as the proposed subdivision does not retain the prevailing cadastral pattern of

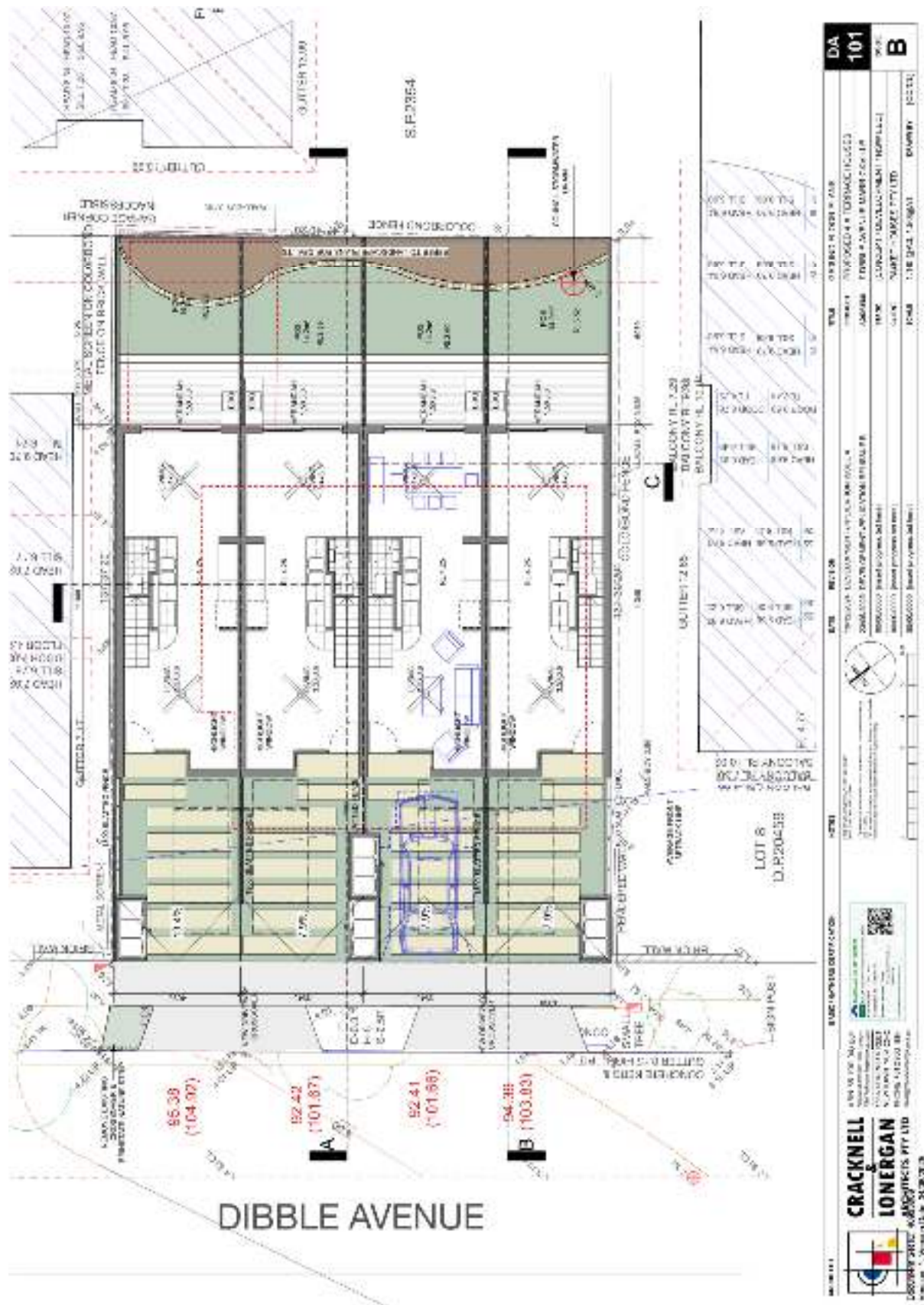
- the surrounding lots and is not considered to reflect or reinforce the predominant subdivision pattern of the street as the proposed 4 Lots are uncharacteristic in size and dimensions.
- i. Part 4.1.4 - Good Urban Design Practice as the proposal is inconsistent with objective O13 as the proposal results in a side setback that is inconsistent with the character of the surrounding sites, and the proposed subdivision is not in keeping with the character of the area given the resultant lot size and dimensions.
 - j. Part 4.1.5 - Streetscape and Design as the proposal is inconsistent with objectives O8 and O9 will result in development is not consistent with the adjoining cadastral pattern given the proposed size and dimensions of the allotments, along with the overall design and façade would not be in keeping within the streetscape character of Dibble Avenue.
 - k. Part 4.1.6 - Built form and character as the proposal is inconsistent with objectives O10, O13 and O14, as the proposed side setbacks detract from the character of the streetscape, as well as not allowing enough distance from the Council stormwater easement and is not considered to be consistent with the established setback character of the area.
 - l. Part 9.22 - Dulwich Hill Station South (Precinct 22) as the proposed development is not considered to consistent with the desired future character of the precinct given the proposed subdivision does not have characteristics similar to lots fronting the same street in terms of depth and shape and would not retain on-street parking.
- 3. The proposed development will result in adverse built environment impacts in the locality pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
 - 4. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
 - 5. The proposal has not demonstrated it is in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

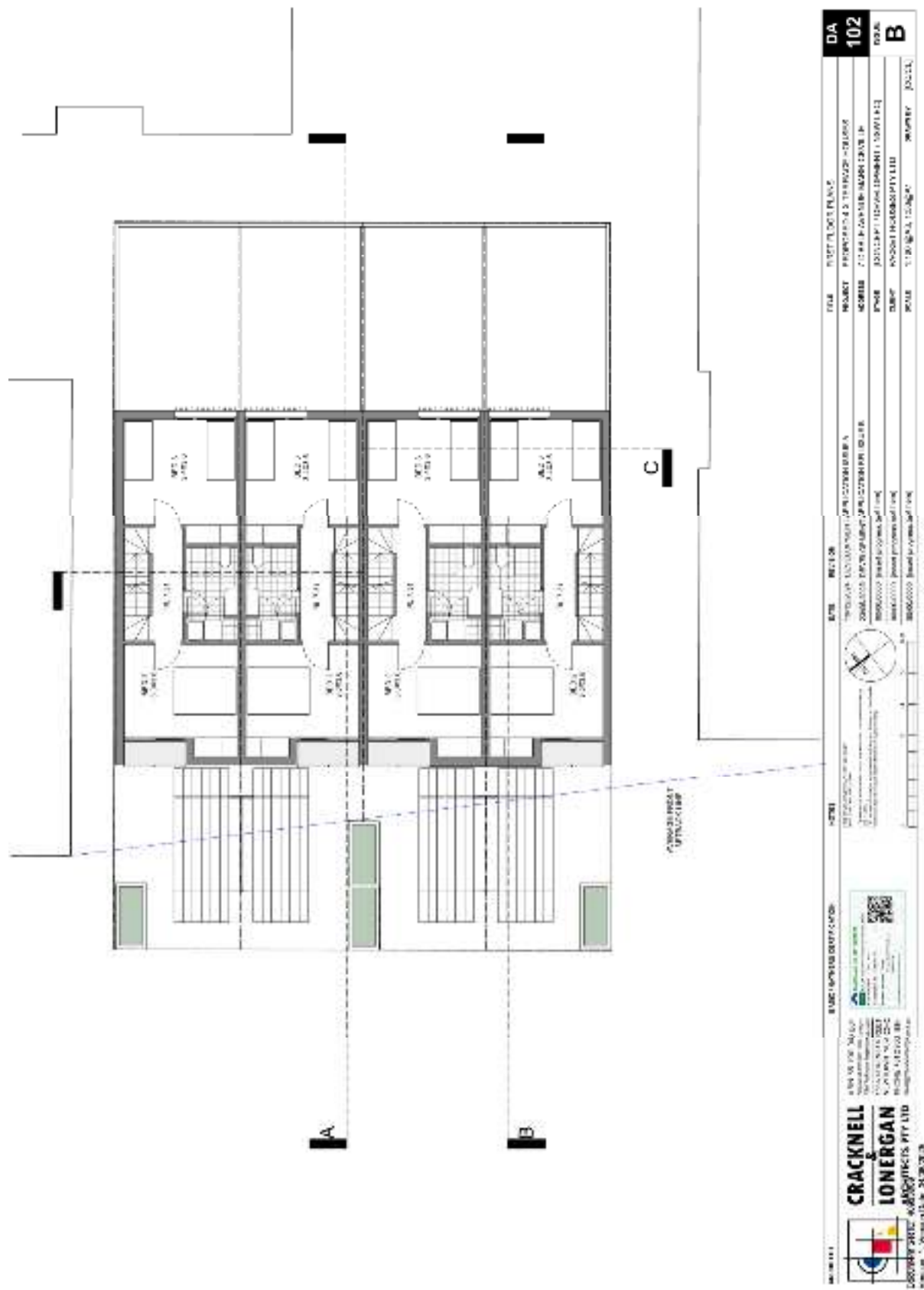
Attachment B – Plans of proposed development

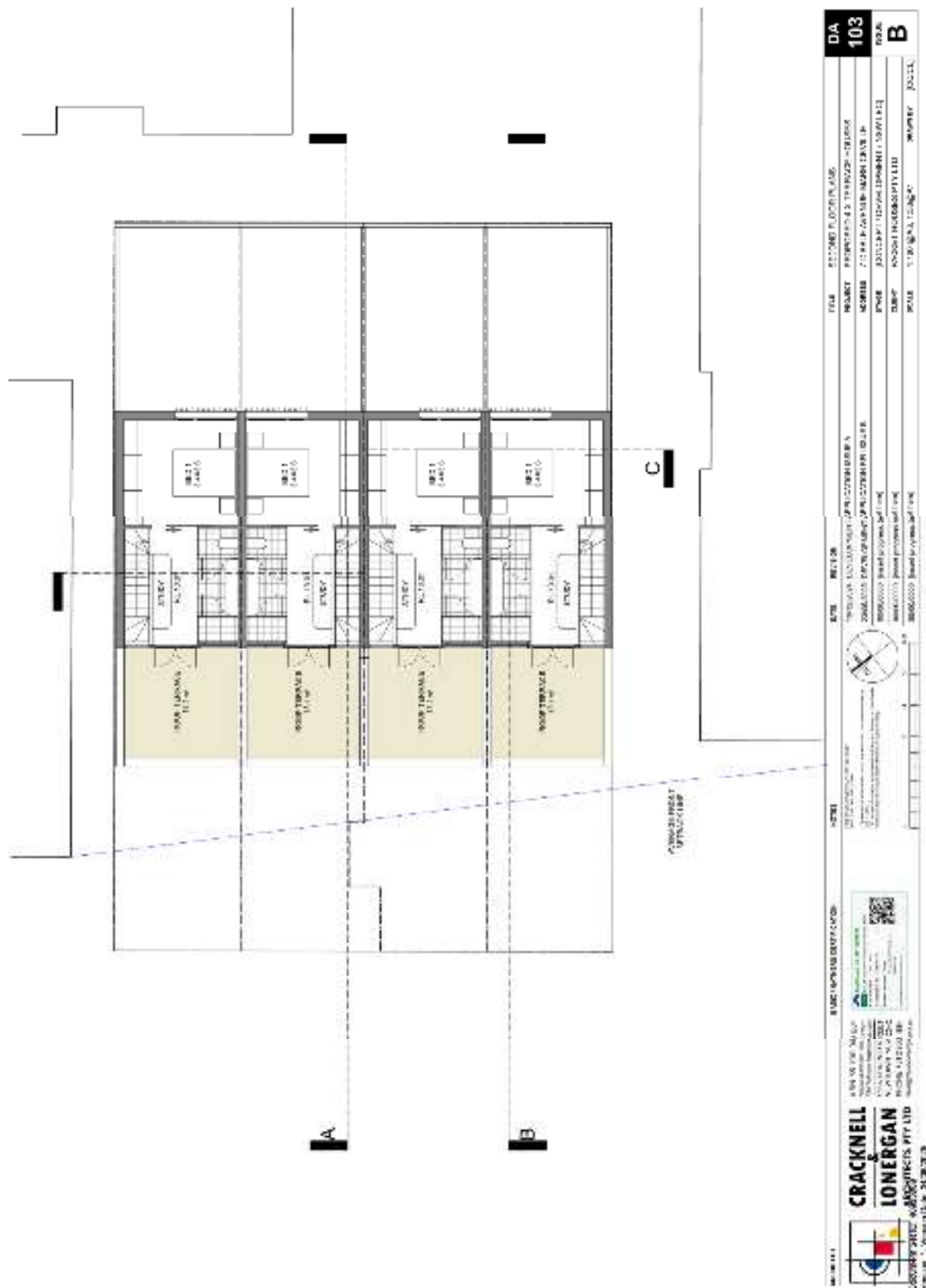


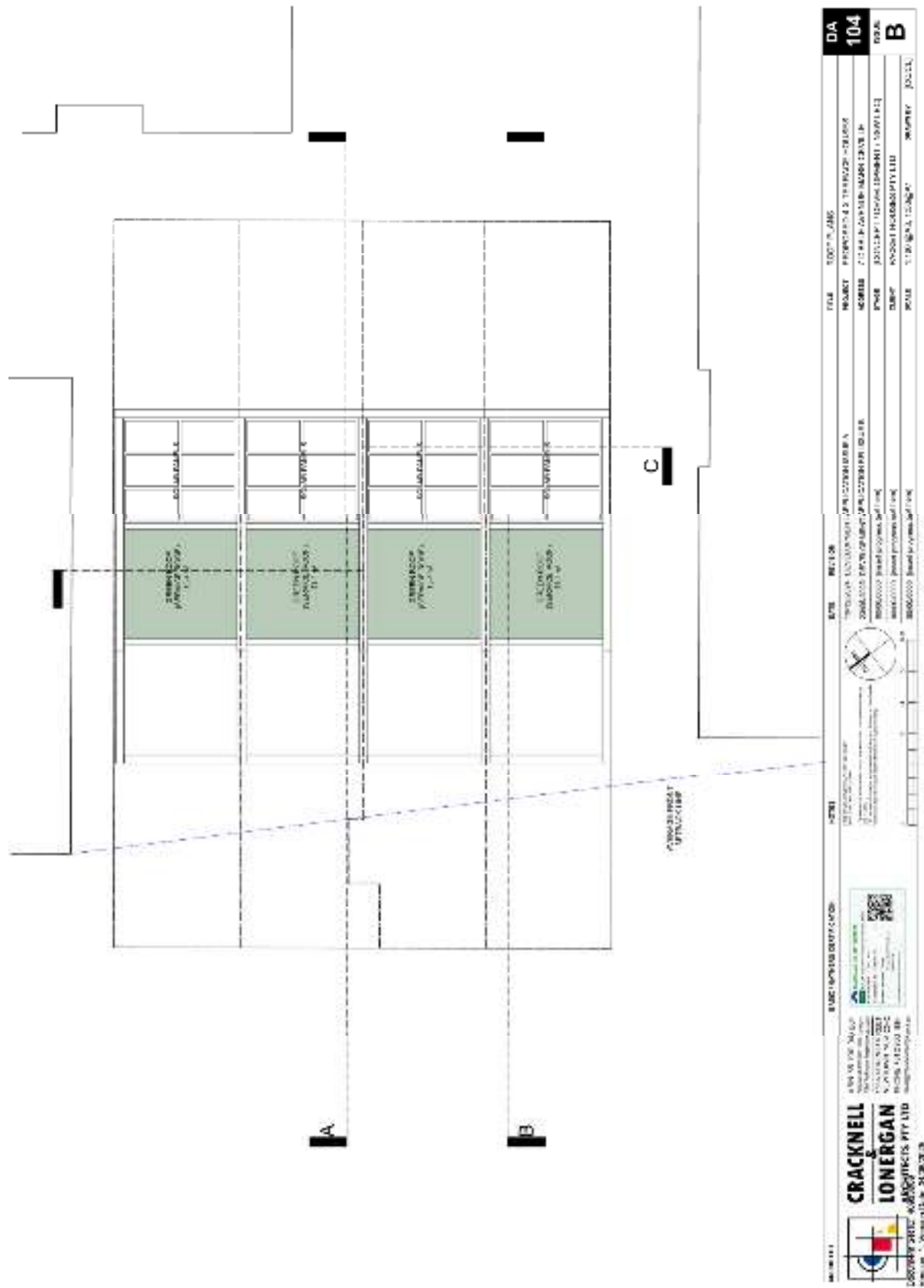


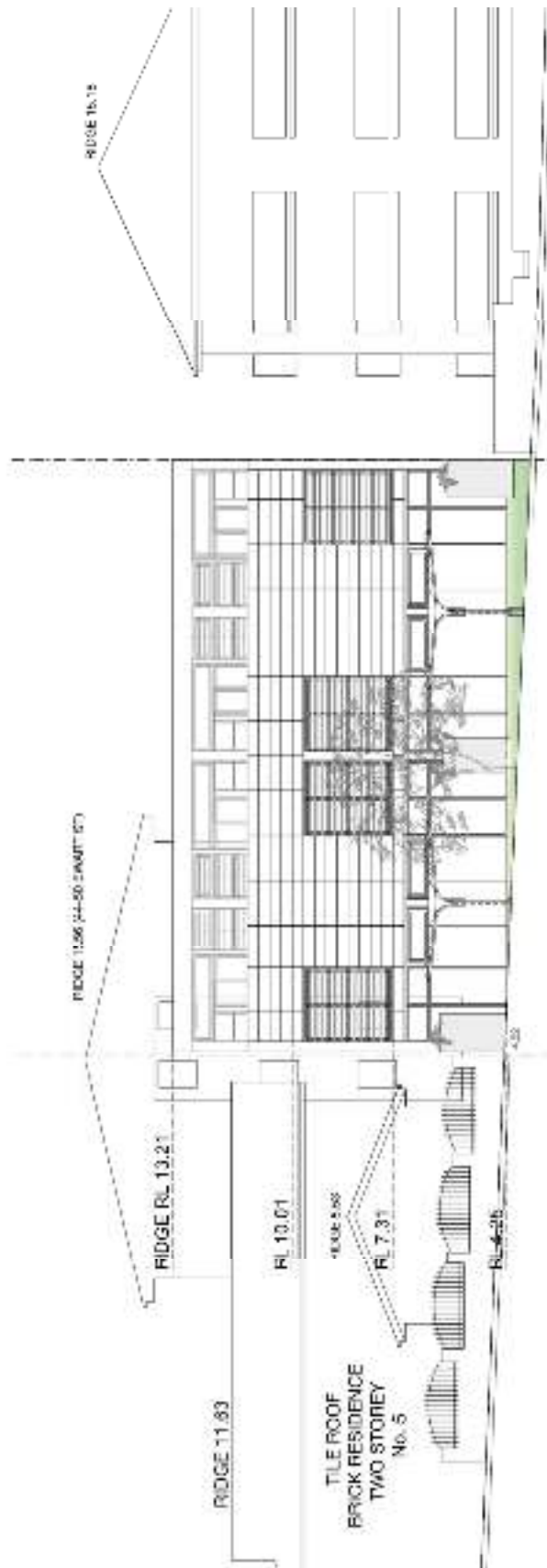






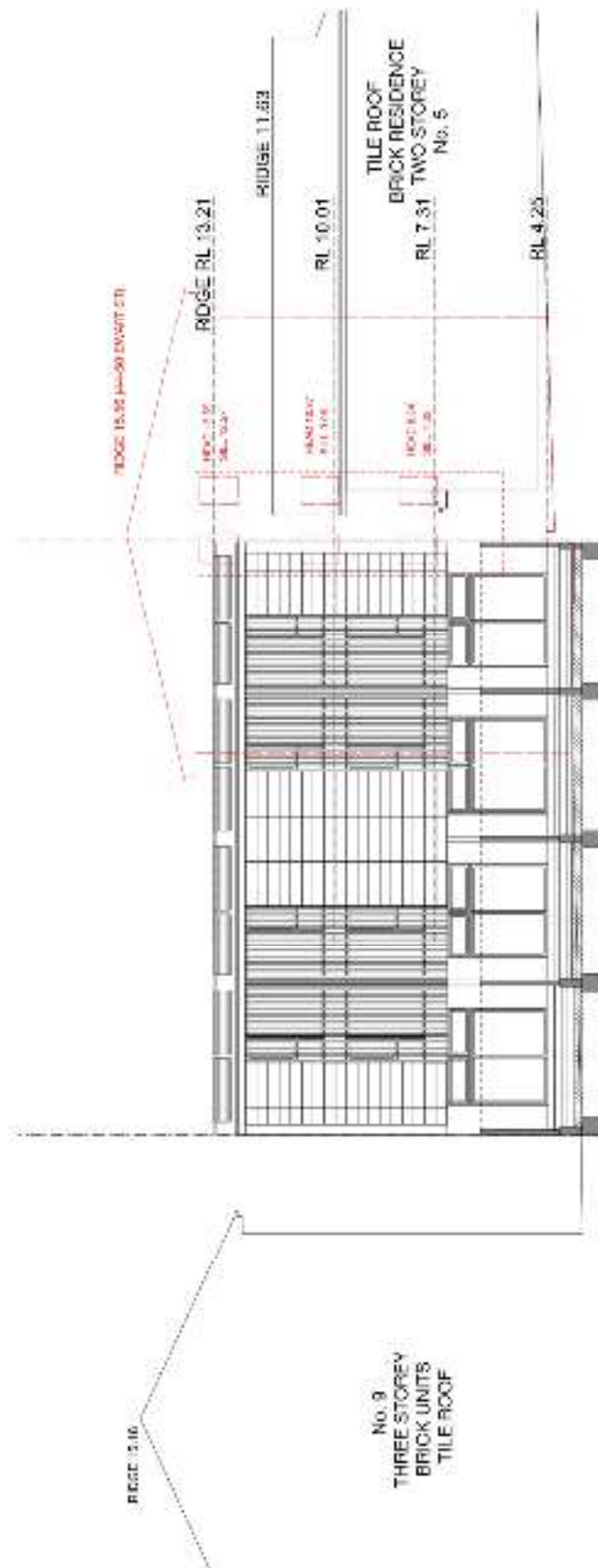


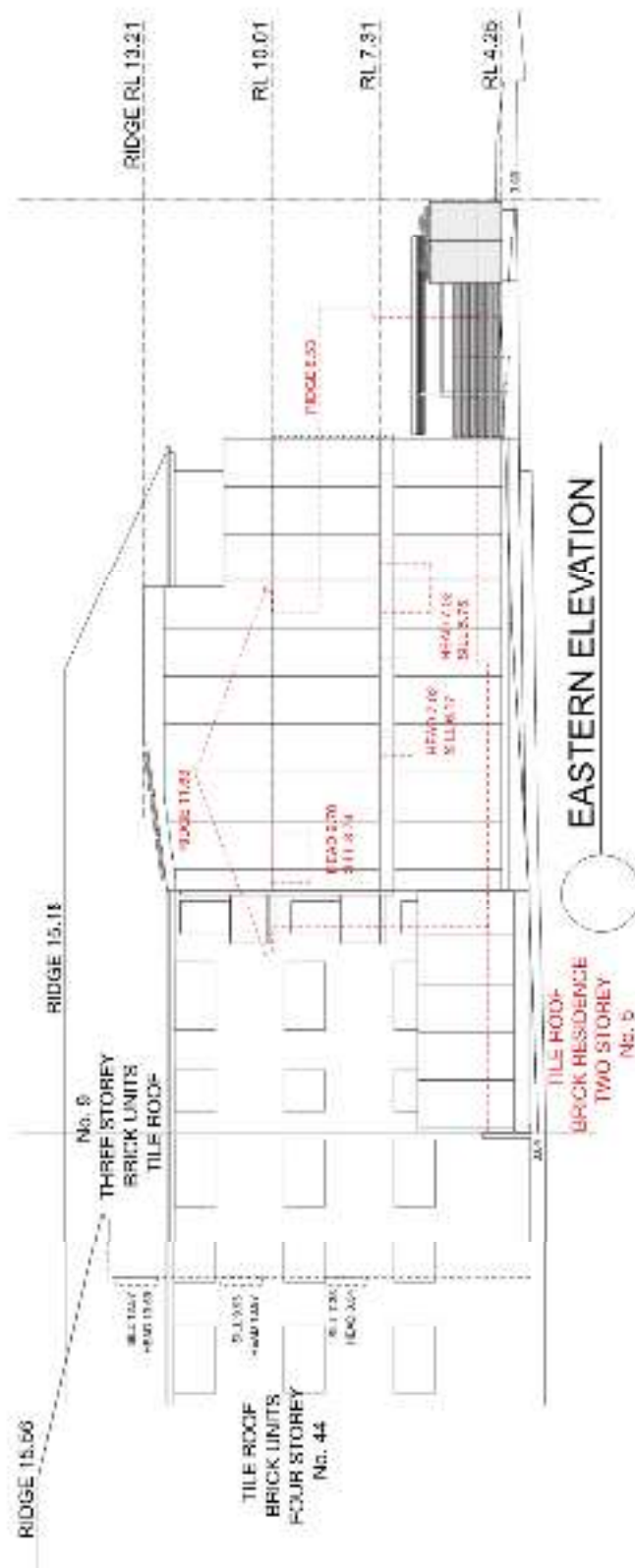


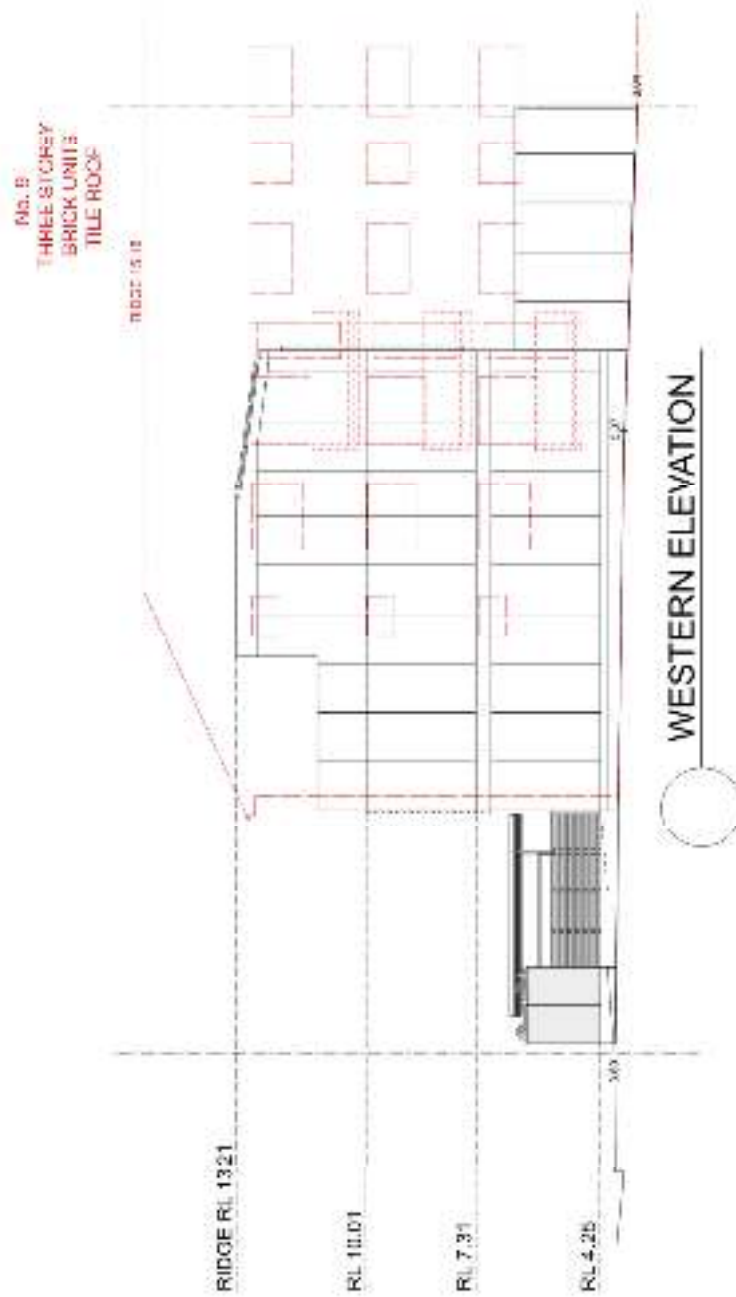


NORTHERN ELEVATION

 CRACKNELL IONERGAN ARCHITECTS PTY LTD 1/100-110, WILSON ST, SYDNEY NSW 1570 PH: 02 9550 1100 WWW.CRACKNELLIONERGAN.COM.AU		PROJECT NO: 201 DATE: 20/01/2023 DRAWN BY: J. CRACKNELL CHECKED BY: J. CRACKNELL PROJECT NAME: 110-110 WILSON ST SYDNEY NSW 1570	
CLIENT: 110-110 WILSON ST SYDNEY NSW 1570 PROJECT: 110-110 WILSON ST SYDNEY NSW 1570 DRAWING: 110-110 WILSON ST SYDNEY NSW 1570 SCALE: 1:100 (PLAN), 1:50 (SECTION)		PROJECT NO: 201 DATE: 20/01/2023 DRAWN BY: J. CRACKNELL CHECKED BY: J. CRACKNELL PROJECT NAME: 110-110 WILSON ST SYDNEY NSW 1570	

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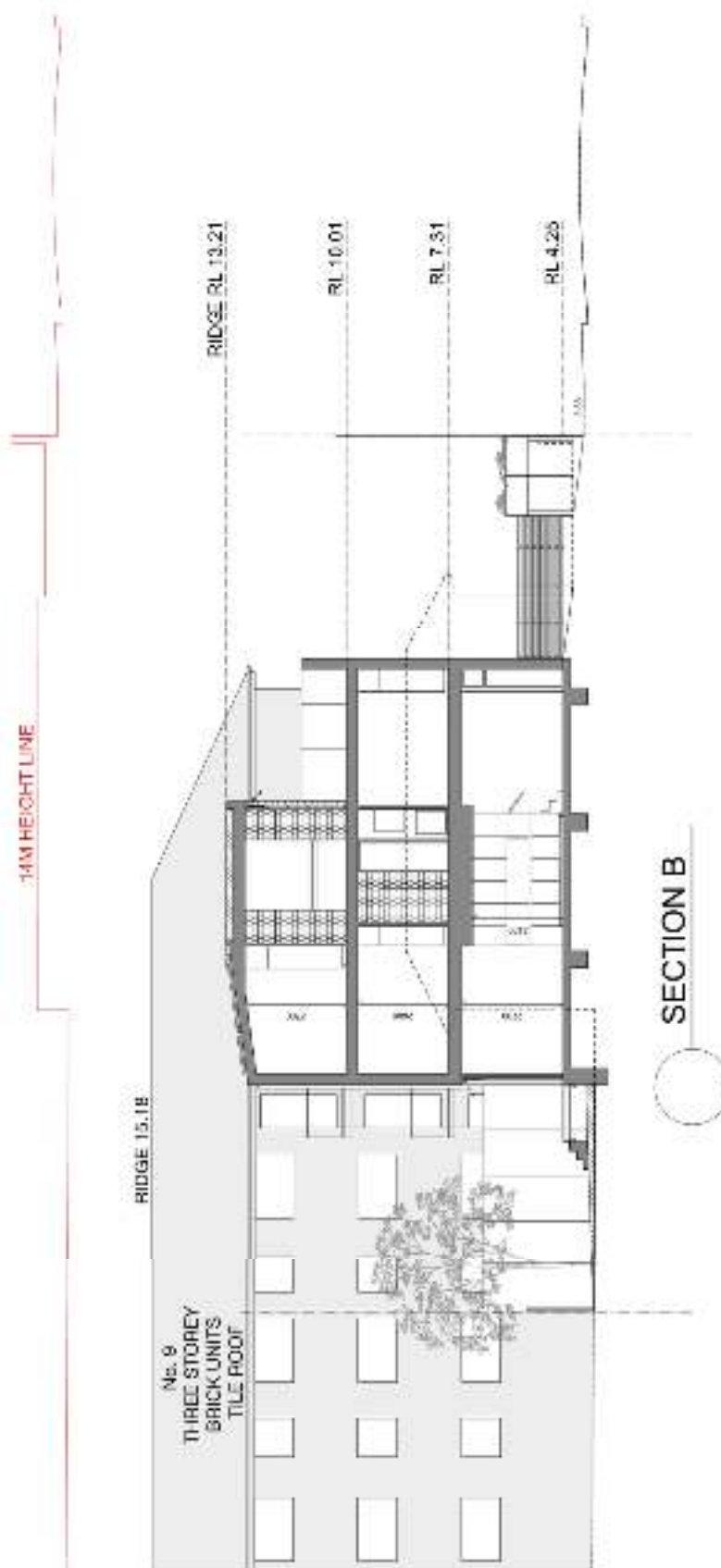
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 CRACKNELL IONERGAN ARCHITECTS PTY LTD 1/100-110, WINDMILL ST, SYDNEY NSW 1588		PROJECT NO: 204 DATE: 20/08/2018 DRAWN BY: J. CRACKNELL CHECKED BY: J. CRACKNELL SCALE: 1:100		CLIENT: CRACKNELL IONERGAN PROJECT: 204 DRAWING: 204-01		DA 204 B	
PROJECT NO: 204 DATE: 20/08/2018 DRAWN BY: J. CRACKNELL CHECKED BY: J. CRACKNELL SCALE: 1:100		PROJECT NO: 204 DATE: 20/08/2018 DRAWN BY: J. CRACKNELL CHECKED BY: J. CRACKNELL SCALE: 1:100		PROJECT NO: 204 DATE: 20/08/2018 DRAWN BY: J. CRACKNELL CHECKED BY: J. CRACKNELL SCALE: 1:100		PROJECT NO: 204 DATE: 20/08/2018 DRAWN BY: J. CRACKNELL CHECKED BY: J. CRACKNELL SCALE: 1:100	

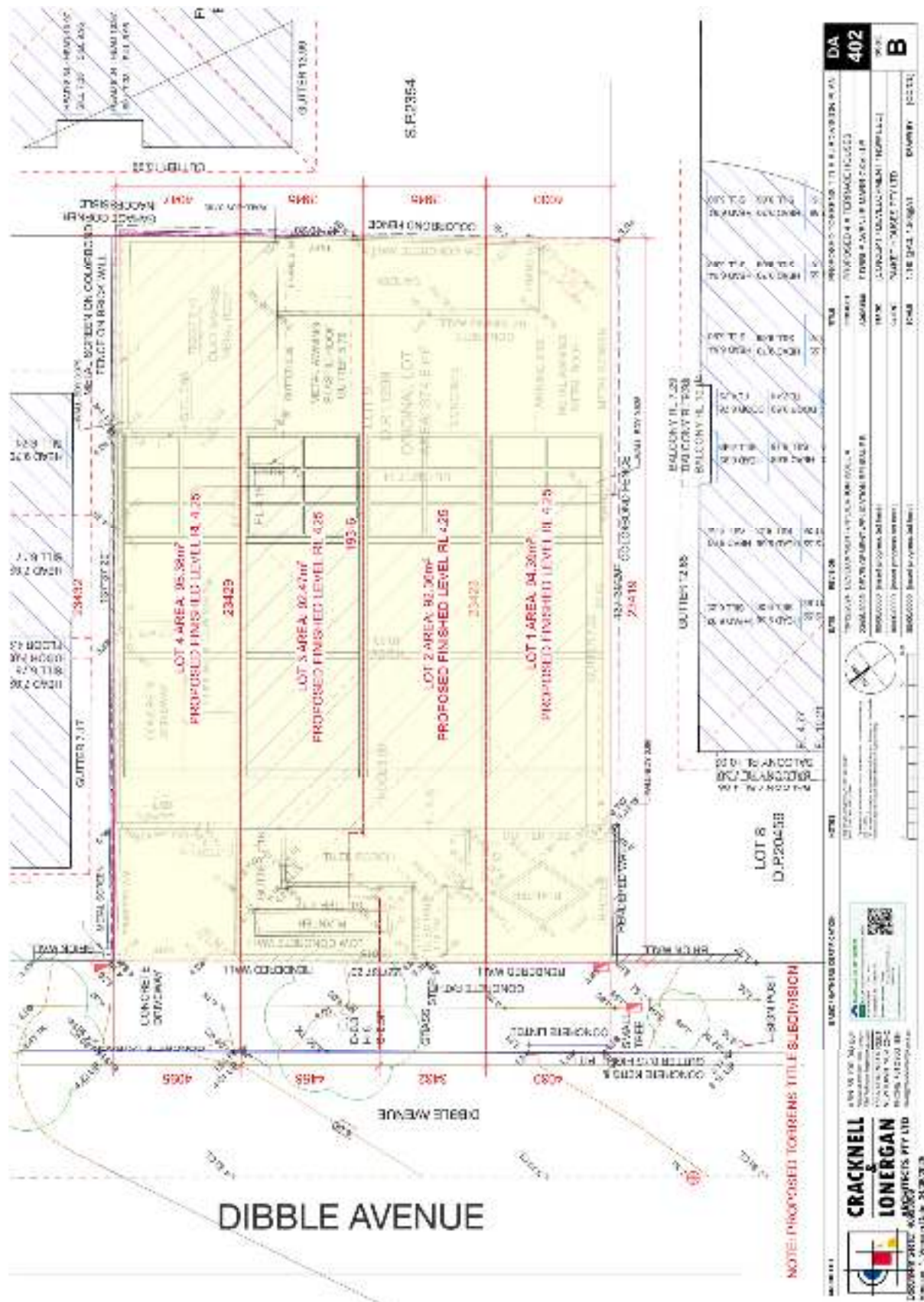


DA 301	PROJECT 301/2022 4th FLOOR RENOVATION	SUBJECT RENOVATION OF 4th FLOOR	DATE 10/10/2022	DRAWN BY J. CRACKNELL	CHECKED BY J. CRACKNELL
B	PROJECT 301/2022 4th FLOOR RENOVATION	SUBJECT RENOVATION OF 4th FLOOR	DATE 10/10/2022	DRAWN BY J. CRACKNELL	CHECKED BY J. CRACKNELL
B	PROJECT 301/2022 4th FLOOR RENOVATION	SUBJECT RENOVATION OF 4th FLOOR	DATE 10/10/2022	DRAWN BY J. CRACKNELL	CHECKED BY J. CRACKNELL
B	PROJECT 301/2022 4th FLOOR RENOVATION	SUBJECT RENOVATION OF 4th FLOOR	DATE 10/10/2022	DRAWN BY J. CRACKNELL	CHECKED BY J. CRACKNELL

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SUBJECT	303	SUBJECT	303
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DRAWN	303	DRAWN	303
CHECKED	303	CHECKED	303
APPROVED	303	APPROVED	303
SCALE	303	SCALE	303
SHEET	303	SHEET	303
TOTAL	303	TOTAL	303



NORTHERN ELEVATION

SECTION ELEVATION

1. PHOTOGRAPH 1: A view of the building facade showing a series of windows and a flat roof.

2. PHOTOGRAPH 2: A close-up view of the building facade showing a series of windows and a flat roof.

3. PHOTOGRAPH 3: A view of the building facade showing a series of windows and a flat roof.

4. PHOTOGRAPH 4: A view of the building facade showing a series of windows and a flat roof.

5. PHOTOGRAPH 5: A view of the building facade showing a series of windows and a flat roof.

6. PHOTOGRAPH 6: A view of the building facade showing a series of windows and a flat roof.

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 UNIVERSITY OF MICHIGAN 2020-2021 1H-1H-2H School: University of Michigan Division: Division Major: MEd Program: Education	2020-2021 1H-1H-2H School: University of Michigan Division: Division Major: MEd Program: Education
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 UNIVERSITY OF MICHIGAN 2020-2021 1H-1H-2H School: University of Michigan Division: Division Major: MEd Program: Education	2020-2021 1H-1H-2H School: University of Michigan Division: Division Major: MEd Program: Education
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BASIX™ Certificate

Building Sustainability Index
www.planningportal.nsw.gov.au/development-and-assessment/basix

Multi Dwelling

Certificate number: 1778747M_03

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.planningportal.nsw.gov.au/definitions

This certificate is a revision of certificate number 1778747M submitted to the consent authority or certifier on 29 January 2025 with application PAN-505989.

It is the responsibility of the applicant to verify with the consent authority that the original, or any revised certificate, complies with the requirements of Schedule 1, Clause 2A, 4A or 6A of the Environment Planning and Assessment Regulation 2000

Secretary

Date of issue: Wednesday, 04 June 2025

To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.



When submitting this BASIX certificate with a development application or copying development certificate application, it must be accompanied by NatiHERS certificate 0071637570.

BASIX Department of Planning, Housing and Infrastructure
1778747M_03

Document Set ID: 42665868
Version: 1, Version Date: 04/05/2025

Certificate No.: 1778747M_03 Wednesday, 04 June 2025 page 1/15

Project summary	
Project name	THE - 7 DIBBLE AVENUE, MARRICKVILLE_03
Street address	7 DIBBLE AVENUE MARRICKVILLE 2204
Local Government Area	INNER WEST
Plan type and plan number	Deposited Plan 11298
Lot No.	9
Section no.	-
No. of residential flat buildings	0
Residential flat buildings no. of dwellings	0
Multi-dwelling housing: no. of dwellings	4
No. of single dwelling houses	0
Project score	
Water	✓ 60 Target 40
Thermal Performance	✓ Pass Target Pass
Energy	✓ 93 Target 72
Miscellaneous	✓ -64 Target n/a

Certificate Prepared by	
Name / Company Name	I.C. Consulting Engineers
ABN (if applicable)	

Description of project

Project address		Common area landscape	
Project name	This - 7 Dibble Avenue, Marrickville_03	Common area lawn (m ²)	0.00
Street address	7 DIBBLE AVENUE MARRICKVILLE 2204	Common area garden (m ²)	0
Local Government Area	INNER WEST	Area of indigenous or low water use species (m ²)	0
Plan type and plan number	Deposited Plan 11298	Assessor details and thermal loads	
Lot No.	9	Assessor number	DAW/161765
Section no.	-	Certificate number	0011637570
Project type		Climatic zone	56
No. of residential flat buildings	0	Project score:	
Residential flat buildings: no. of dwellings	0	Water	40 Target 40
Multi-dwelling housing: no. of dwellings	4	Thermal Performance	Pass Target Pass
No. of single dwelling houses	0	Energy	93 Target 72
Site details		Materials	64 Target n/a
Site area (m ²)	374.8		
Roof area (m ²)	122.2		
Non residential floor area (m ²)	0.00		
Residential car spaces	0		
Non-residential car spaces	0		

Description of project

The tables below describe the dwellings and common areas within the project

Multi-dwelling houses

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (m ² in area m ²)
1	3	95.2	4.8	26.23	0
Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (m ² in area m ²)
2	3	95.2	4.8	26.23	0
Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (m ² in area m ²)
3	3	95.2	4.8	26.23	0
Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (m ² in area m ²)
4	3	95.2	4.8	26.23	0

No common areas specified.

page 4/15

Wednesday, 04 June 2025

Certificate No.: 1775747N_03

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Version: 4.00 / EUDAL\PTUS_00_01_0

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Department of Planning, Pricing and
Infrastructure

BASIX

Document Set ID: 40666394
Version: 1, Version Date: 04/05/2025

Schedule of BASIX commitments

1. Commitments for multi-dwelling housing

(a) Dwellings

(i) Water

(ii) Energy

(iii) Thermal Performance and Materials

2. Commitments for common areas and central systems/facilities for the development (non-building specific)

(a) Common areas and central systems/facilities

(i) Water

(ii) Energy

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

1. Commitments for multi-dwelling housing

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below:			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table.)	✓	✓	
(c) If a rating is specified in the table below for a feature or appliance to be installed in the dwelling, the applicant must ensure that each such feature and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on-demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✓	✓
(e) The applicant must install: (see) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and (see) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversions tank to all toilets in the dwelling.		✓	✓
(f) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	
(g) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✓	
(h) The pool or spa must be located as specified in the table.	✓	✓	
(i) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed or that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓

Fixtures					Appliances			Individual pool				Individual spa		
Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dishwashers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	4 star (> 6 but <= 7.5 L/min)	4 star	5 star	5 star	-	-	-	-	-	-	-	-	-	-

Alternative water source						
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection
All dwellings	Individual water tank (No. 1)	Tank size (min) 1500.00 litres	To collect run-off from at least: 10 square metres of roof area; 0 square metres of impervious area; 0 square metres of garden and lawn area; and 0 square metres of planter box area.	Yes	no	no

(iii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✓	✓	✓
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✓	✓
(d) The applicant must install the cooling and heating systems specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide daylight/light zoning between living areas and bedrooms.		✓	✓
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✓	✓

(iii) Energy		Show on DA plans	Show on CCNDG plans & specs	Certifier check
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading in the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.		✓	✓	✓
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must: (aa) install the system specified for the pool in the "Individual Pool" column of the table below (for alternative must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and (ab) install the system specified for the spa in the "Individual Spa" column of the table below (for alternative must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.			✓	
(h) The applicant must install in the dwelling: (sa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below; (sb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and (sc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.			✓	✓
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".			✓	
(j) The applicant must install the photovoltaic system specified for the dwelling under the "Photovoltaic system" heading of the "Alternative energy" column of the table below, and connect the system to that dwelling's electrical system.		✓	✓	✓

Dwelling no.	Hot water		Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control	
All dwellings	heat pump - 15 to 20 STCs	individual fan, ducted to facade or roof	interlocked to light with timer off	individual fan, ducted to facade or roof	manual switch on/off	individual fan, ducted to facade or roof	interlocked to light	

Dwelling no.	Cooling		Heating		Natural lighting	
	Living areas	bedroom areas	living areas	bedroom areas	No. of bathrooms or toilets	Main kitchen
All dwellings	1-phase airconditioning - ducted / EER 2.5 - 3.0	1-phase airconditioning - ducted / EER 2.5 - 3.0	1-phase airconditioning - ducted / EER 2.5 - 3.0	1-phase airconditioning - ducted / EER 2.5 - 3.0	0	no

Individual pool			Individual spa			Appliances other efficiency measures				
Dwelling no.	Pool heating system	Pool Pump	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Dishwasher	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	-	electric cooktop & electric oven	-	-	no	no

Alternative energy		
Dwelling no.	Photovoltaic system (min rated electrical output in peak kW)	Photovoltaic collector installation
All dwellings	0° degree to the horizontal	2

(iii) Thermal Performance and Materials			
	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol Certificate, including the details shown in the "Thermal Loads" table below.			
(c) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✓		
(d) The applicant must show on the plans accompanying the application for a construction certificate for complying development certificate, if applicable, all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✓	
(e) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✓	✓
(f) Where there is an in-slab heating or cooling system, the applicant must:	✓	✓	✓
(g) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab, or			

(iii) Thermal Performance and Materials						Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(iii) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.								
(iv) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.						✓	✓	✓
(v) The applicant must show on The plans accompanying The development application for The proposed development, The locations of ceiling fans set out in The Assessor Certificate.						✓		
(vi) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), the locations of ceiling fans set out in the Assessor Certificate.							✓	

Thermal loads			
Dwelling no.	Area adjusted heating load (in MJ/m ² /yr)	Area adjusted cooling load (in MJ/m ² /yr)	Area adjusted total load (in MJ/m ² /yr)
1	18.8	8.3	28.100
2	10.4	10	20.400
3	11.4	12.4	23.800
All other dwellings	20	8.9	28.900

Construction of floors and walls					
Dwelling no.	Concrete slab on ground (m ²)	Suspended floor with open subfloor (m ²)	Suspended floor with enclosed subfloor (m ²)	Suspended floor above garage (m ²)	Primarily rammed earth or mudbrick walls
All dwellings	38.8	-	-	-	no

Floor types											
Concrete slab on ground			Suspended floor above enclosed subfloor			Suspended floor above open subfloor					
Dwelling no.	Area (m ²)	Insulation	Low emissions option	Dematerialisation	Construction type	Area (m ²)	Insulation	Construction type	Area (m ²)	Insulation	Construction type
All dwellings	38.8	-	-	conventional slab	-	-	-	-	-	-	-

Floor types		Suspended floor above garage				Garage floor			
First floor above habitable rooms or mezzanine									
Dwelling no.	Construction type	Area (m ²)	Insulation	Construction type	Area (m ²)	Insulation	Area (m ²)	Construction type	Low emissions option
All dwellings	concrete - suspended, frame: timber - H2 treated softwood	51.2	-	-	-	-	0	-	conventional slab

External walls		External wall type 1				External wall type 2			
		Area (m ²)	Insulation	Low emissions option	Wall type	Area (m ²)	Insulation	Low emissions option	
Dwelling no.	Wall type								
All dwellings	cavity brick	84.6	fibre-glass balls or roll	-	-	-	-	-	-

External walls		External wall type 3				External wall type 4			
		Area (m ²)	Insulation	Low emissions option	Wall type	Area (m ²)	Insulation	Low emissions option	
Dwelling no.	Wall type								
All dwellings	-	-	-	-	-	-	-	-	-

Internal walls		Internal wall type 1				Internal wall type 2			
Internal walls shared with garage		Area (m ²)	Insulation	Wall type	Area (m ²)	Insulation	Area (m ²)	Insulation	
Dwelling no.	Wall type								
All dwellings	plasterboard, frame: timber - H2 treated softwood	-	-	plasterboard, frame: timber - H2 treated softwood	46.8	-	cavity brick wall	75	-

Ceiling and roof						
Flat ceiling / pitched roof						
Dwelling no.	Construction type	Area (m ²)	Insulation	Construction type	Area (m ²)	Insulation
All dwellings	-	-	Ceiling: Roof	-	-	Ceiling: Roof
Raked ceiling / pitched or skillion roof						
Dwelling no.	Construction type	Area (m ²)	Insulation	Construction type	Area (m ²)	Insulation
All dwellings	-	-	Ceiling: Roof	-	-	Ceiling: Roof
Flat ceiling / flat roof						
Dwelling no.	Construction type	Area (m ²)	Insulation	Construction type	Area (m ²)	Insulation
All dwellings	-	-	Ceiling: Roof	-	-	Ceiling: Roof

Frame types						
Glazing type						
Dwelling no.	Single glazing (m ²)	Double glazing (m ²)	Triple glazing (m ²)	Aluminium frames (m ²)	Timber frames (m ²)	Composite frames (m ²)
1, 4	-	37.1	-	37.1	-	-
All other dwellings	37.1	-	-	37.1	-	-

2. Commitments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

(i) Water		Show on DA plans	Show on CCVDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.			✓	✓
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.		✓	✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.		✓	✓	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.			✓	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.			✓	✓
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.			✓	✓
Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	no common facility	no common laundry facility
(ii) Energy		Show on DA plans	Show on CCVDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency features specified.			✓	✓
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common areas where specified.			✓	✓
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.		✓	✓	✓

Central energy systems	Type	Specification
Other	-	-

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 Version: 1, Version Date: 04/05/2025

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Notes 1. In these commitments, "applicant" means the person carrying out the development. 2. The applicant must identify each dwelling, building and common area listed in this certificate, on the plans accompanying any development application, and on the plans and specifications accompanying the application for a construction certificate / complying development certificate, for the proposed development, using the same identifying letter or reference as is given to that dwelling, building or common area in this certificate. 3. This note applies if the proposed development involves the creation of a building for both residential and non-residential purposes (or the change of use of a building for both residential and non-residential purposes). Commitments in this certificate which are specified to apply to a "common area" of a building or the development, apply only to that part of the building or development to be used for residential purposes. 4. If this certificate lists a central system as a commitment for a dwelling or building, and that system will also serve any other dwelling or building within the development, then that system need only be installed once (even if it is separately listed as a commitment for that other dwelling or building). 5. If a star or other rating is specified in a commitment, this is a minimum rating. 6. All alternative water systems to be installed under these commitments (if any), must be installed in accordance with the requirements of all applicable regulatory authorities. NOTE: NSW Health does not recommend that atomised, recycled water or private dam water be used to irrigate edible plants which are consumed raw, or that rainwater be used for human consumption in areas with potable water supply. Legend 1. Commitments identified with a  in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development). 2. Commitments identified with a  in the "Show on DCO/DC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development. 3. Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled. (Note: a certifying authority must not issue an occupation certificate (either interim or final) for a building listed in this certificate, or for any part of such a building, unless it is satisfied that each of the commitments whose fulfillment it is required to monitor in relation to the building or part, has been fulfilled).	BASIX Department of Planning, Monitoring and Infrastructure Document Set ID: 42666364 Version: 1, Version Date: 04/05/2025 View: 4.00 / EUDALVPTUS_00_01_0 Certificate No.: 1776747N_03 Wednesday, 04 June 2025 page 15/15
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Attachment C– Draft Conditions of consent in the event of an approval

CONDITIONS OF CONSENT

GENERAL CONDITIONS

Condition				
1.	Bin Storage - Residential			
	All bins are to be stored within the property. Bins are to be returned to the property within 12 hours of having been emptied. Reason: To ensure resource recovery is promoted and residential amenity is protected.			
2.	Documents related to the consent			
	The development must be carried out in accordance with plans and documents listed below:			
	Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by
	DA001	Site Analysis	23/05/2025	Cracknell & Loneragan
	DA011	Existing Plans	23/05/2025	Cracknell & Loneragan
	DA012	Demolition Plans	23/05/2025	Cracknell & Loneragan
	DA101	Ground Floor Plans	23/05/2025	Cracknell & Loneragan
	DA102	First Floor Plans	23/05/2025	Cracknell & Loneragan
	DA103	Second Floor Plans	23/05/2025	Cracknell & Loneragan
	DA104	Roof Plans	23/05/2025	Cracknell & Loneragan
	DA201	Northern Elevation	23/05/2025	Cracknell & Loneragan
	DA202	Southern Elevation	23/05/2025	Cracknell & Loneragan
	DA203	Eastern Elevation	23/05/2025	Cracknell & Loneragan
	DA204	Western Elevation	23/05/2025	Cracknell & Loneragan
	DA301	Section A	23/05/2025	Cracknell & Loneragan
	DA302	Section B	23/05/2025	Cracknell & Loneragan
	DA303	Section C	23/05/2025	Cracknell & Loneragan
	DA402	Proposed Torrens Title Subdivision Plan	23/05/2025	Cracknell & Loneragan
	DA501	Materials & Finishes	23/05/2025	Cracknell & Loneragan

	DA502	Landscape Plans	23/05/2025	Cracknell & Loneragan
	Basix Certificate	Certificate Number:1778747M_03	04/05/2025	Lc Consulting Engineers
	As amended by the conditions of consent.			
	Reason: To ensure development is carried out in accordance with the approved documents.			
3.	Works Outside the Property Boundary			
	This development consent does not authorise works outside the property boundaries on adjoining lands.			
	Reason: To ensure works are in accordance with the consent.			
4.	Storage of materials on public property			
	The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.			
	Reason: To protect pedestrian safety.			
5.	Other works			
	Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i> .			
	Reason: To ensure compliance with legislative requirements.			
6.	National Construction Code (Building Code of Australia)			
	A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.			
	Reason: To ensure compliance with legislative requirements.			
7.	Notification of commencement of works			
	Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:			
	a. In the case of work for which a principal contractor is required to be appointed: i. The name and licence number of the principal contractor; and ii. The name of the insurer by which the work is insured under Part 6 of that Act. b. In the case of work to be done by an owner-builder: i. The name of the owner-builder; and ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.			
	Reason: To ensure compliance with legislative requirements.			

8.	Dividing Fences Act The person acting on this consent must comply with the requirements of the <i>Dividing Fences Act 1991</i> in respect to the alterations and additions to the boundary fences. Reason: To ensure compliance with legislative requirements.
9.	Construction of Vehicular Crossing The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for Construction of a Vehicular Crossing & Civil Works form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works. Reason: To protect assets, infrastructure and pedestrian safety.
10.	Lead-based Paint Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building. Reason: To protect human health.
11.	Dial Before You Dig Contact "Dial Before You Dig" prior to commencing any building activity on the site. Reason: To protect assets and infrastructure.
12.	Asbestos Removal Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority. Reason: To ensure compliance with the relevant environmental legislation.
13.	Boundary Alignment Levels Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary unless levels are otherwise approved by Council via a S138 approval. Reason: To allow for pedestrian and vehicular access.
14.	Permits Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993

	and/or Section 138 of the Roads Act 1993. Permits are required for the following activities: • 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; • A concrete pump across the roadway/footpath; • Mobile crane or any standing plant; • Skip Bins; • Scaffolding/hoardings (fencing on public land); • Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.; • Awning or street veranda over the footpath; • Partial or full road closure; and • Installation or replacement of private stormwater drain, utility service or water supply. If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity. Reason: To ensure works are carried out in accordance with the relevant legislation.
15.	Insurances Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. Reason: To ensure Council assets are protected.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
16.	Resource Recovery and Waste Management Plan - Demolition and Construction Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a "Waste and Recycling Waste Management Plan - Demolition and Construction" in accordance with the relevant Development Control Plan. Reason: To ensure resource recovery is promoted and local amenity protected during construction.

17.	Bin Storage Area Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Waste and Recycling Management Plan. The submitted Waste and Recycling Management Plan must demonstrate that the bin storage area will accommodate the number of bins required for all waste and recycling generated by a development of this type and scale. The number of bins required must be calculated based on a fortnightly collection of garbage, a weekly collection of organics which includes food and garden organics (FOGO), and a fortnightly collection of mixed recycling. The bin storage area is to meet the design requirements detailed in the Development Control Plan. Reason: To ensure resource recovery is promoted and local amenity protected.
18.	Waste Transfer Route Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point has a minimum 1200mm wall-to-wall clearance, is slip-proof with a hard surface, free of obstructions and at no point has a gradient exceeding 1:14 for 240L bins. Reason: To require details of measures that will protect residents and staff or tenants during the operational phase of the development.
19.	Long Service Levy Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more. Reason: To ensure the long service levy is paid.
20.	Sydney Water – Tap In Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Note: Please refer to the web site http://www.sydneywater.com.au/tapin/index.htm for details on the process or telephone 13 20 92. Reason: To ensure relevant utility and service providers requirements are provided to the certifier.

21.

Section 7.11 Contribution

In accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

Contribution Category	Amount
Open Space & Recreation	\$57200
Community Facilities	\$10602
Transport	\$7520
Drainage	\$3944
Plan Administration	\$734
TOTAL	\$80000

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

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

Where:

C_{payment} = is the contribution at time of payment

C_{consent} = is the contribution at the time of consent, as shown above

CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 141.8 for the 29 October 2025 quarter.

CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

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

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

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

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

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

	indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued. Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049). The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney. Reason: To ensure payment of the required development contribution.				
22.	Housing and Productivity Contribution a. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition (b), is required to be made <table border="1"> <thead> <tr> <th>Housing and productivity contribution</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Total housing and productivity contribution</td><td>\$38,819.41</td></tr> </tbody> </table> b. The amount payable at the time of payment is the amount shown in condition (a) as the total housing and productivity contribution adjusted by multiplying it by: Highest PPI number Consent PPI number Where: <i>highest PPI number</i> is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and <i>consent PPI number</i> is the PPI number last used to adjust HPC rates when consent was granted, and <i>June quarter 2023 and PPI</i> have the meanings given in clause 22 (4) of the <i>Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023</i>. If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead. c. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:	Housing and productivity contribution	Amount	Total housing and productivity contribution	\$38,819.41
Housing and productivity contribution	Amount				
Total housing and productivity contribution	\$38,819.41				

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Before the installation of the first manufactured home

In the Table, HPC Order means the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

d. The HPC must be paid using the NSW planning portal (<http://pp.planningportal.nsw.gov.au/>).

e. If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:

- the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
- the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition (b.) at the time of payment.

f. Despite condition (a.), a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: To ensure payment of the required development contribution.

23.	Tree Planting in the Public Domain Street Tree Planting Plan must be submitted to, and be approved by, the Council's Urban Forest Team prior to the issuing of any/the/a Construction Certificate. The plan must include and be consistent with the following requirements: - The trees must be located, planted and pits constructed in accordance with the Street Tree Master plan where relevant/available. Species substitutes will not be accepted unless approved in writing by Council's Urban Forest Team. The tree pit dimensions, planting and staking details to be included on the plan/s must be in accordance with Detail 2, of the Marrickville Street Tree Master Plan (available online). Where structural soil cells are required, it must be demonstrated that adequate soil volume can be provided. - The species must be <i>Tristanopsis laurina</i> (Water Gum) or <i>Acmena smithii</i> 'Minor' (Dwarf Lilly Pilly). - The street trees must be in a minimum container size of 45 litres at planting and a minimum height of 1 metre. - The planting stock must comply with AS2303—Tree stock for landscape use. Note - Certification from the tree supplier must be submitted to the Council's Urban Forest Team prior to the trees being planted. The certification must confirm the tree(s) have been grown and comply with the requirements of AS2303. - The plans must be annotated with the requirement that the trees be planted by a qualified Horticulturist or Arborist with a minimum qualification of Australian Qualification Framework (AQF) Level 3. - All new trees must be inspected and approved by Council's Urban Forest Team at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period. - The plan/s must be annotated that all trees planted must be maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of 12 months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilising, pest and disease control and any other operations to maintain a healthy robust tree. - The plan/s must be annotated that at the end of the 12 month maintenance period, written acceptance of the tree/s must be obtained from the Council's Urban Forest Team prior to release of the street tree portion of the public domain bond. - If a tree fails to thrive and successfully establish during the maintenance period, then Council will request payment for a replacement tree and establishment period according to the Schedule of Fees and Charges. Reason: To ensure appropriate tree planting is undertaken.
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24.	Security Deposit - Custom Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent. <table border="1" data-bbox="432 501 1198 577"> <tr> <td>Security Deposit:</td><td>\$20,990.00</td></tr> <tr> <td>Inspection Fee:</td><td>\$404.80</td></tr> </table> Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date. The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out. Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations. A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued. The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment. Reason: To ensure required security deposits are paid.	Security Deposit:	\$20,990.00	Inspection Fee:	\$404.80
Security Deposit:	\$20,990.00				
Inspection Fee:	\$404.80				
25.	Dilapidation Report – Pre-Development – Minor Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site. Reason: To ensure Council assets are protected.				
26.	Stormwater Drainage System – Minor Developments (OSD is required) Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:				

	a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. 24-4549-SW Issue 1 prepared by ROSS ENGINEERS and dated 17/12/2024. b. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road or directly to a Council controlled public stormwater drainage system via the OSD/OSR tanks as necessary. c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP. d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tanks. e. The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes. f. The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (100years ARI); g. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use. h. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks. i. Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided. j. An overland flowpath must be provided within the setback to the southern side boundary between the rear of the dwelling and the Dibble Avenue frontage. k. A 150mm step up must be provided between the finished surface level of the external area and the finished floor level of the internal room unless a reduced step is permitted by Part 3.3.3. of the National Construction Code for Class 1 buildings. l. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the
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	proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design. m. No nuisance or concentration of flows to other properties. n. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required. o. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. p. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm. q. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated. r. No impact to street tree(s). Reason: To ensure that the adequate provision of stormwater drainage is provided.
27.	Public Domain Works – Prior to Construction Certificate Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the Roads Act 1993 incorporating the following requirements: a. The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, etc. must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme; b. The construction of light duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site; c. The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template for a B85 vehicle using dynamic ground clearance software. A long section, along both sides of the vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be provided for review. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section shall show both existing and proposed surface levels including information including chainages. d. New concrete footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location, as determined by the Council Engineer e. 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 must be set at 2.5%. These sections will set the alignment levels at the boundary. All works must be completed prior to the issue of an Occupation Certificate. Reason: To ensure public domain works are constructed to Council's standards.
28.	Flood Risk Management Plan Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Flood Risk Management Plan prepared and certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The Plan must be prepared/amended to make provision for the following: - The plan must be generally in accordance with the recommendations of the Flood Risk Management Plan prepared by ROSS ENGINEERS and dated 05/11/2024. - Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site must be assessed for the 100-year ARI and Probable Maximum Flood (PMF) storm events. The precautions must include but not be limited to the following: - Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris. - Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections. - Flood warning signs/depth indicators for areas that may be inundated - A flood evacuation strategy. - On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level. - All structures below 3.82m AHD must be constructed from flood compatible materials. - A structural engineer's certificate must be submitted stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the 1 in 100-year flood level/(Probable Maximum Flood (PMF) level- If refuge on site proposed). - The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path. Details of all obstructions or changes in level within the overland flow paths must be detailed on the plan. - All new boundary fencing or screening within the overland flow path must be of an open type to allow for the free flow of water throughout the site.

	g. All structures within the existing overland flood flow path and flood storage areas within the site must be raised on piers and any areas below floor level maintained as open areas with suitable open type fencing/screening so as to maintain existing flow paths and flood storage. h. All works must be designed to comply with the ABCB Standard: Construction of Buildings in Flood Hazard Areas in accordance with the National Construction Code and the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below. i. Building Code of Australia ii. Defined flood level (DFL) 100-year Average Recurrence Interval flood level iii. Defined flood event (DFE) 100-year Average Recurrence Interval flood iv. Flood hazard level (FHL) Flood Planning Level (FPL). Reason: To protect human life and property during a flood event.
29.	Council Stormwater Pipe - Physical Location Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended site plans to accurately show the location of the Council's stormwater pipe. The stormwater pipe must be located by the use of test pits and must be inspected by a suitably qualified Civil Engineer. The location of Council's stormwater pipe must be pegged out across the site, and the actual location and depth of the pipe must be used in the design of the footings of the proposed building. In addition Council's stormwater drainage line within the property shall be inspected by Closed Circuit Television (CCTV) and a video copy provided to Council prior to the issue of the Construction Certificate, to determine the condition of the pipe before commencement of works. The stormwater line shall again be inspected on completion of the works and a video copy provided to Council prior to occupation of the site. Reason: To ensure that the adequate provision of stormwater drainage is provided.
30.	Works Adjacent to Council's Stormwater Pipeline Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans prepared by a suitably experienced Civil Engineer that demonstrate any footings or excavation to be located or undertaken adjacent to Council's stormwater pipeline address the following requirements: a. All footings and excavation must be located outside of the easement boundaries; b. All footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; c. All footings adjacent to Council's stormwater pipe must be taken to a depth 500mm below a line of influence measured at 45° from a point 1m from the invert of the stormwater pipe in the direction of the footing unless the footings are to be placed on competent bedrock; and

	d. If permanent excavation is proposed beneath the overtop of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil must be provided. Reason: To ensure that stormwater infrastructure is protected as a result of the development.
31.	Parking Facilities - Domestic Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans and certification by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements: a. The garage slab or driveway must rise within the property to be a minimum of 170mm above the adjacent road gutter level and/or higher than the street kerb and footpath across the full width of the vehicle crossing. b. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B85 vehicle. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements. c. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors. d. The garage/carport/parking space must have minimum clear internal dimensions of 5400 x 3000 mm (length x width). The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004. e. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces. f. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004 unless otherwise approved. g. The external form and height of the approved structures must not be altered from the approved plans. Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP.

32.	Design Change Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following: a. Proposed off-street parking facilities and associated vehicular crossings to Lots 1, 2 & 3 must be deleted. b. Minimum 2.50m side setback from the southern side boundary to the building must be provided. Reason: To ensure that the design changes protect the amenity of the neighbourhood.
33.	Fibre-ready Facilities Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for: The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier. Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.
34.	Concealment of Plumbing and Ductwork Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible. Reason: To protect the visual amenity of the neighbourhood.

BEFORE BUILDING WORK COMMENCES

	Condition
35.	Waste Management Plan Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan. Reason: To ensure resource recovery is promoted and local amenity is maintained.

36.	Erosion and Sediment Control Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site. Reason: To ensure resource recovery is promoted and local amenity is maintained.
37.	Standard Street Tree Protection Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction. Reason: To protect and retain trees.
38.	Dilapidation Report Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified properties (9 & 5 Dibble Avenue) to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences. Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
39.	Construction Fencing Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property. Reason: To protect the built environment from construction works.
40.	Hoardings The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing. If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property. Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.

41.	Construction Traffic Management Plan Prior to any works commencing, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction prepared by a person with RMS accreditation to prepare a work zone traffic management plan. Details must include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities. A work zone approval must be obtained. If in the opinion of Council, TfNSW or the NSW Police the works results in unforeseen traffic congestion or unsafe work conditions the site may be shut down and alternative Traffic Control arrangements shall be implemented to remedy the situation. In this regard you shall obey any lawful direction from the NSW Police or a Council officer if so required. Any approved CTMP must include this as a note." Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
42.	Verification of Levels and Location Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD. Reason: To ensure works are in accordance with the consent.

DURING BUILDING WORK

	Condition
43.	Advising Neighbours Prior to Excavation At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation. Reason: To ensure surrounding properties are adequately notified of the proposed works.
44.	Construction Hours – Class 1 and 10 Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays. Reason: To protect the amenity of the neighbourhood.
45.	Survey Prior to Footings Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries. Reason: To ensure works are in accordance with the consent.

46.

Tree No.	Botanical/Common Name	Location
1	Morus sp. (Mulberry) x 2	Rear Yard
2	Fraxinus griffithii (Evergreen Ash)	Street Tree

All tree works shall be undertaken by an arborist with a minimum Level 3 in Arboriculture, as defined by the Australian Qualification Framework and in compliance with Australian Standard AS 4373—*Pruning of amenity trees* and Safe Work Australia's *Guide to Managing Risks of Tree Trimming and Removal Work*.

Any works in the vicinity of the Low Voltage Overhead Network (including service lines – pole to house connections) shall be undertaken by an approved Ausgrid vegetation contractor for the management of vegetation conflicting with such services.

The removal of any street trees approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following a tree's removal.

The trees to be removed must be included on all Construction Certificate plans shown in red.

Reason: To identify trees permitted to be pruned or removed.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
47.	Notice to Council to deliver Residential Bins Council is to be notified of bin requirements three weeks prior to the occupation of the building to ensure timely delivery. Reason: To ensure resource recovery is promoted and residential amenity is protected.
48.	Certification of Tree Planting New tree planting is required as part of the development. A minimum of 4 x 75 litre size trees, which will attain a minimum mature height of 8 metres, and a minimum mature canopy spread of 4 metres, have been planted in a suitable location within the property: - with sufficient above and below ground space to allow for future tree growth; and - with certification which demonstrates that the trees have been grown in accordance with the requirements of AS2303—<i>Tree stock for landscape use</i>.

	Trees listed as exempt species in Council's Tree Management Development Control Plan and species recognised to have a short life span, will not be accepted as suitable. Prior to the issue of any Occupation Certificate a Final Landscape Inspection must be carried out and a certificate issued by Council's Tree Assessment Officer. This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with the conditions of this consent. To arrange a Final Landscape Inspection please phone 9392-5000 a minimum of 48 hours prior to the required inspection date. An inspection fee will be charged in accordance with the current schedule of rates listed on Council's website. Any secondary inspections will incur a reinspection fee. Trees required by this condition must be maintained and protected until they reach the dimensions that are subject to Council's Tree Management DCP. Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner. Reason: To ensure appropriate landscaping is undertaken.
49.	Planting of Street Trees Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written certification from Council's Urban Forest Team that the street tree/public domain planting has been undertaken in accordance with the approved plans, relevant conditions and in accordance with the requirements of the approval under Section 136 of the Roads Act 1993. Where structural soil cells or soil vaults are constructed, certification must be provided from the supplier that they have been installed in accordance with the manufacturer's technical specifications, including certification that the soil type used is fit for purpose. Reason: To ensure appropriate tree planting is undertaken and compliance with the Roads Act 1993.
50.	Public Domain Works Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 136 of the Roads Act 1993 including: a. Light duty concrete vehicle crossing(s) at the vehicular access location(s); b. The existing concrete footpath across the frontage of the site must be reconstructed; and c. Other works subject to the Roads Act 1993 approval. All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications". Reason: To ensure Council assets are protected, and that works that are undertaken in the public domain maintain public safety.

51.	No Encroachments Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council. Reason: To maintain and promote vehicular and pedestrian safety.
52.	Works as Executed – Site Stormwater Drainage System Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer that: The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans. Reason: To ensure the approved works are undertaken in accordance with the consent.
53.	Operation and Management Plan Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities. The Plan must set out the following at a minimum: a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc. Reason: To ensure the approved works are undertaken in accordance with the consent.
54.	Flood Risk Management Plan - Certification Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified practising Civil Engineer that all aspects of the flood risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards. Reason: To ensure the approved works are undertaken in accordance with the consent.

55.	Dilapidation Report – Post-Development Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time. Reason: To ensure Council assets are protected.
56.	Parking Signoff – Minor Developments Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards. Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's specifications.
57.	Easement in Favour of Council Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that an easement (using Council's standard wording for easements) for drainage 2.5m wide has been created over the full length of the nominal centreline of the Council controlled drainage system within the site of the proposed development. Reason: To ensure the approved works are undertaken in accordance with the consent.
58.	Dilapidation Report Prior to the issue of an Occupation Certificate, the Certifying Authority and owners of identified properties must be provided with a second colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified properties (No.5 & No.9 Dibble Avenue) to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences. Reason: To determine potential construction impacts.

OCCUPATION AND ONGOING USE

	Condition
59. Operation and Management Plan	The Operation and Management Plan for the on-site detention and/or on-site retention/re-use, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times. Reason: To ensure that the adequate provision of stormwater drainage is provided.
60. Flood Risk Management Plan	The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times. Reason: To protect human life and property during a flood/inundation event.

SUBDIVISION WORK

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

	Condition
61. Street Numbering	For the Torrens Title subdivision of the Lot 9 DP 11298, current address 7 Dibble Avenue MARRICKVILLE NSW 2204 the approved addresses will be as following: The semi-detached property on the left-hand side, closest to 5 Dibble Avenue MARRICKVILLE NSW 2204, proposed Lot 4 will have the address of 7A Dibble Avenue MARRICKVILLE NSW 2204; The property on the proposed Lot 3 will have the address of 7B Dibble Avenue MARRICKVILLE NSW 2204; The property on the proposed Lot 2 will have the address of 7C Dibble Avenue MARRICKVILLE NSW 2204; The semi-detached property on the right-hand side, closest to 9 Dibble Avenue MARRICKVILLE NSW 2204, proposed Lot 1 will have the address of 7D Dibble Avenue MARRICKVILLE NSW 2204; These numbers ensure clarity from the surrounding properties and are allocated in accordance with the NSW Government Address Policy and NSW Addressing User Manual. The new proposed addresses will be valid from the date of the Torrens Title plan registration in LRS. Please display the street numbers on the property frontage and letterboxes. If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved

	by Council's GIS team before any street number is displayed. Link to Street Numbering Application Reason: To ensure occupancies are appropriately numbered.
62.	Subdivision Plan Amendment Prior to the issue of a Subdivision Certificate, the Principal Certifier must verify that: a. A common drainage easement in favour of the parcels of land to be drained must be created over the full length of all existing and proposed inter-allotment drainage systems within the site of the proposed development; and b. Proof of registration of the easement and a written statement signed by the Registered Surveyor that the as-built pipeline is totally within the proposed easement. Reason: To ensure easements are registered.
63.	Civil Engineer Verification Prior to the issue of a Subdivision Certificate, the Principal Certifier must be provided with written verification from a suitably experienced / Chartered/Registered Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans. Reason: To ensure the approved works are undertaken in accordance with the consent.
64.	Separate Drainage Systems Prior to the issue of a Subdivision Certificate, the Principal Certifier must be provided with a plan detailing that separate drainage systems must be provided to drain each proposed lot. Reason: To ensure that the adequate provision of stormwater drainage is provided.
65.	Section 73 Certificate Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with the Section 73 Certificate. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.
66.	Release of Subdivision Certificate Prior to the release of a Subdivision Certificate, the Certifying Authority must be provided with a copy of the Final Occupation Certificate. Reason: To ensure development is completed before the subdivision certificate is released.