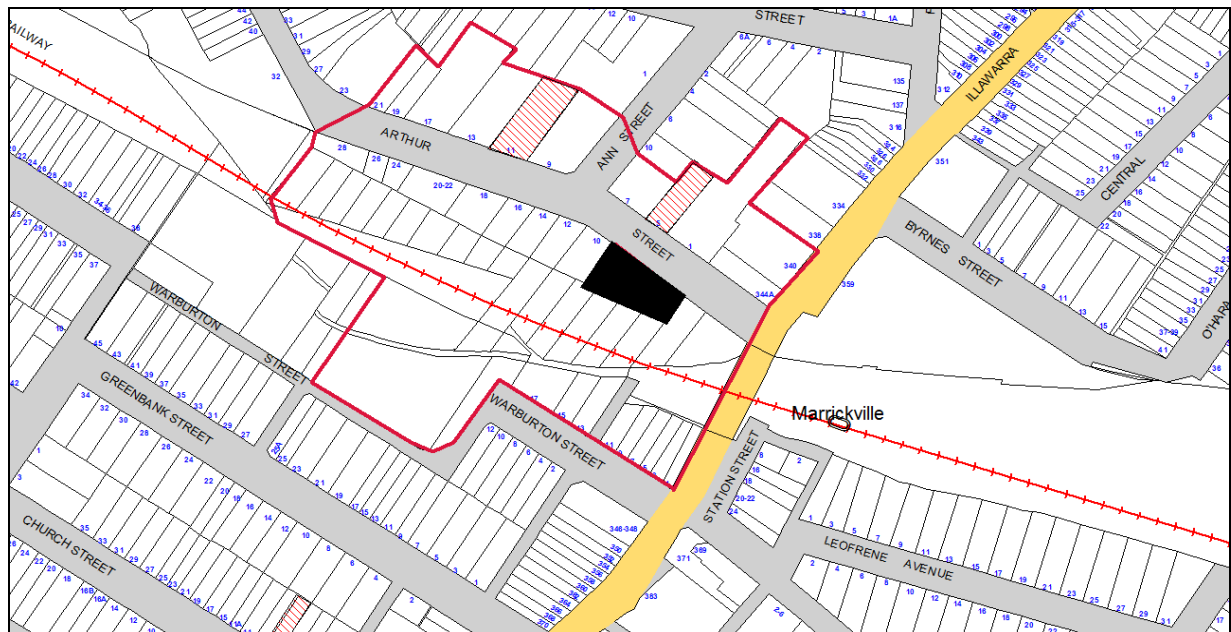







INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	201500242
Address	2 - 8 Arthur Street, Marrickville
Proposal	To demolish existing improvements, consolidation of land into 1 allotment and construct a 7 storey residential flat building with 38 dwellings and 2 basement levels of associated car parking.
Date of Lodgement	18 May 2015
Applicant	Architects Becerra
Owner	Momentum Living Pty Ltd
Number of Submissions	5 including a petition containing 117 signatures
Value of works	\$8,054,382
Reason for determination at Planning Panel	The extent of departure from the building height and FSR development standards exceed staff delegation.
Main Issues	<ul style="list-style-type: none"> • Clause 4.6 variations for building height and FSR
Recommendation	Approval, subject to conditions



Subject Site:		Objectors:	
Notified Area:			

1. Executive Summary

This report concerns an application to demolish existing improvements, consolidation of land into 1 allotment and construction of a 7 storey residential flat building with 38 dwellings and 2 basement levels of associated car parking at 2-8 Arthur Street, Marrickville. The application was notified in accordance with Council's notification policy and 5 submissions including a petition containing 117 signatures were received. The main issues that have arisen from the application include:

- The proposal exceeds the building height and FSR development standards prescribed by MLEP 2011.
- The development has a variation to the maximum building height of 2.9 metres or 12.6%. The height departure is only an architectural roof feature and all habitable spaces comply with the height development standard.
- The development also proposes an FSR departure of 443m² or 17.4%.
- 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 existing improvements, consolidate the land into 1 allotment and construct a 7 storey residential flat building with 38 dwellings and 2 levels of basement car parking.

The building has the following arrangement:

Basement Level 1

- 10 accessible space, a visitor space and bicycle racks.

Basement Level 2:

- 15 car parking spaces and associated storage, bicycle and motorcycle racks.

Ground Floor

- 3 dwellings;
- Main residential entry;
- 2 waste rooms;
- Basement vehicular access from Arthur Street; and

- Lift and fire stairs.

Level 1

- 6 dwellings; and
- Lift and fire stairs.

Level 2

- 6 dwellings; and
- Lift and fire stairs.

Level 3

- 6 dwellings; and
- Lift and fire stairs.

Level 4

- 6 dwellings; and
- Lift and fire stairs.

Level 5

- 6 dwellings; and
- Lift and fire stairs.

Level 6

- 5 dwellings; and
- Lift and fire stairs.

The development will contain a total of 38 dwellings. All apartments are north facing (i.e., orientated to Arthur Street), away from the railway line. Access to the basement car parking is proposed to be from Arthur Street along the western side boundary.

3. Site Description

The property is situated on the southern side of Arthur Street, between Livingstone Road and Illawarra Road, Marrickville. The site consists of 4 allotments and is generally irregular in shape with the following legal description and lot area:

Address	Legal Description/ area
2 Arthur Street	1 DP 500873
4 Arthur Street	2 DP 500873
6 Arthur Street	Lots A DP 407247
8 Arthur Street	Lots B DP 407247
Total lot area:	845.8 m ²

The following characteristics relate to the site:

- Relatively irregular in shape
- 42.8 metre frontage to Arthur Street
- Existing structures on the site are single storey in form
- The site slopes towards the south-east ranging from AHD12.07 metres to AHD 9.82 metres

The wider local area comprises varying built forms ranging from 2 storeys in height up to 4 storeys in height. On a broader scale, the wider local area is characterised by a mixture of low, medium and high density residential uses, and the Marrickville Road / Illawarra Road commercial precinct along Illawarra Road, to the east of the site. The Sydney – Bankstown railway line is located adjacent to the site, to the south.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Date
PDA201400160	Pre-DA To demolish existing improvements and construct a 7 storey residential flat building with 38 dwellings and 3 basement car parking levels.	18 March 2015

Surrounding properties

Application / address	Proposal	Decision & Date
DA201400470 10-14 Arthur Street	To demolish existing improvements and the construct a 6 part 7 storey residential flat building containing 56 dwellings with 2 basement car parking levels.	Approval 16 November 2015
DA201300159 20-22 Arthur Street	To demolish existing improvements and construct a 4 storey residential flat building comprising 14 units with undercroft car park for 9 cars.	Approval 13 November 2013

Council has previously accepted variations to development standards in the Marrickville Station West Planning Precinct (Precinct 23).

Departures from the building height and FSR development standard have been granted by the former Marrickville Council Development Assessment Committee (DAC) on the adjoining site at 10-14 Arthur Street (Determination No. 201400470, dated 16 November 2015). This was approved as a non-compliant development with a building height departure of 1.7 metres or 8.5% and an FSR departure of 71m² or 5.3%.

In addition, Determination No. 201300159 at 20-22 Arthur Street, dated 13 November 2013, approved an application to demolish existing improvements and construct a 4 storey residential flat building comprising 14 units with undercroft car park for 9 cars. This approval allowed an FSR non-compliance of 20% on that site.

4(b) Application history

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

Date	Additional Information
14 September 2015	Council requested additional information to address concerns relating to: <ul style="list-style-type: none"> • A revised Clause 4.6 that addressed recent relevant case law including 'Four2Five v Ashfield Council'; • Calculation of gross floor area particularly with regard to exemptions of certain space; • Engineering and waste management referral comments; and • Council's Architectural Excellence Panel (AEP) comments.
25 November 2015	Council requested additional documentation to address a further 8 design recommendations raised by the AEP.
12 February 2016	The applicant submitted further amended plans to address the AEP's and Council officer's comments. This assessment report is based on the amended plans submitted to Council on 12 February 2016.
13 October 2016	Concurrence received from Sydney Trains.

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:

- Airports Act 1996
- 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 No 65—Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Marrickville Local Environmental Plan 2011

The following provides further discussion of the relevant issues:

5(a)(i) Airports Act 1996

The construction of buildings or structures that intrude into the prescribed airspace of Sydney Airport are considered to be 'controlled activities' under Section 182 of Part 12 of the Airports Act 1996 (Commonwealth).

Any structure over 15.24 metres (50 feet) above existing AHD levels require the prior approval of the Civil Aviation Safety Authority (CASA). The maximum height of the residential flat building has a height of AHD 36.49 metres.

The application was referred to CASA and Sydney Airport Corporation Limited (SACL) for approval. In a letter dated 26 May 2015, the Airfield Design Manager for Sydney Airport, as an authorised person of CASA, raised no objection to the erection of the residential flat

building to a maximum height of AHD 36.49 metres. The approved height is inclusive of all lift over runs, vents, chimneys and aerials.

It was advised that should the height of any temporary structure or equipment be greater than 15.24 metres above the existing AHD level, a new approval must be sought in accordance with the Civil Aviation (Building Controls) Regulations Statutory Rules 1988.

The recommendations made by CASA and SACL have been included as conditions in the recommendation.

5(a)(ii) 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. MDCP 2011 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 not been used in the past for activities which could have potentially contaminated the site. The history of land uses for the site has been considered as an indicator for potential contamination of the site. A review of the 1943 aerial imagery covering the site has revealed that the site and local precinct contained low density residential development containing scattered dwelling houses and structures.

It is considered that the site will not require remediation in accordance with SEPP 55.

5(a)(iii) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Developments

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65) prescribes 10 design quality principles to guide architects designing residential flat buildings and to assist councils in assessing such developments. The 10 principles relate to key design issues including the context, scale, built form and building density, resource, energy and water efficiency, landscape design, amenity, safety/security, social impacts and aesthetics.

The provisions of SEPP 65 apply to the development. As required by the SEPP, a Design Verification Statement was submitted with the application indicating that a registered Architect directed the design of the development and that the proposal generally satisfies the design quality principles set out in Part 2 of SEPP 65.

The Design Verification Statement also provided an assessment of the proposal with respect to the 10 design principles contained in SEPP 65. The development is generally considered acceptable having regard to the 10 design quality principles.

Residential Flat Design Code

The Residential Flat Design Code (RFDC) is a set of guidelines that provide benchmarks for better practice in the planning and design of residential flat buildings to achieve environmental sustainability, improved energy efficiency and residential amenity and higher design quality to improve the presentation of the building to the street. The Code achieves this by providing controls to ensure that developments respond to their local context, and provide a suitable site analysis and quality design.

Whilst the majority of the provisions contained in the RFDC are generally covered by MDCP 2011 and are considered as part of the assessment of the application presented throughout this report, the RFDC contains the following requirements that are not specifically addressed in MDCP 2011:

(i) Building Separation

Under the RFDC, the following minimum building separation requirements are recommended for residential flat developments with 7 storeys:

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	18 metres
Habitable Rooms/Balconies to Non-Habitable Rooms	13 metres
Non-Habitable Rooms to Non-Habitable Rooms	9 metres

The proposed development has been constructed to the western side boundary as envisioned in the planning controls contained within Marrickville Station West Planning Precinct (Precinct 23) under Part 9.23 of MDCP 2011. No openings/ balconies are proposed on the western boundary that would trigger the building separation requirements prescribed by the RFDC.

(ii) Apartment Layouts and Minimum Areas

The development contains 38 dwellings, being a mixture of 1, 2 and 3 bedroom dwellings with varying sizes for each dwelling type.

2 of the proposed dwellings do not meet the minimum internal area required under the RFDC. The departures range from 2sqm to 7sqm. The departure is a result of these dwellings containing a study room. Given that the study room contains a window, it has been counted as a bedroom for the purposes of the RFDC. Despite the minor numerical departure by 2 apartments, the overall development and layout of the apartments is considered to be acceptable.

It is considered that the proposed dwellings would have good amenity in terms suitable access to light and ventilation. The internal layouts of the proposed dwellings are functional and have been well contemplated and the apartments are able to be adequately furnished. While some units are compact, the design of the units is considered to be well thought out without compromising the overall design of the development.

Whilst not technically satisfying the minimum numerical requirements for apartment sizes under the RFDC, it is considered that the amended proposal satisfies the objectives under RFDC as the apartment layouts provide adequate residential amenity, are considered functional and will accommodate a variety of different household activities and occupants' needs.

(iii) Solar and Daylight Access

The RFDC prescribes that 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.

100% of the units receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter which is greater than the required 70% of apartments prescribed under the

ADG. Given this, the proposed development is considered to be acceptable with regard to solar and daylight access.

(iv) Natural Ventilation

The objectives of the natural ventilation guidelines within the ADG are to provide habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants and reduce energy consumption.

It is considered that the proposed dwellings would have good amenity with 71% of units being cross ventilated exceeding the minimum standard prescribed. The current design of the units is considered to be acceptable with regard to natural ventilation.

(v) Ceiling Heights

Under the RFDC, the suggested floor to ceiling heights for habitable rooms in residential flat buildings is 2.7 metres and 2.4 metres for non-habitable rooms.

The proposed ceiling heights measure at least 2.7 metres in height which satisfies the requirements of SEPP 65.

(vi) Ground Floor Apartments

For ground floor apartments, the RFDC suggests that front gardens and terraces should be used to contribute to the spatial and visual structure of the street while maintaining adequate privacy for apartment occupants which can be achieved by animating the street edge, for example, by promoting individual entries for ground floor apartments.

The application proposes the provision of 3 dwellings on the ground floor. The application complies with the RFDC in that the proposed dwellings are accessed from Arthur Street through individual entries activating the street frontage, whilst maintaining an adequate level of privacy for tenants through the provision of terraces with planting.

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

State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65 Amendment 3) commenced on 17 July 2015 and only applies to applications lodged after the 19 June 2015. The application was lodged on 18 May 2015 and as such Amendment 3 does not apply in this instance.

Despite this, SEPP 65 (Amendment 3) prescribes 9 design quality principles to guide the design residential flat buildings and to assist in assessing such developments. The draft 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 architectural expression. The proposal is considered to be consistent with the new design quality principles set out in the SEPP 65 (Amendment 3).

The Apartment Design Guide has also been considered as part of this assessment of the above items and having regard to this policy, no issues are raised that would warrant the refusal of the applications.

5(a)(v) 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. Appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the development.

5(a)(vi) State Environmental Planning Policy (Infrastructure) 2007*Rail Corridors (Clause 85-87)*

SEPP Infrastructure provides guidelines for development immediately adjacent to rail corridors including excavation in, above or adjacent to rail corridors. Clause 87 of the Infrastructure SEPP relates to the impact of rail noise or vibration on non-rail development, and for a development for the purpose of a building for residential use, requires appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded.

An acoustic report accompanied the application which assessed the potential acoustic impacts of rail noise on the proposed development. The report contains recommendations to be incorporated into the proposed development in order to mitigate acoustic impacts and are referenced as an approved document in condition 1.

The application was referred to Sydney Trains for concurrence in accordance with Clause 86 of the Infrastructure SEPP. Sydney Trains granted concurrence to the development subject to conditions received on 13 October 2016 and those conditions have been included in the recommendation of this report.

5(a)(vii) Marrickville Local Environmental Plan 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 – Land Use Table and Zone Objectives
- Clause 2.6 – Subdivision
- Clause 2.7 – Demolition
- Clause 4.3 – Height of Buildings
- Clause 4.4 – Floor Space Ratio
- Clause 4.6 – Exceptions to Development Standards
- Clause 6.1 – Acid Sulfate Soils
- Clause 6.2 – Earthworks
- Clause 6.3 – Flood Planning
- Clause 6.5 – Development in Areas Subject to Aircraft Noise

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

Standard (maximum)	Proposal	% of non-compliance	Compliance
Height of Building Required: 23 metres	25.9 metres	12.6%	No
Floor Space Ratio Required: 3:1 GFA 2,537m ² Site Area 845.8m ²	3.52:1 2,980m ²	17.4% 443m ²	No

The following provides further discussion of the relevant issues:

(viii) 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'. Both the Pre-Development Application (PDA) and Development Application for 2-8 Arthur Street were referred to Council's Architectural Excellence Panel (AEP).

The comments provided by the AEP at Pre-DA stage (PDA201400160) are reproduced below:

1. *The 7 storey massing and exceedance of the FSR development standard being supported, provided it does not cause solar access impacts on dwelling houses to the south of the railway line and the other recommendations are met.*
2. *The floor plan is well resolved with excellent amenity through habitable rooms being wide and shallow and a high proportion being dual aspect for good light and cross ventilation; having good unit mix; having simple but well composed elevations that responds well to the different aspects, with interesting 'pop out' elements for good effect.*
3. *An elegant and substantial roof structure (out over the north, east and west elevations) be provided to create an attractive top to the building and to create a strong shadow line around the building elevations. This will relieve the box dominance of the building and ensure the roof canopy creates a strong shadow line on the elevations, including the bedroom element that steps forward on the 7th storey. This could be achieved with an ascending and thin tapering roof profile; expressing interesting fin structure; and having high quality design details, materials and colour selection.*
4. *High quality design details, materials and colour selection being provided, especially for the roof element and the feature 'pop outs', with the use of high quality self-finishing materials strongly recommended. While the simple elevation composition approach is supported, its success relies heavily on the quality of the design details, materials and colour selection, especially the feature 'pop outs'. Rather than providing a large expanse of painted render the use of high quality self-finishing materials is strongly recommended, such as face brick or pre-cast concrete for the main area of the façade and the following in descending order for the 'pop out' and roof elements:*
 - *Timber laminate cladding such as Prodex Pale by Prodena (an example is the Surry Hills Library)*
 - *Metal cladding – zinc with standing seams*
 - *Composite metal sheet – Alucabond*

- *Composite fibre cement board – pre-finished painted surface with backing piece joint (shadow gap exposed joint)*
- 5. *Removal of the 3rd basement level, that provides excessive off-street car parking.*
- 6. *Provide larger courtyards out to the front boundary; entry gates; unit signage adjacent to the courtyard entries; and entry door leafs to ground level units, to facilitate street activation by creating direct alternative entries off the street.*
- 7. *Raise the whole building to ensure the courtyards are above the footpath level, which can step down as the topography drops, and provide mid-height fences to ensure privacy while maintaining street surveillance.*
- 8. *Provide one or two 3 bedroom apartments on the ground floor for larger families, by redistributing space within units 2,3 and 4.*
- 9. *Provide a security door to the basement entry 1.5m back from the external building edge and provide a high quality internal finish to the recess.*
- 10. *The central column in the ramp entry being deleted.*
- 11. *Sensitively incorporate a waste collection area on the property adjacent to the street.*

The application was subsequently reviewed by Council's Architectural Excellence Panel (AEP) during assessment of the DA who provided further comments on the streetscape presentation and general appearance of the building including its materials. AEP comments included the following suggestions:

1. **South Elevation (Railway Facade):** *amendments to the South Elevation are consistent with the AEP's recommendations and are supported.*
2. **East Elevation:** *the architectural expression to the East Elevation has improved with the introduction of small triangulated projections to the east facing balconies at Levels 2 to 5. Although the projections do not gradually increase the higher the balconies are from the Ground Floor Level, the triangulated projections will provide an interesting expression to the East Elevation when viewed from Arthur Street, provided that the balustrades are well-designed and properly built.*
3. **North Elevation (Arthur St Façade):** *the proposed interface between the Ground Floor units and the street is clearly illustrated on the detail Ground Floor Plan and North Elevation (dwg n° A22) and is supported. Front fencing height varies from 1.0m to 1.5m and are semi-transparent, providing enough privacy to the courtyards whilst ensuring opportunities for passive surveillance. The level change between the units and the footpath, with the RL of units approximately 0.5m to 1.0m higher than the RL of the footpath, will provide good demarcation between public and private realms.*
 - Recommendation 1: *The North Elevation illustrated on dwg n° A13 should be amended to delete the 1.2m to 1.8m high solid wall to the ramp so that the drawing is consistent with the public/private interface proposed on dwg n° A22.*
4. **Materials**
 - Recommendation 2: *the Panel has previously stated that Astec Acrylic render paint finish could be supported and could be included as a condition of consent. This recommendation remains. However, given the 30% exceedance in the maximum FSR permissible for the site, Council could consider the request for self-finished external materials to be provided to the North and East Elevations, instead of render paint finish in Dulux Vivid*

White. The combination of Astec Acrylic render and aluminium cladding to the South Elevation, as illustrated on dgw n° A14, is supported.

- Recommendation 3: the design detail of the glass balustrade will be an important feature of the North and East Elevations, especially the balustrades to the triangulated projections to the east facing balconies. It is recommended that a well-designed balustrade is achieved and detailed drawing is provided for approval.
5. **FSR:** Council should be satisfied that the exceedance in FSR is well-justifiable
6. **Landscape Concept Plan:** There have been a few changes to the layout of the courtyards on the Ground Floor, but the amended landscape concept plan has not been submitted.
- Recommendation 4: Council should request the amended landscape concept plan
7. **Apartment Size and Layout:** most of the apartments are inconsistent with the minimum sizes recommended under the Residential Flat Design Code and Apartment Design Guide. Apartment sizes of units 1, 2, 4, 7, 10, 13, 14, 16, 19, 22, 25, 26, 28 and 31, which are all 2bed and 2bath units, vary from 70sqm to 74sqm. Apartment sizes of units 6, 12, 18, 24 and 30, which are all 2bed and 1bath units are 67sqm. And, apartment size of unit 3, which is a 3bed 2bath unit, is 82sqm.
- Recommendation 5: Apartment sizes and layout of units 1, 2, 4, 7, 10, 13, 14, 16, 19, 22, 25, 26, 28 and 31, which are all 2bed and 2bath units, should be amended to provide minimum internal unit size of 75sqm (rather than 70sqm to 74sqm) and living rooms with minimum width of 4m, as per ADG's Design Criteria 4D-1 and 4D-3, or minimum internal unit size of 89sqm for cross through 2bed apartments, as per the RFDC.
 - Recommendation 6: Apartment sizes and layout of units 6, 12, 18, 24 and 30, which are all 2bed and 1bath units, should be amended to provide minimum internal unit size of 70sqm (rather than 67sqm) and living rooms with minimum width of 4m, as per ADG's Design Criteria 4D-1 and 4D-3, or minimum internal unit size of 89sqm for cross through 2bed apartments, as per the RFDC.
 - Recommendation 7: Apartment size and layout of unit 3, which is a 3bed 2bath unit, should be amended to provide minimum internal unit size of 95sqm (rather than 82sqm), as per ADG's Design Criteria 4D-1 and 4D-3, or minimum internal unit size of 124sqm for 3bed apartments, as per the RFDC.
8. **Lobbies and Corridors:** the AEP has previously recommended that an operable window be provided to both lobbies on all floors. Although it appears the amended plans are consistent with the AEP's recommendation, it is a little unclear the treatment proposed between the external face of the wall, the void and the lobby area. The South Elevation does not clearly specify the treatment either. Also, it appears the purpose of the void is to provide mechanical ventilation to the basement car parking. If this is the case, the lobbies will not have access to natural ventilation.
- Recommendation 8: the proposal should provide access to natural light and natural ventilation to both lobbies on all floors. The drawings should clearly illustrate how the carpark exhaust will work and whether the current scheme will provide access to natural light and natural ventilation to all lobbies. Also, the drawings should clearly state the proposed treatment between the lobby area, the void and the external face of the wall/window to both cores.

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

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

The site is zoned R4 – High Density Residential under the provisions of MLEP 2011. The development is permissible as a ‘residential flat building’ with Council’s consent under the zoning provisions applying to the land.

The development is acceptable having regard to the objectives of the R4 – High Density Residential zone.

(x) Subdivision (Clause 2.6)

Clause 2.6 of MLEP 2011 states that land to which the Plan applies may be subdivided, but only with development consent. The development will require consolidation of the 4 existing allotments. A condition of consent requiring amalgamation into a single lot has been included as a condition of consent in the recommendation. This matter is discussed in more detail in Section 5(c) of this report.

(xi) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council’s standard conditions relating to demolition works are included in the recommendation.

(xii) Height of Buildings (Clause 4.3)

A maximum building height of 23 metres applies to the land under MLEP 2011. The development has a maximum building height of 25.9 metres. The height of the residential flat building amounts to a maximum building height departure of 2.9 metres or 12.6%.which does not comply with the development standard.

A written request, in relation to the development’s non-compliance with the FSR development standard in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011, was submitted with the application. That request is discussed later in this report under the heading “Exceptions to Development Standards (Clause 4.6)”.

(xiii) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 3:1 applies to the development under MLEP 2011. The development has a gross floor area (GFA) of 2,980sqm (which exceeds Council’s controls by 443sqm) which equates to a FSR of 3.52:1 on the 845.8sqm site which does not comply with the development standard and amounts to a departure of 17.4%.

A written request, in relation to the development’s non-compliance with the FSR development standard in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011, was submitted with the application. That request is discussed later in this report under the heading “Exceptions to Development Standards (Clause 4.6)”.

(xiv) Exceptions to Development Standards (Clause 4.6)

As stated in the written Clause 4.6 objections, the applicant considers compliance with the development standards for building height and FSR to be unreasonable and unnecessary for the following reasons listed in the amended Statement of Environmental Effects which are summarised as follows:

- The variation to the FSR standard does not unreasonably add to the bulk and/or scale when viewed from Arthur Street, Illawarra Road or the railway bridge or McNeilly Park on the opposite side of the railway line reserve;
- The design of the development provides sound urban form when viewed from the abovementioned adjoining, adjacent and the surrounding areas;
- The habitable floor area is contained within the designated 23 metre height limit for the site with only the architectural roof above this standard;
- The departure does not itself create any adverse impact by way of privacy, or overlooking of adjoining properties;
- The proposal reflects the Masterplan provisions contained in the MDCP specifically for this land which aspires to achieve a high density residential development for the site.
- The development achieves the aims and objectives of MLEP 2011;
- The proposal satisfies the zone objectives;
- The proposal satisfies the FSR objectives;
- The proposal achieves the Draft Metropolitan Strategy for Sydney (DMSS); and
- Achieves transit oriented development (TOD) which is encouraged by the MDCP 2011 and DMSS.

Maximum Building Height

The application proposes a peaked roof feature to reflect its location as a corner site. The height non-compliance is caused only by the roof and no habitable space exceeds the prescribed LEP height limit.

It is noted that in Pre DA advice issued on 18 March 2015, Council's Architectural Excellence Panel (AEP) encouraged a roof feature with the following advice being given:

"An elegant and substantial roof structure (out over the north, east and west elevations) be provided to create an attractive top to the building and to create a strong shadow line around the building elevations. This will relieve the box dominance of the building and ensure the roof canopy creates a strong shadow line on the elevations, including the bedroom element that steps forward on the 7th storey. This could be achieved with an ascending and thin tapering roof profile; expressing interesting fin structure; and having high quality design details, materials and colour selection."

The applicant has justified the exceedance to the maximum building height using Clause 5.6 – Architectural Roof Features which was applicable to when the application was lodged with Council in May 2015. The proposed roof would have complied with the objectives of the clause, however, this clause was repealed in MLEP 2011- Amendment No. 2, a further 'housekeeping' amendment that included a number of items, came into force on 11 November 2015.

Despite the above, it is noted that the habitable floor levels of the proposal comply with the prescribed height limit and it is only the roof element that results in a departure from the standard. The building design has a distinct architectural form and provides an appropriate 'bookend' to Arthur Street. The site has a cross fall in the order of 2 metres making strict height compliance challenging. Further the site is prone to flooding and was required to be raised in height to provide a compliant freeboard which raised the building height.

Part 9.23 of MDCP 2011 envisages a graduated 'stepping down' of the height of buildings along Arthur Street as the distance from Marrickville Station becomes greater. Despite the existing and proposed building height variations in Arthur Street, the stepping down effect of the building height required in the DCP has been maintained. There is only a 900mm height difference between the proposed building at 2-8 Arthur Street at RL 34.9 and the approved building 10-14 Arthur Street at RL34 which is considered to be acceptable given the scale of

the buildings and the sloping nature of the land. Whilst it is noted that the variation is greater than what was approved at 10-14 Arthur Street the variations are similar to what was approved at 20-22 Arthur Street.

2-8 Arthur Street is located on a corner site and it is considered that the proposed additional height defines the street corner, which on balance is supported. In addition, the proposed architectural roof feature (creates the building height non-compliance) was encouraged by Council's Architectural Excellence Panel as it adds visual interest to the corner site.

Given that the non-compliance relates to the architectural roof feature only and does not include any habitable space, the justification provided above is well founded and worthy of support.

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 development.

Floor Space Ratio

The non-compliance with the floor space ratio standard does not contribute to adverse environmental impacts in terms of overshadowing, visual impacts or view loss. The proposal has 100% (38 out of 38) of dwellings that receive a minimum of 2 hours of solar access to the internal and external living areas between 9.00am and 3.00pm on June 21st.

Council considers 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 principles such as contained in *Wehbe v Pittwater Council [2007] NSWLEC827*, *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90* or *Moskovich v Waverley Council [2016]*. It is therefore assessed that compliance with the FSR development standard should not be enforced in this case.

It is noted that a significant departure from the building height and FSR development standard has been granted by the former Marrickville Council Development Assessment Committee (DAC) on the adjoining site at 10-14 Arthur Street (Determination No 201400470, dated 16 November 2015). That approval granted a building height departure of 1.7 metres or 8.5% and an FSR departure of 71m² or 5.3%. Council has accepted variations in the Arthur Street masterplan precinct which has set a precedent for future development.

Given the above, the justification provided in the applicant's written submission is considered to be well founded and worthy of support. 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 development.

(xv) Acid Sulfate Soils (Clause 6.1)

The land is identified as land being affected by Class 5 acid sulfate soils on the MLEP 2011 Acid Sulfate Soils Map.

Clause 6.1 of the LEP requires consideration of an Acid Sulfate Soils Management Plan where the proposed development includes works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

The Architectural Plans accompanying the application indicate that the proposed basement level has a finished floor level of RL 13.3 metres AHD which is not below 5 metres AHD.

Accordingly, an Acid Sulfate Soils Management Plan is not required for this proposal. Consequently, a preliminary soil assessment is not warranted.

(xvi) Earthworks (Clause 6.2)

Clause 6.2 of MLEP 2011 requires the consent authority to have regard to certain matters where earthworks that require development consent are proposed. The applicant has not submitted a Preliminary Geotechnical Investigation Report which addresses excavation.

The development includes excavation for 2 basement levels, which subject to conditions included in the recommendation, is unlikely to have a detrimental impact on environmental functions or processes, neighbouring sites, cultural or heritage items or features of the surrounding land. It is noted that concurrence has been granted by Sydney Trains in this regard (subject to the imposition of conditions which have been included in the recommendation). Given the above, the application is considered to be acceptable with regard to Clause 6.2 of MLEP 2011.

(xvii) Flood Planning (Clause 6.3)

The land is identified as land that is shown as Flood Planning Area on the MLEP 2011 Flood Planning Area Map. The application was referred to Council's Development Engineer who provided the following comments:

- *"The site is located adjacent to a low point in Arthur Street and the property has been identified as being subject to flooding during a 1 in 100 year storm event in the Marrickville Valley Flood Study (by WMA Water). The 1 in 100 year flood level has been determined to be RL 11.78m AHD. As such the habitable floor levels of the development including freeboard protection to the underground carpark shall be set at RL12.28m AHD (500mm freeboard). The proposal complies with the above floor level requirements and therefore is satisfactory in terms of flood protection.*
- *The site is also traversed at the north east corner of the site by a 450mm diameter Council stormwater pipe and overland flows during extreme storm events. The proposed building has been set clear of the Council pipe and the overland flow path has been maintained along the eastern boundary."*

The conditions recommended by Council's Development Engineer are incorporated into the recommendation. Subject to the above, the application is considered to be acceptable with regard to Clause 6.3 of MLEP 2011.

(xviii) Development in areas subject to Aircraft Noise (Clause 6.5)

The land is located within the 20-25 Australian Noise Exposure Forecast (2033) Contour. The development is likely to be affected by aircraft noise and the carrying out of development would result in an increase in the number of people affected by aircraft noise.

The development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. The report contains recommendations to be incorporated into the development in order to mitigate acoustic impacts. Appropriate conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

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	Conditioned to comply
Part 2.6 - Acoustic and Visual Privacy	Yes
Part 2.7 - Solar Access and Overshadowing	Yes
Part 2.8 – Social Impact Assessment	Yes
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	No but acceptable – see below
Part 2.11 – Fencing	Yes
Part 2.17 – Water Sensitive Urban Design	Yes
Part 2.18 – Landscaping and Open Spaces	Yes
Part 2.20 – Tree Management	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 3 – Subdivision, Amalgamation and Movement Networks	Yes
Part 4.2 – General Controls (Dwelling Mix)	No but acceptable – see below
Part 9 – Strategic Context (Marrickville Station West Planning Precinct)	No – but acceptable – see below

The following provides discussion of the relevant issues:

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

The development would require a minimum of 8 adaptable dwellings, 8 accessible resident parking spaces and 2 accessible visitor parking spaces. In addition, all areas of the development are required to be accessible by persons with a disability. The development proposes 6 adaptable dwellings which does not comply with Part 2.5 of MDCP 2011.

It is considered the development has the capacity to provide for an additional 2 adaptable dwelling as required and a condition is included in the recommendation requiring the provision of amended plans demonstrating the provision of 8 adaptable dwellings. Subject to compliance with the above, the development is considered to be acceptable with regard to Part 2.5 of MDCP 2011. The matter of accessible car parking is discussed under the heading “Parking (Part 2.10)”.

Further assessment of the application under the Premises Standards will occur at Construction Certificate stage. Appropriate conditions are included in the recommendation to ensure compliance.

(viii) Acoustic and Visual Privacy (Part 2.6)

Part 2.6 of MDCP 2011 contains objectives and controls relating to acoustic and visual privacy.

To ensure the development maintains acoustic and visual privacy for the surrounding residential properties and for future occupants of the development, the following aspects are discussed:

- No windows are located on the side boundaries;
- The balconies located on the front facade face the public domain (Arthur Street allow sufficient separation between the existing dwellings on the opposite side of Arthur Street and the proposed building to maintain visual privacy for the occupants and surrounding properties.;
- No balconies at the rear face the railway line;
- The layout and landscaping around the perimeter of the site is considered to ensure visual and acoustic privacy of the surrounding area;
- Appropriate noise conditions are included with the recommendation (to mitigate noise impacts from plant etc); and
- With regard to acoustic privacy, the development is located within the 20-25 ANEF and adjacent to the railway line. Appropriate noise attenuation measures have been incorporated into the development and the application was accompanied by an acoustic report demonstrating the proposal would provide for adequate acoustic amenity for future occupants;

The proposal is considered to comply with the visual and acoustic privacy controls under MDCP 2011.

(ix) 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 majority of the overshadowing falls over the adjacent railway line, to the south of the site. The shadow diagrams demonstrate that the development complies with Council's overshadowing controls and are acceptable with regard to Part 2.7 of MDCP 2011.

Solar Access

The plans and shadow diagrams submitted with the application illustrate that the development complies with Council's solar access controls above. The north facing orientation of the site, as well the relatively narrow shape of the allotment allows all of the dwellings in the development to receive direct sunlight for greater than 2 hours during mid-winter.

Given the above, the proposal is considered to be acceptable with regard to the solar access and overshadowing requires contained within Part 2.7 of MDCP 2011, providing for good amenity for future occupants.

(x) Social Impact Assessment (Part 2.8)

Table 1 in Part 2.8 of MDCP 2011 details what level of social impact assessment various development types require. The applicant has lodged a Social Impact Comment with the application as required by Part 2.8.

The applicant has submitted a Social Impact Comment (SIC) demonstrating that the development achieves desirable outcomes with respect to additional accommodation, safety and security, health/wellbeing and values and expression. The SIC's contention that the proposal will have positive impacts with limited negative outcomes is generally agreed with.

In view of the circumstances no objection is raised to the proposed development on social impact grounds.

(xi) Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains the following objectives relating to community safety. The development is considered reasonable having regard to community safety for the following reasons:

- The principal entrance to the residential development is obvious and secure;
- The proposal adequately activates the street frontages;
- The natural topography of the site and built forms allow for territorial reinforcement and space management; and
- The dwellings are designed to overlook the street.

A condition has been included in the recommendation to require lighting details of the pedestrian areas, parking areas and all entrances. The development satisfies Part 2.9 of MDCP 2011.

(xii) Parking (Part 2.10)

Car, Bicycle and Motorcycle Parking Spaces

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

Component	Control	Required	Proposed	Complies
Car Parking				
Resident Car Parking	0.2 car parking space per studio	0 studio units = 0 spaces	15 spaces and 8 accessible	No – deficient by 9 spaces
	0.4 car parking spaces per 1 bedroom unit	2 x 1 bed units = 0.8 spaces		
	0.8 car parking spaces per 2 bedroom unit	24 x 2 bed unit = 19.2 spaces		
	1.1 car parking spaces per 3 bedroom unit	4 x 3 bed unit = 4.4 spaces		
	1 car parking space per 1 adaptable dwelling	8 accessible spaces		
	TOTAL:	24 spaces and 8 accessible		
Visitor Car Parking	0.1 car parking space per unit	30 units = 3 spaces	2 accessible spaces and 1 space	No (deficient by 2 spaces)
	1 accessible visitor's car parking space per 4 accessible car parking spaces	2 accessible spaces		

Component	Control	Required	Proposed	Complies
Bicycle Parking				
Resident Bicycle Parking	1 bicycle parking space per 2 units	38 units = 19 spaces	24 spaces	No – exceeds by 1
Visitor Bicycle Parking	1 bicycle parking space per 10 units	38 units = 4 spaces		
Motorcycle Parking				
Motorcycle Parking	5% of the total car parking requirement	31 car parking spaces required = 2 spaces	2 space	Yes

Table 1: Car, Bicycle and Motorcycle Parking Control Compliance Table

As detailed above, the development does not comply with Council’s parking controls in relation to the residential parking and visitor parking component. The development proposes 15 spaces and 8 accessible which is deficient by 9 spaces for the residential component and deficient by 2 spaces for the visitor component. The applicant has proposed 24 bicycle spaces which are greater than the required 23 and the bicycle provision is considered to be acceptable as it satisfies the numerical requirements of Part 2.10 of MDCP 2011.

The development has provided 2 basement car parking levels and the site has a limited ability to provide any additional basement parking in an efficient layout due to the narrow and irregular shape of the lot. It is noted that the site has access to frequent public transport links due to its proximity to Marrickville Train Station and buses operating along Illawarra Road which allows various transport options for future occupants. Given the above, the non-compliance with the required car parking is considered to be acceptable.

Fencing (Part 2.11)

A prefinished aluminium picket type fence measuring 1 metre in height is proposed within the front setback which is considered to meet the requirements Council’s controls related to front fences in accordance with Part 2.11 of MDCP 2011.

(xiii) 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 residential developments.

In relation to water conservation requirements such developments are required to demonstrate compliance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 which has been discussed earlier in this report.

In accordance with Table 1 in Part 2.17 of MDCP 2011, certain WSUD requirements apply to the proposal and information is required to accompany any Development Application lodged for the proposal.

The application was accompanied by plans, stormwater plans and MUSIC model which were referred to Council’s Development Engineer who raised no objection to the proposal and recommended conditions that are included in this recommendation.

Subject to compliance with the above, the proposal is considered satisfactory with regard to the provisions of Part 2.17 of MDCP 2011.

(xiv) Landscaping and Open Spaces (Part 2.18)

Part 2.18.11.5 of MDCP 2011 prescribes landscaped area, private and common open space controls for residential flat buildings.

Each dwelling is provided with a balcony ranging from 8m² to 44m² in size with a minimum width of 2 metres in accordance with the requirements of MDCP 2011. All of the proposed balconies/courtyards are accessible from the principal living areas within the units and are considered to be acceptable.

The current design and size of the balconies/courtyards is considered to be acceptable with regard to Part 2.18 of MDCP 2011 and the RFDC.

(xv) Tree Management (Part 2.20)

A landscape plan and maintenance schedule was submitted with the application. The application was referred to Council's Tree Management Officer who provided the following comments:

- *The trees in the subject properties have low and moderate retention value. There are no trees that could not be sacrificed for a development that provides good urban planning outcomes including urban forest renewal, in the form of new tree planting.*
- *Three of the four street trees are proposed to be retained and protected. The fourth tree is proposed for removal to facilitate a crossover and driveway entrance. However two existing driveway crossovers will be removed and this provides space to plant two new street trees, roughly in the locations of the existing crossovers. The species and spacing shall be as detailed in the Marrickville Street Tree Master Plan 2014 with *Backhousia citriodora* (lemon-scented myrtle) the specified species.*
- *The arborist report advises that the impact upon the trees in the neighbouring property to the east is acceptable.*

The conditions recommended by Council's Tree Management Officer are included in the recommendation.

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

2.21.7 Recycling and Waste Management Plan

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application and is considered to be adequate.

2.21.11 Residential Waste

A minimum of 15 x 240 litre recycling, 15 x 240 litre general waste bins and 5 x 240 green waste bins are required to be provided for the development.

A bin storage area is proposed on the ground floor level of the development with a capacity to accommodate the required waste facilities for recycling and general waste under Part 2.21.

The RWMP submitted with the application indicates that waste collection will occur from Arthur Street. The location of the waste storage rooms allows direct access by waste collectors to the waste room on Arthur Street for garbage collection. This removes the need to store bins on the Arthur Street verge prior to waste collection, which is considered to be unsightly. Appropriate conditions have been included in the recommendation in this regard.

(xvii) Subdivision, Amalgamation and Movement Networks (Part 3)

Part 3.3 of MDCP 2011 contains controls relating to subdivision. The site currently contains 4 allotments. In order to facilitate the development of the site the consolidation of the 4 separate lots into 1 is required. Part 3 requires amalgamation of properties prior to the issue of a Construction Certificate. A condition has been included in the recommendation to this effect.

(xviii) Multi Dwelling Housing and Residential Flat Buildings (Part 4.2)

Part 4.2.3 of MDCP 2011 prescribes the following unit mix requirements for residential flat buildings containing 6 or more dwellings:

“C1 *New developments with six or more dwellings must provide the following mix of dwelling types:*

- | | | |
|-------------|----------------------------|-----------------------|
| <i>i.</i> | <i>Studio</i> | <i>5% - 20%;</i> |
| <i>ii.</i> | <i>1 bedroom</i> | <i>10% -40%;</i> |
| <i>iii.</i> | <i>2 bedroom</i> | <i>40% - 75%; and</i> |
| <i>iv.</i> | <i>3 bedroom or bigger</i> | <i>10% - 45%.”</i> |

The development includes 0 x studio dwellings (0%), 6 x 1 bedroom dwellings (15%), 28 x 2 bedroom dwellings (73%) and 4 x 3 bedroom dwellings (12%) which does not comply with the abovementioned unit mix requirements.

It is noted the unit mix controls are LGA wide, and do not necessarily take into account market demand near town centres or are reflective of market forces or locality needs. It is considered the proposed mix of 1, 2 and 3 bedroom apartments as part of the proposed development are considered reasonable.

Having regard to the local area, the development is considered to provide a suitable dwelling mix to meet the demand for the local demographics. The development includes an appropriate mix of 1 bedroom, 2 bedroom and 3 dwellings and is not considered to saturate the supply of any one form of dwelling type for the local area and is not considered to warrant refusal of the application.

(xix) Marrickville Station West Planning Precinct (Part 9.23)

The land is located in the Marrickville Station West Planning Precinct (Precinct 23) under Part 9.23 of MDCP 2011.

Part 9.23 of the DCP prescribes site specific Masterplan Area (MA 23.1) controls to achieve the desired future character for the Marrickville Station West Planning Precinct. The following discussion relates specifically to the departures the site specific Masterplan Area controls:

(i) Site Amalgamation

Controls C3 and C4 in Part 9.23.5.1 of MDCP 2011 prescribe the following site amalgamation pattern as shown in the Plan Diagram below:

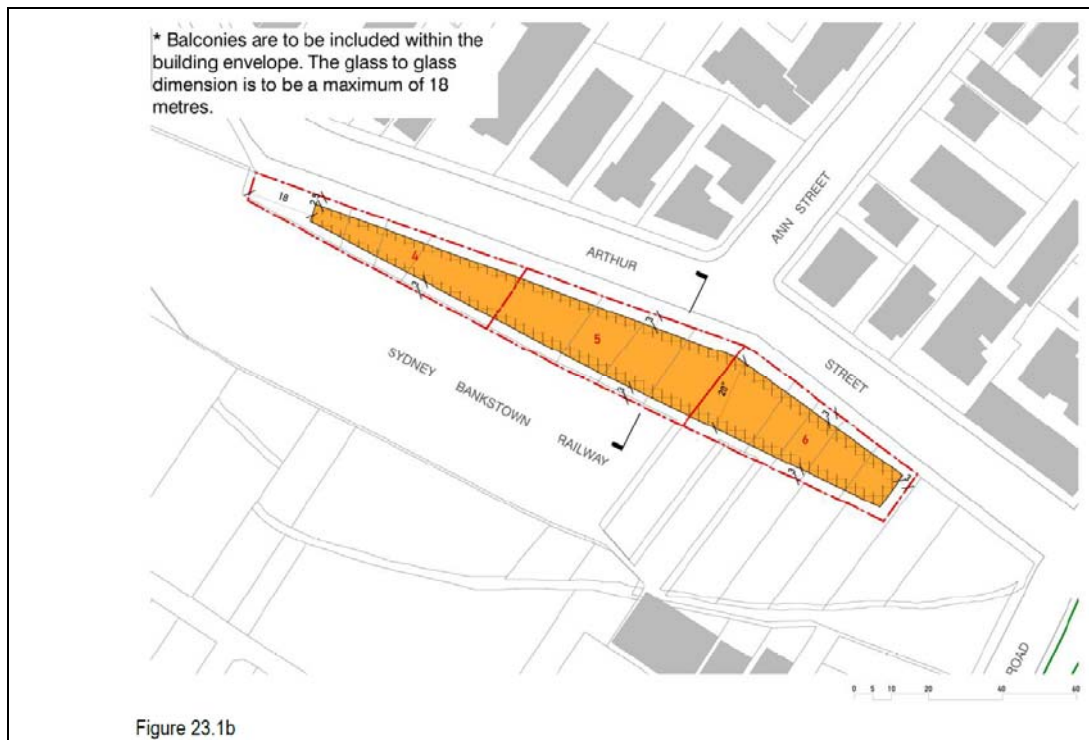


Figure 1: Plan Diagram

The development does not comply with the amalgamation pattern indicated in Figure 23.1b from Part 9.23.5.1 reproduced above. 10 Arthur Street is required to be amalgamated with 2-8 Arthur Street and 12-14 Arthur Street is required to be amalgamated with 14-22 Arthur Street.

The required amalgamation pattern has already been departed from at 20-22 Arthur Street. In addition, the adjoining site to the west at 10 Arthur Street has already been given approval to amalgamate with 12-14 Arthur Street as part of Determination No.201400470 dated 16 November 2015 which was contrary to the amalgamation pattern envisaged in Part 9.23 of MDCP 2011. In light of this, since there are no adjoining sites toward Illawarra Road, as such no adjacent site would be isolated as a result of this proposed amalgamation pattern.

The proposed development is acceptable despite it being inconsistent with the amalgamation pattern envisaged in the planning controls within Part 9 of MDCP 2011.

(ii) Building height

Control C5 prescribes a height in storeys of 6 storeys on 2-10 Arthur Street. This development proposes a 7 storey form which results in a development that breaches Council's maximum building height and FSR development standards under MLEP 2011, as discussed in Section 5(a)(vii) of this report. It is considered that the development satisfies the desired future character of the area established by Part 9.23 and more recently approved development in the vicinity of the site. This is particularly relevant given the non-compliances to development standards and number of storeys approved for the adjacent site at 10-14 Arthur Street, a 6 part 7 storey building.

(iii) Boundary setbacks

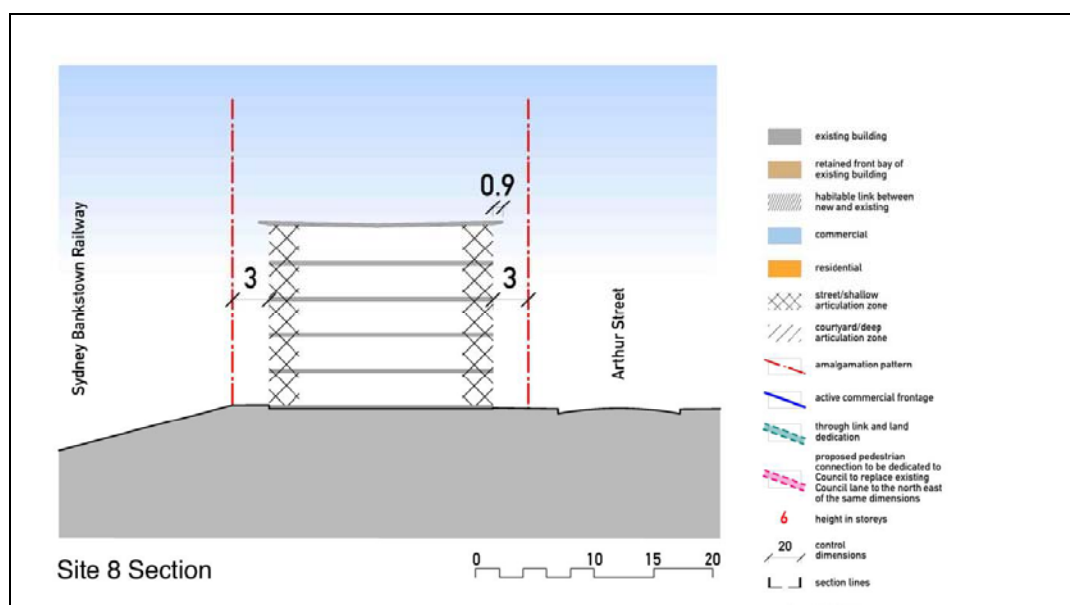


Figure 2: Section Diagrams

Figure 20 illustrates the requirement for a 3 metre setback for the Arthur Street frontage. The proposal is 7 storeys with a 2.5 metre to 3 metre staggered setback to Arthur Street. Given the irregular shape of the lot, this variable setback is considered to be appropriate for the context and is consistent with the approved front setback on the adjacent site at 10-14 Arthur Street. The rear setback is required to be 3 metres in accordance with Control C6 and the proposal complies with this requirement.

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 R4 – High Density Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with Council’s Notification Policy for a period of 14 days to surrounding properties. A total of 5 submissions including a petition containing 117 signatures were received.

The following issues raised in submissions have been discussed in this report:

- (i) The maximum height of the building is too tall – see Part 5(a)(vii) of this report (Clause 4.3 of MLEP 2011);
- (ii) Overdevelopment of the site – see Part 5(a)(vii) of this report (Clause 4.6 of MLEP 2011);

- (iii) The architectural roof feature is excessive and makes the building unnecessarily high – see Part 5(a)(vii) of this report (Clause 4.3 of MLEP 2011);
- (iv) Insufficient parking for the size of the development – see Part 5(c) of this report (Part 2.10 of MDCP 2011);
- (v) Waste bins will clog the footpath – see Part 5(c) of this report (Part 2.11 of MDCP 2011);
- (vi) Privacy and overshadowing impacts – see Part 5(c) of this report (Part 2.6 and Part 2.7 of MDCP 2011);
- (vii) Adequacy of parking – see Part 5(c) of this report (Part 2.10 of MDCP 2011).

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

- (i) *The windows poke out at various angles and will be intrusive to the street*

Comment:

The windows on the façade are considered to add visual interest to the building. Given that the building is setback at least 2.5metres to 3 metres from the front boundary, the windows will not protrude or be intrusive to Arthur Street. In addition, the architectural expression proposed in this development is supported by Council's Architectural Excellence Panel.

- (ii) *Arthur Street will become canyonised if development is greater than 4 storeys and the aesthetics of the area lost with the layout and density of buildings*

Comment:

Despite the development being 1 storey above the master plan controls, the development standards envisage a development that is greater than 4 storeys. The application is considered to be appropriate for the site given its location near Marrickville Train Station. The potential impacts to the surrounding environment have been considered as part of the assessment of this application. 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.

- (iii) *Noise from development while construction occurs*

Comment:

Standard conditions are included in the recommendation regarding construction hours to minimise noise disruptions to the surrounding area. Construction management plans are also required to be submitted to the PCA. These conditions are considered to be sufficient to minimise noise during construction.

- (iv) *Loss of property value*

Comment:

There is no evidence to support this assertion. The alleged loss of property value is not a matter for consideration by Council under Section 79C of the EP and A Act 1979.

(v) *Traffic generation*

Comment:

The subject submission raises concern that 2 levels of basement parking will not be enough space for parking. Traffic generation resulting from this development is not considered to be detrimental to the surrounding road network as described submitted in the Traffic Report. The application was reviewed by Council's Development Engineer who raised no concerns in this regard.

(vi) *Noise generation from the proposed use*

Comment:

The noise generated from the proposed use as a residential flat building is not considered to be excessive for the area, particularly given its context directly adjacent to the railway line and the Marrickville Town Centre.

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act have been discussed in the report.

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
- Tree Officer
- Resource Recovery (Waste)

6(b) External

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

- Sydney Trains
- Civil Aviation Safety Authority (CASA)/ Sydney Airport Corporation Limited (SACL)

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 \$640,392.86 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 S80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: 201500242 to demolish existing improvements, consolidation of land into 1 allotment and construct a 7 storey residential flat building with 38 dwellings and 2 basement levels of associated car parking at 2-8 Arthur Street subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

- A. **THAT** the development application to demolish existing improvements, consolidation of land into 1 allotment and construct a 7 storey residential flat building with 38 dwellings and 2 levels of basement car parking 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
Project No. 1414, Drawing No. A01, Rev C	Site Plan	13 January 2016	Architects Becerra	13 February 2016
Project No. 1414, Drawing No. A02, Rev E	Basement 2 Plan	13 January 2016	Architects Becerra	13 February 2016
Project No. 1414, Drawing No. A03, Rev F	Basement 1 Plan	13 January 2016	Architects Becerra	12 February 2016
Project No. 1414, Drawing No. A04, Rev G	Ground Floor Plan	13 January 2016	Architects Becerra	12 February 2016
Project No. 1414, Drawing No. A05, Rev G	Level 1 Plan	13 January 2016	Architects Becerra	12 February 2016
Project No. 1414, Drawing No. A06, Rev G	Level 2 Plan	13 January 2016	Architects Becerra	12 February 2016
Project No. 1414, Drawing No. A07, Rev G	Level 3 Plan	13 January 2016	Architects Becerra	12 February 2016
Project No. 1414, Drawing No. A08, Rev G	Level 4 Plan	13 January 2016	Architects Becerra	12 February 2016
Project No. 1414, Drawing No. A09, Rev H	Level 5 Plan	13 January 2016	Architects Becerra	12 February 2016
Project No. 1414, Drawing No. A10, Rev H	Level 6 Plan	13 January 2016	Architects Becerra	12 February 2016
Project No. 1414, Drawing No. A11, Rev D	Adaptable Units	12 May 2015	Architects Becerra	12 February 2016
Project No. 1414, Drawing No. A12, Rev E	Section A-A	12 May 2015	Architects Becerra	12 February 2016
Project No. 1414, Drawing No. A13, Rev F	North Elevation	13 January 2016	Architects Becerra	12 February 2016

Project No. 1414, Drawing No. A14, Rev E	South Elevation	3 November 2015	Architects Becerra	12 February 2016
Project No. 1414, Drawing No. A15, Rev F	East and West Elevation	13 January 2016	Architects Becerra	12 February 2016
Project No. 1414, Drawing No. A16, Rev B	Schedule of External Finishes	13 January 2016	Architects Becerra	12 February 2016
Project No. 141, Drawing No. A21, Rev A	Demolition Plan	12 May 2015	Architects Becerra	18 May 2015
Project No. 1414, Drawing No. A22, Rev A	Detail Plan	4 October 2015	Architects Becerra	12 February 2016
Project No. 1414, Drawing No. A23, Rev A	Lobby Details	13 January 2016	Architects Becerra	12 February 2016
LP01 Rev C	Landscape plan	19 January 2016	Matthew Higginson Landscape Architecture	19 January 2016
	Arboricultural Impact Assessment	8 May 2015	The Ents Tree Consultancy	18 May 2015
630847M	BASIX Certificate	12 May 2015	NSW Department of Planning and Environment	18 May 2015
	Recycling and Waste Management Plan	Undated	Momentum Living Pty Ltd	18 May 2015
20141093.1/1809A /R0/JD	Noise Impact Study	18 September 2014	Acoustic Logic	18 May 2015
CA140505	Access Report	28 April 2015	BCA Access Solutions	18 May 2015
CN140528	BCA Compliance Report	7 April 2014	BCA Access Solutions	18 May 2015

and details submitted to Council on 18 May 2015 and 12 February 2016 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. 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 Nos. Project No. 1414, Drawing No. A16, Rev B dated 13 January 2016, prepared by Architects Becerra. 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*.
4. 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.
5. The premises must be used exclusively as a residential flat building and not be adapted for use as a backpackers' accommodation, serviced apartments or a boarding house and must not be used for any industrial or commercial purpose.
6. 26 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 15 spaces being allocated to the residential dwellings;
 - b) 8 accessible car parking spaces, 1 accessible car space per adaptable dwelling;
 - c) 3 visitor car parking spaces, 1 of which is designed as an accessible space; and

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

7. 24 off-street bicycle parking spaces 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.
8. 2 off-street motorcycle parking spaces 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.
9. A minimum of 8 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility. One disabled parking space must be allocated to each adaptable dwelling.
10. The use of 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).

11. 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 its operation does not adversely impact on the amenity of the surrounding neighbourhood.
12. All trees, covered by Part 2.20 of Marrickville Development Control Plan 2011 - Tree Management, not requiring removal to permit the erection of the development must be retained.
13. It may be necessary for the installation of a suitable electrical sub-station for the distribution of electrical power in this area to be located on the land, and that an area of land suitable for Ausgrid to provide such an installation be set aside for this purpose. Before proceeding with your development further, you are directed to contact the General Manager of Ausgrid, George Street, Sydney, with respect to the possible need for such an installation immediately or in the future.
14. 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.
15. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
16. 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 is permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before occupation of the site.
17. 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 by-laws of any future residential strata plans created for the property shall reflect this restriction.
18. 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 must be at no cost to Council and undertaken before occupation of the site.
19. All stormwater drainage being designed in accordance with the provisions of the 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.
20. 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.

21. 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.
22. Trees 3, 4, 5, 7, 12, 13 and 14, as numbered in the Arboricultural Impact Assessment (AIA) report (The Ents Tree Consultancy, 8/5/15) shall be retained and protected in accordance with these conditions.
23. The following conditions are imposed by Sydney Airport Corporation Limited (SACL) and must be complied with under the Civil Aviation (Building Control) Regulations 1988:
 - a) The development is approved to a maximum height of 36.49 metres above Australian Height Datum (AHD);
 - b) Should the proposal exceed the height referred to in (a) above, a new application must be submitted;
 - c) Should the height of any temporary structure and / or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161;
 - d) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations;
 - e) SACL advises that approval to operate construction equipment (i.e. Cranes) should be obtained prior to any commitment to construct;
 - f) Information required by SACL prior to any approval is to include:
 - i. The location of any temporary structure or equipment, i.e. Construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
 - ii. The swing circle of any temporary structure / equipment used during construction;
 - iii. The maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment i.e. Construction cranes, intended to be used in the erection of the proposed structure / activity;
 - iv. The period of the proposed operation (i.e. Construction cranes) and desired operating hours for any temporary structures;
 - g) Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this airport:
 - i. Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units;
 - ii. The height of the prescribed airspace at the site is 51.0 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, "a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved.

24. 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.
25. 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.
26. All piling and excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
27. No scaffolding is to be used within 6 horizontal metres of the rail corridor or RailCorp's 33kV power lines in Arthur Street unless prior written approval has been obtained from the RailCorp. To obtain approval the proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to be RailCorp in writing, scaffolding shall not be erected without isolation and protection panels.
28. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment (including the 33kV wires located within Arthur Street). This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
29. No rock anchors/bolts are to be installed into RailCorp property or easements.
30. The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.
31. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
32. Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.
33. Sydney Trains and Transport for NSW are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
34. The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures acceptable to Sydney Trains.
35. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train

pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

36. The following is a waste condition under Part 2.21 of MDCP 2011:
- a) Tenants shall be advised to anticipate heightened noise levels during garbage collection;
 - b) Council is to be provided with key access to the ground floor garbage room 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.

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).

37. No work must commence until:
- a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall 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.
38. 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.
39. 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.
40. All demolition work must:
- a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and

- b) Where asbestos is to be removed it shall be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.
41. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.
42. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
43. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
44. 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. Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.
45. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:
- a) The name, address and telephone number of the PCA;
 - b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
46. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan shall indicate:
- a) Where the builder's materials and waste are to be stored;
 - b) Where the sediment fences are to be installed on the site;
 - c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
 - d) How access to the site will be provided.
- All devices must be constructed and maintained on site while work is carried out.
47. 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 must 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 10 Arthur Street, 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.

48. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.
49. Where it is proposed to carry out in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must 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 openings in the amount as provided for in Council's adopted fees and charges.
50. The person acting on this consent must 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.
51. A detailed Traffic Management Plan to cater for construction traffic must be submitted to and approved by Council before commencement of works. Details must include proposed truck parking areas, construction zones, crane usage, truck routes etc. All construction traffic complying at all times with the approved Traffic Management Plan. The developer must ensure that all construction workers and contractors are fully aware of the approved Traffic Management Plan.
52. The person acting on this consent must 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 must submit a hoarding application and pay all relevant fees before the commencement of works.
53. Alignment levels for the site at all pedestrian and vehicular access locations must be obtained from Council's Director, Infrastructure Services before the commencement of construction. The alignment levels must match the existing back of footpath levels at the boundary. Failure to comply with this condition will result in vehicular access being denied.
54. The person acting on this consent shall submit a dilapidation report including colour photos detailing the existing condition of the footpath and roadway adjacent to the site before the commencement of works.
55. If a new street number or a change to the street number (this includes unit and shop numbers) is required, a separate application must be made to and approved by Council prior to that street number being displayed.
56. Before the commencement of works, including demolition, a project arborist with a minimum AQF level 5 qualification in arboriculture and who does not remove or prune trees in the Marrickville local government area shall be engaged for the duration of demolition, construction and landscaping.
57. Before the commencement of works, the project arborist shall prepare a tree protection plan to be submitted to Council for approval. The tree protection plan shall show for the trees being retained, the location of tree protection fencing, ground protection and trunk protection. In addition the tree protection plan shall show Structural Root Zone (SRZ) radii.

58. Before the commencement of works, including demolition, tree protection measures detailed in
- the tree protection plan approved by council,
 - the recommendations in Section 5 and guidelines in Appendix 8 of the Arboricultural Impact Assessment (AIA) report (The Ents Tree Consultancy, 8/5/15), and
 - the Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 shall be established.
59. Before the commencement of works, including demolition, the project arborist shall inspect tree protection measures, including the location of tree protection fencing and signage, and certify in writing to the Principal Certifying Authority the measures comply with the tree protection specification and tree protection plan.
60. Before commencement of works, the Applicant shall peg-out the common property boundary with RailCorp's land. This work is to be undertaken by a registered surveyor.
61. Before commencement of works, on the completion of works, or at any time during the works period deemed necessary by Sydney Trains or TfNSW, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from the requesting Agency and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by the requesting Agency.
62. Before commencement of works, appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

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.

63. 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.

64. The separate lots comprising the development must be consolidated into one lot and under one title and registered at the NSW Department of Lands before the issue of a Construction Certificate.
65. 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.
66. Details of an anti graffiti treatment to the Arthur Street elevation(s) of the development must be submitted to and approved by Council before the issue of a Construction Certificate.
67. 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.
68. Bicycle storage with the capacity to accommodate a minimum of 24 bicycles must be provided in accordance with the requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
69. Details regarding all hard paved areas within the development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. In this regard the materials used should be chosen to break up the extent of hard paving and enhance the appearance of the development.
70. 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.
71. 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.
72. Adequate outdoor clothes drying areas 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.
73. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
74. 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 (Refer to Clause 6A of Schedule 1 to the Regulation).

75. 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.
76. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be 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.
77. Section 94 Contribution
- 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 \$640,392.86 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 24 May 2016.

***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. DC001473)

- 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 | \$72,443.60 |
| Plan Administration | \$12,556.80 |
| Recreation Facilities | \$548,036.58 |
| Traffic Facilities | \$7,355.88 |
- 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.
78. Before the issue of a Construction Certificate the owner or builder must sign a written undertaking that they are 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.

79. Plans, details and calculations of an On Site Detention system in accordance with Marrickville Council Stormwater and On Site Detention Code, must be submitted to Council's satisfaction before the issue of a Construction Certificate. The on site detention system must be designed for all storm events from the 1 year to the 1:100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second. Storage for the 1 year storm event must be provided fully below ground. Details must also include the Height v Storage and Height v Discharge relationships. For sites greater than 1000sqm the allowable discharge will be limited to the equivalent fully pervious discharges for the site area.
80. All stormwater drainage being designed in accordance with the provisions of the 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.
81. It should be noted that 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 on site and reused for the watering of landscaped areas or discharged using a timed pump out system between the hours of midnight and 4.00am.
82. The vehicular access ramp shall be controlled by traffic signals providing priority to ingressing vehicles. Details of the traffic signals and operation thereof shall be submitted to and approved by Council before the issue of a Construction Certificate.
83. The person acting on this consent shall provide to Council a bond in the amount of \$14,112.60 and pay the related Section 138 (Roads Act) inspection fee of \$217.80 (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.
84. 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.
85. 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.
86. 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 the frontage 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, the Draft Marrickville Public Domain Code and Draft Technical Manual or Council's standard plans and specification for Arthur Street;
- 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 to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath shall be set at 2.5%.

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.

87. Details shall be submitted to the Council's Coordinator of Tree Management's satisfaction before the issue of a Construction Certificate that shows the proposed street trees comply with the requirements contained within Council's Street Tree Masterplan.
88. The site stormwater drainage shall be constructed generally in accordance with stormwater drainage plans 14MB6280/D01 to 14MB6280/D02 (Rev B) submitted by United Consulting Engineers P/L subject to the submission before the issue of a Construction Certificate of 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.
89. In order to protect the site from flooding and to ensure that the existing stormwater overland flows through the site are maintained the following additional information/amendments must be submitted to Council;
 - i) The minimum floor levels of habitable areas and protection to the basement carpark must be set at a minimum height of RL 12.28m AHD providing 500mm freeboard above the 1 in 100 year flood level;
 - ii) The levels of the footpath adjacent to the low point shall be contoured so as to facilitate overland flows through the north east corner of the site during extreme storm events. Detailed contours and site levels of the overland flow path must be submitted for approval;
 - iii) All fencing within the overland flow path shall be of open type for the bottom 200mm of the fence.

Amended plans detailing the above requirements must be submitted to and approved by Council before the issue of the Construction Certificate.

90. Council's stormwater drainage line within the property must be inspected by Closed Circuit Television (CCTV) and a CD copy provided to Council before the issue of a Construction Certificate so as to determine the condition of the pipe before

commencement of works. Any defects found in the pipe must be detailed and a rectification plan submitted to Council for approval. In addition, the location of the pipe shall be pegged out across the site to ensure its location is known to all workers on the site. The stormwater line shall be reinspected upon completion of the works and a copy provided to Council before occupation of the site.

91. All footings adjacent to Council's stormwater pipe shall be taken to a depth 500mm below a line of influence measured at 45° from a point 1m from the invert of the stormwater pipe in the direction of the footing. Plans and supportive documents detailing the proposed foundations adjacent to Council's drainage system and how the pipe will be supported during the excavation works must be submitted to and accepted by Council before the issue of a Construction Certificate.
92. Unless amendments are required in order to obtain approval/certification from Sydney Trains in relation to the items listed in Condition 93 below, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
- Structural Drawings Nos S101C, S201 – S207 (all C), S301C, S302C, S401C, S402C, by United Consulting Engineers;
 - Soil & Water Management Plan no 14MB6280/D05B by United Consulting Engineers;
 - Calculation Sheet for Pile Load End-Bearings Job No 6280 dated 2/6/16 by United Consulting Engineers;
 - Structural Design Statement REF 14MB6280.DSC4 dated 15/9/16 by United Consulting Engineers;
 - Geotechnical Investigation Report No G104 dated September 16 by Benviron Group;

Before the issue of a Construction Certificate, written confirmation must be received from Sydney Trains and submitted to the Certifying Authority's satisfaction confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with Condition 93 below. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

93. Before the issue of a Construction Certificate, the following items are to be submitted to Sydney Trains for review and endorsement:
- An FE Analysis.
 - Ground monitoring plan.
 - Confirmation from the structural engineer that that the pile details are correct, and that there is sufficient clear spacing between bars to allow placement and compaction of concrete.
 - Notation on Typical C.J. detail to be modified to reference Typical Shotcrete Wall Detail and not Hydraulic Engineer's details.
 - The deflection wall is to be designed in accordance with Clause 10.4.3 of AS 5100.
 - Confirmation that the project documentation show minimum clear distances between proposed structures and the nearest track centreline.
 - A site specific risk assessment and construction management plan. The assessment shall include consideration of proximity between the proposed

development and adjacent Sydney Trains electrical equipment (to both front and rear of property). The assessment shall address the permanent structure/s as well as all stages of construction and all plant and equipment (including but not limited to machinery, piling rigs, cranes and scaffold). The assessment shall demonstrate compliance with all relevant standards including, but not limited to, the following:

- AS/NZS 7000
- EP 08 00 00 01 SP
- T HR EL 10001 ST
- ESC 215
- ISSC 20
- SMS-06-GD-0268
- Work near Overhead Powerlines (WorkCover)
- A Safety in Design Report to accompany design documentation as a condition of consent.

Any conditions issued as part of Sydney Trains approval/certification of any of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply and supersede the documentation in Condition 92. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

94. If required by RailCorp, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to RailCorp for review and endorsement before the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from RailCorp advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
95. An acoustic assessment is to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines" must be submitted to Sydney Trains.
96. Before to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
97. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (e.g. awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains requirements. The Principle Certifying

Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

98. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Principle Certifying Authority before the issue of a Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
99. Before the issue of a Construction Certificate, a Risk Assessment, Rail Safety Management Plan, and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
100. Before the issue of a Construction Certificate, the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
101. Before the issue of a Construction Certificate, the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
102. Before the issue of a Construction Certificate, amended plans shall be submitted to Council's Coordinator Waste Services Operation's satisfaction illustrating the following:
 - a) All waste and recycling storage or interim rooms must be in accordance with Figure 1 of Part 2.21 of MDCP 2011 and incorporate an appropriate tap with hose fitting, drain to Sydney Water approved drainage connection, signage showing appropriate content for general, recycling and green waste bins, smooth concrete floor graded to drain, roller door that is durable; self-closing; able to be opened from inside; wide enough for easy passage of bins; and
 - b) The angle of footpath between the garbage holding area and the Arthur Street footpath shall be a flat smooth surface with a maximum gradient of 1:50.
103. 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.
104. 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.

105. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
106. Details shall be submitted to the Council's Coordinator of Tree Management's satisfaction before the issue of a Construction Certificate that shows the proposed street trees comply with the requirements contained within Council's Street Tree Masterplan.

SITE WORKS

107. All demolition, construction and associated work necessary for the carrying out of the development must be restricted to between the hours of 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above, no work is to be carried out on any Saturday that falls adjacent to a Public Holiday.

All trucks and vehicles associated with the construction, including those delivering to or removing material from the site, must only have access to the site during the hours referred to in this condition. No waste collection skips, spoil, excavation or demolition material from the site or building materials associated with the construction of the development being deposited on the public road, footpath, public place or Council owned property without Council's approval, having first been obtained. The developer must ensure that all contractors associated with the development are fully aware of these requirements.

108. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
109. 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'. Enquiries are to be made with Council's Infrastructure Services Division.
110. All demolition work must be carried out in accordance with the following:
 - a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
 - b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
 - c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
 - d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
 - e) the generation of dust and noise on the site must be controlled;
 - f) the site must be secured to prohibit unauthorised entry;

- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
 - h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
 - i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
 - j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
 - k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.
111. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:
- a) At the commencement of the building work;
 - b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
 - c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
 - d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

112. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:
- a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents must be obtained prior to the required works commencing; and
 - c) 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 must include complete details of the work.

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 must 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.

113. All vehicles carrying materials to, or from the site, must have their loads covered with tarpaulins or similar covers.
114. 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.
115. 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.
116. No part of the fencing is to encroach upon Council's footpath. The footings of the fence must not encroach upon Council's property unless they are located at a depth of not less than 1350mm below the pathway level, in which case they must not project further than 450mm.
117. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, must 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.
118. Trees 1, 2, 6, 8, 9, 10 and 11, as numbered in the Arboricultural Impact Assessment (AIA) report (The Ents Tree Consultancy, 8/5/15), shall be removed by a practicing arborist who has a minimum qualification of Certificate 3 in Arboriculture, in compliance with WorkCover NSW Code of Practice: Amenity Tree Industry 1998.
119. Tree protection measures detailed in the tree protection specification and in the Section 4 of Australian Standard *Protection of trees on development sites AS 4970—2009* shall be implemented and complied with for the duration of works including demolition, construction and landscaping (except where conditions permit otherwise).

BEFORE OCCUPATION OF THE BUILDING

120. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:
 - a) A copy of the determination;
 - b) Copies of any documents that were lodged with the Occupation Certificate application;
 - c) A copy of Occupation Certificate, if it was issued;
 - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
 - e) A copy of any missed inspections; and
 - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
121. Occupation of the building must not be permitted until such time as:
 - a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;

- b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
 - c) An Occupation Certificate has been issued.
122. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:
- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
 - b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner shall 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.

123. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
- c) 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.
 - d) Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.
124. A Section 73 Compliance Certificate from Sydney Water must be submitted to Council before occupation of the premises.
125. 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 an Occupation Certificate.
126. The landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved details and must be maintained at all times to Council's satisfaction.
127. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets 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" as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate must be prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.
128. 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).
129. 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.
130. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of Council before being displayed.
131. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development must be completed before the issue of an Occupation Certificate. Works must be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
132. Before occupation of the site written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans must be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, must be submitted to Council. Those plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.
133. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site must be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before occupation of the site.
134. 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.
135. 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.

136. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.
137. 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.
138. 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.
139. All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's standard plans and specifications. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the approved plans and specifications before the issue of the Occupation Certificate. In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works.
140. 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 Report by United Consulting Engineers 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.
141. 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 as outlined in the WSUD Report submitted by United Consulting Engineers;
 - 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.

142. Council's stormwater drainage line within the property shall be reinspected by Closed Circuit Television (CCTV) upon completion of the works detailing any necessary rectification works required. A CD copy of the final inspection must be provided to Council before the issue of an Occupation Certificate.
143. 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.
144. An easement for drainage 2.5 metre wide in favour of Council shall be created before the issue of the Occupation Certificate over the full length of the nominal centreline of the Council controlled drainage system within the site of the proposed development, at no cost to Council.
145. With the regard to the overland flows through the site 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.
146. All instruments under Section 88B of the Conveyancing Act used to create positive covenants, easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.
147. Before the issue of the Occupation Certificate, the terms of the right of carriageway (under sections 88B and E of the Conveyancing Act 1919) shall be made upon properties Lot 2 in DP 533963, Lot B in DP 161098, Lot E in DP 419611, Lot F in DP 101532 in the following manner:
- (a) Full and free right for the Authority Benefited, its employees, contractors and every person authorised by it, to, at all times:
 - i. Go, pass, repass and stand upon the Lot Burdened for the purpose of the removal of recyclable products, general waste and green waste products with or without vehicles; and
 - ii. Enter upon the Lot Burdened and remain there for a reasonable time for the purpose of the removal of recyclable products, general waste and green waste products.
 - (b) The owner of the Lot Burdened cannot make any claim against the Authority Benefited, its employees, contractors and every persons authorised by it, for any repair, damage, loss or nuisance caused to the Lot Burdened as a result of the Authority Benefited, its employees, contractors or every persons authorised by it, exercising their right as set out in Clause 1.
 - (c) The owner of the Lot Burdened indemnifies the Authority Benefited, its employees, contractors and persons authorised by it, against any future claim for repair, damage, loss or nuisance as a result of the Authority Benefited removing recyclable products, general waste and green waste products from the Lot burdened, except to the extent that such damage or loss is a result of the negligence of the Authority Benefited, its employees, contractors or persons authorised by it.
 - (d) Where a building has secured access, the Authority Benefited, it's employees, contractors and persons authorised by it, must be supplied an unlocking device to enable access to bins containing recyclable products, general waste and green waste products, to be emptied at the time of collection.

148. 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.
149. Prior to the issue of the occupation certificate, two advanced street trees shall be planted in accordance with the following criteria.
- a) The new trees shall be located as follows: one shall be to the east of tree 3 and the second shall be between trees 4 and 5, both in the locations of the existing driveway crossovers.
 - b) The species of trees shall *Backhousia citriodora* (lemon-scented myrtle).
 - c) The planting stock size shall be at least 75 litres.
 - d) The planting stock shall comply with Australian Standard *Tree stock for landscape use* AS 2303—2015.
 - e) The trees shall be planted in accordance with Marrickville Street Tree Master Plan 2014 Appendices 6.4 and 6.6.
 - f) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 who have been approved by council to plant the street trees.
 - g) Each replacement tree shall be maintained in a healthy and vigorous condition for 3 years from the time of planting.
 - h) If either tree dies or needs to be removed within 3 years it shall be replaced with a similar tree in accordance with these conditions at the expense of the property owner.
150. Prior to the issue of the Occupation Certificate, 16 advanced trees and 10 palms shall be planted within the subject property in accordance with the following criteria.
- a) The new trees shall be located in accordance with the submitted landscape plan except that they shall be located a minimum of 0.5 metres from any fence or landscape structure.
 - b) The species of trees shall be as detailed in the submitted landscape plan unless otherwise approved in writing by Marrickville Council).
 - c) The planting stock size shall be at least 75 litres.
 - d) The planting stock shall comply with Australian Standard *Tree stock for landscape use* AS 2303—2015.
 - 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 any tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.
151. Prior to the issue of the Occupation Certificate, the project arborist shall certify in writing to the Principal Certifying Authority that the conditions relating to tree protection and tree planting have been implemented and that the protected trees have not been

damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure. The Principal Certifying Authority shall report breaches of the conditions to Marrickville Council.










152. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issue of the Occupation Certificate, the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
153. Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery to arrange the following number of bins in relation to the residential component of the approved development:
- 15 x 240 litre bins for general waste streams;
 - 15 x 240 litre for recycling waste streams; and
 - 5 x 240 litre green waste bins.
154. Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery and confirm the key lock system to be installed on the residential interim waste storage areas accessible from Arthur Street.

ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the 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

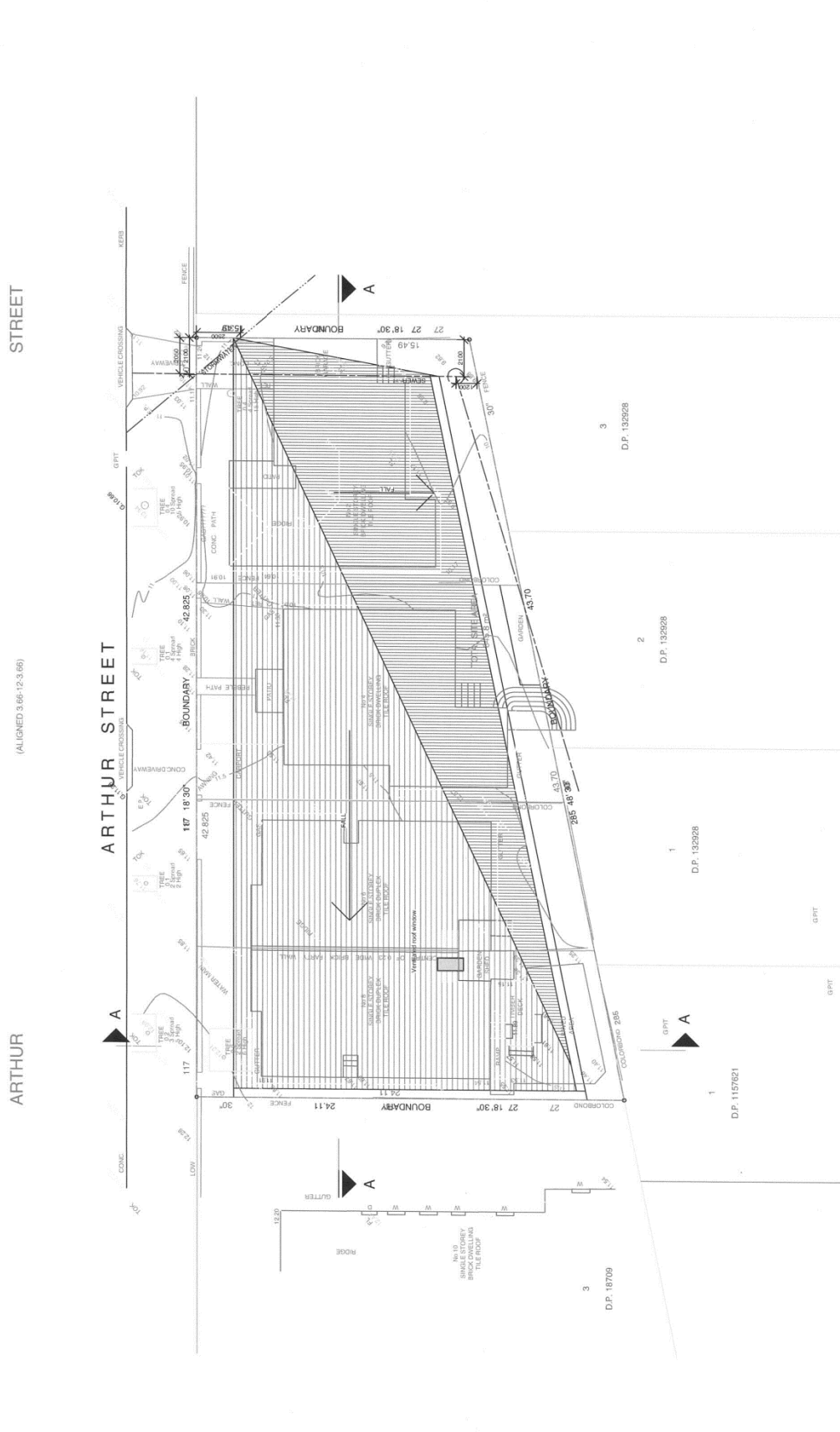
☎ 1300 650 908 weekdays 2:00pm - 5:00pm
www.basix.nsw.gov.au

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 Food Authority	 1300 552 406 www.foodnotify.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.sydneywater.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.

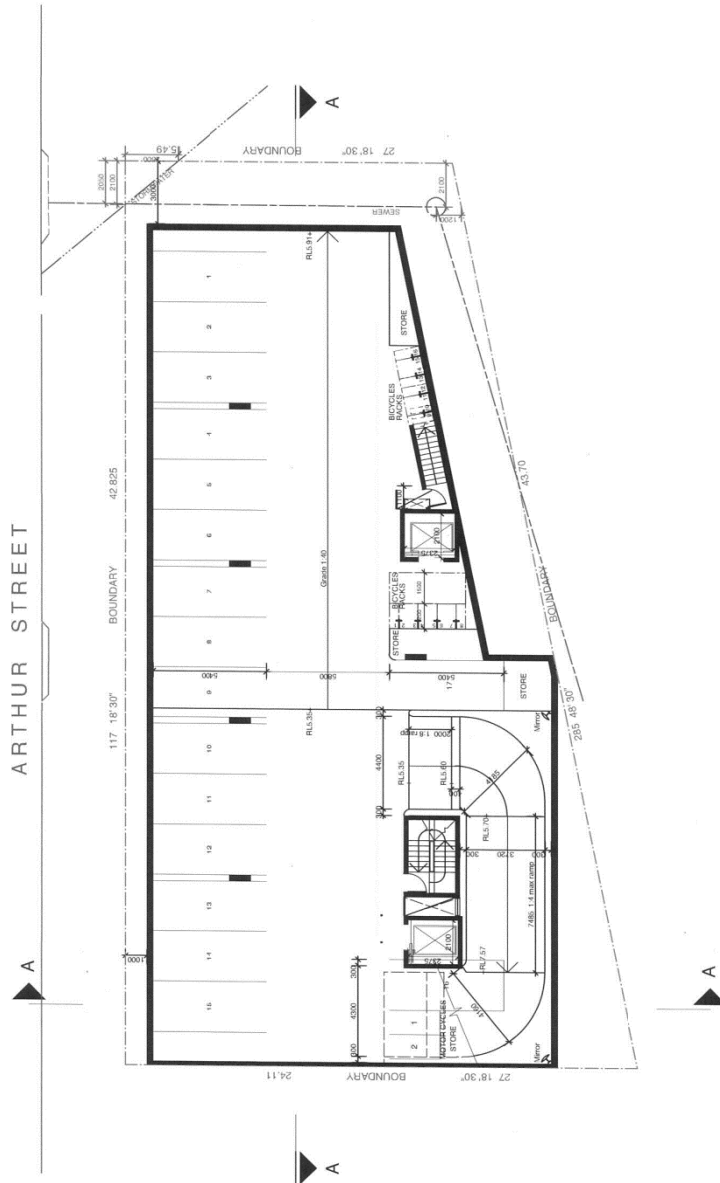
- B. THAT** those persons and the head petitioner who lodged submissions in respect to the proposal be advised of the Council's determination of the application.
- C. THAT** Sydney Trains be advised of the Council's determination of the application.
- D. THAT** the Department of Planning and Environment 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>	2-8 Arthur Street Marrickville
<u>Applicant:</u>	Architects Becerra
<u>Proposal:</u>	To demolish existing improvements, consolidation of land into 1 allotment and construct a 7 storey residential flat building with 38 dwellings and 2 levels of basement car parking
<u>Determination:</u>	Approval
<u>DA No:</u>	201500242
<u>Lot and DP:</u>	Lots 1 & 2 DP 500873 and Lots A & B DP 407247
<u>Category of Development:</u>	4 – New residential multi unit
<u>Environmental Planning Instrument:</u>	Marrickville Local Environmental Plan 2011
<u>Zoning of Land:</u>	High Density Residential
<u>Development Standard(s) varied:</u>	Clause 4.3: Maximum Height of Building and Clause 4.4: Floor Space Ratio
<u>Justification of variation:</u>	<i>Building Height:</i> Strict compliance with the Height development standard is unnecessary; The additional height is relatively consistent with adjoining development (recently approved) and the non-compliance relates to an architectural roof feature. <i>FSR:</i> Strict compliance with the FSR development standard is unnecessary; The additional FSR does not contribute to additional adverse impacts on adjacent development.
<u>Extent of variation:</u>	12.6% (Building Height) and 17.4% (FSR)
<u>Concurring Authority:</u>	Inner West Planning Panel under assumed concurrence of the Secretary Department of Planning and Environment
<u>Date of Determination:</u>	

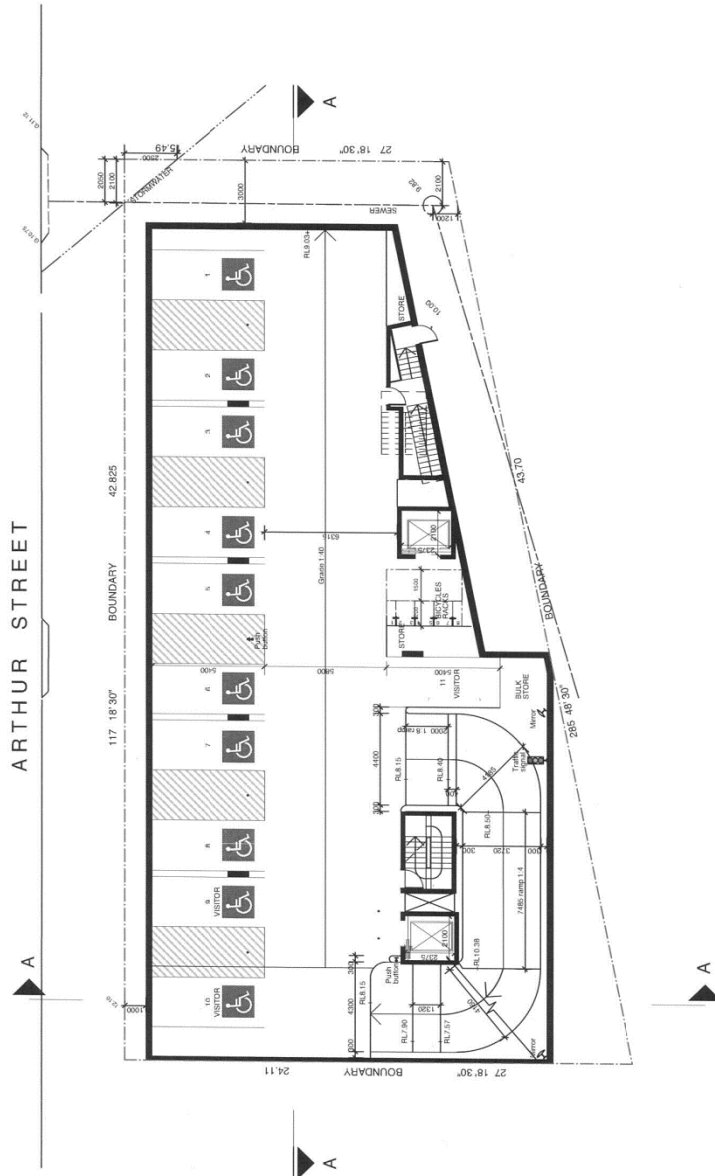
Attachment B – Plans of proposed development



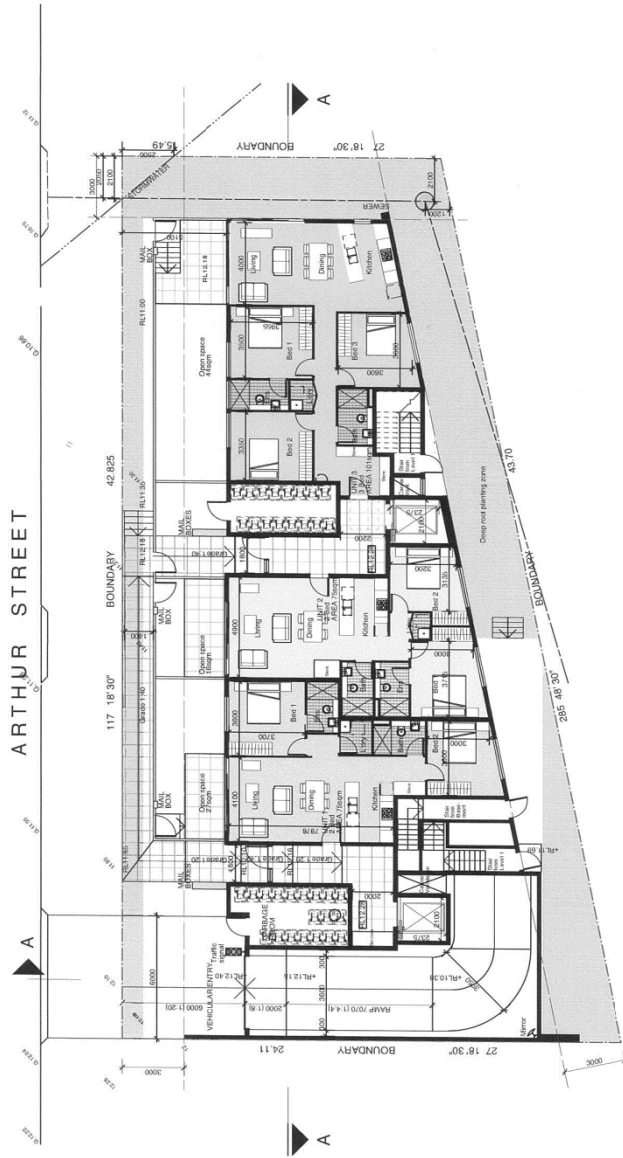
C Issued for DA approval B Issued for DA approval information A Issued to consultants for information Revision Amendment	12/5/15 PB 29/9/14 Date	0 1 2 3 4 5 M 	<p> Architects Begera 1/11-13/15 Campbelltown NSW 2560 e architects@arcb.com.au www.arcb.com.au </p>	Residential Development 2-8 Arthur Street Marrickville Client Momentum Living Pty Ltd Title Site plan	Drawn By PB Checked By PB Site plan	Dwg Date: May 2014 Scale 1:200@A3	Project No. 1414 Drawing No. A01 Rev C
	D.P. 18709 D.P. 1157821 D.P. 132928 D.P. 132928 D.P. 132928	3 2 1		3 2 1			



E Amended as per Council recommendations D Issued for DA approval C Issued to consultants for information B Issued to consultants for information A Issued for review Revision Amendment	PB PB PB PB PB PB	3/11/15 12/5/15 2/4/15 27/4/15 5/9/14	Date Date Date Date Date	0 1 2 3 4 5 M 		Project Residential Development 2-8 Arthur Street Marrickville Client Momentum Living Pty Ltd Title Basement 2 plan	Drawn By PB Checked By PB	Dwg Date: May 2014 Scale 1:200@A3	Project No. 1414 Drawing No. A02 Rev E
						Architects Becnerra 11 Cooks Street Campdown NSW 2150 6 architects@arcb.com.au 1 02 857 2287 www.arcb.com.au			




<p>Architects Becerra G01, 1 Layton Street, Cammeray NSW 1585 0 2955 6200 www.abcbb.com.au</p>	<p>Project Residential Development 2-8 Arthur Street Marrickville</p> <p>Client Momentum Living Pty Ltd</p> <p>Title Basement 1 plan</p>	<p>Project No. 1414</p> <p>Dwg Date May 2014</p> <p>Scale 1:200@A3</p>
<p>31/1/15 PB Issued for Council recommendations</p> <p>12/3/15 PB Issued for Council recommendations</p> <p>21/4/15 PB Issued to consultants for information</p> <p>26/5/14 PB Vehicular ramp altered</p> <p>17/9/14 PB Issued to consultants for information</p> <p>5/9/14 PB Issued for review</p> <p>Revision: Amendment</p>	<p>0 1 2 3 4 5 M</p>	<p>Project Residential Development 2-8 Arthur Street Marrickville</p> <p>Client Momentum Living Pty Ltd</p> <p>Title Basement 1 plan</p>



<p>G Amended as per Council recommendations F Amended as per Council recommendations E Issued for DA approval D Issued for consultants for information C Issued for consultants for information B Issued to consultants for information Revision: Amendment</p>	<p>PB PB PB PB PB PB PB PB By</p>	<p>13/1/16 3/1/15 12/5/15 2/4/15 1/1/15 1/1/15 1/1/15 1/1/15 Date</p>	<p>0 1 2 3 4 5 M</p>	<p>Architects Becerra 107/108 Sydney Street Camden NSW 2560 t 02 957 2287 e architects@acrb.com.au www.acrb.com.au</p>	<p>Project: Residential Development 2-8 Arthur Street Marrickville Client: Momentum Living Pty Ltd Title: Ground floor plan</p> <p>Drawn By: PB Checked By: PB Scale: 1:200@A3</p> <p>Dwg Date: May 2014</p> <p>Project No: 1414 Drawing No: Rev A04 G</p>
---	---	---	----------------------	---	--



<p>G Amended as per Council recommendations F Amended as per Council recommendations E Issued for DA approval D Windows amended C Windows amended B Windows amended A Revision Amendment</p>	<p>PB 13/1/16 PB 3/11/15 PB 12/5/15 PB 21/4/15 PB 19/9/14 PB 19/9/14 PB 19/9/14</p>	 <p>Architects Berra G01.1 Lanyon Street 102 8657 2289 102 8657 2289 a architects@berra.com.au www.berra.com.au</p>	<p>Project Residential Development 2-8 Arthur Street Marrickville Client Momentum Living Pty Ltd Title Level 1 floor plan</p>	<p>Drawn By PB Checked By Project No. 1414 Drawing No. Rev A05 Date May 2014 Scale 1:200 @ A3</p>
--	---	--	--	--



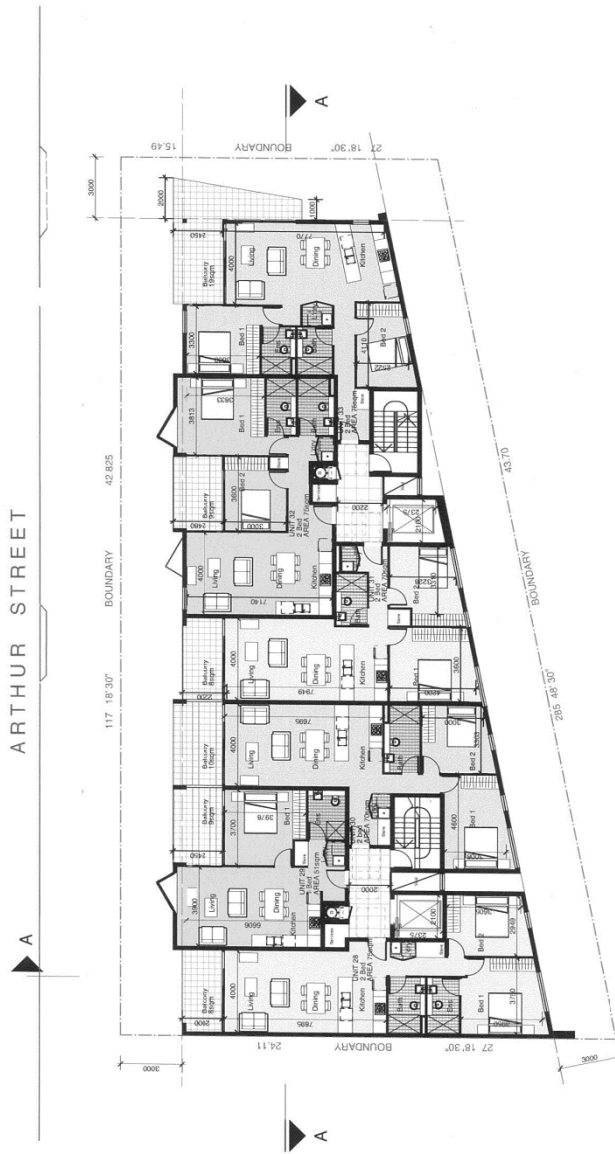
G Amended as per Council recommendations F Amended as per Council recommendations E Issued for DA approval D Issued for DA approval C Windows amended B Issued to consultants for information A Issued to consultants for information	13/11/16 3/11/15 12/5/15 19/9/14 17/9/14	Date By PB PB PB PB PB	0 1 2 3 4 5 M 		Architects Berra 60, 1 Locks Street Campdown NSW 2050 e architects@berra.com.au www.berra.com.au t 02 857 2287 f 02 857 2287	Project Residential Development 2-8 Arthur Street Marrickville Client Momentum Living Pty Ltd Title Level 2 floor plan	Drawn By Drawn By Checked By Checked By	Dwg Date: May 2014 Scale 1:200@A3	Project No. 1414 Drawing No. A06 Rev G
---	--	--	-------------------	--	---	--	--	--	---



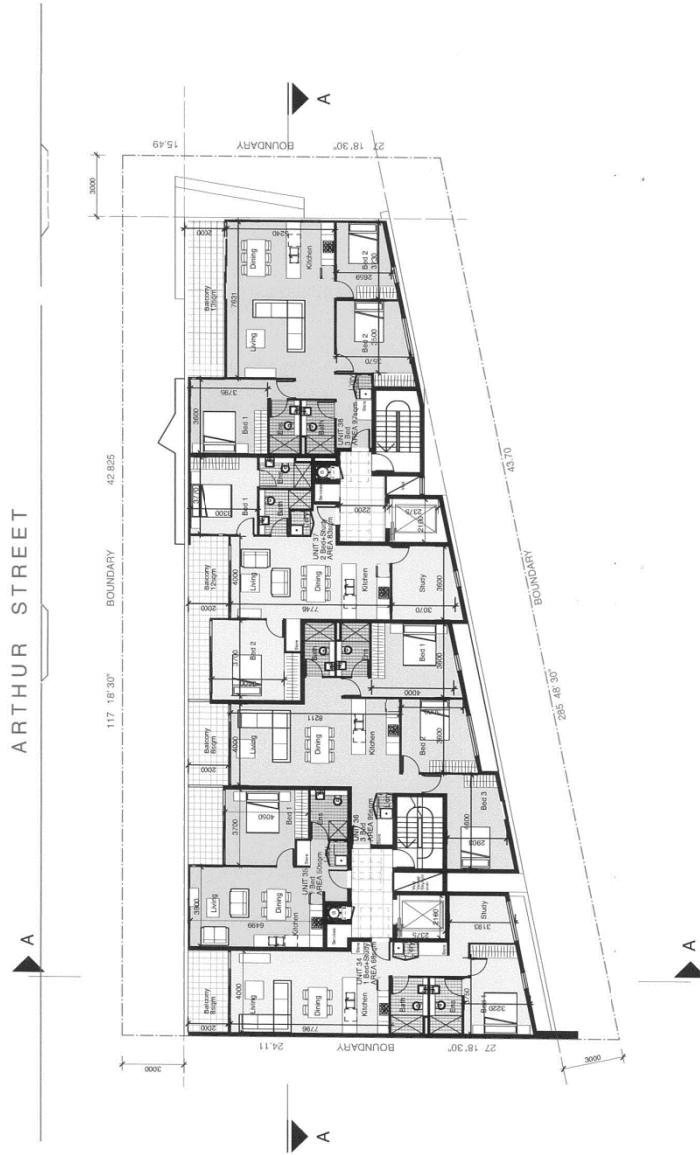
<p>G Amended as per Council recommendations F Amended as per Council recommendations E Issued for DA approval D Windows amended C Windows amended B Amended as per consultants for information A Amended as per consultants for information</p>	<p>13/1/08 3/11/15 12/8/15 2/14/15 19/9/14 19/9/14 19/9/14 19/9/14</p>	<p>PB PB PB PB PB PB PB PB</p>	<p>Architects Becerra Gen. 1 Layton Street 1 02 9552 2899 1 02 9552 2899 a architects@arcb.com.au www.arcb.com.au</p>	<p>Project Residential Development 2-8 Arthur Street Marrickville Client Momentum Living Pty Ltd Title Level 3 floor plan</p>	<p>Drawn By PB Checked By Scale 1:200@A3 Date May 2014 Project No. 1414 Drawing No. Rev A07 G</p>
---	---	---	---	--	--



<p>G Amended as per Council recommendations F Issued for DA approval E Issued to consultants for information D Windows amended C Issued to consultants for information B Provision Amendment</p>	<p>13/11/16 PB 12/5/15 PB 21/4/15 PB 19/8/14 PB 17/8/14 PB Date</p>	<p>0 1 2 3 4 5 M</p>	<p>Architects Becerra G01, 1 Layton Street Cammeroon NSW 2050 C Architects@becerra.com.au www.becerra.com.au</p>	<p>Project Residential Development 2-8 Arthur Street Marrickville Client Momentum Living Pty Ltd Title Level 4 floor plan</p>	<p>Drawn By PB Checked By Dwg Date: May 2014 Scale 1:200@A3 Project No. 1414 Drawing No. A08 Rev G</p>
---	---	----------------------	---	--	--



H Amended as per Council recommendations G Amended as per Council recommendations F Issued for construction E Issued to consultants for information D Unit 33 aligned C Windows amended Revision Amendment	13/1/16	13/1/16	Project No.	1414
	PB	PB	Drawn By	PB
	21/6/15	21/6/15	Client	Residential Development 2-8 Arthur Street Marrickville
	26/6/14	26/6/14	Checked By	Momentum Living Pty Ltd
	19/6/14	19/6/14	Title	Level 5 floor plan
0 1 2 3 4 5 M 		Architects Becerra 60/1, 1 Laviton Street Camperdown NSW 2050 architects@becerra.com.au www.becerra.com.au		Drawn Date: May 2014 Scale 1:200@A3
		Project Residential Development 2-8 Arthur Street Marrickville		Project No. 1414
		Client Momentum Living Pty Ltd		Drawing No. Rev A09 H



13/11/16	PB	Amended as per Council recommendations	13/11/16	Project No.	1414
3/11/15	PB	Amended as per Council recommendations	3/11/15	Drawn By	PB
1/25/15	PB	Issued for DA approval	1/25/15	Scale	May 2014
2/10/14	PB	Approved for DA	2/10/14	Checked By	1:200@A3
19/9/14	PB	Revisions for information	19/9/14	Client	Momentum Living Pty Ltd
	PB	Windows amended		Title	Level 6 floor plan
	By	Amendment		Project	Residential Development
				2-8 Arthur Street Marrickville	
				Momentum Living Pty Ltd	
				www.architectsbecerra.com.au	
				Architects Becerra	
				GO 11 Level 6 Floor Plan	
				102 857 2287	
				www.architectsbecerra.com.au	
				Client	
				Title	



1 UNITS 8, 14, 20, 26
Adaptable unit before



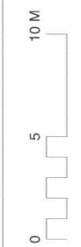
3 UNITS 5, 11, 17, 23
Adaptable unit before



2 UNITS 8, 14, 20, 26
Adaptable unit after



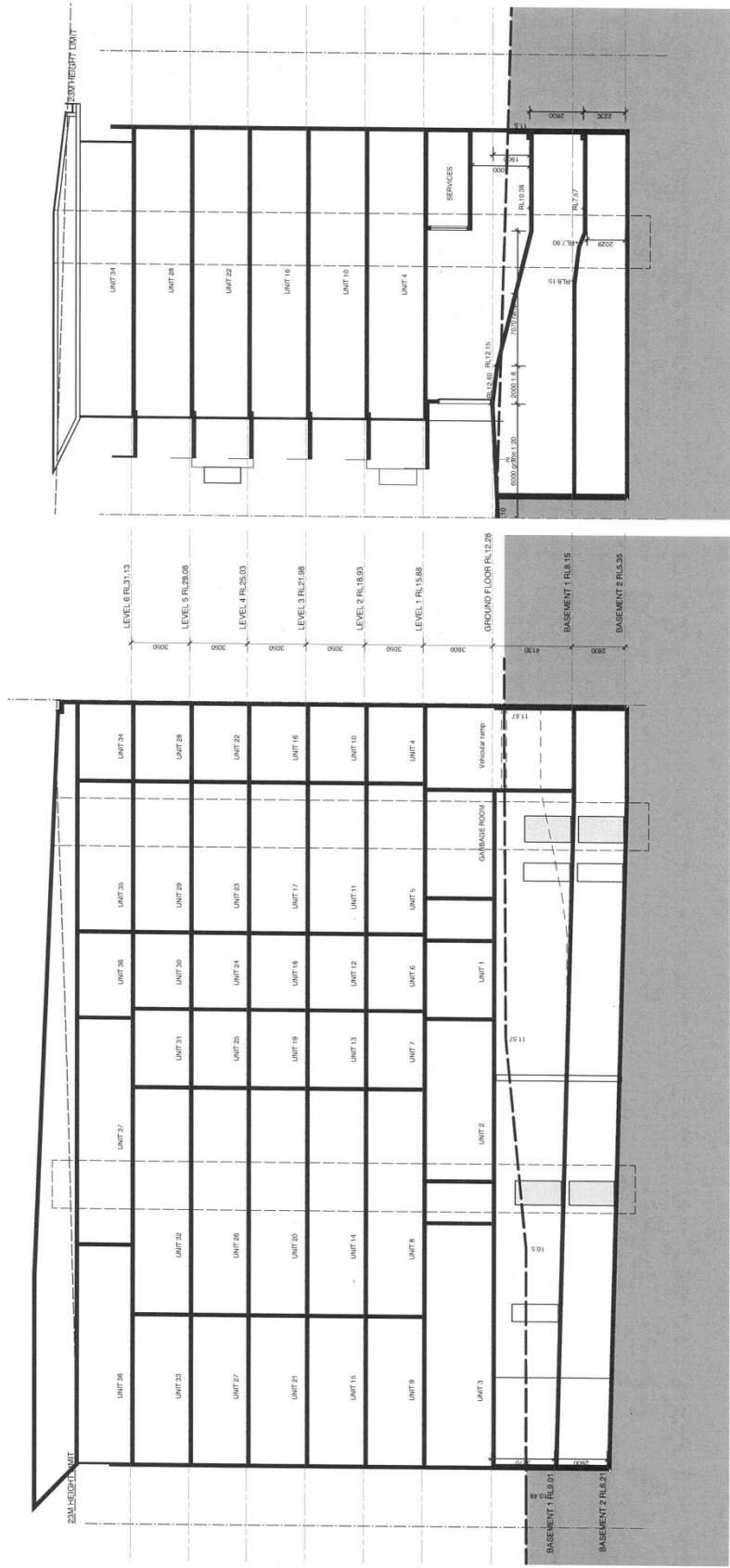
4 UNITS 5, 11, 17, 23
Adaptable unit after



Architects Becerra
 10/100 Victoria Road
 Cammerajong NSW 2850
 t 02 8572 2287
 e architects@arcb.com.au
 www.arcb.com.au

Project	Residential Development	Drawn By	PB	Dwg Date:	Sept. 2014	Project No.	1414
Client	2-8 Arthur Street Marrickville	Checked By	PB	Scale	1:100@A3	Drawing No.	Rev
Title	Momentum Living Pty Ltd	Adaptable units				A11	D

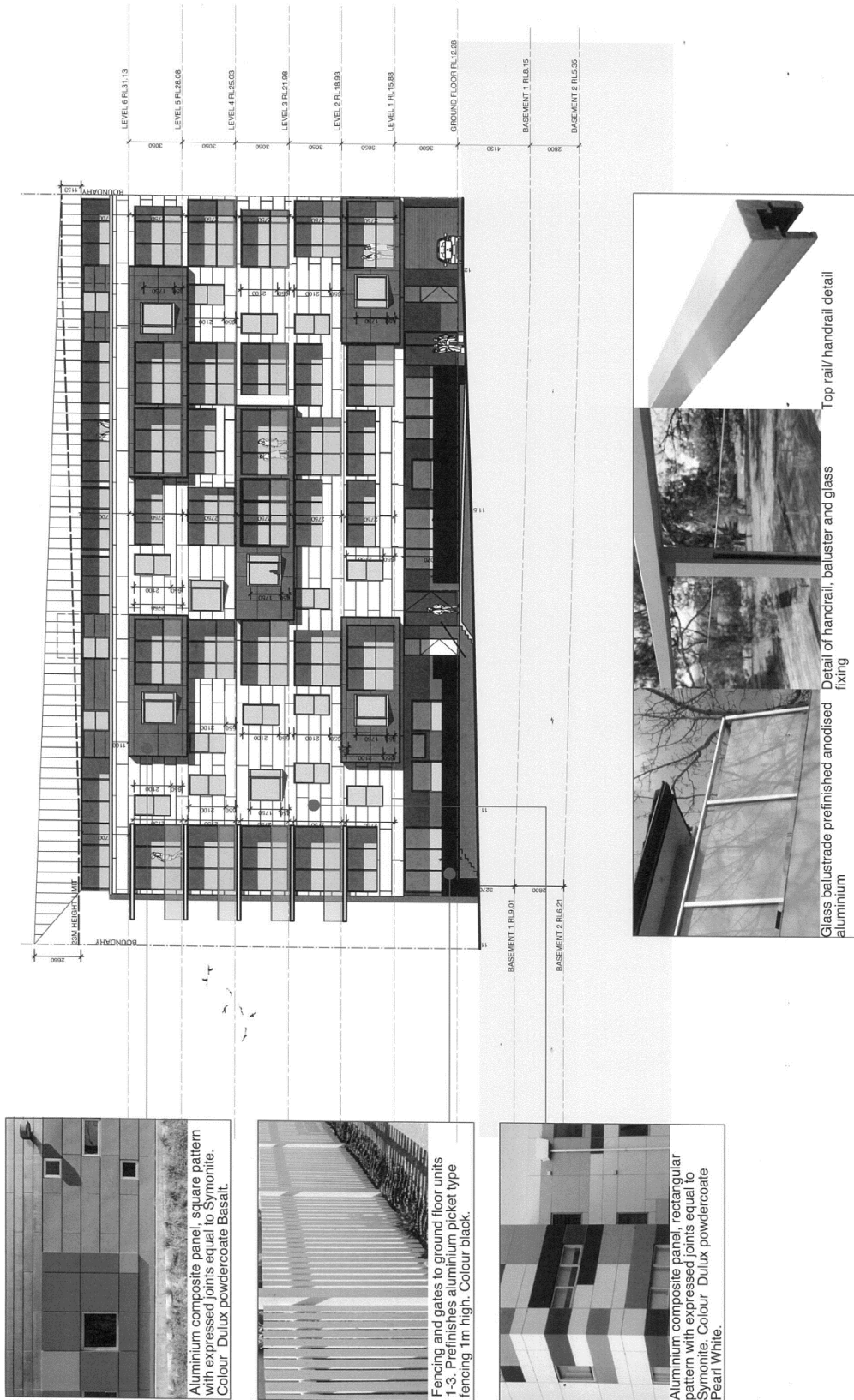
D	Issued for DA approval	PB	12/6/15
C	Issued to consultants for information	PB	2/14/15
B	Issued to consultants for review	PB	26/04/14
A	Issued to consultants for review	PB	26/04/14
Revision	Amendment	By	Date



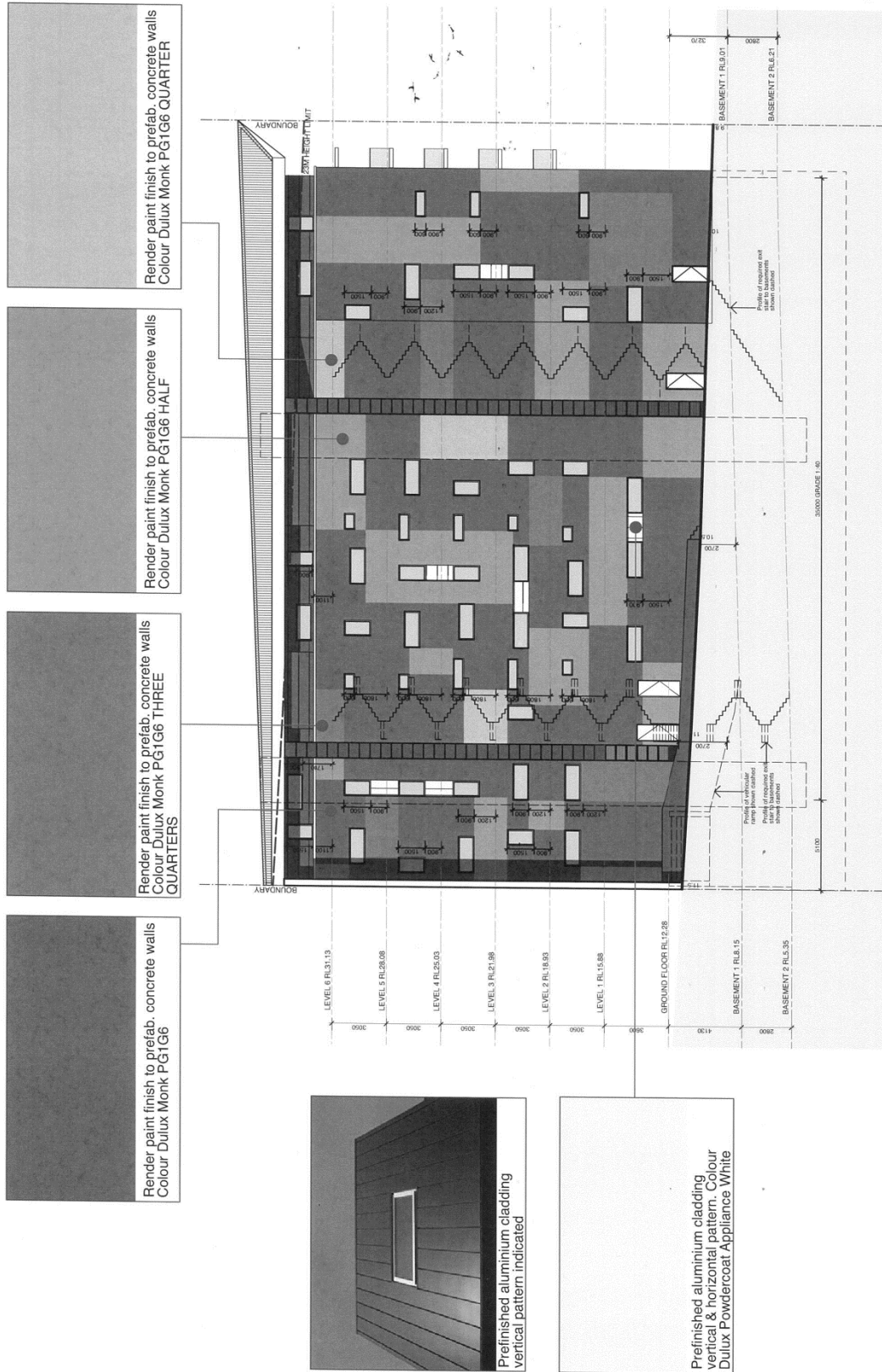
1 SECTION AA

2 SECTION BB

<p>E Issued for DA approval D Issued to consultants for information C Reduced by one floor B Issued to consultants for information A Issued for information Revision Attachment</p>	<p>PB 12/6/15 PB 22/4/15 PB 26/9/14 PB 17/9/14 PB 17/9/14 PB 17/9/14 PB 17/9/14</p>	<p>Architects Becerra G01, 1 Layton Street, 102 9157 2288 architects@archb.com.au www.archb.com.au</p>	<p>Project Residential Development 2-8 Arthur Street Marrickville Client Momentum Living Pty Ltd Title Sections</p>	<p>Drawn By PB Checked By Scale 1:200@A3 Project No. 1414 Drawing No. Rev E</p>
--	---	---	--	---



<p>13/1/15 PB 3/1/15 12/5/15 22/4/15 26/9/14 26/9/14</p> <p>Amended as per Council recommendations Amended as per Council recommendations Issued for DA approval Issued to consultants for information Reduced by one floor Amendment</p> <p>Revision Amendment By</p>	<p>13/1/15 PB 3/1/15 12/5/15 22/4/15 26/9/14 26/9/14</p> <p>Amended as per Council recommendations Amended as per Council recommendations Issued for DA approval Issued to consultants for information Reduced by one floor Amendment</p> <p>Revision Amendment By</p>	<p>Project Residential Development 2-8 Arthur Street Marrickville</p> <p>Client Momentum Living Pty Ltd</p> <p>Title North elevation</p>	<p>Project No. 1414</p> <p>Drawn By PB</p> <p>Checked By North elevation</p> <p>Scale 1:200@A3</p> <p>Revision A13 F</p>
--	--	--	--

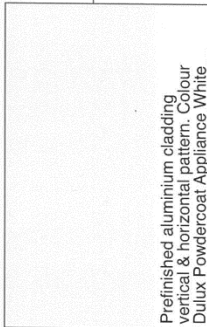
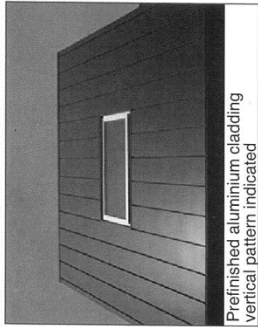


Render paint finish to prefab. concrete walls
Colour Dulux Monk PG1G6 QUARTER

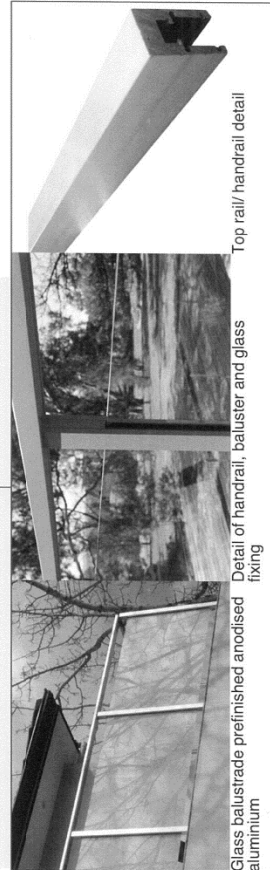
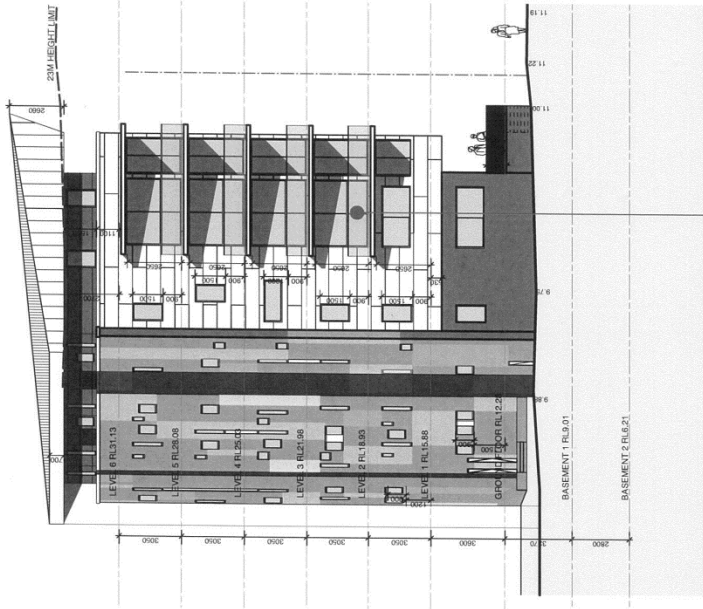
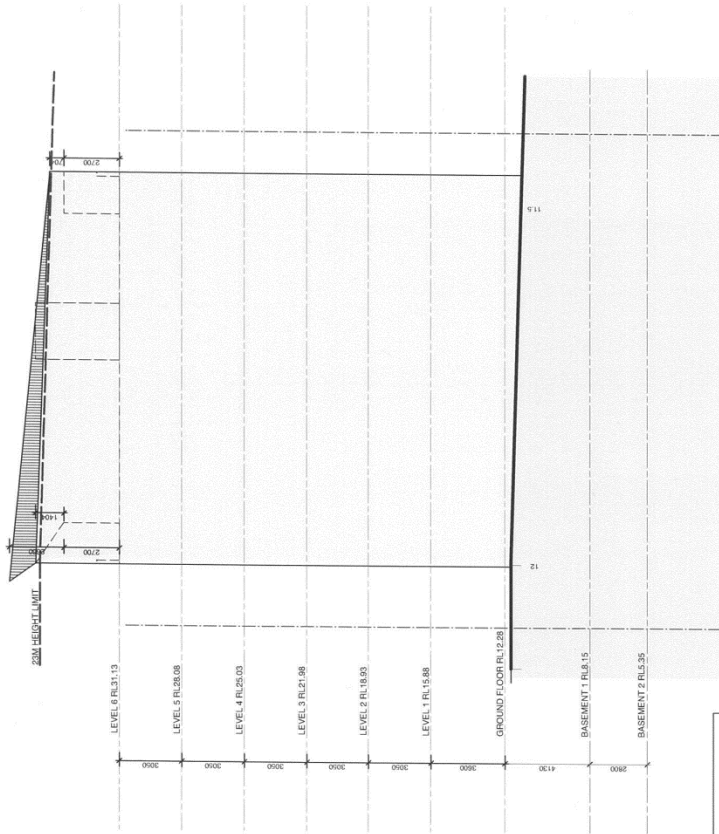
Render paint finish to prefab. concrete walls
Colour Dulux Monk PG1G6 HALF

Render paint finish to prefab. concrete walls
Colour Dulux Monk PG1G6 THREE
QUARTERS

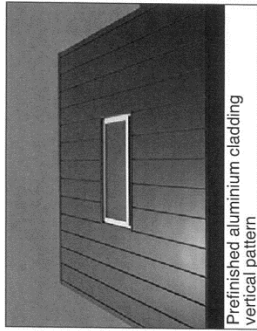
Render paint finish to prefab. concrete walls
Colour Dulux Monk PG1G6



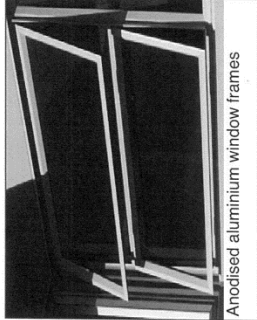
E D C B A Revision	Amended as per Council recommendations Issued for DA approval Issued to consultants for information Redlined by one floor Issued to consultants for information Attachment	PB PB PB PB PB By	31/1/15 12/5/15 22/4/15 26/9/14 16/9/14 Date
Architects Becerra 102 957 2888 102 957 2887 www.becerrarchitects.com.au 6 Wentworth Street Sydney		Residential Development 2-8 Arthur Street Marrickville Client Momentum Living Pty Ltd Title South elevation	Project No. 1414 Drawing No. Rev A14 E Dwg Date May 2014 Scale 1:200 @ A3 Drawn By PB Checked By



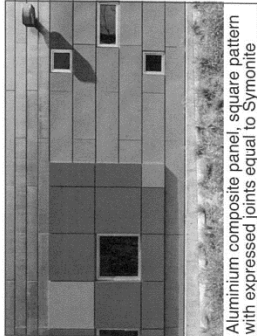
<p>F Amended as per Council recommendations E Amended as per Council recommendations D Issued to consultants for information C Issued to consultants for information B Reduced by one floor A Issued to consultants for information</p> <p>Revision Amendment By Date</p>	<p>13/1/16 31/1/15 22/4/15 26/9/14 16/6/14</p>	<p>Architects Becerra 102/857 2388 102/857 2287 www.becerra.com.au architects@becerra.com.au</p>	<p>Project Residential Development 2-8 Arthur Street Marrickville Client Momentum Living Pty Ltd Title East & west elevation</p>	<p>Drawn By PB Checked By Scale 1:200@A3</p>	<p>Dwg Date: May 2014 Project No. 1414 Drawing No. Rev A15 F</p>
--	--	---	---	--	---



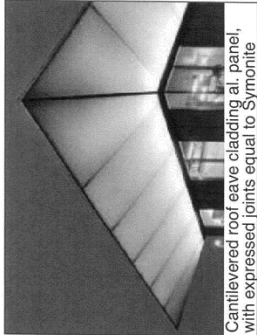
Prefinished aluminium cladding vertical pattern



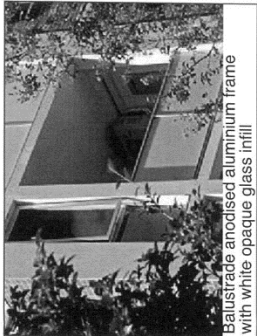
Anodised aluminium window frames



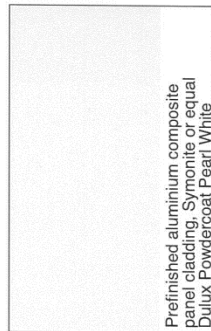
Aluminium composite panel, square pattern with expressed joints equal to Symonite



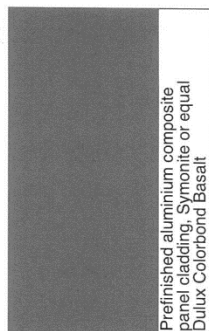
Cantilevered roof eave cladding al. panel, with expressed joints equal to Symonite



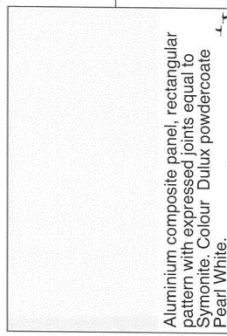
Balustrade anodised aluminium frame with white opaque glass infill



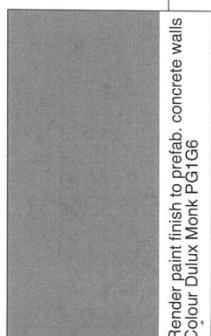
Prefinished aluminium composite panel cladding, Symonite or equal Dulux Powdercoat Pearl White



Prefinished aluminium composite panel cladding, Symonite or equal Dulux Colorbond Basalt

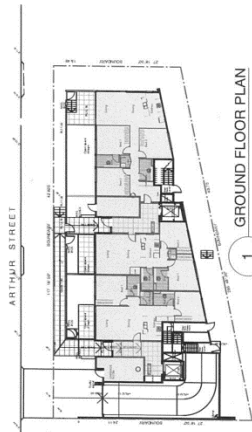


Aluminium composite panel, rectangular pattern with expressed joints equal to Symonite, Colour Dulux powdercoat Pearl White.

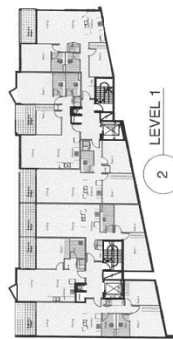


Render paint finish to prefab. concrete walls Colour Dulux Monk P-GTG6

<p>Architects Becera 60/1, Layton Street Campbell NSW 2008 0 2 9557 2288 02 9557 2289 www.becera.com.au</p>	<p>Project: Residential Development 2-8 Arthur Street Marrickville</p>	<p>Dwg Date: May 2014</p>	<p>Project No: 1414</p>
	<p>Client: Momentum Living Pty Ltd</p>	<p>Drawn By: PB</p>	<p>Scale: 1:200 @ A3</p>
<p>B Amended as per Council recommendations A Issued for DA approval P/Person: Attachment</p>	<p>13/1/16 PB 12/5/15 DA/</p>	<p>Checked By:</p>	<p>Title: Schedule of external finishes</p>



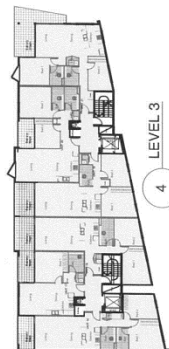
1 GROUND FLOOR PLAN



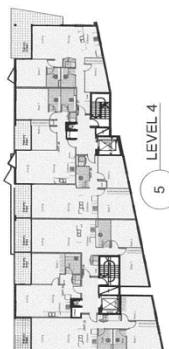
2 LEVEL 1



3 LEVEL 2



4 LEVEL 3



5 LEVEL 4




6 LEVEL 5

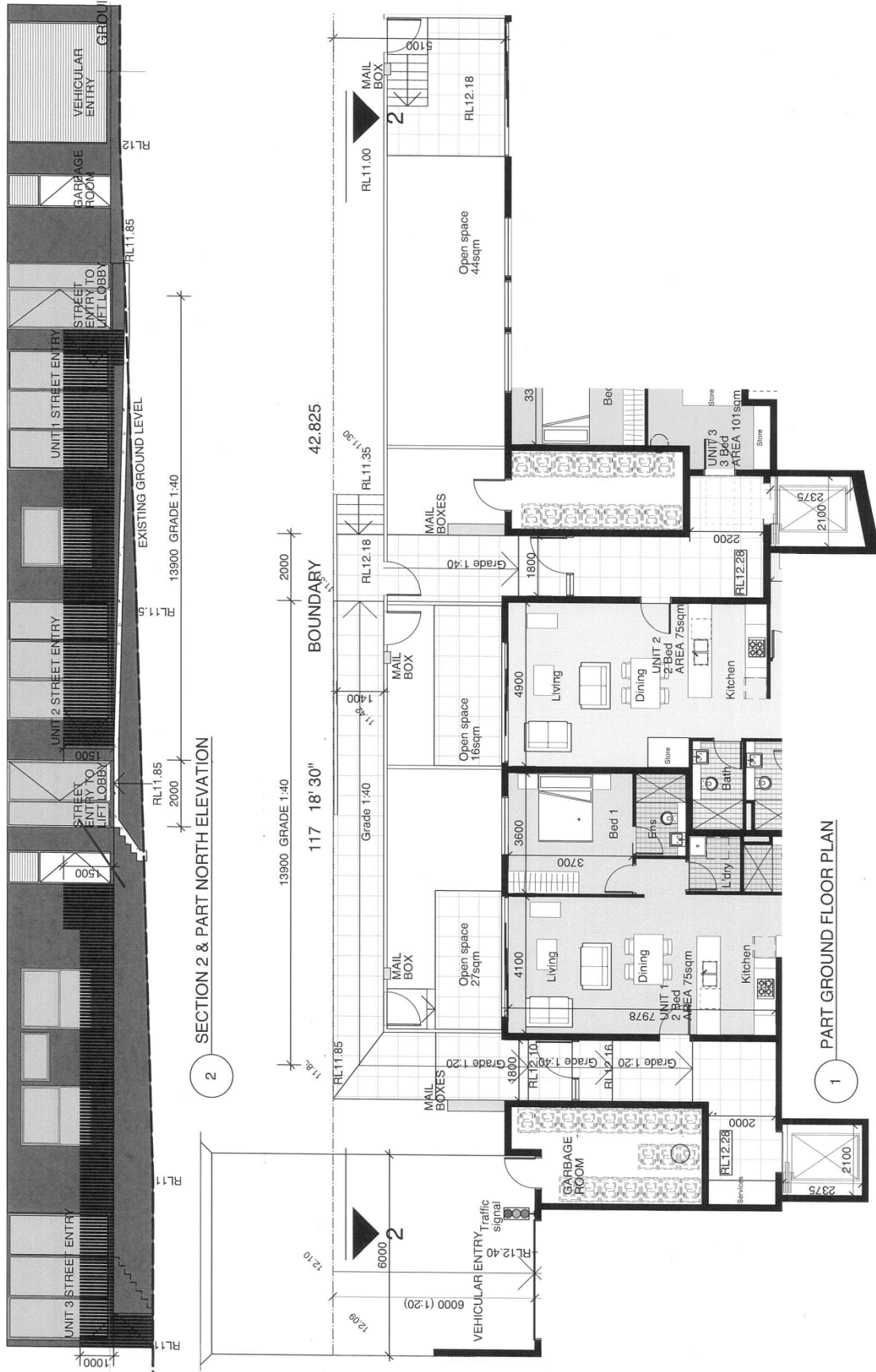


7 LEVEL 6

UNIT MIX						
FLOOR	UNIT No.	1 bed room	2 bed rooms	3 bed rooms	Adaptable	AREA (sqm)
Ground	Unit 1		1			75
	Unit 2			1		75
	Unit 3				1	101
Level 1	Unit 4		1			75
	Unit 5			1		51
	Unit 6		1			70
	Unit 7			1		70
	Unit 8			1		75
	Unit 9			1		75
Level 2	Unit 10		1			75
	Unit 11			1		50
	Unit 12			1		70
	Unit 13			1		70
	Unit 14			1		74
	Unit 15			1		75
Level 3	Unit 16		1			75
	Unit 17			1		50
	Unit 18			1		70
	Unit 19			1		70
	Unit 20			1		75
	Unit 21			1		75
Level 4	Unit 22		1			75
	Unit 23			1		50
	Unit 24			1		70
	Unit 25			1		70
	Unit 26			1		74
	Unit 27			1		75
Level 5	Unit 28			1		75
	Unit 29			1		51
	Unit 30			1		70
	Unit 31			1		70
	Unit 32			1		75
	Unit 33			1		75
Level 6	Unit 34		1+study			68
	Unit 35			1		50
	Unit 36			1		95
	Unit 37		1+study			83
	Unit 38			1		97
TOTAL			7	28	3	8
Note	areas are approximate					

AREA CALCULATIONS	AREA (sqm)	REQUIRED	PROVIDED
FLOOR			
Ground	317		
Level 1	447		
Level 2	444		
Level 3	445		
Level 4	444		
Level 5	447		
Level 6	419		
Site area	2963		
PERMISSIBLE FSR	845.8	3.0:1	
ACTUAL FSR	2537.4	3.5:1	
PARKING CALCULATIONS			
Basement 2			
Basement 1			
ADAPTABLE	0	8 (4x1bed + 4x2bed)x38	8
CARS	17	0 (1 bed 0.4x24)0.8	
		(2 bed 0.8x24)19.2	
		(4 bed 1.1x4)4.4	
VISITOR		32.4	17
VISITOR ADAPTABLE		(30x0.1)3	1
		(8x.25)2	2
TOTAL CARS 28		37.4	20
BIKES VISITOR	12	(38x0.5)19	4
		(38x0.1)38	4
TOTAL BIKES 24		22.8	8
MOTOR BIKES	2	(37.4x0.5)18.7	2

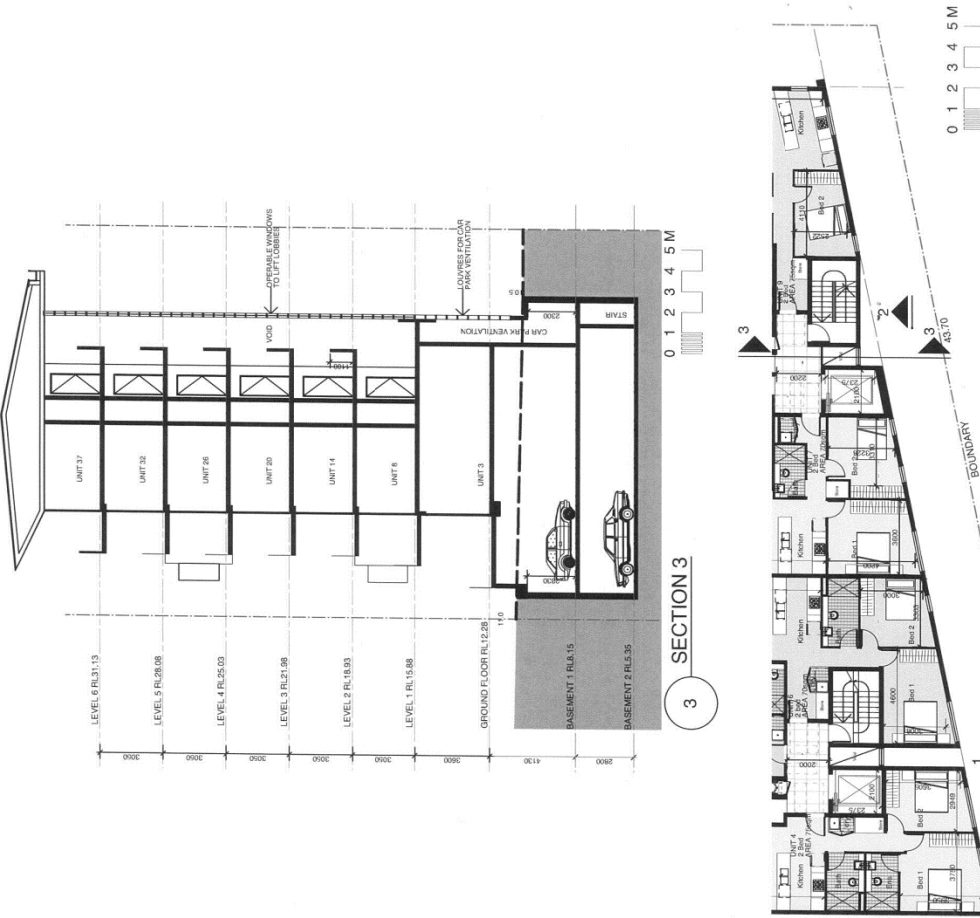
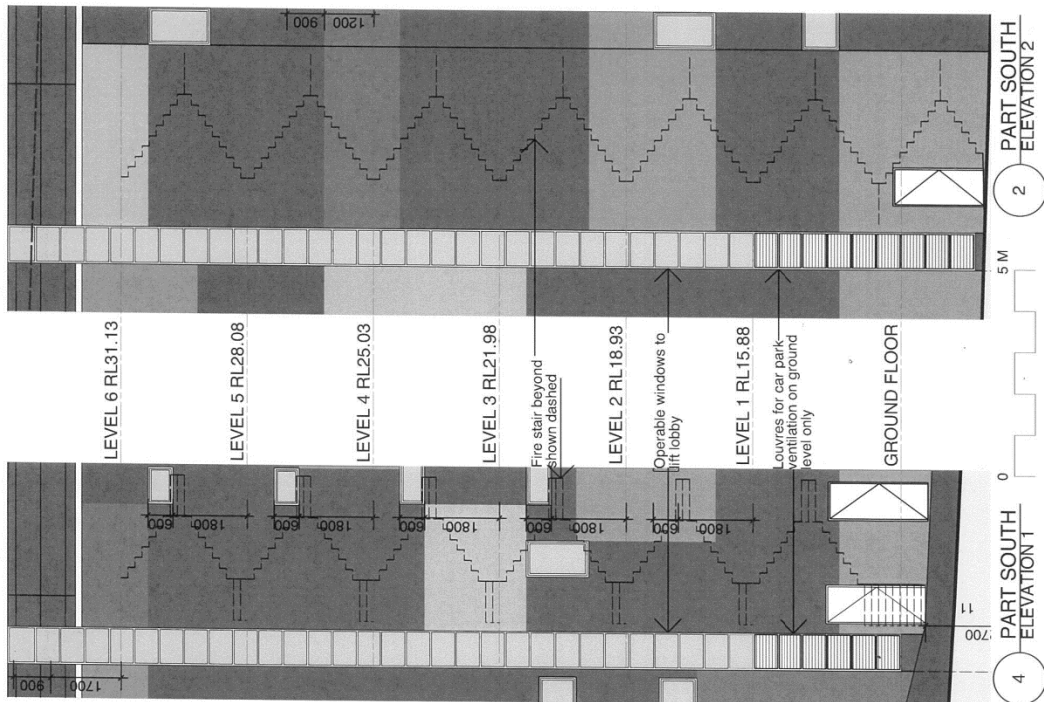
 <p>Architects Baccerra G01, 1 Level 2, Bayside Campontown NSW 2050 www.archb.com.au e architects@archb.com.au t 02 9557 2287</p>	Project: Residential Development Client: 2-8 Arthur Street Marrickville Title: Momentum Living Pty Ltd Site area calculations	Drawn By: PB Checked By: PB Scale: 1:200@A3	Deg Date: May 2014 Project No: 1414 Drawing No: A19 Rev: G	
	13/1/16 PB 3/11/15 PB 12/9/15 PB 23/4/15 PB 17/9/14 PB	Amended as per Council recommendations Amended as per Council recommendations Issued for DA approval Issued for DA approval Issued to consultants for information Issued to consultants for information	Date By	Revision Amendment



SECTION 2 & PART NORTH ELEVATION

PART GROUND FLOOR PLAN

Issued for additional information Arrangement PB Date 4/10/15	0 2 3 4 5 M		Project Residential Development 2-8 Arthur Street Marrickville	Project No. 1414
			Client Momentum Living Pty Ltd	Drawing No. Rev A22 A
Drawn By PB	Scale 1:100@A3	Checked By Detail plan	Date Nov 2015	Project No. 1414



<p>Architects Becerra 102 9557 2288 102 9557 2287 www.abcro.com.au</p>	<p>Project: Residential Development 2-8 Arthur Street Marrickville</p>	<p>Project No.: 1414</p>
	<p>Client: Momentum Living Pty Ltd</p>	<p>Drawn By: PB</p>
<p>Title: Lobby details</p>	<p>Checked By:</p>	<p>Scale: 1:100@A3</p>
<p>Revision: A</p>	<p>Issued for additional information</p>	<p>Date: 13/11/16</p>
<p>Amendment:</p>	<p>By: PB</p>	<p>Rev: A</p>