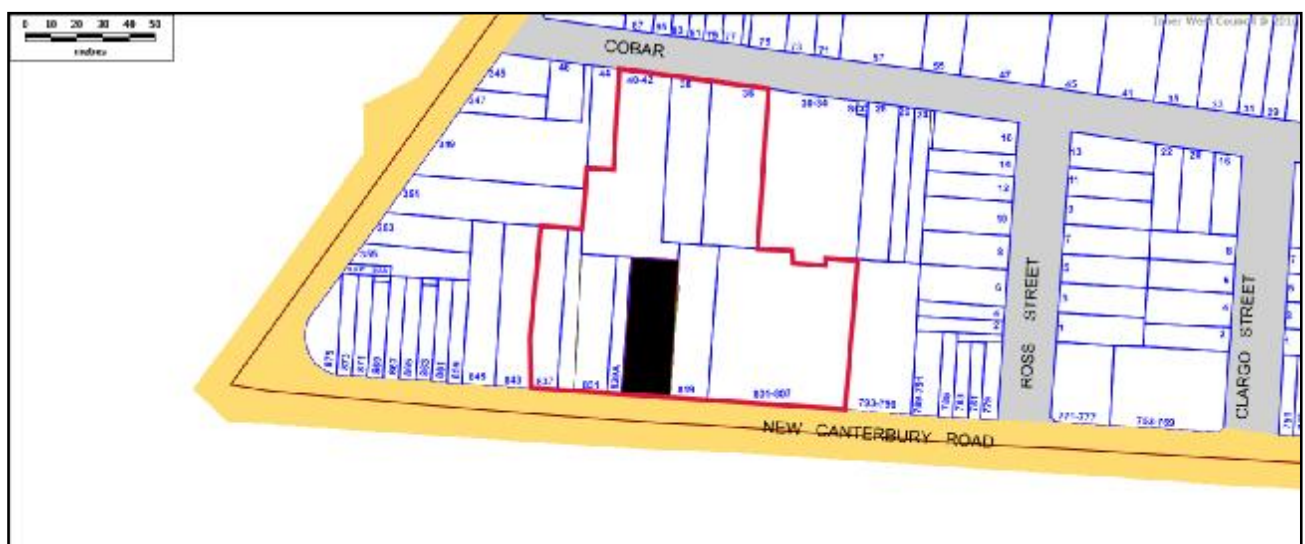







INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201600388
Address	825 - 829 New Canterbury Road, Dulwich hill
Proposal	To demolish the existing improvements and remove 1 tree and construct a 5 storey building (South Building) and a 4 storey building (North Building) being mixed use buildings containing commercial premises on the ground floor with shop top housing containing 22 units on the upper floors with a 3 level basement parking area and associated landscaping works.
Date of Lodgement	3 August 2016
Applicant	Valquest Charbel Katrib
Owner	Sangho Kang
Number of Submissions	Nil
Value of works	\$8,914,182
Reason for determination at Planning Panel	The extent of the departure from the Height of Building development standard exceeds staff delegation
Main Issues	Clause 4.6 variations for Height of Building and Floor Space Ratio
Recommendation	Approval subject to conditions



Subject Site:		Objectors:	
Notified Area:			

1. Executive Summary

This report relates to an application to demolish the existing improvements and remove 1 tree and construct a 5 storey building (South Building) and a 4 storey building (North Building) being mixed use buildings containing commercial premises on the ground floor with shop top housing containing 22 units on the upper floors with a 3 level basement parking area and associated landscaping works. The application was notified to surrounding properties and no submissions were received.

The main issues that have arisen from the application include:

- The development exceeds the maximum building height by approximately 3.3 metres or 24% under Clause 4.3 of MLEP 2011;
- The development proposes a FSR departure by approximately 100.62sqm or 5.9% under Clause 4.4 of MLEP 2011;
- Written submissions under Clause 4.6 of MLEP 2011 in relation to the Height of Buildings and FSR departures accompanied the application are considered to be well founded and are supported;
- During the assessment of the application, amended documentation was submitted to address comments raised by Council officers and Council's Architectural Excellence Panel (AEP). The amended plans did not require re-notification in accordance with Council's notification policy.

Despite the non-compliances, the proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policies (SEPPs), Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011).

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the amended development are considered to be acceptable given the context of the site and the desired future character of the precinct. The application is suitable for approval subject to the imposition of appropriate conditions.

2. Proposal

Approval is sought to demolish the existing improvements and remove 1 tree and construct a 5 storey building (South Building) and a 4 storey building (North Building) being mixed use buildings containing commercial premises on the ground floor with shop top housing containing 22 units on the upper floors with a 3 level basement parking area and associated landscaping works.

The building has the following arrangement:

Basement Level 03

- 2 x car parking spaces;
- 1 x car wash bay
- 10 x storage areas;
- Bicycle lockers; and
- Lift and fire stairs

Basement Level 02

- 10 x car parking spaces (including 4 accessible spaces);
- 6 x storage spaces;
- 12 x bicycle lockers; and
- 2 x Lifts and fire stairs

Basement Level 01

- 11 x car parking spaces (including 1 accessible space, 1 accessible visitor space and 2 non-accessible visitor spaces);
- 6 x storage spaces;
- 2 x Lifts and fire stairs.

Basement Mezzanine

- Service plant and pump rooms; and
- 7 x bike racks

Ground Level*South Building*

- Retail shop;
- Residential and commercial/retail bin rooms and bulky storage unit;
- Rainwater, OCD, Electrical and service rooms, chutes and service ducts;
- 2 x lift cores and fire stairs; and
- 1 x Bathroom.

North Building

- 2 x Office Suites;
- Residential bin room; and
- Lift core and fire stairs.

Central space

- Communal Open Space

Level 01*South Building*

- 2 x 2 bedroom units;
- 1 x 1 bedroom unit
- 1 x Studio;
- Service ducts and waste chute; and
- Lift core and fire stairs.

North Building

- 2 x 2 bedroom units (both adaptable units);
- 1 x 1 bedroom unit;
- Service ducts and waste chute; and
- Lift core and fire stairs.

Level 02*South Building*

- 2 x 2 bedroom units;
- 1 x 1 bedroom unit;
- 1 x Studio (south building);
- Service ducts and waste chute; and
- Lift core and fire stairs.

North Building

- 2 x 2 bedroom units (including 1 adaptable unit);
- 1 x 1 bedroom unit;
- Service ducts and waste chute; and
- Lift core and fire stairs.

Level 03*South Building*

- 2 x 2 bedroom units;
- 1 x 1 bedroom unit;
- 1 x Studio;
- Service ducts and waste chute; and
- Lift core and fire stairs.

North Building

- 2 x 3 bedroom units (both adaptable units);
- Service ducts and waste chute; and
- Lift core and fire stairs.

Level 04*South Building*

- 2 x 1 bedroom units;
- Service ducts and waste chute; and
- Lift core and fire stairs.

3. Site Description

The site is located on the northern side of New Canterbury Road, Dulwich Hill, between Old Canterbury Road and Ross Street. The site consists of 3 allotments being 825, 827 and 829 New Canterbury Road and is generally rectangular shaped with a total combined area of 967.7m². The lots are legally described as Lots 1 and 2 DP788651 and Lot 2 DP1193504.

The following characteristics relate to the site:

- The site contains a primary frontage of 18.32 metres to New Canterbury Road;
- The site contains a depth ranging from 31.375 metres to 31.925 metres; and
- The site contains a gentle downward slope toward the north from RL 44.45 to RL 43.05.

The site is currently vacant. The wider local area context comprises of varying built forms predominantly ranging from 1 and 2 storey contemporary and period commercial buildings to multi-storey shop top housing ranging from 4 to 7 storeys and a number of single storey dwelling houses on the southern side of New Canterbury Road. The surrounding locality is currently transitioning from a lower density commercial centre to a medium density, mixed-use precinct. On the southern side of New Canterbury Road directly opposite the site is land located within Canterbury-Bankstown Council LGA containing commercial, mixed-use and special use buildings ranging from 1 to 7 storeys.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
PDA201500072	Pre-DA To demolish existing improvements and construct a 4 storey mixed use development with 1 commercial tenancy, 3 soho units, 19 dwellings and basement car parking	Advice issued 20 August 2015
PDA201500127	Pre-DA To demolish the existing improvements and erect a 4 storey mixed use development containing 1 retail shop and 23 dwellings	Advice issued 12 February 2016
DA201600080	To demolish existing improvements and hardscape areas.	Approval subject to conditions 22 April 2016

Surrounding properties

Application	Proposal	Decision & Date
DA201500081 801- 807 New Canterbury Road	To demolish the existing improvements and construct a 4 storey development consisting of a residential flat building (Building A) containing 37 dwellings and a mixed use building (Building B) containing 3 retail tenancies and 30 dwellings with 2 levels of basement car parking accommodating 108 car parking spaces.	Approved (as a Deferred Commencement Consent) by the former Sydney East Joint Regional Planning Panel on 28 October 2015. The consent became active on 29 October 2015. The consent was subsequently modified on 23 May 2016 and 21 December

		December 2016. The modifications include the provision of an additional storey (a total of 5 storeys) to Building A (fronting New Canterbury Road) and Building B (at the rear of the site).
DA201500632 819 New Canterbury Road	To demolish existing improvements and construct a four (4) storey mixed use building (Building A) containing one (1) commercial tenancy and eight (8) dwellings and a residential flat building (Building B) containing twelve (12) dwellings with 2 levels of basement car parking.	Approved (as a Deferred Commencement Consent) by Council on 21 October 2016.
DA201200232 40-42 Cobar Street	To demolish the existing improvements on the properties 40 and 42 Cobar Street, consolidate the existing allotments, subdivide the land into two allotments, one fronting New Canterbury Road and one fronting Cobar Street and erect a 3 storey and 4 storey residential flat building over basement car parking level on the allotment fronting Cobar Street, containing 19 dwellings with off street car parking for 20 vehicles	Approved by Council on 10 October 2012. The consent was modified on 30 January 2015.
DA200700066 793- 799 New Canterbury Road	To demolish the existing improvements and erect a part two, part three and part four storey mixed commercial residential development over two levels of basement car park containing three ground floor commercial suites/shops and 2 x one bedroom, 18 x two bedroom and 4 x three bedroom dwellings with 40 off street car parking spaces and strata subdivide the premises into 27 lots	Approved (as a Deferred Commencement Consent) by Council on 6 December 2007. The consent became active on 11 February 2008. The consent was modified on 23 March 2011 and 11 July 2013. The modifications included the increase in the number of dwellings in the mixed use development from 24 dwellings to 32 dwellings within the approved building envelope.

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
5 October 2016	<p>Council requested the following additional information and amended plans:</p> <ul style="list-style-type: none"> • Raised concern with the 5th storey element of the development as the proposed extent of the FSR and Height breach under MLEP 2011 is unsupportable; • Submit a Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) if recommended in the DSI; • Submit a geotechnical study; • The RMS requires a raised, median driveway strip to direct left in/left out vehicular movements to and from New Canterbury Road; • Revise apartment layouts to address Apartment Design Guide (ADG) requirements including apartment widths, living area orientation and solar access; • Address Architectural Excellence Panel (AEP) comments to improve the design and amenity to the lobby, communal open space, commercial tenancies, modify external materials and finishes, fire stairs, bathroom layouts and clearly allocate areas of deep soil planting; • Address the development's impact to the neighbouring tree on No. 829A New Canterbury Road; • Address waste management comments to improve waste storage volumes, location and layout for storage and rubbish collection; and • Address Engineering comments regarding stormwater drainage.
1 February 2017	The applicant submitted amended plans to address Officer's and AEP's comments.
15 February 2017	Council requested the applicant to increase the side setback of the fifth level to 3 metres to enable the fifth level to appear subordinate to the building and not read as an entire prominent fifth storey from the street level.
7 March 2017	The applicant submitted further amended plans to address Officer's comments. This assessment report is based on the amended plans submitted to Council on 7 March 2017.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The site has been used in the past for activities including a car yard/workshop which could have potentially contaminated the site. It is considered that the site will require remediation in accordance with SEPP 55.

A preliminary Site Investigation (PSI) was submitted with the application (completed by Ade Consulting Group, dated 17 May 2016). The following conclusions were made:

- The structures present on the site provide possible localised contamination surrounding the building footprints;
- Based on the presence of presumed asbestos debris on the soil surface there is the potential for asbestos contamination within fill material at the site;
- There is potential for lead paint on and around the houses and should be managed appropriately. A hazardous materials survey should be undertaken prior to any demolition works;
- All hazardous materials are to be removed by a suitably qualified contractor prior to demolition of the structures;
- During the site inspection, fuel bowsers were observed at the Taxi Centre, directly adjacent to the west of the site, and the 7/11 Service Station, opposite the site on New Canterbury Road, indicating the presence of underground petroleum storage systems (UPSS);
- The proximity of UPSS to the site indicates the potential for groundwater contamination, especially considering the shallow groundwater; and
- The site has undergone earthworks including potential cut and fill activities in the past. The presence and extent of contamination within the potential fill material should be investigated.

A Detailed Site Investigation (DSI), completed by Ade Consulting Group (dated 23 November 2016) concluded the following:

- The presence of concentrations of Polycyclic aromatic hydrocarbons (PAHs) within the fill material on the site;
- A high level of vapour intrusion;
- Asbestos materials and other building rubble observed in the soil;
- Elevation concentration of zinc in the ground water samples; and (in conclusion)
- The need for a Remediation Action Plan (RAP).

A Remedial Action Plan (RAP), completed by Ade Consulting Group (dated 30 November 2016) have been provided to address the management of contaminated groundwater onsite and the treatment and disposal of contaminated fill material and soils and contamination

issues and undertake a vapour intrusion ground water contamination studies to understand the potential migration pathway of Volatile Organic Compounds prior to determination.

The contamination documents have been reviewed by Council's Senior Environmental Officer and found that the site can be made suitable for the proposed use after the completion of the RAP. A condition is included in the recommendation that any new information comes to light during site works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority. If significant unexpected occurrences occur during site works, the site works should cease and a suitably qualified environmental consultant shall be engaged to assess the site and determine if further remediation is required in accordance with the *Contaminated Land Management Act 1997*. To ensure that these works are undertaken, conditions to such effect have been included in the recommendation.

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

The development is subject to the requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65). SEPP 65 prescribes nine design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

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

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

Apartment Design Guide

The Apartment Design Guide (ADG) contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP certain requirements contained within LDCP2013 do not apply. In this regard the objectives, design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The following provides further discussion of the relevant issues:

Communal and Open Space

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

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

The development is required to accommodate 241.93sqm of communal open space over the 967.7sqm site. Approximately 286sqm of communal open space is proposed, which complies with the communal open space area standards prescribed under the ADG.

Approximately 37% of the communal open space will receive more than 2 hours of direct solar access between 9:00am and 3:00pm on 21 June, which is a non-compliance. The non-

compliance with the communal open space standards under the ADG is reasonable for the following reasons:

- The majority of the communal open space is located at the centre of the development between the north and south buildings. A substantial portion of the communal open space is located south of the north building, which constrains solar access to the communal open space. However, this is a reasonable outcome in that the north building complies with the height development standard under Clause 4.3 MLEP 2011. The above demonstrates that solar access is difficult to achieve even with a reasonable and compliant built form;
- The development achieves the minimum solar access standards for private open space under the ADG (as discussed in more detail later in the report);
- The geographical constraints of the site, being located within a relatively dense and built up mixed-use/commercial area and within a relatively narrow lot limits the locational options for the communal open space; and
- The north and south buildings require building separation of at least 12 metres under the ADG (habitable rooms/balconies to habitable rooms/balconies) to enable adequate solar access, natural ventilation and privacy for the residents of the site. The provision of communal open space at the centre of the site (between the north and south building) is therefore a rational location for visual aesthetic outcomes (enabling a landscaped courtyard in the within view for the apartments located adjacent to the central core of the development), convenience of access for residents to utilize the common open space, storm water drainage and rainwater infiltration.

In view of the above, the communal open space is considered acceptable having regard to the ADG.

Deep Soil Zones

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

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

The application proposes 37% of deep soil zones within the communal open space of the site (adjacent to the site’s northern boundary). The development is acceptable regarding the deep soil zone provisions under the ADG.

Visual Privacy/Building Separation

Building separation between neighbouring sites

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

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12 metres (4 storeys)	6 metres	3 metres
Up to 25 metres (5-8 storeys)	9 metres	4.5 metres
Over 25 metres (9+ storeys)	12 metres	6 metres

The following section assesses the proposed building separation distances for the development in relation to existing and approved building structures surrounding the site:

Buildings to the north of the site (existing and proposed)

- There are 2 dwelling houses on 40-42 Cobar Street which are located approximately 58 metres to the north of the development, which satisfies the ADG requirements;
- Having regard to recently approved 3 part 4 storey residential flat building on the same site above (40-42 Cobar Street) under Determination No. 201200232 (dated 10 October 2012), the southern building (comprising of 4 storeys) is located approximately 12 metres from the north building of the site, which complies with the building separation distances stipulated in the ADG.

Buildings to the east and west of the site (existing and proposed)

The north and south buildings are built to the zero lot lines of the eastern and western boundaries of the site. This will result in:

- A zero separation distance to the existing commercial building to the west of the site on 829A New Canterbury Road and a 4.4 metre separation distance to the existing single storey commercial building to the east of the site on No. 819 New Canterbury Road; and
- A zero separation distance to the approved shop 4 storey shop top development to on No. 819 New Canterbury Road as approved under Determination No. 201500632 on 21 October 2016.

Accordingly, the development does not comply with the building separation requirements between adjoining buildings to the approved shop top housing development on No. 819 New Canterbury Road. However, the non-compliance is reasonable for the following reasons:

- New Canterbury Road is a commercial/mixed use precinct with a predominantly nil side setback character. The development is consistent with the predominant setback pattern of the streetscape;
- In view of the above, the provision of any side setbacks would be detrimental to the urban design outcome of the streetscape;
- The nil side setbacks will result in no adverse impacts to neighbouring development having regard to solar access, visual privacy and natural air ventilation, particularly as there are no windows on the side elevations of the approved shop top housing development on No. 819 New Canterbury Road; and
- The provision of any significant side setbacks for the lot would constrain any form of residential development on the site given the minimum ADG requirements for internal amenity and layouts.

In view of the above, the application is acceptable having regard to building separation between buildings on neighbouring sites under the ADG.

Building separation between buildings within the same site

The ADG prescribes the following minimum required separation distances from buildings within the same site:

Up to four storeys/12 metres

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	12 metres
Habitable Rooms to Non-Habitable Rooms	9 metres
Non-Habitable Rooms to Non-Habitable Rooms	6 metres

Five to eight storeys/up to 25 metres

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	18 metres
Habitable Rooms to Non-Habitable Rooms	12 metres
Non-Habitable Rooms to Non-Habitable Rooms	9 metres

The south building comprises of 5 storeys and the north building comprises of 4 storeys. The development complies with the building separation requirements in that the minimum separation distance between habitable rooms/balconies to habitable rooms/balconies between the first 4 storeys of the development are 12 metres. There is no apartment level directly opposite the fifth storey of the south building.

In view of the above, the application is acceptable having regard to building separation between buildings on within the same site under the ADG.

Solar and Daylight Access

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

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

The living rooms and private open spaces of 16 out of 22 apartments (72%) in the development will receive a minimum of 2 hours of direct solar access between 9:00am and 3:00pm on 21 June which complies with the ADG standard.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

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

At least 14 out of 22 apartments (64%) are naturally cross ventilated which complies with the ADG requirement.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7 metres
Non-Habitable	2.4 metres
For 2 storey apartments	2.7 metres for main living area floor 2.4 metres for second floor, where its area does not exceed 50% of the apartment area
Attic Spaces	1.8 metres edge of room with a 30 degree minimum ceiling slope
If located in mixed used area	3.3 for ground and first floor to promote future flexibility of use

The minimum floor-to-ceiling heights of the development range from 2.7 metres to 3.6 metres and therefore comply with the ADG requirements for ceiling heights.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

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

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

All of the dwellings meet the minimum internal area required under the ADG, with the exception of 2 x 2 bedroom apartments (B103 and B203). The ADG requires 75sqm for 2 bedroom apartments with 2 bathrooms. Apartments B103 and B203 contain 2 bathrooms and accommodate 74sqm of total internal living areas for both apartments, a non-compliance of 1sqm for each apartment.

The non-compliance is considered minor. Each apartment contains 13sqm of private open space, which exceeds the minimum private open space requirement of 10sqm and thereby compensates the slight reduction in internal living areas required under the ADG with more generous outdoor private open spaces. It is considered that the internal amenity of each apartment is generally of high quality having consideration for solar access, internal layout and functionality, natural air ventilation, outlook and orientation.

The development is considered acceptable having regard to the Apartment Size requirements specified in the ADG.

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

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

The development meets the above minimum requirements regarding the provision of windows, minimum habitable room depths and minimum habitable room widths. The development is acceptable with regard to the apartment layout requirements of the ADG.

Private Open Space and Balconies

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

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

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

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

The plans provided with the application indicate that all apartments comply with the private open space standards contained in the ADG.

Common Circulation and Spaces

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

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

A maximum of 4 apartments share a circulation core being the central lift/stairs within the development. As such, the development is compliant with the ADG standards regarding common circulation and spaces.

Storage

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

Apartment Type	Minimum Internal Area
Studio apartments	4m ³
1 Bedroom apartments	6m ³
2 Bedroom apartments	8m ³
3+ Bedroom apartments	10m ³

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

The storage areas for the apartments are provided within the apartment living areas and basement storage area. The plans demonstrate that all apartments meet the storage space requirements under the ADG.

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

A BASIX Certificate was submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements.

5(a)(iv) State Environmental Planning Policy (Infrastructure) 2007

Development with frontage to classified road (Clause 101)

The site has a frontage to New Canterbury Road, a classified road. Under Clause 101 (2) of State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

The application was referred to Roads and Maritime Services (RMS) for concurrence under Section 138 of the *Roads Act 1993*. With consideration to road safety and traffic efficiency grounds, the RMS does not support right turn movements to and from the development due to vehicular access to the site being in close proximity to Melford Street. The RMS requires that all vehicular ingress and egress to the site shall be by left in/left out movements only.

The RMS requested a raised concrete median to be constructed within the vehicular access driveway (within the property) to channelize vehicular movements and restrict right turn movements into and out of the site. Amended plans to such effect were submitted to Council on 1 February 2017 and referred to RMS who raised no objections to the proposal. It was assessed that ingress and egress to the site remains adequate to support the intended vehicle movements by road.

Accordingly, the RMS provided concurrence to the development on 20 February 2017 under Section 138 of the *Roads Act 1993* subject to conditions of consent relating to the construction of the driveway and hydraulics within the site and vehicular movement and access, which are included in the recommendation. The application is acceptable with regard to Clause 101 of the SEPP Infrastructure.

Impact of road noise or vibration on non-road development (Clause 102)

Clause 102 of SEPP Infrastructure relates to the impact of road noise or vibration on non-road development on land in or adjacent to a road corridor or any other road with an annual average daily traffic volume of more than 40,000 vehicle. Under that clause, a development for the purpose of a building for residential use requires that appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded.

New Canterbury Road has an annual average daily traffic volume of less than 40,000 vehicles. Notwithstanding the above, the applicant submitted a Noise Assessment Report with the application that demonstrates that the development will comply with the LAeq levels stipulated in Clause 102 of the SEPP. Conditions are included in the recommendation ensuring compliance with the recommendations in the Noise Assessment Report to reduce vehicular noise impacts within the internal living areas of the development.

Accordingly, the application is acceptable under Clause 102 of SEPP Infrastructure.

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

The application was assessed against the following relevant clauses of the Marrickville Local Environmental Plan 2011 (MLEP 2011):

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 4.3 – Height
- Clause 4.4 – Floor Space Ratio
- Clause 4.6 - Exceptions to development standards
- Clause 5.9 - Preservation of trees or vegetation
- Clause 6.2 - Earthworks

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

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio Required: 1.75:1 1693.48sqm GFA	1.85:1 1794.1sqm GFA	5.9%	No
Height Required: 14m	17.3m	24%	No

(i) Clause 1.2 – Aims of the Plan

Clause 1.2 relates to the aims of the MLEP 2011. Aim 2(h) is to ‘promote a high standard of design in the private and public domain’. The Development Application was referred to Council’s Architectural Excellence Panel (AEP). The AEP were supportive of the proposal, however there were some elements in the application that needed further revising and consideration. The comments provided by the AEP are reproduced below:

- *The ground floor commercial tenancies lack address, are generally difficult to locate and tend to isolate the communal open space at the rear of the block, rendering it less accessible. Both office entries should be visible from where the entry opens to the courtyard for legibility;*
- *The entry from the street to the lift lobby should be at grade, rather than ramping down;*
- *The transparent operable roof structure above the communal open space contributes to the space feeling relatively and proportionally tighter and should be omitted;*
- *The fire stairs that exit to a driveway are unacceptable. The proposed configuration of the fire stairs needs to be supported by an alternative fire engineering solution;*
- *The layout of the bathrooms of Units B101, B102, B103, A302, A303, B301 and B302 is incomplete. This needs to be rectified;*
- *Recycled brickwork should continue into the vehicle entry as far as can be seen from the street, even when the roller door is open. This should be clearly stated on the drawings; and*
- *Areas of deep soil planting should be clearly stated on the drawings.*

The AEP's comments have been incorporated into the design of the proposed development (amended plans) and given this, a high standard of design is achieved.

The development supports the efficient use of land and promotes sustainable transport use by increasing residential accommodation within close proximity to services and public transport. The development meets BASIX requirements and is oriented to maximise natural solar access and air ventilation for the private open spaces and living areas of the development and therefore meets the principles of ecologically sustainable development.

(ii) Land Use Table and Zone Objectives (Clause 2.3)

The property is zoned B2 - Local Centre under the provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011). Shop top housing is permissible with Council's consent under the zoning provisions applying to the land.

The development is considered acceptable having regard to the objectives of the B2 - Local Centre zone.

(iii) Height (Clause 4.3)

A maximum building height of 14 metres applies to the property under MLEP 2011. The development has a maximum building height of 17.3 metres which does not comply with the height development standard by approximately 3.3 metres or 24%.

(iv) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 1.75:1 applies to the land under MLEP 2011. The development has a gross floor area (GFA) of approximately 1794.1sqm which equates to a FSR of 1.85:1 on the 967.7sqm site, a departure of approximately 100.62sqm or 5.9%.

(v) Clause 4.6 Exceptions to Development Standards

As detailed above, the proposed development exceeds the maximum Building Height development standard prescribed under Clause 4.3 of MLEP 2011 and maximum Floor Space Ratio (FSR) development standard prescribed under Clause 4.4 of MLEP 2011.

Written requests in relation to the contraventions to the Building Height and the FSR development standards in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 were submitted with the application which is discussed below.

Maximum Building Height

The original plans submitted with the application on 3 August 2016 proposed a maximum building height of approximately 17.8 metres. The height breach was associated with the proposed fifth storey on the south building (Level 4). Council requested the applicant to delete Level 4 to ensure compliance with the Building Height limit of 14 metres under MLEP 2011.

The applicant submitted amended plans on 1 February 2017 which reduced the height of the fifth storey by a minimum of 500 millimetres (with the highest point of the building being the lift overrun), resulting in a maximum building height of 17.3 metres for the north building. The floor-to-maximum ridge height of the fifth storey apartments (Units A401 and A402) were also reduced by approximately 1.1 metres. A revised Clause 4.6 objection accompanied the application regarding the reduced height breach.

Further amended plans were submitted on 7 March 2017 to increase the side setbacks of the fifth storey to 3 metres to address Council's concerns visual bulk/scale whilst maintaining the same building height of 17.3 metres. The following discussion is related to the amended Clause 4.6 statement submitted to Council on 1 February 2017 which seeks support for the proposed building height of 17.3 metres.

The Clause 4.6 variation request submitted with the application on 1 February 2017 argues that compliance with the maximum building height development standard is unreasonable and unnecessary for the following reasons summarized below:

- The additional floor space provided above the height of building control is positioned and designed on the site in a manner which will not result in unreasonable adverse impacts upon adjacent properties or the public realm by way of overshadowing, visual massing, view loss or visual and acoustic privacy impacts;
- There is minimal material difference in the impacts between a building that strictly complies with height of building control in that the 5th storey will not be clearly visible from a standing street level opposite the site and from some positions diagonal the site;
- The development will result in a better urban design outcome compared to a compliant development. The building will provide a better transition in scale and visual massing from higher buildings 5-7 storey building (under construction and from future developments) within the B2 Local Centre zoned land on the southern side of New Canterbury Road under Canterbury Council and the four storey scale residential buildings to the north of the site;
- The level of non-compliance with the height of buildings control is consistent with the degree of variations contemplated and accepted by the consent authority with respect to approved development in the immediate surrounds and wider locality of the site which vary the applicable standard;
- The amended development satisfies the objectives of the zone and the development standard;
- It enables the concept of improving density in the appropriate areas along busy corridors and where there is access to infrastructure such as schools and bus/train stations whilst not increasing the impact or adverse effects upon others;
- There are no environmental issues that affect the proposal insofar as effects upon neighbours or the public domain that apply and this is due to the particular disposition of the site being at once on a significant road and away from major intersections where its visibility may have been of greater issue;
- The development is able to achieve a high degree of amenity with good cross ventilation in addition to high solar access, deep soil zones and substantial landscaped area;

- There is a disconnect between the planning controls of the Inner West Council (height limit: 14 metres under MLEP 2011) and Bankstown-Canterbury Council side of New Canterbury Road (height limit: 18 metres under Canterbury Local Environmental Plan 2011 (CLEP 2011)). There are 4 projects underway within the vicinity of the site including development at the following locations:
 - § 578 – 580 New Canterbury Road (5 / 6 storeys)
 - § 630 – 634 New Canterbury Road (5 / 6 storeys)
 - § 610 – 618 New Canterbury Road (5/ 6 storeys)
 - § 570 – 574 New Canterbury Road (7 storeys)

A development compliant with the Height of Building standards would result in a building that is inconsistent with the bulk and scale of recently approved buildings in the immediate vicinity of the site.

- Council's Strategic Planning Section, within a report to Council (dated 5 June 2012) regarding the then Draft LEP, acknowledged at that time that there is merit in increasing the density and height for the locality. The June 2012 Council Report stated that an increase in FSR and height "*has merit and is supported in general terms, particularly as lots along this section of New Canterbury Road are deep and are located on the northern side of the road, so increased heights can be managed so as not to adversely affect neighbouring or nearby properties through overlooking or overshadowing.*"

The justification provided in the applicant's written submission is considered to be well founded and worthy of support. It is considered that there are sufficient environmental planning grounds as to why the FSR development standard should be varied in this particular circumstance based on the outcomes of planning law precedents such as those contained in *Wehbe v Pittwater Council [2007] NSWLEC827*, *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90* and *Moskovich v Waverley Council [2016]*, *Micaul Holdings Pty Limited v Randwick City Council [2015] NSWLEC 1386*.

It is assessed that the proposal will be architecturally consistent with the future streetscape character of the area. As previously discussed, a 5 storey shop top housing development was approved on 801-807 New Canterbury Road on 23 May 2016, as a modification to Determination No. 201500081. The development was approved with a total building height of approximately 19.1 metres (5 storeys) and the fifth storey was set back approximately 5.4 metres to 6.1 metres from its respective side boundaries and 4.8 metres from the street front portion of the building, reading as a recessive feature of the development when viewed from the surrounding streetscape. The height of the development is therefore consistent with future neighbouring development on the same side of New Canterbury Road.

The development will not be out of character with the envisaged development on the southern side of New Canterbury Road under Canterbury Council (directly opposite the site). The land of the site adjoining New Canterbury Road is zoned B2 pursuant to Canterbury Local Environmental Plan 2012 (CLEP 2012). It has a maximum building height of 18 metres (up to 6 storeys in scale) under the CLEP 2012 and is not subject to an FSR control under the CLEP 2012. While it is acknowledged that the land to the south of the site pertains to a different Council, it is important to examine the urban design context on both sides of the road to ensure a consistent streetscape character with regard to density, building envelopes, building height and bulk/scale as the streetscape essentially reads as one single, continuous local centre. The 5 storeys will enable an appropriate transition in height, bulk and scale from the approved 6 - 7 storey developments on the southern side of New Canterbury Road under Canterbury Council and the approved 4 storey development to the north of the site on 40-42 Cobar Street under Determination No. 201200232.

The building height breach (being Level 4) is a recessive element of the building, being set back 3 metres from the side boundaries of the site and 6 metres from the street front portion of the building and containing a tapered roof. In view of the above characteristics, Level 4 will not be wholly visible from the street level directly opposite the site. The side and front setbacks of Level 4 will present this level as a subordinate addition to the development as consistent with the approved shop top development on 801-807 New Canterbury Road.

The proposal will not result in significant adverse impacts by way of overshadowing noting that the majority of overshadowing between 9:00am and 3:00pm on 21 June will be cast over New Canterbury Road. The proposal will not negatively impact the surrounding locality having regard to visual and acoustic privacy, view loss and visual massing to adjoining properties and the public domain. The apartments achieve a high level amenity with regard to solar access, internal layout, natural air ventilation, communal and private open space. The development is of a high standard of urban design and will complement the future character of the streetscape.

It is considered that the contravention of the development standard does not raise any matter of significance for State and regional environmental planning, and that there is no public benefit in maintaining the development standard for the proposed development.

In view of the above, it is considered that the variation to the Building Height development standard under MLEP 2011 is supportable pursuant to Clause 4.6 of MLEP 2011.

Maximum Floor Space Ratio

The original plans submitted with the application on 3 August 2016 proposed a maximum floor space ratio (FSR) of approximately 1.98:1, a departure of 13% or 220.74sqm to the FSR development standard of 1.75:1 under MLEP 2011. Council requested the applicant to delete Level 4 (fifth storey) to ensure a reduced level of non-compliance with the FSR Development Standard to 11.54sqm or 0.6%.

The applicant submitted amended plans on 1 February 2017 retaining the 5th storey but with increased side setbacks for the fifth storey from nil to 950-1100 millimetres, resulting in a minor decrease in the FSR of the development to 1.89:1, a non-compliance with the FSR development standard of 137.02sqm or 8%. An amended Clause 4.6 request in relation to the reduced FSR variation accompanied the amended plans.

Council considered the revised arguments in the Clause 4.6 request to be worthy of support (as discussed further in this section) subject to a further increase in the side setbacks of the fifth storey (to 3 metres) and an increased reduction in the floor plate of the fifth storey to reduce the bulk/scale and visibility of the fifth storey from the street. Amended plans to such effect were submitted to Council on 7 March 2017, resulting in a reduced FSR of 1.85:1 and reduced FSR departure of 5.9% or 100.62sqm.

It is considered that the Clause 4.6 statement submitted with the application in relation to the reduced FSR of the development as submitted on 1 February 2017 can be applied holistically to the further reduced FSR as submitted with the amended plans on 7 March 2017 given the further reduced amenity and streetscape impacts of the amended development.

The Clause 4.6 variation request submitted with the application argued that compliance with the maximum floor space ratio development standard to be unreasonable and unnecessary for the following reasons:

- The additional floor space provided above the FSR control is represented by the 5th storey on Building A. The fifth storey of Building A is positioned and designed on the site in a manner which will not result in unreasonable adverse impacts upon adjacent

properties or the public realm by way of overshadowing, visual massing, view loss or privacy impacts;

- The level of non-compliance with the FSR control is consistent with the degree of variations contemplated and accepted by the consent authority with respect to approved development in the immediate surrounds and wider locality of the site which vary the applicable standard:

Address	Development	Zone (MLEP 2011)	Determination No.	Date	Approved FSR Departure
801-807 New Canterbury Road	Mixed Use	B2 Local Centre	DA201500081.01	23 May 2016	31.4%
727 New Canterbury Road	Mixed Use	B2 Local Centre	DA201400588	19 August 2016	12.4%
429-449 New Canterbury Road Dulwich Hill	Mixed Use	B2 Local Centre	DA201400477	12 June 2013	30%

- Strict compliance with the built form controls on the northern side of New Canterbury Road will result in an inconsistent urban design outcome for the B2 Local Centre zone in the medium to long term, especially considering the planning controls of the southern side of New Canterbury Road under Canterbury Council with a Building Height Limit of 18 metres and no maximum FSR pursuant to CLEP 2012. The recent approvals of the 5-7 storey developments on 578-580 New Canterbury Road, 630-634 New Canterbury Road, 610-618 New Canterbury Road and 570-574 New Canterbury Road demonstrates the emerging urban form and disconnect of the planning controls on the opposite sides of the same road;
- The development is able to provide appropriate deep soil zones and substantial landscaped area.
- The amalgamated site is able to realise well-proportioned commercial premises component to accommodate different size retail and business tenants in the future;
- It is understood that the west Dulwich Hill area did not undergo a detailed urban design, economic and strategic analysis when the provisions of the MLEP 2011 were being formulated. Instead a transferring of the previous controls, with some relatively minor amendments, was undertaken in formulating the MLEP 2011 with respect to the west Dulwich Hill area;
- The site is within a 900 metre walk to Hurlstone Park Strain Station and 800 metre walk to Dulwich Grove and Arlington Light Rail Stations and 50 metres to bus stops servicing New Canterbury Road and can support increased densities; and
- It is considered that the deletion of the fifth storey from Building A would result in an inferior planning and urban design outcome. The fifth storey provides a considered and superior built form and urban design response to the transition in scale between the emerging and allowable 6 storey development on the southern side of the New Canterbury Road and the 4 storey scale development to the north of the site in Cobar Street. It is noted that Building B maintains a 4 storey scale which provides the transition in scale through the site to the Cobar Street properties to the north;
- The development meets the objectives of the B2 Local Centre zone in that three (3) new retail/business tenancies at ground level will be incorporated into the development which will activate the street frontage at the site and which will provide

opportunities for new business to establish themselves and to better service the needs of the local and wider community. The retail floor space has been designed so that will address the street and also a landscaped open space within the centre of the site; and

- The proposed non-compliance with the height control in no way discourages the delivery of new retail and business floor space within the zone, rather it is likely to encourage additional interest in employment opportunities in the locality.

The justification provided in the applicant's written submission is considered to be well founded and worthy of support. It is considered that there are sufficient environmental planning grounds as to why the FSR development standard should be varied in this particular circumstance based on the outcomes of planning law precedents such as those contained in *Wehbe v Pittwater Council [2007] NSWLEC827*, *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90* and *Moskovich v Waverley Council [2016]*, *Micaul Holdings Pty Limited v Randwick City Council [2015] NSWLEC 1386*.

The intensity and bulk and scale of the development are consistent with the scale of recently approved developments within the vicinity of the site, which have been completed or are under construction. This includes developments along both the northern and southern sides New Canterbury Road. Building A will be similar in scale with regard to height as the approved (and now under construction) 5 storey mixed use development at 801-807 New Canterbury Road (as approved under Determination No. 201500081.01 on 23 May 2016) and will be lower in scale to the future and emerging mixed-use development on the southern side of New Canterbury Road. The overall development will have a lower density than the approved 2.30:1 density at 801-807 New Canterbury Road. As discussed previously, the proposal will act as an appropriate transition in scale between the B2 zoned land to the south of the site with Canterbury Council and the R1 zoned land to the north of the site, which also has a 14m height standard.

The proposal will not result in significant adverse impacts by way of overshadowing, visual and acoustic privacy, view loss and visual massing to adjoining properties and the public domain. The apartments achieve a high level amenity with regard to solar access, internal layout, natural air ventilation, communal and private open space. The development is of a high standard of urban design and will complement the future character of the streetscape. The development accommodates the parking requirements for the site as stipulated under Part 2.10 of MDCP 2011 and given the close proximity to public transport services being heavy/light rail and buses as discussed in the applicant's Clause 4.6 statement, the site is capable of accommodating a minor increase in residential floor space above the current FSR controls under MLEP 2011 and cater for transport demands for future residents of the locality.

It is considered that the contravention of the development standard does not raise any matter of significance for State and regional environmental planning, and that there is no public benefit in maintaining the development standard for the proposed development.

In view of the above, it is considered that the variation to the Floor Space Ratio development standard under MLEP 2011 is supportable.

(vi) Clause 5.9 Preservation of trees or vegetation

Clause 5.9 of MLEP 2011 concerns the protection of prescribed trees and vegetation. The applicant submitted a letter from Horticultural Management Services (dated 17 May 2016) which lists one exempt tree species on the site under MLEP 2011, which is proposed for removal under this application

The application was referred to Council's Tree Management Officer (TMO) who noted that the arborist report did not detail the development's impact on a prescribed tree, being a

Camphor Laurel, adjacent to the site's western boundary on No. 829A New Canterbury Road. Council's TMO requested that the applicant engage a project arborist to provide advice with respect to minimum acceptable setbacks for the development to ensure enough clearance from the Structural Root Zone (SRZ) of the Camphor Laurel. Alternatively owner's consent could be sought from the owner of the neighbouring property for the removal of the Camphor Laurel. Adequate and appropriate compensatory tree planting would need to be provided if the tree is removed

During the assessment of this report, the applicant advised that the tree on No. 829A has been illegally removed. This matter was referred to Council's Tree Management Section for investigation which confirmed that the tree no longer exists and was removed between approximately July and September 2016. This matter will be investigated as a separate issue to this application.

Council's TMO reviewed the amended landscape plan submitted on 2 March 2016 and assessed that 2 trees proposed within the northern communal open space are located within close proximity to the northern boundary of the site and contains insufficient space for larger tree species to grow and remain viable. A condition is included in the recommendation requiring that the 2 proposed trees are located at least 1.5 metres from the rear and side boundaries of the site to enable adequate growth and survival.

Subject to compliance with the above condition, the development is satisfactory having regard to preservation of trees or vegetation under Clause 5.9 of MLEP 2011.

(vii) Clause 6.2 - Earthworks

Clause 6.2 of MLEP contains development standards to be considered for earth works.

The applicant submitted a Geotechnical Report (completed by Ade Consulting Group, dated 13 October 2016) which determined that the development can be structurally supported. Through the use of appropriate retaining walls/batter slopes and other development management techniques (including using appropriate excavation techniques and excavation equipment) and collection of ground water seepage, and use of appropriate fill material, there is unlikely to be adverse impacts to the structural foundations building and buildings on adjoining properties.

The site is not located in an identified archaeological site under MLEP 2011 or MDCP 2011 and the development is therefore unlikely to disturb any historical/cultural relics or artefacts. The development is not considered to be detrimental to the environmental functions and processes or neighbouring uses.

The geotechnical report is referenced in the recommendation to ensure the adoption of the earthwork techniques prescribed within. Accordingly, the development satisfies Clause 6.2 of MLEP 2011.

5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

5(c) Development Control Plans

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

Part of MDCP 2011	Compliance
Part 2.5 - Equity of Access and Mobility	Yes
Part 2.6 - Acoustic and Visual Privacy	Yes
Part 2.7 - Solar Access and Overshadowing	No but acceptable – see below
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes
Part 2.11 – Fencing	Details to be submitted to the Principal Certifying Authority
Part 2.16 – Energy Efficiency	Yes
Part 2.17 – Water Sensitive Urban Design	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 5 – Commercial and Mixed Use Development	No but acceptable – see below
Part 9 – Strategic Context	Yes

The following section provides discussion of the relevant issues:

(xii) Equity of Access and Mobility (Part 2.5)

Residential Component

The development requires a minimum of 5 adaptable dwellings, 5 accessible resident parking spaces and 2 accessible visitor parking spaces (as a rate of 1 accessible visitor's parking space for every four accessible parking spaces or part thereof). In addition, all areas of the development need to be accessible by persons with a disability.

The development proposes 5 adaptable dwellings, 5 accessible spaces and a continuous path of travel within the development which complies with the Equity of Access and Mobility requirements under MDCP 2011. However, only 1 accessible visitor parking space is accommodated within the development, which is a shortfall of 1 accessible visitor space.

Notwithstanding the above, the car parking requirements under Table 1 of Part 2.10.5 only requires 0.25 disabled visitor parking spaces per adaptable dwelling (and not part thereof). In the event of any inconsistencies with the parking controls prescribe in Part 2.5.10 and Part 2.10.5, Control C2, Part 2.10 of MDCP 2011 specifies that table 1 under Part 2.10.5 prevails over any parking requirement under Part 2.5.10 of MDCP 2011. Based on the provision of 5 adaptable dwellings, only 1 disabled visitor parking space is therefore required. In view of the above, the development complies with Council's accessible parking requirements for the residential component of the development under MDCP 2011.

Commercial Component

The commercial component of the proposal satisfies the access and mobility controls contained in MDCP 2011 in that:

- Appropriate access is provided for all persons through the principal entrance to the commercial component of the premises;
- A Continuous Accessible Path of Travel (CAPT) to and within the subject premises is provided which allows a person with a disability to gain access to all areas within the commercial component of the premises; and
- An accessible toilet is provided.

A Statement of Compliance Access for People with Disability Report has been submitted with the application and has provided recommendations to provide access to the building for people with disabilities. This report is referenced in the recommended conditions. Given the above the proposed development is considered reasonable having regard to the access controls contained in MDCP 2011.

Despite the above, the requirements of MDCP 2011 are effectively superseded by the introduction of the new Premises Standards. An assessment of whether or not these aspects of the proposal fully comply with the requirements of relevant Australian Standards and the new Premises Standards has not been undertaken as part of this assessment. That assessment would form part of the assessment under the Premises Standards at the Construction Certificate stage of the proposal.

(xiii) Acoustic and Visual Privacy (Part 2.6)

The development complies with the objectives and controls relating to acoustic and visual privacy as contained in Part 2.6 of MDCP 2011 for the following reasons:

- The development complies with the minimum required 12 metre building separation distance for windows of habitable rooms/balconies to habitable rooms/balconies of buildings within the same site under the ADG, ameliorating overlooking impacts onto neighbouring apartments;
- There are no windows on the side elevations of the first four stories of the development. The living area windows on the side elevations of the fifth storey of the south building are not in direct view of any neighbouring living area windows to the east or west of the site;
- The south building contains a building separation distance of 12 metres from the approved 4 storey apartment development on 40-42 Cobar Street and thereby complies with the ADG building separation requirements to address visual privacy for buildings on neighbouring sites;
- With regard to existing development to the north of the site on 40-42 Cobar Street, the balconies also contain sliding timber privacy screens to address visual privacy impacts to the private open spaces of the northern neighbours; and
- With regard to acoustic privacy, noise attenuation measures are to be incorporated into the development to protect the dwellings from aircraft and road noise.

The proposal is acceptable with visual and acoustic privacy controls under MDCP 2011.

(xiv) Solar Access and Overshadowing (Part 2.7)*Overshadowing*

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties. The overshadowing impacts from the development indicate that shadowing to neighbouring properties will not be adverse for the following reasons:

- The majority of overshadowing from the south building of the development between 9:00am and 3:00pm on 21 June will be cast over New Canterbury Road and the front yards of the commercial and church buildings and child care centre to the south of the site fronting New Canterbury Road and will therefore not impact on windows of living areas or private open spaces of neighbouring residential development;
- The development will cast shadows over the existing 2 storey commercial building to the west of the site on 829A New Canterbury Road in the morning period between approximately 9:00am and 12:00pm on 21 June and is acceptable under Part 2.7 of MDCP 2011 as commercial buildings are not protected from overshadowing;
- The development currently casts shadows over the existing single storey commercial building to the east of the site on 819 New Canterbury Road in the afternoon period between approximately 12:00pm and 3:00pm on 21 June and is acceptable under Part 2.7 of MDCP 2011 given its commercial use;
- With regard to the approved 4 storey shop top development to the east of the site on No. 819 New Canterbury Road (as approved under Determination No. 201500632, dated 21 October 2016) the shadow diagrams indicate that the development will cast shadows to a portion of the approved north facing balconies and windows of the south building (or Building A) and communal open space of No. 819 New Canterbury Road between approximately 12:00pm and 3:00pm on 21 June. Notwithstanding this, the shadow diagrams submitted with Development Application No. 201500632 indicate that a proportion of the communal open space and north facing balconies of the south building of the neighbouring development would still receive at least 2 hours of solar access in the morning period between approximately 9:00am and 11:00am on 21 June, thereby maintaining the 2 hour solar access requirement under the ADG; and
- The shadow diagrams indicate that additional overshadowing cast from 5 storeys as opposed to 4 storeys on the south building of the development is minor and would impact on the streetscape of New Canterbury Road and front yards of commercial/special use buildings south of the site and not exacerbate any increase in shadowing to private open spaces or windows of living areas of any residential development in the surrounding vicinity of the site.

In view of the above assessment, the development is acceptable having regard to overshadowing under Part 2.7 of MDCP 2011.

(xv) Community Safety (Part 2.9)

The development is reasonable having regard to community safety as the proposal provides clear visible residential and commercial entrances to the building on the ground floor from New Canterbury Road. The dwellings on the levels above front New Canterbury Road and are provided with living rooms and balconies facing the street allowing for passive and active surveillance of the street frontages and increasing safety in the surrounding street.

The development is considered reasonable having regard to community safety for the following reasons:

- The principal entrances to the development is visible from the street;

- The dwellings are designed to overlook the street; and
- No solid roller shutters are proposed on the shop front

Given the above, the development satisfies Part 2.9 of MDCP 2011.

(xvi) Parking (Part 2.10)

Car, Bicycle and Motorcycle Parking Spaces

The property is located in Parking Area 2 under Part 2.10 of MDCP 2011. The following table (Table 1) summarises the car, bicycle and motorcycle parking requirements for the development:

Component	Control	Required	Proposed	Complies?
Car Parking				
Resident Car Parking	0.4 car parking space per studio	3 studio units = 1.2 spaces	17 spaces (including 5 accessible spaces)	Yes
	0.5 car parking spaces per 1 bedroom unit	7 x 1 bed units = 3.5 spaces		
	1 car parking spaces per 2 bedroom unit	7 x 2 bed units = 7 spaces		
	1 car parking space per 1 adaptable dwelling	5 adaptable units= 5 accessible spaces		
	TOTAL:	17 spaces (including 5 accessible spaces)		
Visitor Car Parking	0.1 car parking space per unit	22 units = 2 spaces	3 spaces (including 1 visitor accessible space)	Yes
	1 accessible visitor's car parking space per 4 accessible car parking spaces	1 accessible space		
Retail Car Parking	1 space per 80sqm GFA for customers and staff	71sqm GFA = 1 space	1 spaces	Yes
Office Premises	1 space per 80sqm GFA for staff and visitors	152sqm GFA = 2 spaces	2	Yes
Bicycle Parking				
Resident Bicycle Parking	1 bicycle parking space per 2 units	22 units = 11 spaces	16 spaces	Yes
Visitor Bicycle Parking	1 bicycle parking space per 10 units	22 units = 2 spaces		
Commercial Office Bicycle Parking - Staff	1 bicycle parking space per 200sqm GFA	152sqm GFA = 1 space		

Component	Control	Required	Proposed	Complies?
Motorcycle Parking				
Motorcycle Parking	5% of the total car parking requirement	22 car parking spaces required = 1 space	1 space	Yes

As detailed in the table above, the proposal complies with the car, bicycle and motorcycle parking requirements under Part 2.10.5 of MDCP 2011. To ensure the allocation of car parking within the development is in accordance with Council's controls, a condition is included in the recommendation requiring the following allocation of car parking:

- 17 car spaces (including 5 accessible spaces) for residential units;
- 3 car spaces (including 1 accessible space) for visitor parking;
- 2 car spaces for the commercial office spaces; and
- 1 car space for the retail space.

In view of the above assessment, the proposal is satisfactory having regard to car, bicycle and motorcycle parking under Part 2.10 of MDCP 2011.

(xvii) Fencing (Part 2.11)

The details of the site/rear boundary fencing were not submitted with the application. A condition is included in the recommendation requiring amended plans being submitted to the satisfaction of the Principal Certifying Authority indicating the height and materials of the proposed fencing for the side and rear boundaries of the site complying with the objectives and controls of Part 2.11 of MDCP 2011.

(xviii) Energy Efficiency (Part 2.16)

Part 2.16 of MDCP 2011 contains the objectives and controls relating to energy efficiency.

As stated earlier in this report, a BASIX Certificate was submitted for the development that indicates that the proposed new dwellings would comply with the minimum water, thermal comfort and energy efficient targets of the BASIX scheme.

Council's standard conditions are included in the recommendation relating to the provision of energy and water efficient fixtures and fittings for the commercial component of the development.

Subject to compliance with the above requirements, the development is satisfactory under Part 2.16 of MDCP 2011.

(xix) Water Sensitive Urban Design (Part 2.17)

Part 2.17 of MDCP 2011 contains objectives and controls relating to Water Sensitive Urban Design (WSUD) including requirements for shop top developments.

In relation to water conservation requirements the residential components of such developments are required to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).

Conditions have been included in the recommendation requiring the provision of energy efficient fixtures and Water Sensitive Urban Design methods (for water quality treatment) in accordance with Council requirements.

(xx) Site Facilities and Waste Management (Part 2.21)

2.21.2.1 Recycling and Waste Management Plan

A Recycling and Waste Management Plan (RWMP) for the construction phase of the development should be prepared in accordance with Council's requirements should be submitted to the Principal Certifying Authority prior to the commencement of works. A condition to such effect has been included in the schedule of conditions.

2.21.3.1 Clothes drying facilities

Details regarding the provision of outdoor clothes drying facilities were not submitted with the application. Given the omission of the above details, a condition is included in the recommendation requiring the submission of details indicating the provision of clothes drying facilities for all dwellings to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

2.21.3.2 Public utilities

The design and provision of public utilities will be required to conform with the requirements of the relevant servicing authority in accordance with the conditions included in the recommendation.

2.21.3.3 Mail boxes

Details regarding the location of mail boxes for the development were not submitted with the application. Given the omission of the above details, a condition is included in the recommendation requiring the submission of such details to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

2.21.3.4 Building identification numbers

A condition is included in the recommendation requiring appropriate numbering to be placed on the site and the application for street numbering be approved by Council before the issue of an Occupation Certificate.

2.21.2.5 Residential Waste

The original plans submitted with the application on 3 August 2016 were referred to Council's Waste Management Section who provided the following comments:

- Bulky goods storage is located in an inconvenient location and the location of the bins within the same room makes it difficult for storing larger, heavier items;
- On site collection point is to be identified, current location is too difficult for Council to collect rubbish, a more suitable location is to be identified as kerbside storage is required;
- Waste chutes are required for each floor. No compaction of waste or recycling permitted.

Amended plans were submitted to Council on 1 February 2017 which satisfies the above requirements by Council's Waste Management section, including the relocation of the bin storage area closer to the site's frontage (behind the retail space) to enable more convenient access for Council to collect bins from the street. The bulky goods room has been separated from the residential bin room to enable more convenient storage of larger items. Under Part

2.21.2.5 of MDCP 2011, the development requires a minimum of 7 x 240 Litre general waste bins and 7 x 240 Litre recycling bins. The development satisfies this requirement.

In view of the above, the development satisfies the residential waste objectives and controls under Part 2.21.11 of MDCP 2011.

2.21.13 Commercial Waste

The amended plans submitted with the application on 1 February 2017 propose the following waste storage for the retail and office component of the development:

- 2 x 360 Litre waste bins and 2 x 360 Litre recycling bins within a dedicated retail/commercial waste storage area. Rubbish is to be collected on a weekly basis by a private waste contractor.

The waste management plan submitted with the application indicates that the proposed waste and recycling bins are generally sufficient to meet the weekly volume of general and recycling waste to be produced from the retail and office component of the development.

Accordingly, the development satisfies the commercial waste objectives and controls under Part 2.21.13 of MDCP 2011.

PART 5 - COMMERCIAL AND MIXED USE DEVELOPMENT

General Commercial and Mixed Use Development Controls

Front Massing for infill development

Control C7 requires the street front portion of the building mass to have a nil setback to the street up to a height of 12 metres and contain a maximum of 3 storeys. The proposal has a street wall height of 13 - 13.7 metres and contains 4 storeys fronting New Canterbury Road which is a non-compliance with the front massing control.

The variation to the maximum number of storeys at the street frontage is considered reasonable. As discussed throughout the main body of the report, recently approved development on the same side of New Canterbury Road on No. 801-807 (Determination No. 201500081) and No. 819 New Canterbury Road (Determination No. 201500632) contains a 4 storey height for the street front portion of the buildings. The southern side of New Canterbury Road has a maximum building height limit of 18 metres (4-6 storeys) and the development will therefore be consistent with the envisaged future urban design character of the precinct.

It is considered that the building's façade design and materials will contribute positively to the existing streetscape character of the locality. The building reinforces the building frontage edge of the streetscape within the immediate visual catchment of the site along New Canterbury Road.

Information provided by Council's Strategic Planning section confirmed that the purpose of the front massing controls were to integrate infill development with existing 2 storey period commercial buildings within commercial streetscapes. Given the scarcity of this building typology in the immediate locality, the proposed built form will be architecturally consistent with the future urban streetscape.

Control C8 requires a zero front setback to the street front boundary and Control C9 requires zero side setbacks in the front portion of the building to reinforce the street edge. The

northern building provides a nil front setback and nil side setbacks which reinforces a continuous street frontage along New Canterbury Road.

Upper level massing

The front elevation of the fifth storey (Level 4) of the development contains a tapered wall with a setback in the range of approximately 5.2 metres to 6 metres from the street front of the building which satisfies the intent of the Control C11, Part 5.1.3.3 of MDCP 2011, which is to allow an upper level addition which is visually subservient to the street front portion of the building when viewed from the streetscape. The fifth storey will be a visually subordinate element of the building when viewed from the surrounding streetscape, including from directly opposite the site (from the south).

Rear Massing

The development complies with the rear building envelope controls contained in Control C14 in that the rear building envelope is contained within the combination of the rear boundary plane and a 45 degree sloping plane from a point 5 metres vertically above the ground level of the property being developed, measured at the rear boundary. However, the rear most building plane contains 3 storeys, not 1 storey as prescribed under Control C14(i), which is a non-compliance with MDCP 2011.

Notwithstanding the above, Control C14(ii) prescribes that building envelopes may exceed the above building envelope control where it can be demonstrated that any rear massing that penetrates above the envelope control will not cause significant visual bulk or amenity impacts on neighbouring properties to the rear. As discussed in the main body of the report, the rear (north building) will not cause significant visual bulk or amenity impacts on neighbouring properties to the north, east and west of the site having regard to overshadowing, visual/acoustic privacy and visual bulk. The north building is located 12 metres from the approved 4 storey residential flat building on No. 40-42 Cobar Street to the north and the building which satisfies the minimum building separation requirements under the ADG as discussed earlier in the report.

(i) Building Detail (Part 5.1.4)

Building Frontages (Part 5.1.4.1)

Part 5.1.4.1 of MDCP 2011 contains objectives and controls relating to building frontages.

The development satisfies the building frontage objectives and controls in that the street front portion of the building mass reads as the continuous dominant element in the streetscape, with upper level (being the fifth storey or Level 4) above the street frontage being visually subservient.

The street front portion of the development incorporates contemporary materials and finishes such as timber vertical cladding for the balconies, folded metal awnings, cement render and recycled brickwork which satisfies the Building Detail objectives and controls under MDCP 2011.

Active street frontage uses and shop front design (Part 5.1.4.2)

Part 5.1.4.2 of MDCP 2011 specifies the controls for active street frontage uses and shop front design.

The proposal generally satisfies the prescribed controls as the shop front design is consistent with the contemporary infill development design with adequate consideration given to access and the streetscape context. The shopfront provides visual transparency

and direct access between the footpath and the shop and contributes to the mixed use character of the streetscape.

The proposal is acceptable regarding the objectives and controls for active frontage uses and shop front design under MDCP 2011.

(ii) Building Use (Part 5.1.5)

Mixed use development (Part 5.1.5.1)

The proposal provides suitable opportunities for ground floor commercial uses at the site frontage with the provision of 1 retail tenancy and 2 commercial/office tenancies. The design of the ground floor tenancies is sufficiently flexible to accommodate variety of potential future uses to achieve the desired future character of the area.

Dwelling mix (Part 5.1.5.2)

Part 5.1.5.2 of MDCP 2011 prescribes the following dwelling mix requirements for mixed use developments containing 6 or more dwellings:

Unit Type	Required	Proposed	Complies
Studio	5 - 20% (4 – 16 apartments)	14% (3 apartments)	Yes
1 bedroom	10 - 40% (8 – 32 apartments)	32% (7 apartments)	Yes
2 bedroom	40 - 75% (32 - 60 apartments)	45% (10 apartments)	Yes
3 bedroom	10 – 45% (8 – 36 apartments)	9% (2 apartments)	No

The table above demonstrates that the development generally complies with the unit mix controls with exception to the minor variation of 1% for 3 bedroom apartments. The non-compliance is acceptable being a minor variation. The development provides for a range of unit layouts and types that contribute to housing range and mix consistent with the intent of the control.

PART 9 – STRATEGIC CONTEXT

The property is located in the New Canterbury Road West Planning Precinct (Precinct 17) under Marrickville Development Control Plan 2011.

The site is not located within a Heritage Conservation Area or within a Master Plan Site. The development generally meets the desired future character of the planning precinct in that the development:

- Protects and enhances the character of the streetscape and public domain elements of New Canterbury Road;
- Provides strong definition to the street through retention of the existing nil building setbacks;
- Complements the siting, scale, form, proportion, rhythm, pattern, detail, material, colour, texture, style and general character of the commercial streetscape;
- Provides an active street front to New Canterbury Road;
- Considers the amenity of residents from noise;
- Demonstrates good urban design and environmental sustainability;

- Supports pedestrian and cyclist access;
- Ensures that the design of higher density development protects the residential amenity of adjoining and surrounding properties; and
- Ensures that the provision and design of parking and access for vehicles is appropriate for the location, efficient, minimises impact to streetscape appearance and maintains pedestrian safety and amenity.

5(d) The Likely Impacts

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

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

The site is zoned B2- Local Centre under MLEP 2011. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was advertised, an on-site notice displayed on the property and resident/property owners in the vicinity of the property were notified in accordance with Council's Notification Policy. No submissions were received.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Architectural Excellence Panel (AEP)
- Development Engineer
- GIS (street numbering) Officer
- Senior Environment Officer
- Tree Management Officer
- Waste Management Officer

6(b) External

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

- Roads and Maritime Services

7. Section 94 Contributions

Section 94 contributions are payable for the proposal. The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$375,684.50 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

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

9. Recommendation

That Council, as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: 201600388 to demolish the existing improvements and remove of 1 tree and construct a 5 storey building (South Building) and a 4 storey building (North Building) being mixed use buildings containing commercial premises on the ground floor with shop top housing containing 22 units on the upper floors with a 3 level basement parking area and associated landscaping works subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

- A. THAT the development application to demolish the existing improvements and remove 1 tree and construct a 5 storey building (South Building) and a 4 storey building (North Building) being mixed use buildings containing commercial premises on the ground floor with shop top housing containing 22 units on the upper floors with a 3 level basement parking area and associated landscaping works be **APPROVED** subject to the following conditions:

GENERAL

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
A.1002 Revision J	Site Plan	17 February 2017	BHI Architects	7 March 2017
A.2001 Revision J	Basement 3 Plan	21 February 2017	BHI Architects	7 March 2017
A.2002 Revision I	Basement 2 Plan	9 December 2016	BHI Architects	1 February 2017
A.2003 Revision I	Basement 1 Plan	9 December 2016	BHI Architects	1 February 2017
A.2004 Revision I	Ground Floor Plan	9 December 2016	BHI Architects	1 February 2017
A.2005 Revision I	First Floor Plan	9 December 2016	BHI Architects	1 February 2017
A.2006 Revision I	Second Floor Plan	9 December 2016	BHI Architects	1 February 2017
A.2007 Revision J	Third Floor Plan	17 February 2017	BHI Architects	7 March 2017
A.2008 Revision J	Fourth Floor Plan	17 February 2017	BHI Architects	7 March 2017
A.2101 Revision J	Roof Plan	17 February 2017	BHI Architects	7 March 2017
A.3001 Revision J	Front Elevation	17 February 2017	BHI Architects	7 March 2017
A.3101 Revision J	Long Section 1	17 February 2017	BHI Architects	7 March 2017
A.3102 Revision J	Long Section 2	17 February 2017	BHI Architects	7 March 2017
A.3104 Revision J	Short Sections	17 February 2017	BHI Architects	7 March 2017
A.4501 Revision I	Adaptable Units – Type 1	09 December 2016	BHI Architects	1 February 2017
A.4502 Revision J	Adaptable Units – Type 2	17 February 2017	BHI Architects	7 March 2017
A.6101 Revision J	Door Schedule	17 February 2017	BHI Architects	7 March 2017
A.6201 Revision I	Window Schedule	09 December 2016	BHI Architects	1 February 2017
A.6202 Revision I	Window Schedule	09 December 2016	BHI Architects	1 February 2017
A.6301 Revision I	External Finishes Schedule	09 December 2016	BHI Architects	1 February 2017
LDA-00- LDA-07	Landscape Plans	08	Groundink	1 February

(All inclusive)		December 2016		2017
C01-C13 Rev 3 (All inclusive)	Stormwater Concept Plans	12 December 2016	BHI Architects	1 February 2017
744960M_02	BASIX Certificate	03 April 2017	Victor Lin & Associates Pty Ltd	3 April 2017
STC-362-11273/RAP1 / v1 final	Remediation Action Plan	30 November 2016	Ade Consulting Group	1 February 2017
STC-321-11153/GTI1 / v1 final	Geotechnical Investigation	13 October 2016	Ade Consulting Group	1 February 2017
C01.01	Sediment & Erosion Control Plan	July 2016	ABC Consultants	3 August 2016
-	SEPP 65 Apartment Design Guide Design Statement	29 July 2016	BHI Architects	3 August 2016
20160624.1/0505A /R0/RL	Acoustic Assessment	05 May 2016	Acoustic Logic	3 August 2016
2016/0454 R1.1	BCA Assessment Report	07 July 2016	Steve Watson & Partners	3 August 2016
-	Statement of Compliance Access for People with a Disability	14 July 2016	Accessible Building Solutions	3 August 2016

and details submitted to Council on 3 August 2016, 1 February 2017, 7 March 2017 and 3 April 2017 with the application for development consent and as amended by the following conditions.

2. Where any plans and/or information forming part of a Construction Certificate issued in relation to this consent are inconsistent with:
 - a) the plans and/or information approved under this consent; or
 - b) any relevant requirements of this consent,

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

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

3. In order to ensure the architectural and urban design excellence of the development is retained:

- i) The design architect is to have direct involvement in the design documentation, contract documentation and construction strategies of the project;
 - ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii) Evidence of the design architect's commission is to be provided to the Council prior to the release of the construction certificate.
 - iv) The design architect of the project is not to be changed without prior notice and approval of the Council's Director Planning and Environmental Services.
4. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes identified in Drawing No. A.6301, Revision 1, dated 9 December 2016, prepared by BHI Architects. No changes may be made to these drawings except by way of an application under Section 96 of the Environmental Planning and Assessment Act 1979.
 5. Where units or dwellings are provided with separate individual hot water systems, these must be located within the internal area of the unit/dwelling and not on any balcony or terrace.
 6. Separate Development Consent or Complying Development Certificate must be obtained for the use of the ground floor shops/commercial suites prior to the occupation of that part of the premises.
 7. The ongoing use of the ground floor commercial tenancies complying with the following requirements at all times:
 - a) The areas to be used as shops must be restricted to the ground floor commercial tenancies;
 - b) The shop window display areas must be maintained at all times with no roller shutters being installed across the shopfronts;
 - c) The hours of operation are restricted to between the hours of 7.00am to 7.00pm Monday to Saturday and not at any time on Sundays or public holidays;
 - d) All loading and unloading in connection with the use must be carried out wholly within the property from the dedicated loading space at the rear of the site, during the approved hours of operation and in such a manner so as to not cause an inconvenience to the public;
 - e) No storage of goods or equipment external to any building on the site is permitted; and
 - f) No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.
 8. Each dwelling must be used exclusively as a single dwelling and not be adapted for use as backpackers' accommodation, serviced apartments or a boarding house and not be used for any industrial or commercial purpose.
 9. A minimum of 5 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
 10. 23 off-street car parking spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. The parking must be allocated as follows:
 - a) A minimum of 17 spaces being allocated to the residential dwellings (including 5 accessible car parking spaces, 1 accessible car space per adaptable dwelling);
 - b) A minimum of 3 visitor spaces (including 1 accessible visitor space);
 - c) 2 car parking spaces allocated to the ground floor commercial tenancies; and
 - d) 1 car parking space allocated to the ground floor retail tenancy.

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

11. 16 off-street bicycle parking spaces must be provided, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.
12. 1 off-street motorcycle parking space must be provided, paved, linemarked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.
13. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
14. The following is a waste condition:
 - a) Tenants (commercial and residential) shall be advised to anticipate heightened noise levels during garbage collection;
 - b) Council is to be provided with key access to the ground floor bin storage area to facilitate on-site garbage collection.
 - c) Should the waste conditions not be met, Council reserves the right to reconsider servicing the site for garbage collection, in accordance with Council's Fees and Charges.
 - d) No compaction of waste is permitted within the development in accordance Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management.
 - e) The person acting on this consent shall advise any purchaser or prospective tenant of this condition.
15. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.
16. The use of the premises, including any plant and equipment, must not give rise to:
 - a) transmission of unacceptable vibration to any place of different occupancy;
 - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
17. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to "offensive noise" as defined by The Protection of the Environment Operations Act 1997 (NSW). In this regard the roller door to the car parking entry is to be selected, installed and maintained to ensure their operation does not adversely impact on the amenity of the surrounding neighbourhood.
18. Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any advertisements or advertising structures. The shop windows must not be painted with advertisements and no flashing lights are to be installed on the premises.

19. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
20. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
21. All roof-top plant and associated equipment must be located within the approved building envelope as detailed in the plans listed in Condition 1.
- ~ Any water (including water from excavations) that is to be discharged to our stormwater shall comply with the ANZECC Guidelines for Marine and Freshwater Quality for protection of aquatic ecosystems (95% protection level for marine ecosystems). Any water that does not comply shall be discharged to sewer, with the appropriate licences to be obtained; or disposed off-site to a suitably licensed facility.
22. All prescribed trees shall be retained and protected in accordance with these conditions and with the Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 unless their removal, pruning or other works is explicitly approved under the terms of this consent.
23. The proposed awning shall be of cantilever type and be set back at least 600mm from the kerb line. The proposed awning shall be designed so as to be easily removed if required in future. The awning shall include pedestrian lighting (Category P3-AS1158) and shall be maintained and owned by the property owner(s). The owner shall maintain, modify or remove the structure at any time if given notification by Council or RMS to do so. All works shall be at no cost to Council or the RMS.
24. Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition. In addition the by-laws of any future residential strata plans created for the property shall reflect this restriction.
25. All stormwater drainage being designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
26. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
27. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the water may be stored separately on site and reused for the watering of landscaped areas.
28. Compliance with the following requirements of Roads and Maritime Services (RMS):

- i. A Road Occupancy Licence must be obtained from the Transport Management Centre for any works which may impact on traffic flows on New Canterbury Road during construction activities; and
- ii. All vehicles are to be wholly contained on site before being required to stop;
- iii. All traffic movements to and from the site shall be restricted to left-in/left-out only and in a forward direction.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

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

29. No work must commence until:
 - a) A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
 - b) A minimum of 2 days written notice given to Council of the intention to commence work.
30. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
31. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.

Facilities must be located so that they will not cause a nuisance.
32. A Recycling and Waste Management Plan (RWMP) being prepared for the construction phase of the development in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
33. The person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to include colour photographs and is to be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the property owner of the identified property, before work commences, on the buildings on the adjoining property at 819 and 829A New Canterbury Road and 40-42 Cobar Street, Dulwich Hill if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.
34. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.

35. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign is to be maintained at all times until all work has been completed. The sign must include:
- The name, address and telephone number of the PCA;
 - A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
36. Sediment control devices must be installed before the commencement of any work and must be maintained in proper working order to prevent sediment discharge from the construction site.
37. If new street numbers or a change to street numbers (this includes unit and shop numbers) are required, a separate application must be made to and approved by council prior to those street numbers being displayed.
38. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
39. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.
40. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.
41. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc.
42. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.
43. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

44. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to:

The Sydney Asset Management Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

45. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on New Canterbury Road during construction activities.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

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

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.
http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

47. a) This condition is imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.
- b) Before the issue of a Construction Certificate, the Council must be paid a monetary contribution of \$375,684.50 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 22 March 2017.

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

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

(CONTRIBUTION PAYMENT REFERENCE NO. DC001838)

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

Community Facilities	\$42,731.92
Plan Administration	\$7,366.32
Recreation Facilities	\$320,503.56
Traffic Facilities	\$5,082.70

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

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

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

NOTE: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate issued no earlier than 3 months before the date of lodgement of the application for the Construction Certificate. (Refer to Clause 6A of Schedule 1 to the Regulation).

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

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

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

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

50. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
51. A detailed plan showing the height, colour and material of all fencing within the development in accordance with Part 2.11 of Marrickville Development Control Plan 2011 – Fencing must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
52. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
53. Adequate outdoor clothes drying areas/facilities must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the

- issue of a Construction Certificate. Where such areas/facilities are provided on street facing balconies, the areas/facilities must be appropriately screened from view from the street.
54. Reticulated gas infrastructure, with a separate meter for each dwelling must be provided to each dwelling in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
 55. A hot water system with a minimum 3.5 energy star Greenhouse rating must be provided for each dwelling in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
 56. Noise attenuation measures must be incorporated into the development complying with the Acoustic Assessment Report submitted with the application (dated 05 May 2016, completed by Acoustic Logic) and in accordance with Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels and in accordance with details being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".
 57. Before the issue of a Construction Certificate and at the completion of site remediation activities, a validation report shall be submitted to council to confirm that remedial activities are complete and the site is suitable for the proposed development. The validation report shall address data gaps and recommendations made in the approved Remedial Action Plan prepared by ADE Consulting Group, dated 30 November 2016, Report No. STC-362-11273 / RAP1 / v1 final. All reports shall comply with all relevant legislation and guidelines.
 58. Prior to the issue of a Construction Certificate, an amended landscape plan shall be submitted to the Certifying Authority's satisfaction indicating that the two proposed trees at the northern end of the property is located at least 1.5 metres from the property boundaries.
 59. The person acting on this consent shall provide to Council a bond in the amount of \$14,892.40 and pay the related Section 138 (Roads Act) inspection fee of \$206.00 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.
 60. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
 61. Compliance with the following requirements of Roads and Maritime Services (RMS) before the issue of the Construction Certificate and/or commencement of any road works:
 - i. The proposed driveway access into the site shall be restricted to left in and left out through the inclusion of splayed driveways and a raised median within the property boundary. In this regard, the design and construction of the kerb and gutter crossing on New Canterbury Road must be in accordance Roads and Maritime requirements. Details of these requirements shall be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798); and

- ii. Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval before the issue of a Construction Certificate and/or commencement of any road works. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.
62. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:
 - i. The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide or Council's standard plans and specification in place for New Canterbury Road at the time the works are undertaken;
 - ii. The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
 - iii. New kerb and gutter along the frontage of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Infrastructure Services Division on 9335 2000; and
 - iv. Alignment levels must be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations.

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

63. The stormwater drainage plans C01 to C13 (Rev 3) by Arrow Consulting Engineers P/L shall be amended and/or additional information provided before the issue of a Construction Certificate as follows;
 - a) The plans shall be amended so as to maintain the sites existing drainage to the rear via an inter-allotment drainage system through 40-42 Cobar Street;
 - b) Detailed construction plans of the drainage system including the existing/proposed details of the inter-allotment drainage through 40-42 Cobar Street; and
 - c) A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken;
64. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.

SITE WORKS

65. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
66. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.

67. During any construction works and activities, no injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
68. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'.
69. If it is necessary to excavate below the level of the base of the footings of a building on the adjoining allotments, including a public place such as footways and roadways, the person acting on this consent must ensure:
- At least 7 days notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work; and
 - That any building is preserved and protected from damage.

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

70. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another certifying authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:
- At the commencement of the building work;
 - For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
 - Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
 - After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

71. If the proposed work is likely to cause obstruction of the public place and/or is likely to endanger users of the public place, a suitable hoarding or fence approved by Council must be erected between the work site and the public place.
Reason: To provide protection to the public place.
72. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.
73. The person acting on this consent must comply with the requirements of the Dividing Fences Act in respect to the alterations and additions to the boundary fences.

74. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
75. Satisfactory methods and/or devices must be employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.
- ~ The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW EPA *Waste Classification Guidelines 2014*.
- ~ Any new information comes to light during site works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority. If significant unexpected occurrences occur, site works shall immediately cease and a suitably qualified environmental consultant shall be engaged to assess the site and determine if remediation is required in accordance with the *Contaminated Land Management Act 1997*. Note that Council may request that a NSW EPA Accredited Site Auditor review any proposed remedial activities.
76. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.

BEFORE OCCUPATION OF THE BUILDING

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

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

80. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
 - a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
 - b) Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneypwater.com.au > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.
81. The landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved plan, and must be maintained at all times to Council's satisfaction.
82. The Certifying Authority must be satisfied that each of the commitments listed in the Acoustic Assessment Report required by this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
83. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
84. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.
85. A design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development must be submitted to Council's satisfaction before the issue of an Occupation Certificate.
86. Before the issue of an Interim or Final Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.
87. Prior to the issue of the Occupation Certificate, two new trees shall be planted. The new trees shall be planted in accordance with the following criteria:
 - a) The new trees shall be located in accordance with the submitted landscape plan (Groundink Landscape Architecture, 8/12/16), as amended prior to the commencement of works to relocate the trees to at least 1.5 metres from any property boundary.
 - b) The species of trees and planting stock size shall be as detailed in the submitted landscape plan (Groundink Landscape Architecture, 8/12/16).
 - c) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.

- d) The new trees shall be planted in accordance with the tree planting detail included in the Marrickville Street Tree Master Plan 2014. Please note that planting holes for trees shall not be excavated deeper than the root ball and that new trees shall not be staked.
 - e) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
 - f) Each replacement tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by Council's Development Control Plan (DCP).
 - g) If either tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.
88. The Principal Certifying Authority shall certify in writing before the issue of the Occupation Certificate that the conditions relating to tree planting have been complied with, or if not, detail the nature of any departure from the conditions and shall report breaches of the conditions to Inner West Council.
89. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
90. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
91. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
92. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
93. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
94. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans and the WSUD Strategy Report shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.

95. With the regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate. The Positive Covenant shall include the following:
- a) The proprietor of the property shall be responsible for maintaining the stormwater treatment facility in accordance with the approved plans;
 - b) The Proprietor shall have the stormwater quality treatment facilities inspected annually by a competent person and must provide the WSUD maintenance plan approved under this Consent to competent person to record the annual inspections.
 - c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all elements of the stormwater quality treatment facilities to ensure that the water quality targets provided in the design of the system are achieved; and recover the costs of any such works from the proprietor.
96. With the regard to the On Site Detention System (OSD), a Positive Covenant in accordance with supplement 7 of Marrickville Council Stormwater and On Site Detention Code shall be placed on the Title in favour of Council before the issue of the Occupation Certificate.
97. All instruments under Section 88B of the Conveyancing Act used to create easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.
98. The existing overhead power cables along New Canterbury Road frontage of the site must be relocated underground with appropriate street lighting and a new steel light pole being installed at no cost to Council and before the issue of an Occupation Certificate. The street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid and must meet lighting category required by RMS. Plans shall be submitted to and approved by Council before submission to Ausgrid for implementation.
99. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

ADVISORY NOTES

- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

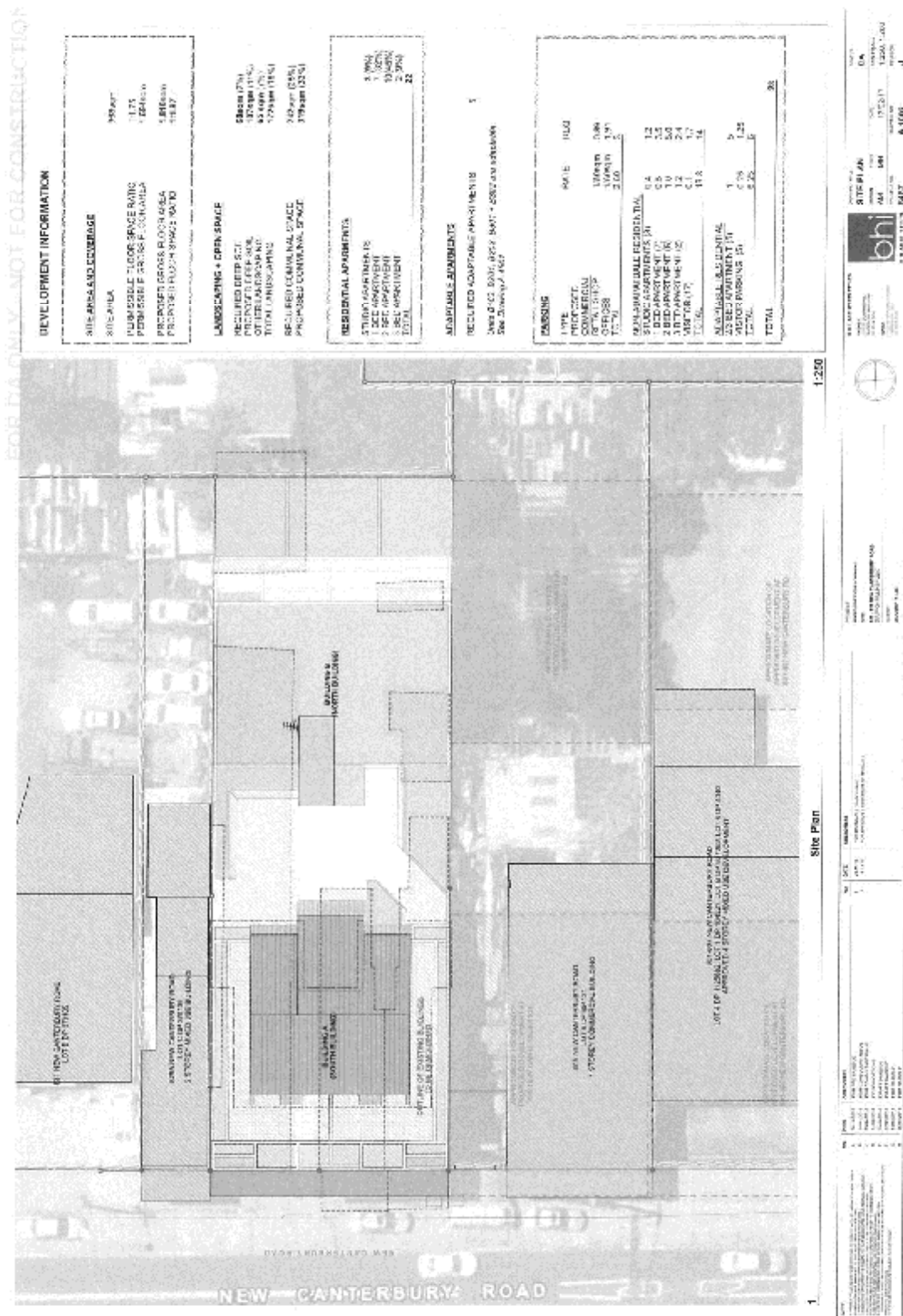
BASIX Information	☎ 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 131441 www.lspc.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	☎ 131 555 www.environment.nsw.gov.au
Sydney Water	☎ 13 20 92 www.sydneypwater.com.au
Waste Service - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

- B. **THAT** the Department of Planning and Environment be advised, as part of the quarterly review of the monitoring of Clause 4.6 of Marrickville Local Environmental Plan 2011 – Exceptions to Development Standards, that Council has agreed to the variation of the following development standards:

<u>Premises:</u>	825-829 New Canterbury Road, DULWICH HILL
<u>Applicant:</u>	Vakquest Charbel Katrib
<u>Proposal:</u>	To demolish the existing improvements and removal of 1 tree and construction of a 5 storey building (South Building) and a 4 storey building (North Building) being mixed use buildings containing commercial premises on the ground floor with shop top housing containing 22 units on the upper floors with a 3 level basement parking area and associated landscaping works

<u>Determination:</u>	Approval subject to conditions
<u>DA No:</u>	201600388
<u>Lot and DP:</u>	Lots 1 and 2 DP788651 and Lot 2 DP1193504
<u>Category of Development:</u>	9: Mixed
<u>Environmental Planning Instrument:</u>	Marrickville Local Environmental Plan 2011
<u>Zoning of Land:</u>	B2 Local Centre
<u>Development Standard(s) varied:</u>	Clause 4.3 – Building Height Clause 4.4 – Floor Space Ratio
<u>Justification of variation:</u>	Strict compliance with the Building Height and FSR development standard is unnecessary; The additional Building Height and FSR does not contribute to additional adverse impacts on adjacent development; The development is compatible with the bulk/scale and overall character of the area;
<u>Extent of variation:</u>	Building Height: 24% FSR: 5.9%
<u>Concurring Authority:</u>	Council under assumed concurrence of the Secretary Department of Planning and Environment
<u>Date of Determination:</u>	

Attachment B – Plans of proposed development



FOR PLANS ONLY - NOT FOR CONSTRUCTION

DEVELOPMENT INFORMATION

SITE AREAS AND COVERAGE

80% AREA	359sqm
PERMISSIBLE FLOOR SPACE RATIO	11.7%
PERMISSIBLE GROSS FLOOR AREA	4198sqm
PROPOSED GROSS FLOOR AREA	488sqm
PROPOSED FLOOR SPACE RATIO	11.8%

LANDSCAPING + OPEN SPACE

REQUIRED OPEN SPACE	580sqm (17%)
PROPOSED TREE CANOPY	172sqm (5%)
TOTAL LANDSCAPING	172sqm (5%)
REQUIRED OPEN SPACE	242sqm (6.9%)
PROPOSED OPEN SPACE	379sqm (10.8%)

RESIDENTIAL APARTMENTS

TOTAL APARTMENTS	3 UNITS
1 BED APARTMENT	1 UNIT
2 BED APARTMENT	1 UNIT
3 BED APARTMENT	1 UNIT
TOTAL	3 UNITS

ADMISSIBLE BUILDINGS

REQUIRED CARPORTS APARTMENTS	3
UNITS TO BE BUILT	3 UNITS
See Drawing 4/AS2	

PARKING

TYPE	RAVE	HLAD
PROPOSED	170sqm	0.0m
COMMERCIAL	100sqm	2.0m
RESIDENTIAL	2.0m	
TOTAL	270	

MINIMUM ADMISSIBLE RESIDENTIAL	0.4	1.2
STOCK APARTMENTS (M)	5	15
2 BED APARTMENT (M)	1.2	3.6
3 BED APARTMENT (M)	1.2	3.6
VISITORY (M)	0.1	0.3
TOTAL	11.8	36

MINIMUM ADMISSIBLE CENTRAL	1	5
2 BED APARTMENT (M)	0.75	3.75
VISITORY (M)	0.25	1.25
TOTAL	1	5

1:250

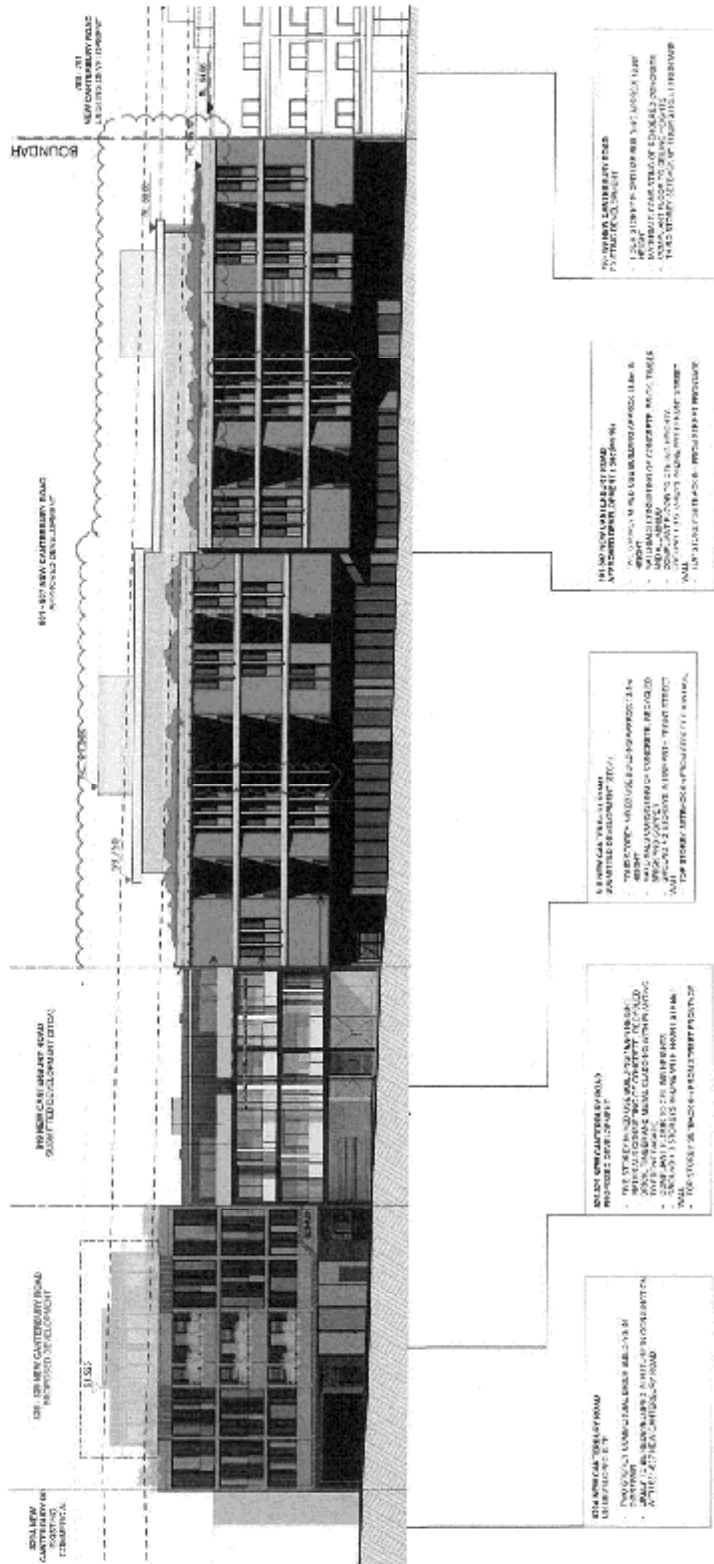
Site Plan

ohi
 OFFICE OF HERITAGE AND INDUSTRY
 1111 NEW CANTERBURY ROAD
 SYDNEY NSW 1585
 TEL: (02) 9515 6000
 FAX: (02) 9515 6001
 WWW.OHI.NSW.GOV.AU

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FOR DA ONLY - NOT FOR CONSTRUCTION



bh
 BUILDING HEALTH

PERMITTING ANALYSIS
 CA
 170317 1350 1110

DATE: 17/03/17
TIME: 13:50
PROJECT: 170317 1350 1110
CLIENT: [REDACTED]
DESIGNER: [REDACTED]

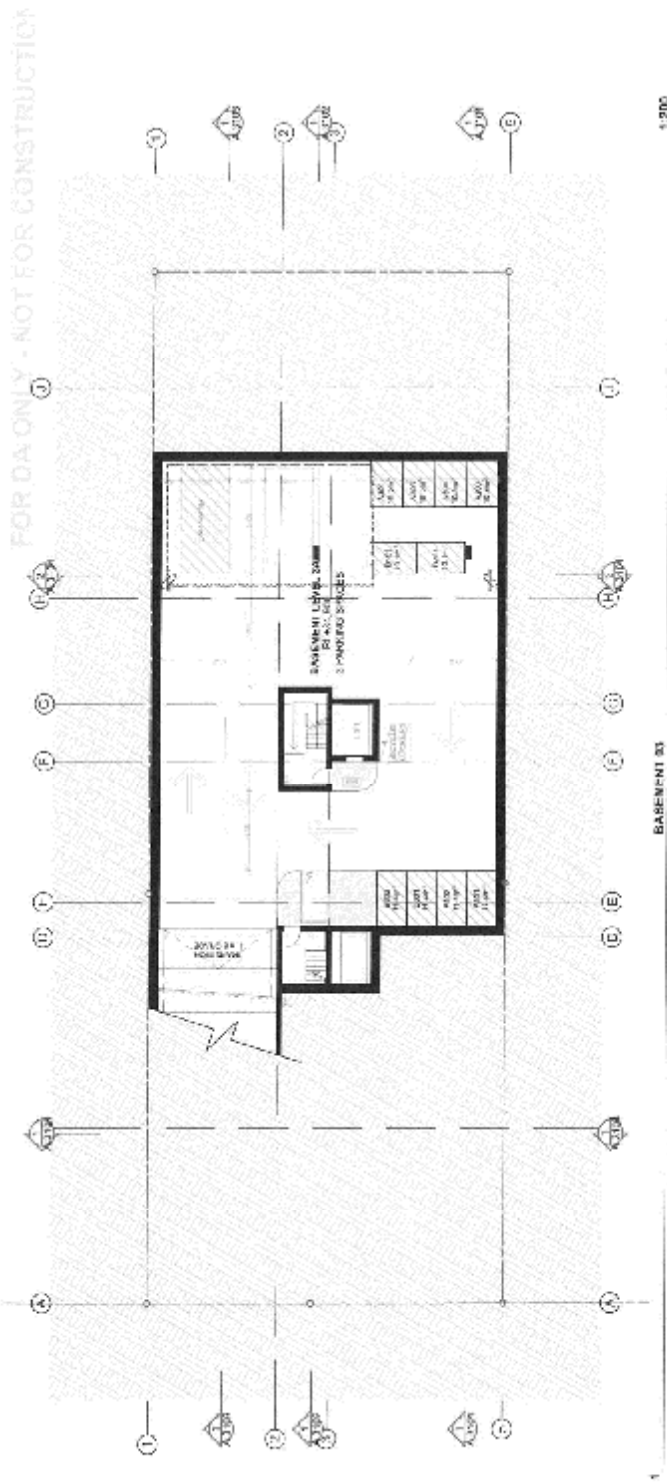
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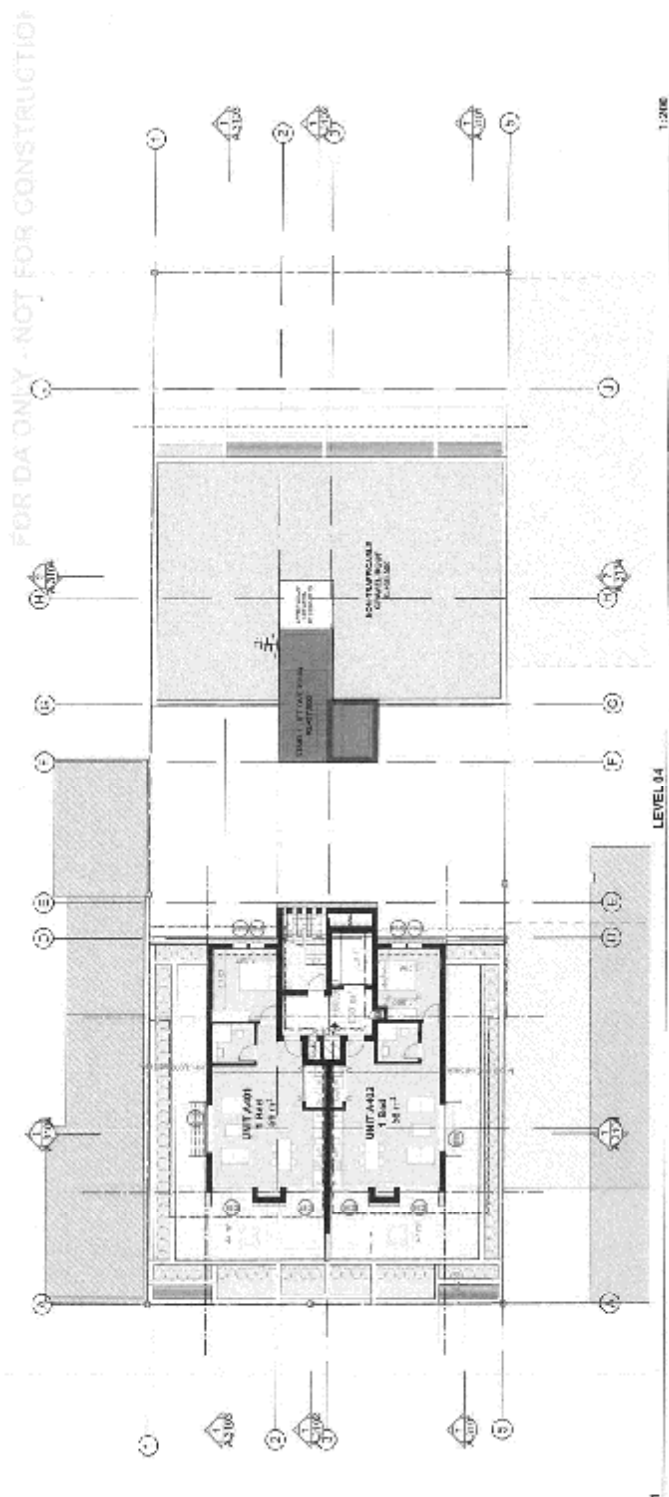
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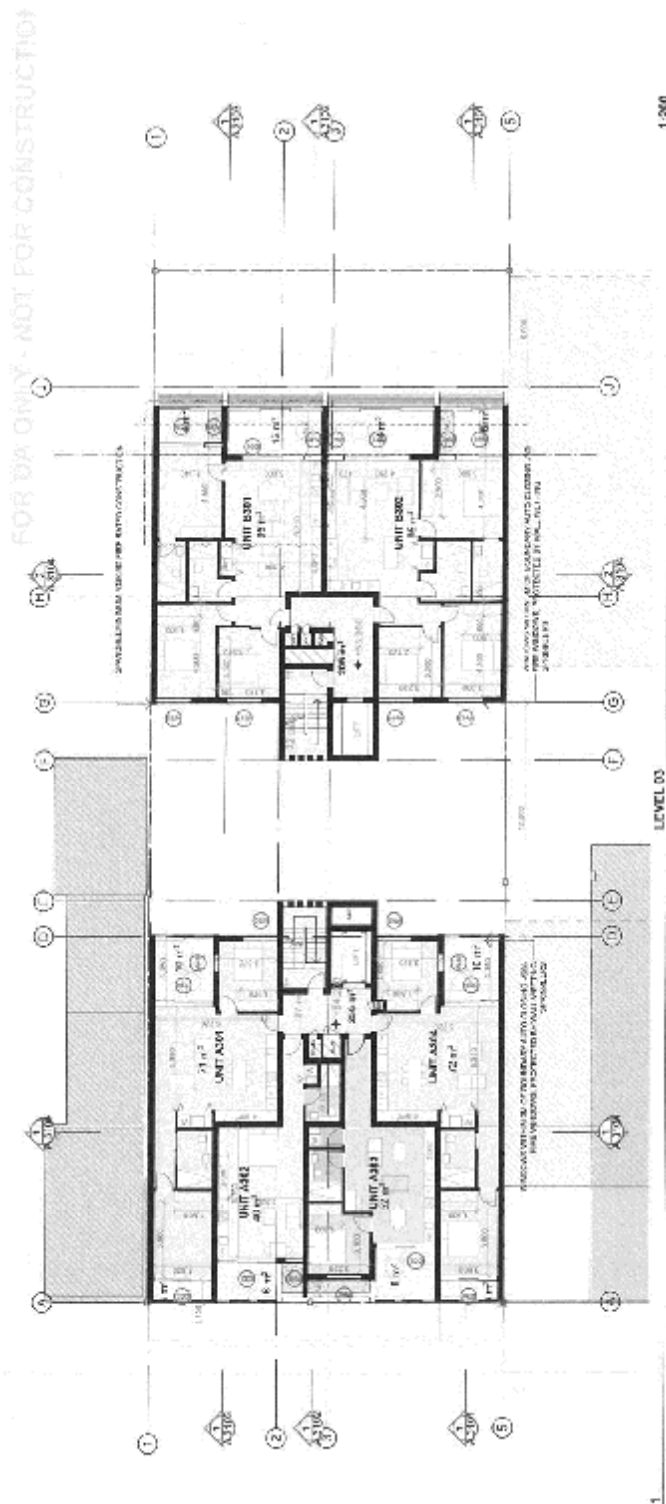
NO. 5
DATE: 17/03/17
DESCRIPTION: [REDACTED]



<p>PROJECT DATA</p> <p>PROJECT NAME: BASEMENT PLAN</p> <p>CLIENT: DA</p> <p>DATE: 01/11</p> <p>SCALE: 1:200</p> <p>PROJECT NO: A.18871</p>		
<p>DESIGNER</p> <p>NAME: bh</p> <p>ADDRESS: 10/110-112/114-116/118-120/122-124/126-128/130-132/134-136/138-140/142-144/146-148/150-152/154-156/158-160/162-164/166-168/170-172/174-176/178-180/182-184/186-188/190-192/194-196/198-200/202-204/206-208/210-212/214-216/218-220/222-224/226-228/230-232/234-236/238-240/242-244/246-248/250-252/254-256/258-260/262-264/266-268/270-272/274-276/278-280/282-284/286-288/290-292/294-296/298-300/302-304/306-308/310-312/314-316/318-320/322-324/326-328/330-332/334-336/338-340/342-344/346-348/350-352/354-356/358-360/362-364/366-368/370-372/374-376/378-380/382-384/386-388/390-392/394-396/398-400/402-404/406-408/410-412/414-416/418-420/422-424/426-428/430-432/434-436/438-440/442-444/446-448/450-452/454-456/458-460/462-464/466-468/470-472/474-476/478-480/482-484/486-488/490-492/494-496/498-500/502-504/506-508/510-512/514-516/518-520/522-524/526-528/530-532/534-536/538-540/542-544/546-548/550-552/554-556/558-560/562-564/566-568/570-572/574-576/578-580/582-584/586-588/590-592/594-596/598-600/602-604/606-608/610-612/614-616/618-620/622-624/626-628/630-632/634-636/638-640/642-644/646-648/650-652/654-656/658-660/662-664/666-668/670-672/674-676/678-680/682-684/686-688/690-692/694-696/698-700/702-704/706-708/710-712/714-716/718-720/722-724/726-728/730-732/734-736/738-740/742-744/746-748/750-752/754-756/758-760/762-764/766-768/770-772/774-776/778-780/782-784/786-788/790-792/794-796/798-800/802-804/806-808/810-812/814-816/818-820/822-824/826-828/830-832/834-836/838-840/842-844/846-848/850-852/854-856/858-860/862-864/866-868/870-872/874-876/878-880/882-884/886-888/890-892/894-896/898-900/902-904/906-908/910-912/914-916/918-920/922-924/926-928/930-932/934-936/938-940/942-944/946-948/950-952/954-956/958-960/962-964/966-968/970-972/974-976/978-980/982-984/986-988/990-992/994-996/998-1000</p>		



<p>PROJECT NAME POURTH FLOOR PLAN</p> <p>DATE 27/03/17</p> <p>SCALE A 2000</p>		<p>DATE 27/03/17</p> <p>SCALE A 2000</p>
<p>PROJECT LOCATION 100/102/104/106/108/110/112/114/116/118/120/122/124/126/128/130/132/134/136/138/140/142/144/146/148/150/152/154/156/158/160/162/164/166/168/170/172/174/176/178/180/182/184/186/188/190/192/194/196/198/200/202/204/206/208/210/212/214/216/218/220/222/224/226/228/230/232/234/236/238/240/242/244/246/248/250/252/254/256/258/260/262/264/266/268/270/272/274/276/278/280/282/284/286/288/290/292/294/296/298/300/302/304/306/308/310/312/314/316/318/320/322/324/326/328/330/332/334/336/338/340/342/344/346/348/350/352/354/356/358/360/362/364/366/368/370/372/374/376/378/380/382/384/386/388/390/392/394/396/398/400/402/404/406/408/410/412/414/416/418/420/422/424/426/428/430/432/434/436/438/440/442/444/446/448/450/452/454/456/458/460/462/464/466/468/470/472/474/476/478/480/482/484/486/488/490/492/494/496/498/500/502/504/506/508/510/512/514/516/518/520/522/524/526/528/530/532/534/536/538/540/542/544/546/548/550/552/554/556/558/560/562/564/566/568/570/572/574/576/578/580/582/584/586/588/590/592/594/596/598/600/602/604/606/608/610/612/614/616/618/620/622/624/626/628/630/632/634/636/638/640/642/644/646/648/650/652/654/656/658/660/662/664/666/668/670/672/674/676/678/680/682/684/686/688/690/692/694/696/698/700/702/704/706/708/710/712/714/716/718/720/722/724/726/728/730/732/734/736/738/740/742/744/746/748/750/752/754/756/758/760/762/764/766/768/770/772/774/776/778/780/782/784/786/788/790/792/794/796/798/800/802/804/806/808/810/812/814/816/818/820/822/824/826/828/830/832/834/836/838/840/842/844/846/848/850/852/854/856/858/860/862/864/866/868/870/872/874/876/878/880/882/884/886/888/890/892/894/896/898/900/902/904/906/908/910/912/914/916/918/920/922/924/926/928/930/932/934/936/938/940/942/944/946/948/950/952/954/956/958/960/962/964/966/968/970/972/974/976/978/980/982/984/986/988/990/992/994/996/998/1000</p>		<p>DATE 27/03/17</p> <p>SCALE A 2000</p>
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bh ARCHITECTS

THIRD FLOOR PLAN

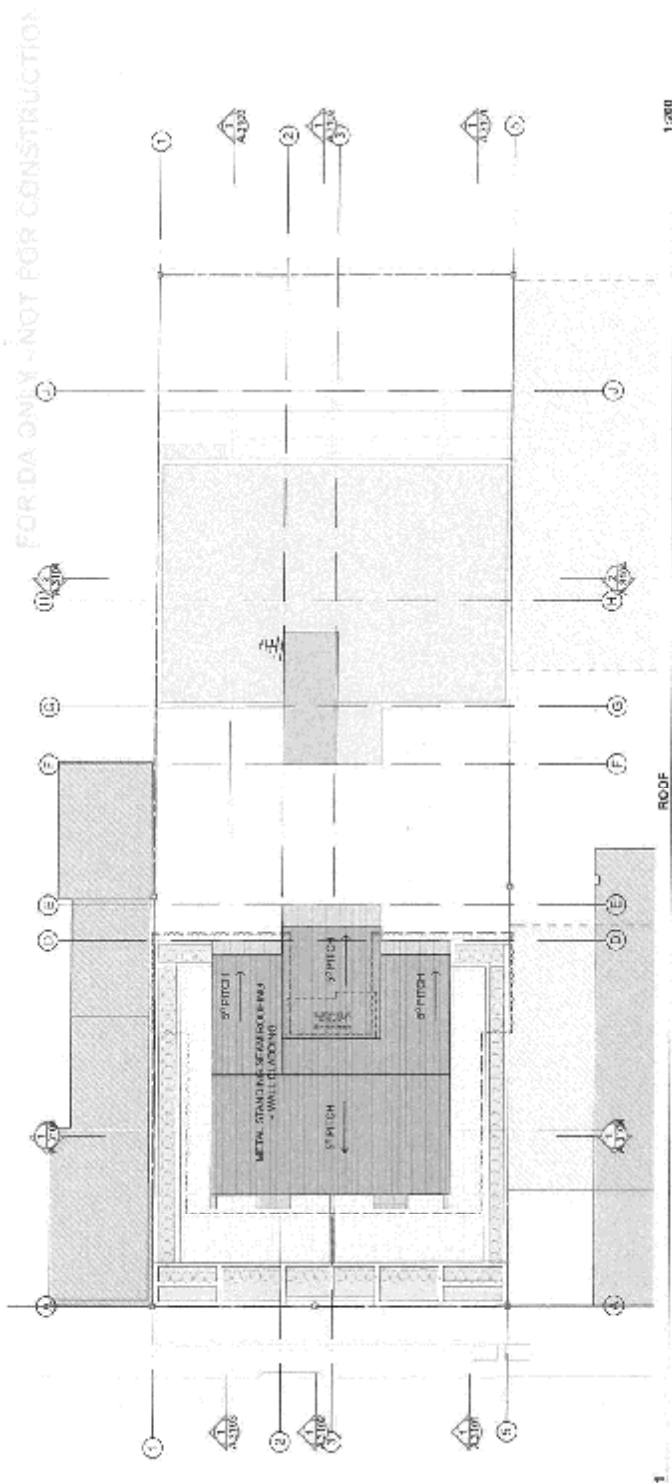
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 CHECKED BY: [Name]
 PROJECT NO: [Number]

REVISIONS

NO.	DATE	DESCRIPTION
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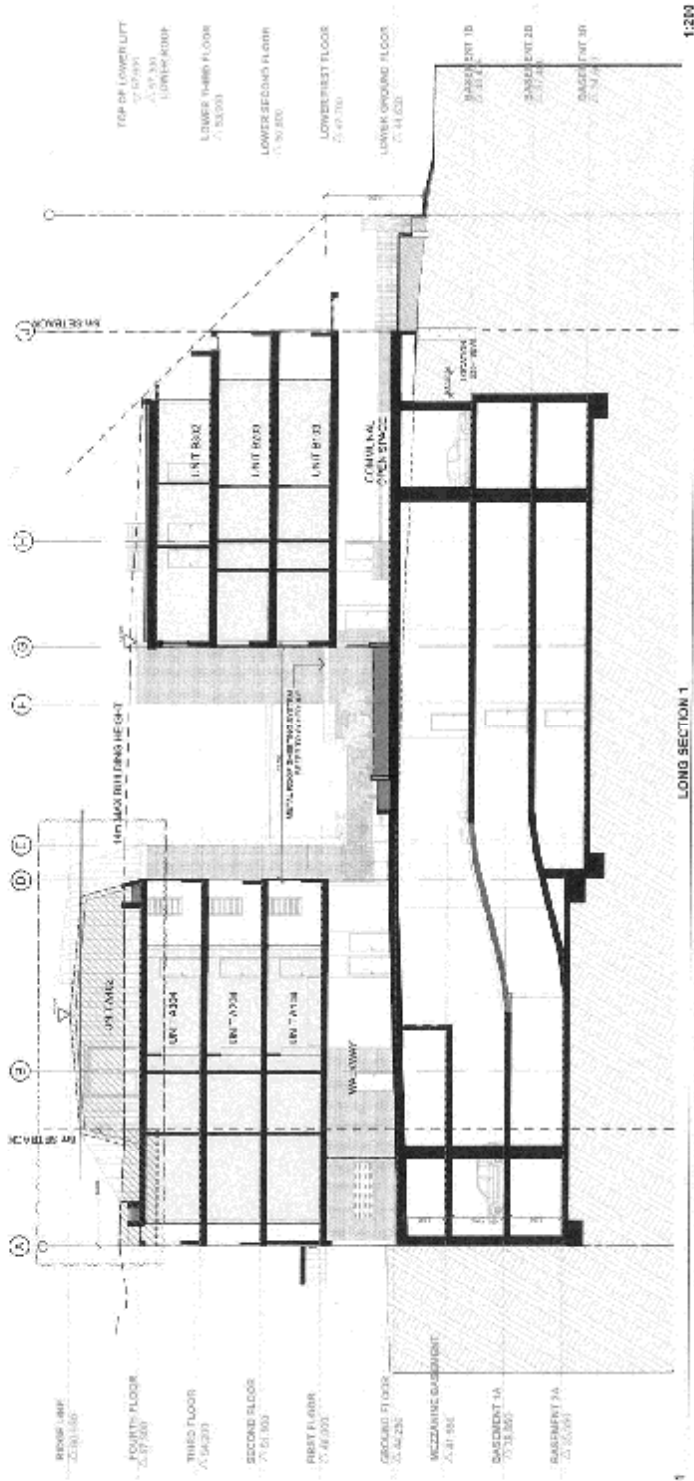
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PROJECT: [Name]
 SITE: [Address]
 CLIENT: [Name]



<p>PROJECT: ROOF PLAN</p> <p>DATE: 17/06/17</p> <p>SCALE: 1:200</p> <p>PROJECT NO.: A2191</p>		<p>bh</p> <p>BRIDGEHEAD ARCHITECTURE</p> <p>1/100 RIVERVIEW DRIVE</p> <p>SYDNEY NSW 2015</p> <p>PH: (02) 9550 1234</p> <p>WWW.BHARCHITECTURE.COM.AU</p>						
<p>CLIENT: [REDACTED]</p> <p>DESIGNER: [REDACTED]</p> <p>DATE: 17/06/17</p> <p>SCALE: 1:200</p> <p>PROJECT NO.: A2191</p>								
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NO.	DATE	DESCRIPTION						
1	17/06/17	ISSUED FOR DA						

FOR DA ONLY - NOT FOR CONSTRUCTION



bhi
ARCHITECTS

LONG SECTION 1

DATE: 17/02/17
SCALE: 1:200

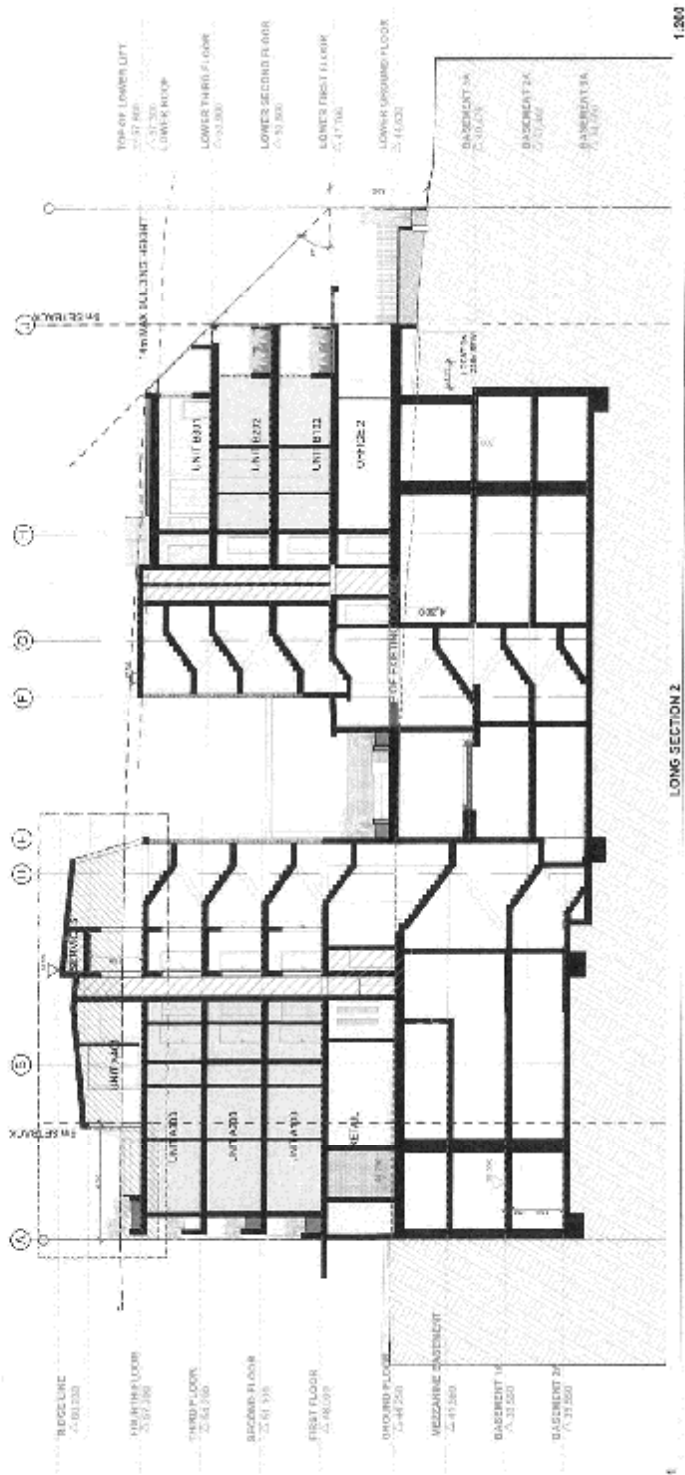
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2. 1011 1/16/2011

NO. 1011 1/16/2011
1. 1011 1/16/2011
2. 1011 1/16/2011

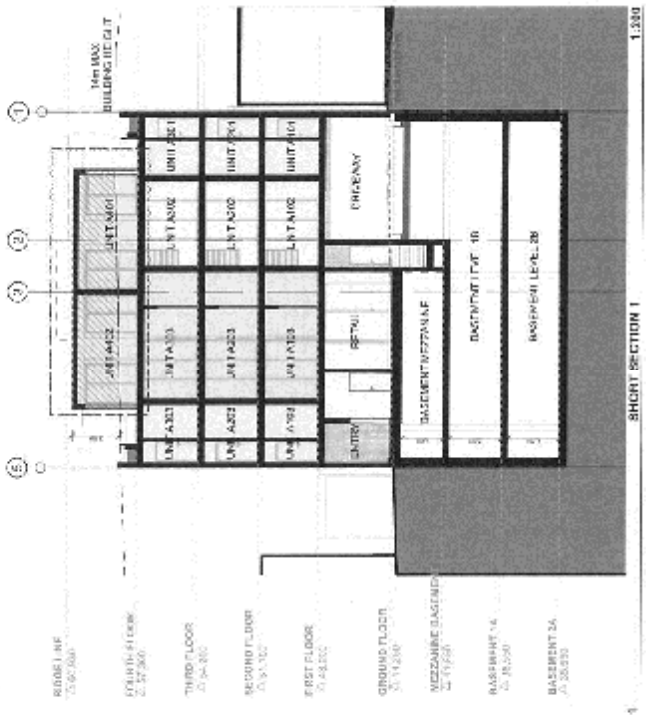
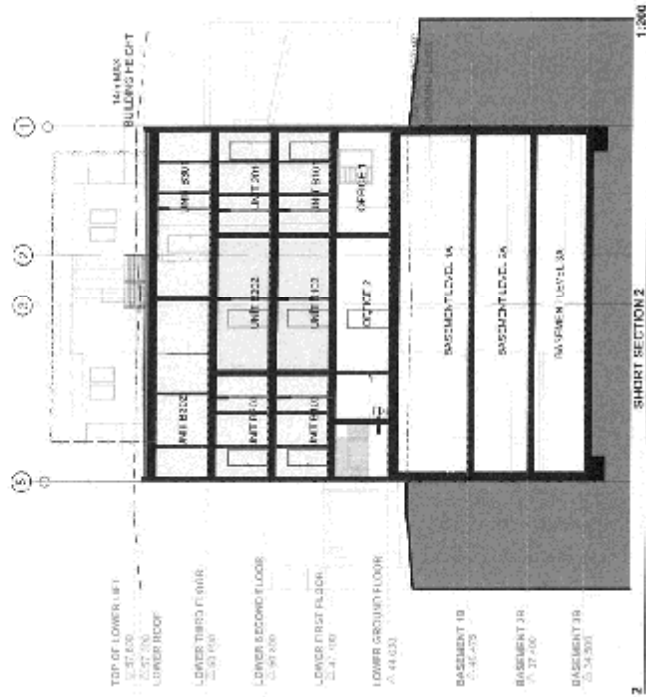
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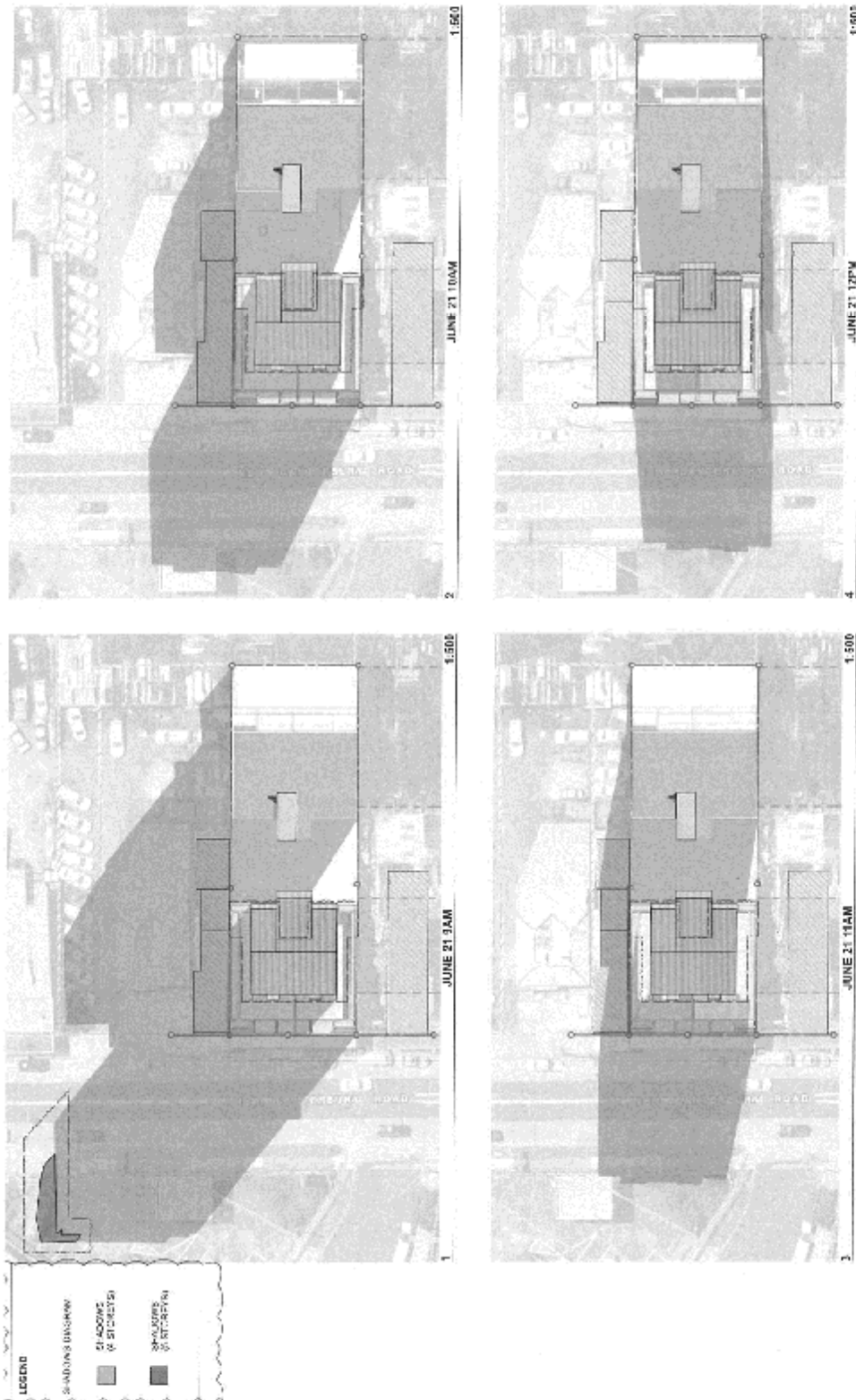


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PROJECT NAME:	LONG SECT 04 J	
CLIENT:	24920 10311	
DATE:	20/03/2018	
DRAWING INFORMATION		
DRAWING NO:	01	
DRAWING TITLE:	LONG SECTION 2	
DATE:	20/03/2018	
DESIGNER INFORMATION		
DESIGNER:	bhi	
DESIGNER NO:	AJ3102	
DESIGNER DATE:	20/03/2018	
SCALE		
SCALE:	1:200	
REVISIONS		
NO.	DATE	DESCRIPTION
1	20/03/2018	ISSUED FOR DA
2	20/03/2018	ISSUED FOR DA
3	20/03/2018	ISSUED FOR DA
4	20/03/2018	ISSUED FOR DA
5	20/03/2018	ISSUED FOR DA
6	20/03/2018	ISSUED FOR DA
APPROVALS		
DATE	SIGNATURE	ROLE

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<p>bhi B. H. INTERNATIONAL PTY LTD 1/100 WILSON ROAD, SYDNEY NSW 1570 PH: (02) 9550 6600 WWW.BHI.COM.AU</p>		<p>SHORT SECTIONS DATE: DA SCALE: 1:200 DRAWN: JH CHECKED: JH DATE: 12/09/18</p>	
<p>PROJECT: 15/15/18/0001 CLIENT: 15/15/18/0001 DRAWN: JH CHECKED: JH DATE: 12/09/18</p>		<p>PROJECT: 15/15/18/0001 CLIENT: 15/15/18/0001 DRAWN: JH CHECKED: JH DATE: 12/09/18</p>	

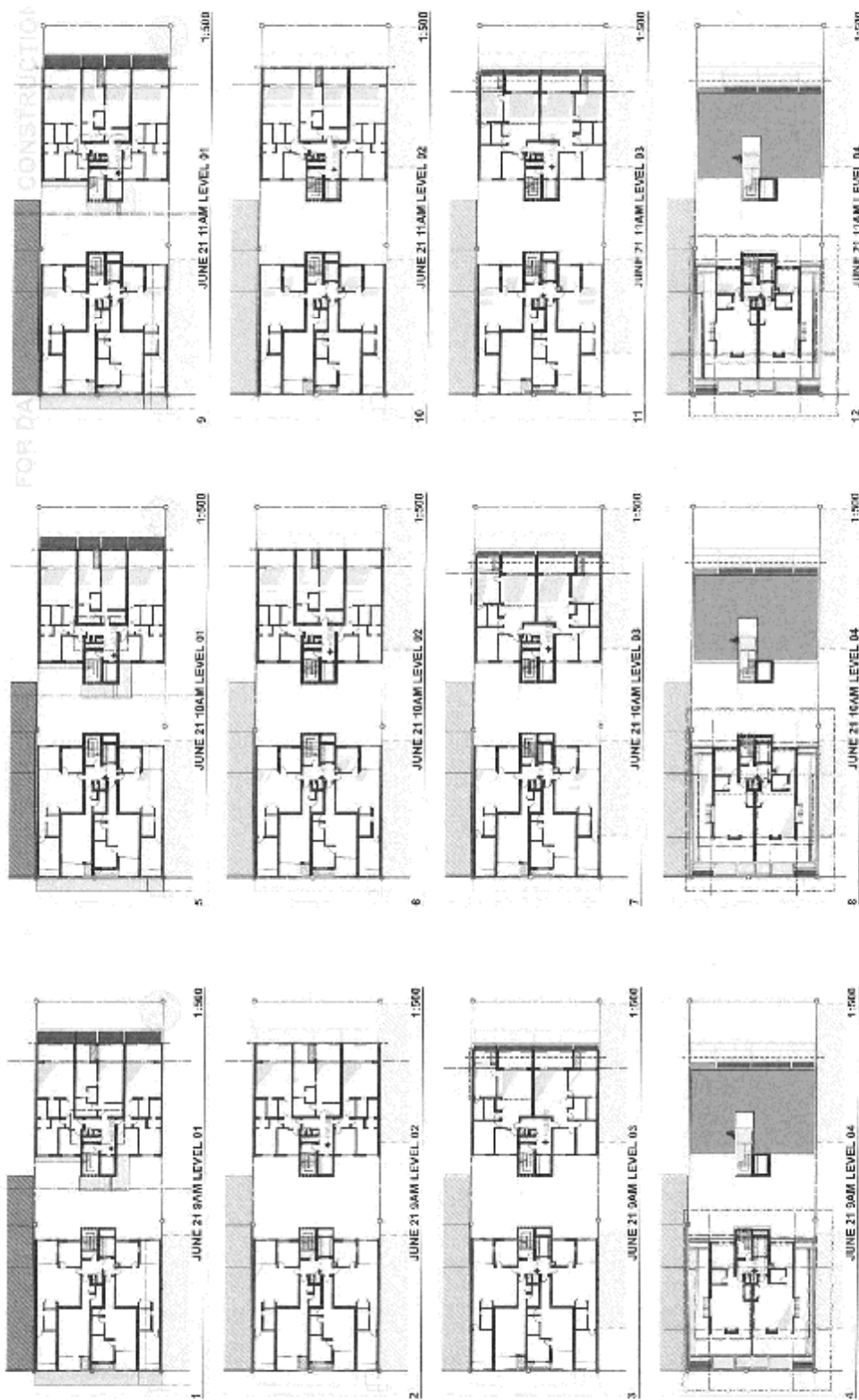


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 DATE: **20/06/2017**
 DRAWN BY: **V.T.**
 CHECKED BY: **ASSET**

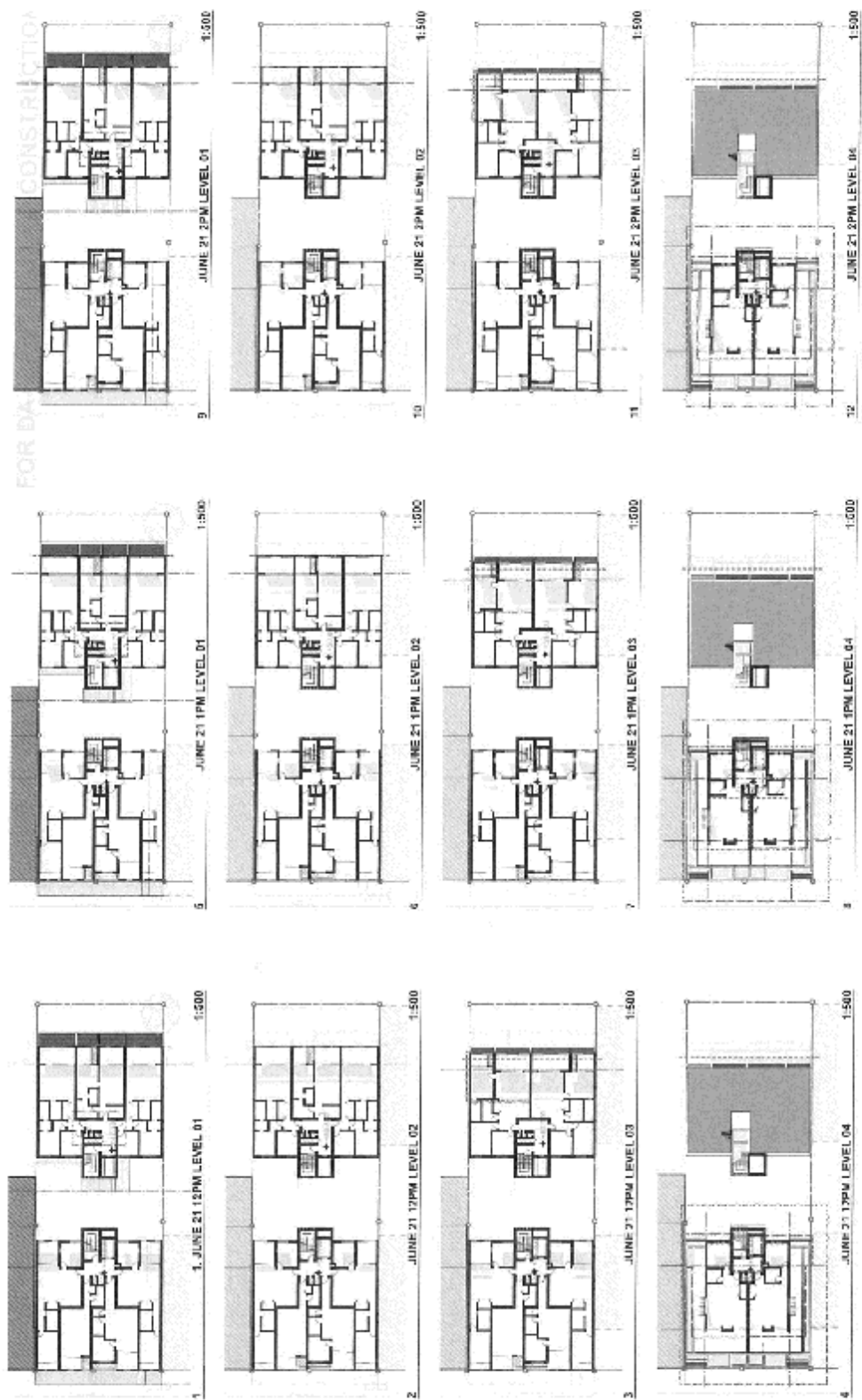
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DATE: **20/06/2017**
 TIME: **10:00 AM**
 SCALE: **1:500**

PROJECT NO: **SHADOW STUDY**
 DATE: **20/06/2017**
 DRAWN BY: **V.T.**
 CHECKED BY: **ASSET**



<p>DATE: 18/06/2013</p> <p>SCALE: 1:500</p> <p>PROJECT: 100/100/100/100</p> <p>DRAWN: [Name]</p> <p>CHECKED: [Name]</p> <p>DATE: 18/06/2013</p> <p>SCALE: 1:500</p> <p>PROJECT: 100/100/100/100</p> <p>DRAWN: [Name]</p> <p>CHECKED: [Name]</p>	<p>DATE: 18/06/2013</p> <p>SCALE: 1:500</p> <p>PROJECT: 100/100/100/100</p> <p>DRAWN: [Name]</p> <p>CHECKED: [Name]</p> <p>DATE: 18/06/2013</p> <p>SCALE: 1:500</p> <p>PROJECT: 100/100/100/100</p> <p>DRAWN: [Name]</p> <p>CHECKED: [Name]</p>	<p>DATE: 18/06/2013</p> <p>SCALE: 1:500</p> <p>PROJECT: 100/100/100/100</p> <p>DRAWN: [Name]</p> <p>CHECKED: [Name]</p> <p>DATE: 18/06/2013</p> <p>SCALE: 1:500</p> <p>PROJECT: 100/100/100/100</p> <p>DRAWN: [Name]</p> <p>CHECKED: [Name]</p>	<p>DATE: 18/06/2013</p> <p>SCALE: 1:500</p> <p>PROJECT: 100/100/100/100</p> <p>DRAWN: [Name]</p> <p>CHECKED: [Name]</p> <p>DATE: 18/06/2013</p> <p>SCALE: 1:500</p> <p>PROJECT: 100/100/100/100</p> <p>DRAWN: [Name]</p> <p>CHECKED: [Name]</p>
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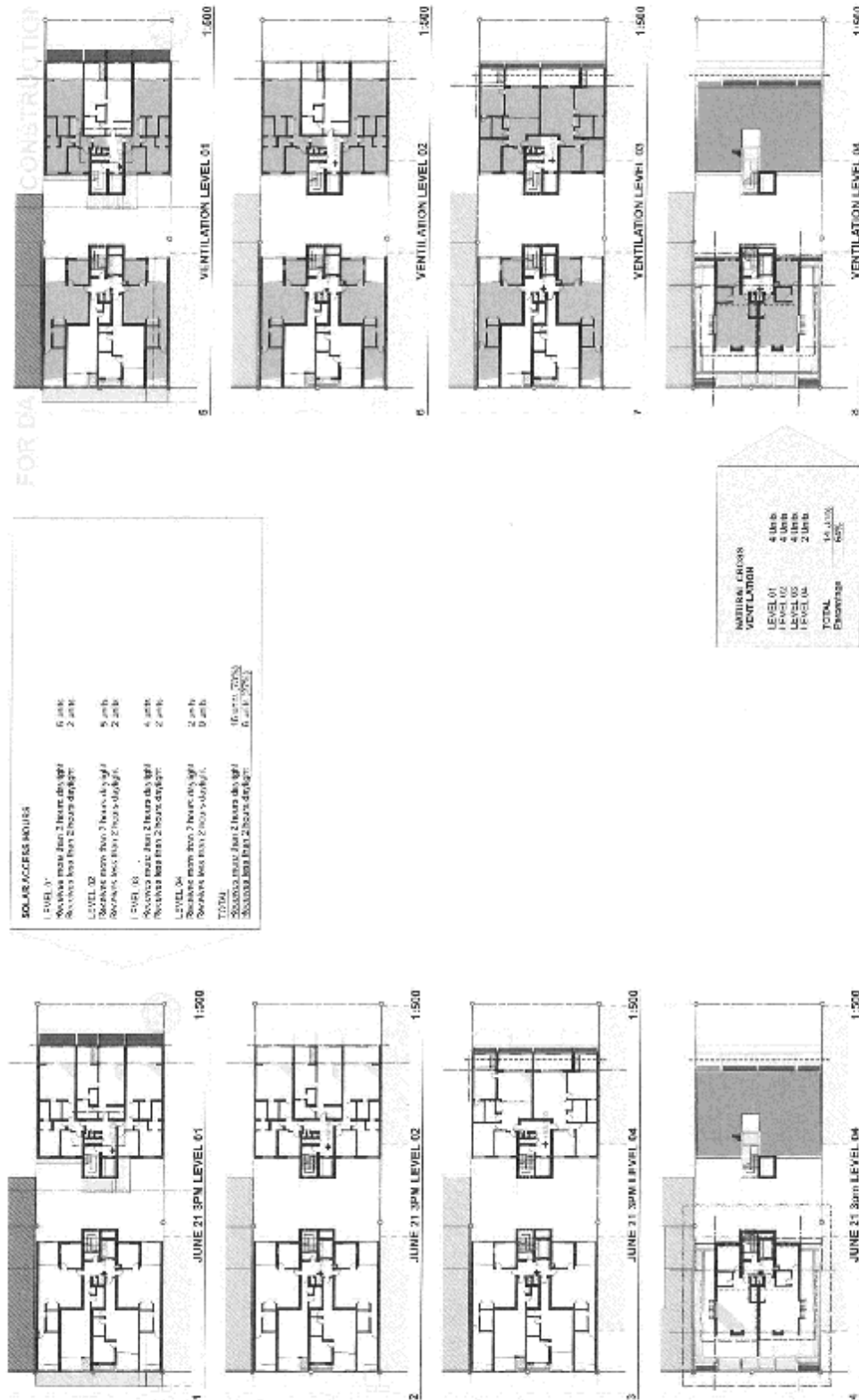
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COMPLIANCE DIAGRAM:	DA
DATE:	15/12/17
DRAWN BY:	MM
CHECKED BY:	MM
DATE:	15/12/17
SCALE:	A3/200
PROJECT NAME:	

bh
BUILDING HERITAGE
155 EAST STREET, SYDNEY
NSW 2000
TEL: 02 9233 1511
WWW.BUILDINGHERITAGE.COM.AU

REVISIONS

NO.	DATE	DESCRIPTION
1		

DATE: 15/12/17
SCALE: A3/200
DRAWN BY: MM
CHECKED BY: MM
DATE: 15/12/17



COMPLIANCE DIAGRAM

DATE: 2023/07/03
PROJECT: 230217
DRAWN: M
CHECKED: J
SCALE: A:3000

bhi
BUILDING HEALTH INDEX
100% COMPLIANCE

PROJECT INFORMATION

PROJECT NAME: [REDACTED]
PROJECT ADDRESS: [REDACTED]
PROJECT REFERENCE: [REDACTED]
PROJECT NUMBER: [REDACTED]

DESIGNER INFORMATION

DESIGNER: [REDACTED]
DESIGNER ADDRESS: [REDACTED]
DESIGNER PHONE: [REDACTED]
DESIGNER EMAIL: [REDACTED]

DATE

DATE: 2023/07/03

SCALE

SCALE: A:3000

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COMPLIANCE DIAGRAM

Project No: 170317
 Date: 17/03/17
 Scale: A4 1:1
 Drawing: A.2104

bhi
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ISSUE NO: 01
 DATE: 17/03/17
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

PROJECT NO: 170317
 DATE: 17/03/17
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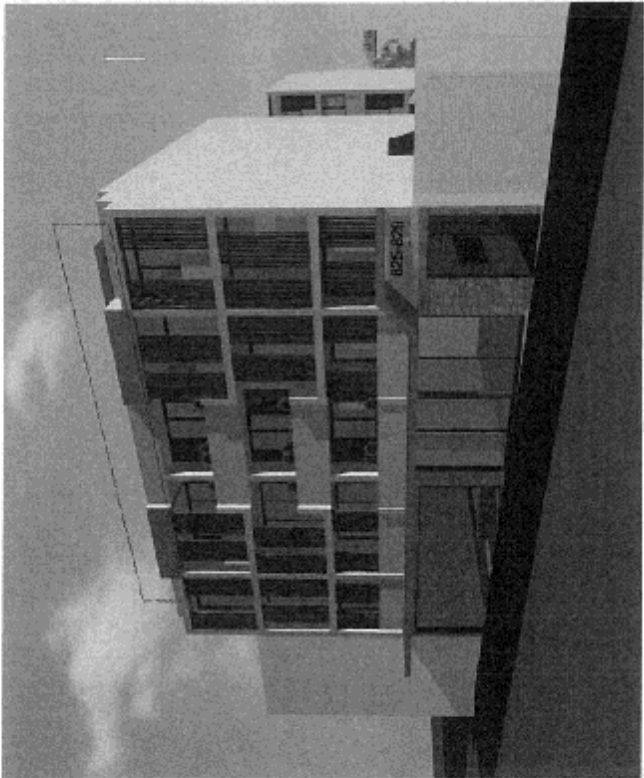
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WEIGHT	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200	4.200
ELEVATION																										
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CONSTRUCTION	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR	ALUMINIUM FRAMED SLIDING DOOR

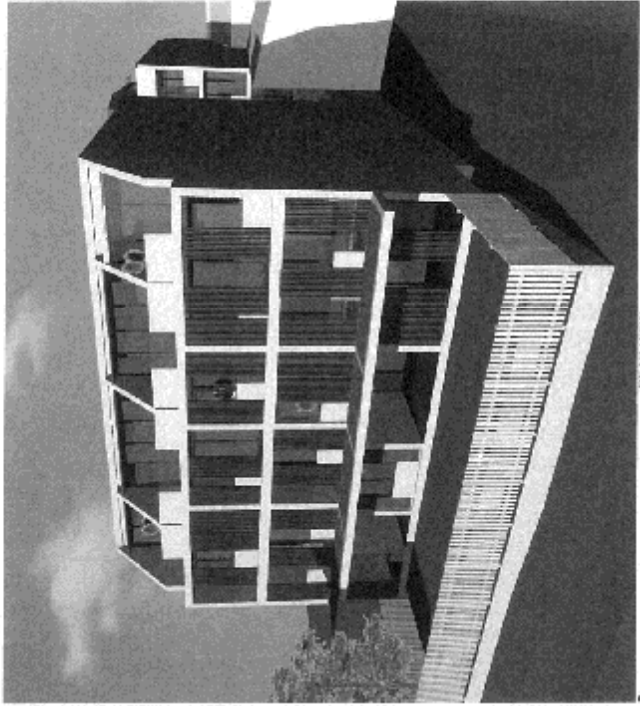
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 bhi
 Building Hardware International
 150/152 Pacific Highway North, Sydney NSW 1585
 Tel: (02) 9550 6666 Fax: (02) 9550 6667
 Email: info@bhi.com.au
 Website: www.bhi.com.au
 10/0001164 3/12/17 AFB1

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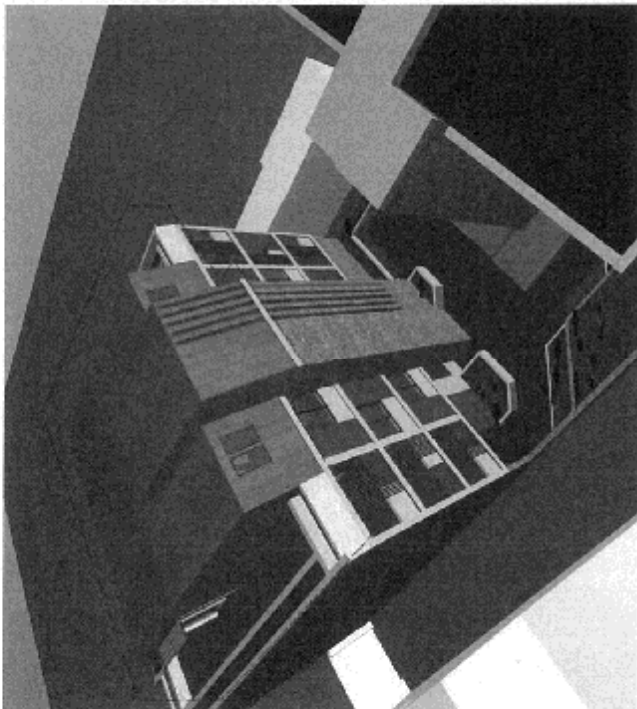
FRONT VIEW



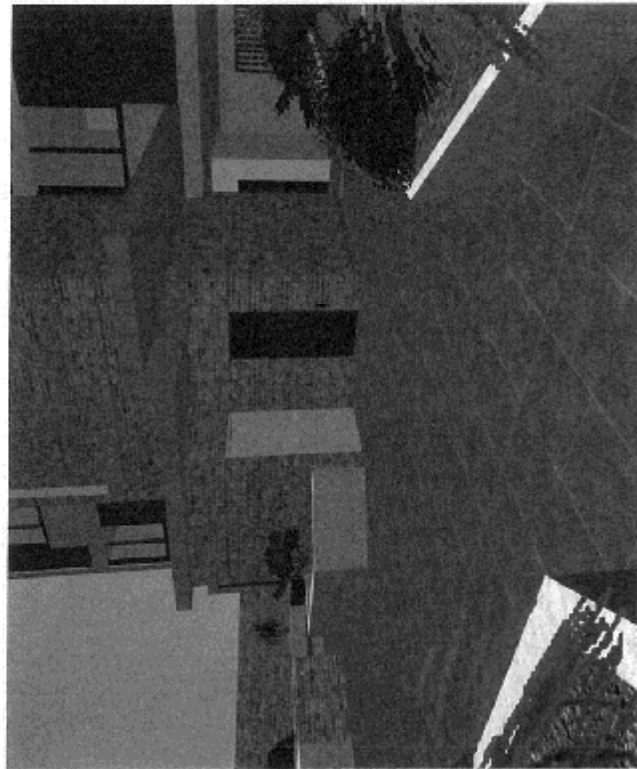
REAR VIEW

<p>PROJECT INFORMATION</p> <p>PROJECT NAME: EXTERNAL PERFORMERS</p> <p>PROJECT NO: 200 DATE: 0-4 SCALE: 1:500</p> <p>PROJECT LOCATION: 1025-6201</p>		<p>bhi</p> <p>BUSINESS INFORMATION</p> <p>1025-6201</p>	
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<p>PROJECT CONTACT</p> <p>PROJECT CONTACT: EXTERNAL PERFORMERS</p>		<p>PROJECT DATE</p> <p>PROJECT DATE: 0-4</p>	

FOR DA ONLY - NOT FOR CONSTRUCTION

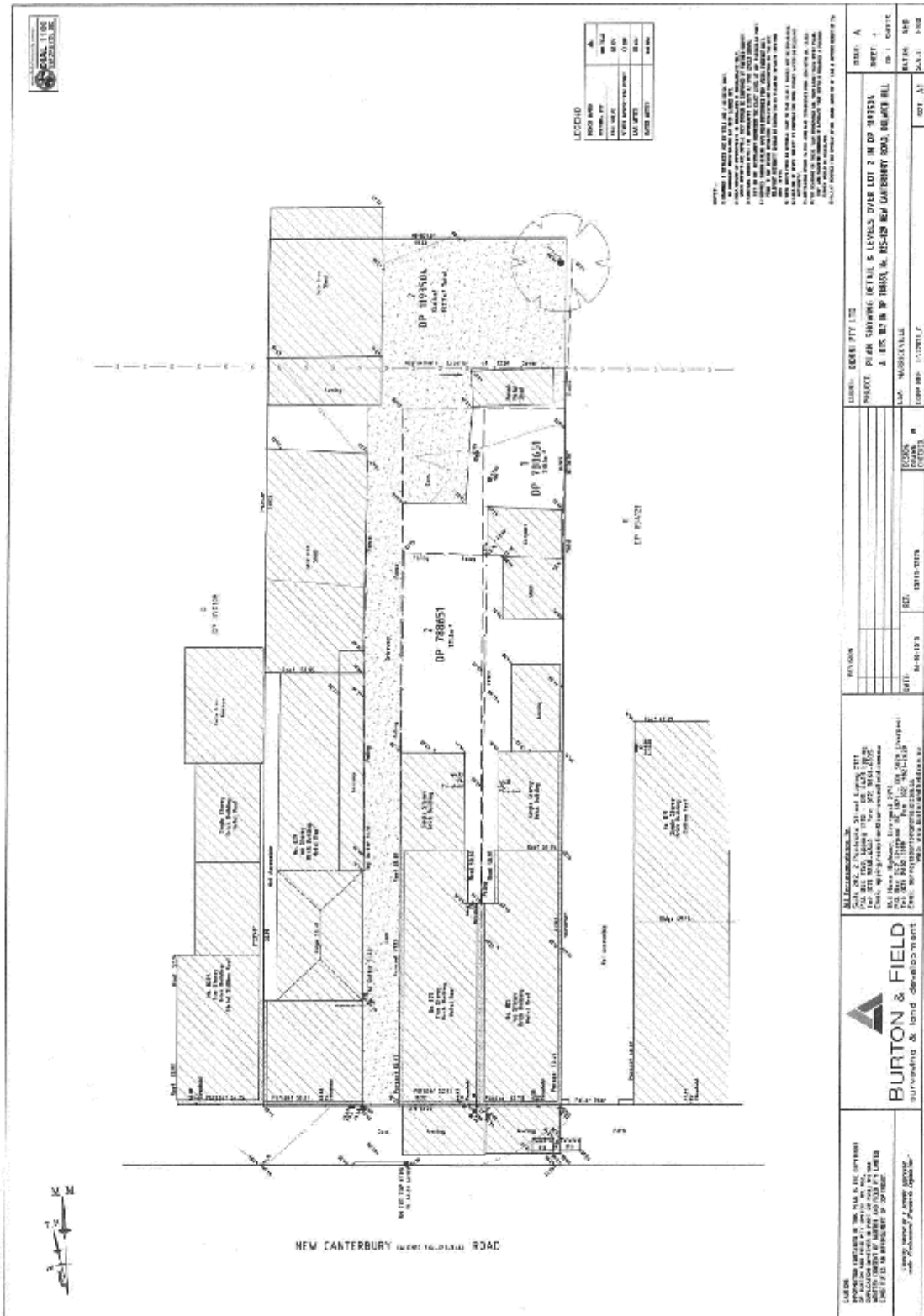


ARCHIT. VIEW OF COURTYARD



COURTYARD ENTRY VIEW

<p>PROJECT NO. 231916 - PERSEUS DA</p> <p>DATE: 04/11/2023</p> <p>PROJECT: 231916 - PERSEUS DA</p> <p>DATE: 04/11/2023</p> <p>PROJECT: 231916 - PERSEUS DA</p> <p>DATE: 04/11/2023</p>		<p>PROJECT NO. 231916 - PERSEUS DA</p> <p>DATE: 04/11/2023</p> <p>PROJECT: 231916 - PERSEUS DA</p> <p>DATE: 04/11/2023</p> <p>PROJECT: 231916 - PERSEUS DA</p> <p>DATE: 04/11/2023</p>	
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