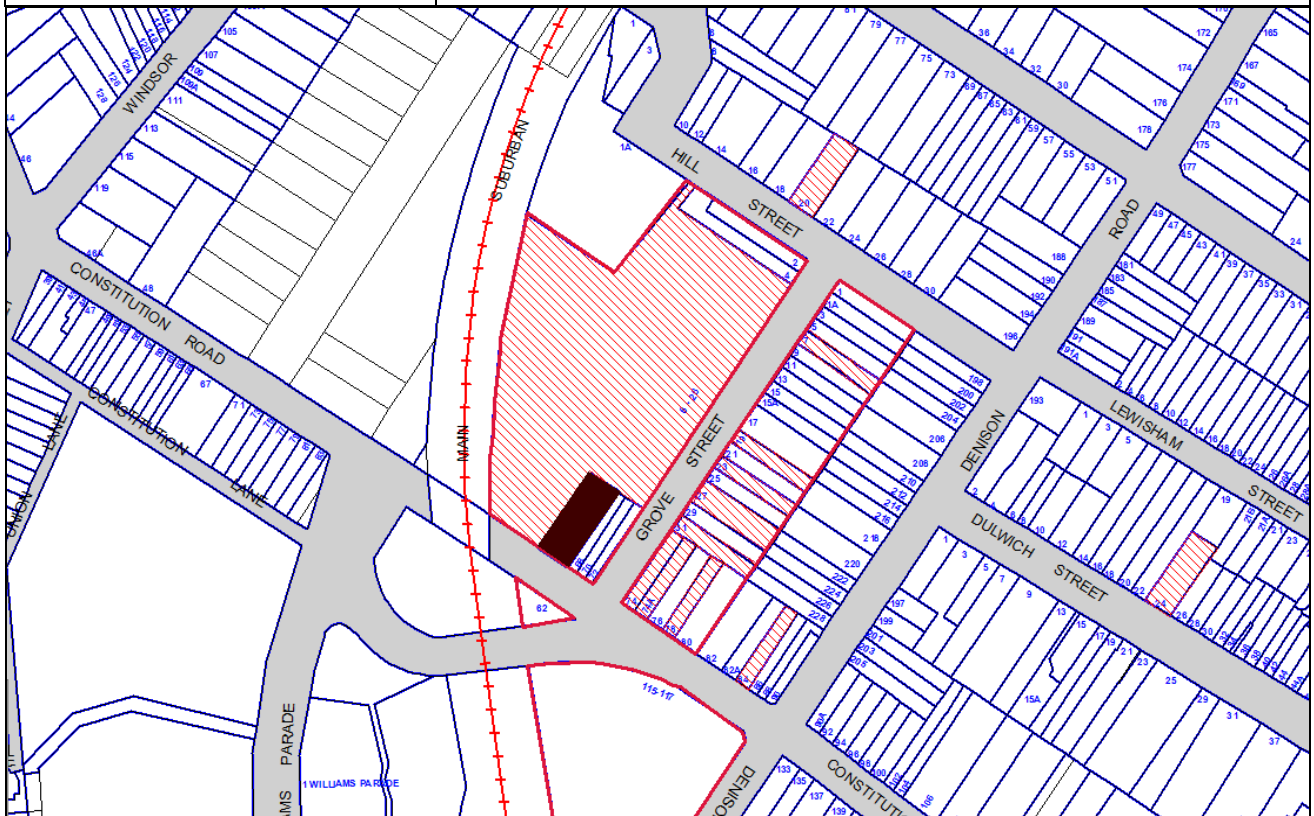







# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	201600079
<b>Address</b>	66 Constitution Road, Dulwich Hill
<b>Proposal</b>	To demolish existing improvements and construct a 6 storey residential flat building containing 15 dwellings with basement car parking and associated landscaping works
<b>Date of Lodgement</b>	2 March 2016
<b>Applicant</b>	Nino Urban Planning + Development
<b>Owner</b>	Mr Franko Amo & Mrs Maria Amo
<b>Number of Submissions</b>	Original proposal -28 Amended proposal - 6
<b>Value of works</b>	\$3,895,000
<b>Reason for determination at Planning Panel</b>	The extent of the departure from the FSR and Height development standards exceeds staff delegation.
<b>Main Issues</b>	Floor Space Ratio and Height
<b>Recommendation</b>	Deferred Commencement Consent



Subject Site:   
 Notified Area: 

Objectors:   
 \*A number of objectors are located outside of the map

## 1. Executive Summary

This report concerns an application to demolish existing improvements and construct a 6 storey residential flat building containing 15 dwellings with basement car parking and associated landscaping works. The original application was notified in accordance with Council's Notification Policy and 28 submissions were received. The applicant submitted amended plans relocating the vehicular entrance to the basement from Constitution Road to South Lane at the rear. The amended development was re-notified and 6 submissions were received.

The development results in a departure of 413.3m<sup>2</sup> (65%) from the FSR development standard contained in Clause 4.4 of Marrickville Local Environmental Plan (MLEP) 2011. The proposal also results in a 2.5 metre departure (14.7%) from the building height development standard contained in Clause 4.3 of MLEP 2011. The application was accompanied by a written request under Clause 4.6 of MLEP 2011 in relation to the variation for building height and FSR which is supported for the reasons outlined in this report.

The site is located in the Hoskins Park Planning Precinct (Precinct 9.11) under MDCP 2011. The site sits within 'Site 4' of the Hoskins Park Masterplan area (MA 11.1) which consists of 66, 68, 70 and 72 Constitution Road. 'Site 4' envisages the amalgamation of the 4 allotments to achieve a desired amalgamation pattern and building envelopes for future development. The application seeks a variation to the required amalgamation pattern for 'Site 4' to develop in isolation to the 3 remaining sites (68, 70 and 72 Constitution Road). The applicant has made genuine efforts to acquire the adjoining site (68 Constitution Road) in accordance with the NSW Land and Environment Court Planning Principles for site amalgamation/site isolation.

As the site proposes to develop in isolation within 'Site 4' and adjoining buildings in the 'Arlington Grove' development have been approved in locations contrary to those suggested in the Masterplan (and in relative close proximity to the subject site), the site is constrained in its ability to comply with required solar access and building envelope provisions contained within MDCP 2011. In response to these constraints, the height of the development has been increased above the maximum height allowed for development within 'Site 4' of the Masterplan area in an effort to improve solar access to units. The non-compliant height of the development is considered an appropriate response for an isolated development within 'Site 4' given the location of the site between the 8 storey 'Arlington Grove' development to the north-west, the 4 storey development envisioned for the remainder of sites within 'Site 4' (68 – 72 Constitution Road) and the recently approved 7 storey shop top housing development on the opposite side of road at 62 Constitution Road.

## 2. Proposal

Approval is sought to demolish existing improvements and construct a 6 storey residential flat building containing 15 dwellings with basement car parking, associated landscaping works and public domain works to Constitution Road.

The development is further summarised as follows:

Basement Level

- Vehicle ramp accessed from South Lane;
- Lift core;
- Fire stairs;
- 6 car parking spaces;
- 15 bicycle spaces; and
- Storage cages.

Ground Floor

- Driveway access from South Lane;
- Pedestrian entry lobby;
- Lift core;
- Open space/deep soil planting (101sqm);
- Garbage room (27.5sqm);
- Unit G01 – 1 Bed (52sqm); and
- Unit G02 – 2 Bed (81sqm).

First Floor

- Lift core, garbage chute & lobby;
- Unit 101 – 1 Bed (50sqm);
- Unit 102 – 1 Bed, adaptable (84sqm); and
- Unit 103 – 2 Bed (84sqm).

Second Floor

- Lift core, garbage chute & lobby;
- Unit 201 – 1 Bed (50sqm);
- Unit 202 – 1 Bed, adaptable (84sqm); and
- Unit 203 – 2 Bed (84sqm).

Third Floor

- Lift core, garbage chute & lobby;
- Unit 301 – 1 Bed (50sqm);
- Unit 302 – 1 Bed, adaptable (84sqm); and
- Unit 303 – 2 Bed (84sqm).

Fourth Floor

- Lift core, garbage chute & lobby;
- Unit 401 – 1 Bed (50sqm);
- Unit 402 – 1 Bed, (84sqm); and
- Unit 403 – 2 Bed (84sqm).

### Fifth Floor

- Lift core, garbage chute & lobby;
- Communal roof terrace (33sqm) and storage; and
- Unit 501 – 2 Bed (78sqm)

### Public Domain Works

Public domain works are included (to be carried out by the applicant) by way of:-

- Paving of Constitution Road to Grove Street; and
- Removal of 2 power poles and relocation of power lines underground.

The public domain works have been included in a detailed landscape plan.

### **3. Site Description**

The site is legally defined as Lot 2 in DP86920 and is commonly known as 66 Constitution Road, Dulwich Hill. The site is a rectangular shaped allotment with a frontage of 13.565 metres to Constitution Road, a depth of 36.59 metres and a rear boundary width of 13.145 metres. The site has an area of approximately 489sqm.

The site currently accommodates a single storey period dwelling house with a side driveway accessed off Constitution Road. In addition, at the rear of the site there is a large warehouse / storage structure which abuts the rear and side boundaries.

The site is zoned R1 General Residential under the MLEP 2011. The site is not identified as a heritage item and not within a heritage conservation area. The site is identified as being within a masterplan area in the Hoskins Park Planning Precinct under Part 9.11 of MDCP 2011. The site is one of 4 sites within 'Site 4' of the Hoskins Park Masterplan area, being the subject site and the adjoining three single storey terraces, known as 68, 70 and 72 Constitution Road, Dulwich Hill.

The Hoskins Park Masterplan area includes the recently approved development at 6-26 Grove Street and 60-64 Constitution Road Dulwich Hill, known as 'Arlington Grove'. Formally an industrial site, the 'Arlington Grove' development comprises 3 x 8 storey buildings and 3 x 4 storey buildings with approximately 250 apartments and 1 café. The approved building footprint of 'Arlington Grove' is shown in Image 6 below.

To the north-west, the site adjoins 64 Constitution Road which previously contained a single storey dwelling house that was recently demolished and now forms part of 'Arlington Grove'. The adjoining building under construction is known as building A1 and includes a 8 storey residential flat building and café forming part of 'Site 3' in the Hoskins Park Masterplan area. A new 'right of way' (South Lane) is being constructed between building A1 and the subject site along its side north-west boundary. South Lane will provide an exit only onto Constitution Road adjoining the site with entry only access from Grove Street (see Image 6 below).



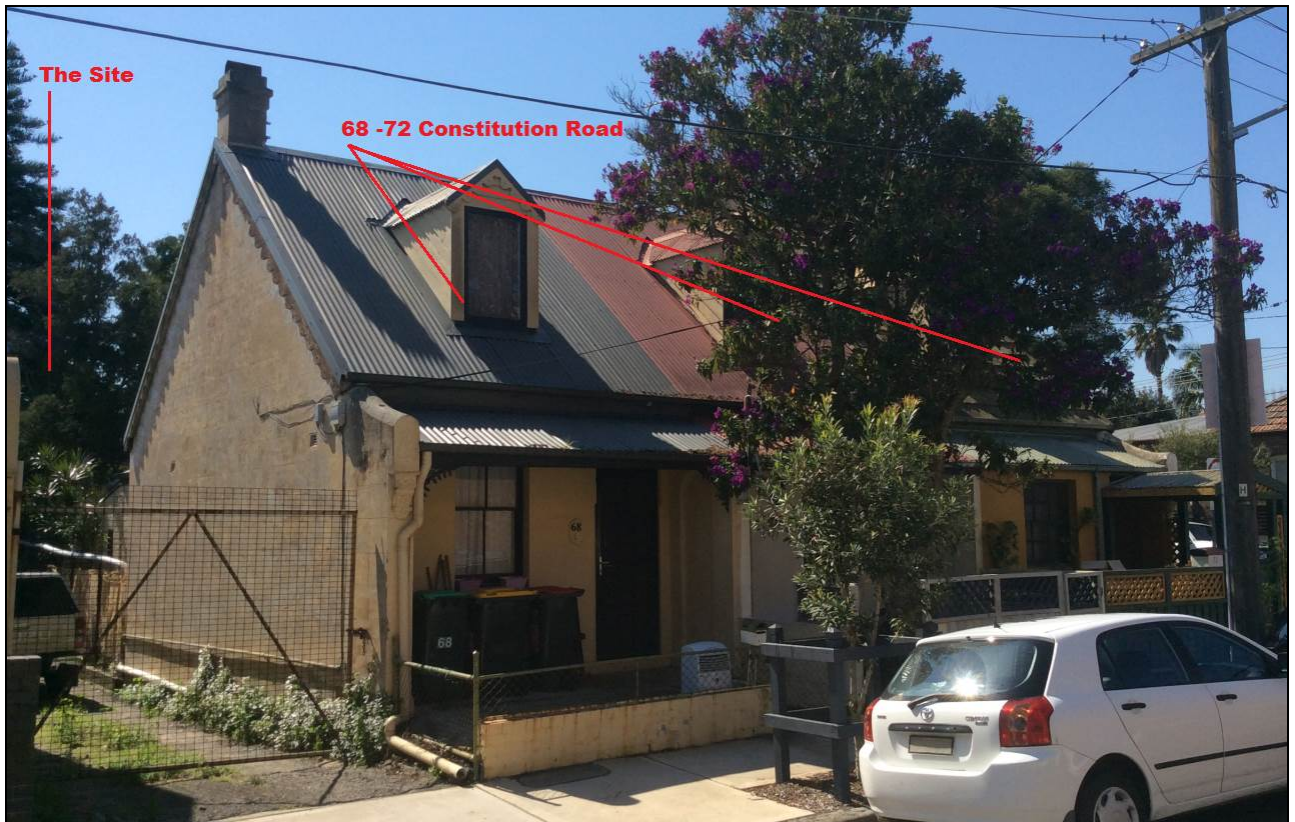
*Image 3: 60-64 Constitution Road (60-64 Constitution Road – ‘Arlington Grove’ development)*

At the end of Constitution Road further to the north-west and approximately 25 metres from the site is the entrance to the Arlington Light Rail Station.



*Image 4: Arlington Light Rail Station viewed towards the north-west on Constitution Road*

To the south-east, the site adjoins 68 Constitution Road which accommodates a single storey semi-detached dwelling house and is 1 in a row of 3 semi-detached dwellings from 68-72 Constitution Road. The subject site and the 3 adjoining sites in this row form 'Site 4' of the Hoskins Park Masterplan area.



*Image 5: 68 -72 Constitution Road*

To the north-east of the site, the site adjoins South Lane which is under construction as part of 'Site 3' in the 'Arlington Grove' development with South Lane being constructed along the rear boundary (see Image 6 below).

Image 6 shows the site (marked in red) in the context of the required amalgamation pattern within the Hoskins Park masterplan area and the approved 'Arlington Grove' development to the north (rear) and north-west (side) of the site. Note: The DCP amalgamation pattern has not been realised as part of the proposed development nor in the approved adjoining 'Arlington' Grove development.



*Image 6: MDCP 2011 Masterplan (MA 11.1) & site footprint & adjoining approved development*

Opposite the site to the south-west (front) is 62 Constitution Road which currently contains a 3 storey warehouse building. A 7 storey shop top housing development was recently approved by the Land and Environment Court on this site (see Image 7 below). 62 Constitution Road does not form part of the Hoskins Park Masterplan area.



*Image 7: Existing warehouse and approved 7 storey development – 62 Constitution Road*

The immediate surrounds of the site are in transition from a mix of light industrial and low density residential development to a mix of low to high density residential development. There are two parks within the surrounding area: J.F. Laxton Reserve approximately 120 metres to the south-east of the site across the light rail corridor and Johnson Park approximately 65 metres to the east across the light rail corridor.



Image 8: Surrounding context and land uses (Source: Nino Urban Planning & Development)

To the north-east across the light rail corridor is the former Waratah Flour Mills residential development.

#### 4. Background

##### 4(a) Site history

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

##### Subject Site

Application	Proposal	Decision & Date
Pre-DA 201500122	To demolish existing improvements and construct a 5 part 6 storey residential flat building comprising 15 dwellings with basement car parking and associated landscaping.	Advice provided 23 November 2015

##### Surrounding properties

Application	Proposal	Decision & Date
Determination No. 201300375	To consolidate 16 lots, demolish all existing improvements and remediate	Approved 20 June 2014



	the land followed by comprehensive redevelopment of the site to contain 246 dwellings and 1 ground floor retail premises within 4 buildings of heights varying from three 3 to 8 storeys over 2 levels of basement for 269 vehicles combined with ancillary development works including civil works, internal road construction, tree removal	
Order No. 10978 of 2015 (LEC NSW)	To demolish the existing building and erect a 7 storey "shop top" housing development comprising 2 commercial tenancies and 18 units on the above property.	Approved 1 April 2016

#### 4(b) Application history

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

Date	Discussion / Letter/ Additional Information
27 May 2016	Council letter requesting additional information and amended plans
3 June 2016	Additional information and amended plans lodged
6 July 2016	Meeting with applicant to request amended plans
17 July 2016	Additional information and amended plans lodged
5 September 2016	Council letter requestion amended plans
7 September 2016	Amended plans lodged

## 5. Assessment

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

### 5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (Amendment 3);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007; and
- Marrickville Local Environmental Plan 2011.

The following provides further discussion of the relevant issues:

**5(a)(vii) 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. Marrickville Development Control Plan 2011 (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 is currently occupied by a residential building, however previous uses, degrading buildings and parking of vehicles warranted a Detailed Site Investigation to be undertaken. This was submitted with the application. The detailed site investigation concluded the following:

- Detailed Site Investigation complies with the *NSW EPA's Guidelines for Consultants: Reporting on Contaminated Sites*
- The site and surrounding areas were free of statutory notices issued by the EPA under the Contaminated Land Management Act 1997 and the Protection of the Environment Operations Act 1997;
- There is no evidence of underground or aboveground storage tanks;
- Five bore samples collected across the site identified hot spot contamination of Benzo(a)pyrene in excess of adopted HIL B limits at three locations that requires additional investigations for delineation and remediation;
- Groundwater investigations were not undertaken and are recommended for further investigation.

Upon the request of Council, the applicant prepared a Remedial Action Plan for the site with remediation of the site proposed to be undertaken after demolition of existing structures.

The detailed site investigation and remedial action plan adopted HIL B investigation levels for the site. This is suitable for the residential component of the development; however this is not suitable for the 101m<sup>2</sup> deep soil planting and common space area on the northern portion of the site.

More conservative investigation levels should be adopted, being HIL C, as it is assumed that occupants may have substantial opportunity for exposure to this portion of the site, and as such any potential contaminants that may be present. This is recommended in the NEPM 1999 which states "*Landscaped/playground (including sandpit) areas used for recreation within a high-density development should be assessed on the basis of the more conservative HIL C values*" (National Environment Protection (Assessment of Site Contamination) Measure 1999, Schedule B7, 3.2.2).

Conditions are included in the recommendation addressing HIL C investigation levels and further RAP requirements. Subject to compliance with the above, the proposal is considered acceptable having regard to the provisions of SEPP 55.

### 5(a)(viii) State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (Amendment 3)

The development is subject to the requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65). SEPP 65 prescribes 9 design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

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

The development is generally acceptable having regard to the 9 design quality principles as:-

- The development is a site specific response presenting appropriate density, scale and built form within a masterplanned precinct;
- Resource, energy and water efficiency has been addressed through lodgement of a BASIX certificate;
- Adequate deep soil planting and landscaping is provided;
- The development provides good amenity for the dwellings;
- The development improves the safety and security of the street and is acceptable when considered against CPTED principles; and
- Council's Architectural Excellence Panel supports the proposal.

#### Apartment Design Guide

The ADG contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP the requirements contained within MDCP 2011 in relation to visual privacy, solar and daylight access, common circulation and spaces, apartment sizes and layout, ceiling heights, private open space and balconies, natural ventilation and storage have no effect. In this regard objectives design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The development has been assessed against the relevant design criteria within Part 3 and 4 of the ADG as follows:

#### Communal and Open Space

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

- Communal open space has a minimum area equal to 25% of the site.

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

The development provides a total of 134sqm of open space equal to 27% of the site. The communal open space consists of 101sqm of open space on the ground level and 33sqm on level 5.

The principal communal open space used by occupants is likely to be the ground floor open space to the rear of the site abutting South Lane.

Due to the proximity of approved heights of development to the north and west ('Arlington Grove') the ground floor open space will not receive a minimum of 2 hours solar access between 9:00am and 3:00pm mid-winter.

Given that the approved heights of the adjoining developments limit solar access on the ground floor for any potential development on site, an additional area of communal open space has been provided level 5 which is likely to receive the minimum solar access required. In this regard, the non-compliant level solar access received to the principal area of communal open space on the ground floor is acceptable in this instance.

Deep Soil Zones

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

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

The site has an area less than 650sqm and provides 101sqm of deep soil area, equal to 20% of the site area and therefore complies with the prescribed ADG requirements for deep soil zones.

Visual Privacy/Building Separation

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

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

storeys)		
----------	--	--

A 12.7 metre rear setback to South Lane has been provided with resulting separation between the approved 4 storey 'Arlington Grove' building to the rear complying with the above rear setback requirement.

On the north western side of the site, the adjoining building A1 within the 'Arlington Grove' development was approved at 8 storeys in height with a 6 metre setback to the boundary of the subject site which was a departure from the 7 metre setback required by Part 9.11 of MDCP 2011.

Building A1 contains habitable areas at 6 metres measured to the side boundary of the site from level 1 to level 8.

Levels 4 and 5 of the proposed development consequently do not achieve the required 9 metre side setback from the adjoining habitable areas of building A1 with a 7.4 metre setback proposed between the habitable rooms of the adjoining building and the habitable rooms of the development on level 5 and balconies on level 6.

Despite the building separation non-compliance of levels 4 and 5, the development will maintain adequate visual privacy as:-

- The building has been designed in an orientation so that apartment sightlines are directed away from building A1 of the 'Arlington Grove' development; and
- Screens have been provided to balconies and openings where necessary and highlight windows are provided on the north-west elevation with opaque glazing.

### Solar and Daylight Access

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

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

The proportion of units which comply with the minimum solar access requirements of the ADG is 9 of 15, being 60%, with 1 unit (0.66%) receiving no direct sunlight mid-winter.

Due to the orientation of the site and the height and siting of approved buildings to the side and rear of the site, achieving 2 hours of solar access to the internal and external living areas of 70% of the dwellings is difficult.

In response to the external site constraints posed by adjoining development, living areas and glazing have been orientated to maximise solar access and the height of the development has been increased to an appropriate transition point between the approved building to the north-west and potential future development at 68, 70 and 72 Constitution Road in order to provide units with good solar access on levels 4 and 5.

Further, an independent solar access report prepared by Steven King was commissioned by the applicant. The report included thorough solar access 3D modelling of the development and shadow impacts of approved development surrounding the site. The report notes that the development would be capable of achieving 70% of apartments receiving 2 hours solar access in mid-winter had the adjoining 8 storey development been approved with side setbacks above 5 storeys at the required distance in accordance with the ADG. The report concludes that achieving 60% of apartments receiving 2 hours solar access in mid-winter is a result of significant design effort in response to site constraints.

On balance, the design is well considered having responded to site constraints and a variation to the required number of units receiving a minimum of 2 hours of solar access in mid-winter is considered acceptable in this instance.

### Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

- At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the building.
- Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.

The plans indicate that 10 of the 15 units, being 66%, will allow for natural ventilation and no apartments exceed 18 metres in depth.

### Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

<b>Minimum Ceiling Height</b>	
Habitable Rooms	2.7 metres
Non-Habitable	2.4 metres

The ceiling height of each storey will be a minimum 2.7 metres throughout each apartment.

The ground floor has a ceiling height of 3.05 metres which allows for increased solar access to the lower level apartments.

### Apartment Size

The ADG prescribes the following minimum apartment sizes:

<b>Apartment Type</b>	<b>Minimum Internal Area</b>
Studio apartments	35m <sup>2</sup>
1 Bedroom apartments	50m <sup>2</sup>
2 Bedroom apartments	70m <sup>2</sup>

All units comply with the minimum area as stipulated under the ADG.

### Apartment Layout

The ADG prescribes the following recommendations for apartment layouts:

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

Room depths, room sizes and dimensions and window sizes for each unit complies with the ADG.

Units 102, 202, 302, and 402 propose a width of 3.3 metres for the combined living and dining rooms falling 300mm short of the 3.6 metre depth recommended by the ADG. As the depth and resulting amenity for future occupants of these units is considered satisfactory, the minor variation is considered acceptable in this instance.

### Private Open Space and Balconies

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

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	4m <sup>2</sup>	-
1 Bedroom apartments	8m <sup>2</sup>	2 metres
2 Bedroom apartments	10m <sup>2</sup>	2 metres

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

The ADG also prescribes that for apartments at ground level or on a podium or similar structure, a private open space area is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3 metres.

All units provide a balcony of the required size and dimension as recommended by the ADG. Units G01 and G02 on the ground floor provide a terrace area of 15sqm and 28sqm respectively.

### Storage

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

Apartment Type	Minimum Internal Area
Studio apartments	4m <sup>3</sup>
1 Bedroom apartments	6m <sup>3</sup>
2 Bedroom apartments	8m <sup>3</sup>

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

In addition to storage within units, storage cages have been provided on the basement level. All units are provided with an area of storage greater than the minimum area recommended by the ADG.

#### 5(a)(ix) [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#)

A BASIX Certificate was submitted with the application indicating 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)(x) [State Environmental Planning Policy \(Infrastructure\) 2007](#)

The site is located within 25 metres of a rail corridor. Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) requires the consideration of potential effects to the ongoing operation and safety of the rail corridor for development within 25 metres. Clause 87 of the 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.

The proposal was referred to Sydney Trains for comment. Conditions of consent were provided including the requirement for an Acoustic Assessment Report to be provided before the issue of a Construction Certificate. Those conditions are included in the recommendation.

#### 5(a)(xi) [Marrickville Local Environment Plan 2011 \(MLEP 2011\)](#)

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

- Clause 2.3 – Land Use Table and Zone Objectives
- Clause 2.7 – Demolition
- Clause 4.3 – Building Height
- Clause 4.4 – Floor Space Ratio
- Clause 4.6 – Exceptions to Development Standards
- Clause 5.9 – Preservation of Trees or Vegetation
- Clause 6.2 – Earthworks
- Clause 6.3 – Floor Planning
- Clause 6.4 – Terrestrial Biodiversity



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

Standard (maximum)	Proposal	% of non-compliance	Compliance
<b>Floor Space Ratio</b> Maximum: 1.3:1	2.146:1 1,049.4m <sup>2</sup>	65%	No
<b>Height of Building</b> Maximum: 17 metres	19.5 metres	14.7%	No

The following provides further discussion of the relevant issues:

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

The site is zoned R1 – General Residential under the provisions of MLEP 2011. The development is permissible with Council's consent under the zoning provisions applying to the land.

The development is acceptable having regard to the objectives of the R1 - General Residential zone.

(ii) 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.

(iii) Height (Clause 4.3)

A maximum building height of 17 metres applies to the land under MLEP 2011. The development has a maximum building height of 19.5 metres which does not comply with the development standard.

A written request, in relation to the development's non-compliance with the building height 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)".

(iv) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 1.3:1 applies to the development under MLEP 2011.

The development has a gross floor area (GFA) of 1,049.4sqm which equates to a FSR of 2.1:1 on the 489sqm site 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 below under the heading "Exceptions to Development Standards (Clause 4.6)".

(v) Exceptions to Development Standards (Clause 4.6)

Clause 4.6 contains provisions that provide a degree of flexibility in applying certain development standards to particular development. Under Clause 4.6(2), Development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

The development exceeds the maximum building height development standard prescribed under Clause 4.3 of MLEP 2011 and floor space ratio development standard prescribed under Clause 4.4 of MLEP 2011. A written request in relation to the contravention to the building height and floor space ratio development standards in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 was submitted with the application.

*Building Height*

The applicant considers compliance with the building height development standard to be unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard for the following reasons:

- The site is located adjacent to an approved 8 storey building with a height of 27.53 metres with substantial overshadowing of the subject site expected in addition to adjoining terraces on Constitution Road. This presents a site constraint for any development on site and the development is required to be taller in order to achieve increased solar access into units. A reduction in height to a compliant level would reduce solar access and it will be difficult to achieve a development of acceptable standard and amenity;
- The proposed height is contextually appropriate as it provides a height transition between the approved 8 storey building to the north-west and potential future 4 storey development envisaged by Part 9.11 of MDCP for development at 68, 70 and 72 Constitution Road. The height transition is well balanced and proportional to the site and is supported by Professor Peter Webber, Steve King and Council's AEP. In this regard, the development is a better planning outcome as a reduction in height to achieve numerical compliance would not provide appropriate height transition between developments and would be disproportionate in scale;
- The 17 metre height control is reasonably capable of accommodating a 5.5 storey building. The half storey component is represented by limiting the sixth storey to one apartment, which is setback from the front and located to the centre of the floor plate. This limits the visibility of the apartment from the street level and provides a recessed sixth floor;

- The height protrusion is attributed to the sixth floor, with the primary non-complying element being the lift over-run and fire stair in addition to the top floor 2 bedroom apartment. If the apartment were to be deleted, the height variation would remain, as the lift over-run and fire stair will still be required to provide access to the roof terrace. The top floor apartment is setback and recessed and is not highly visible from the street level. Therefore, there would be no discernible benefit of deleting the top floor apartment, as it would not result in compliance with the height standard;
- Shadow diagrams submitted with the application demonstrate that the shadow cast by the subject development is smaller than the shadow cast by the adjoining approved 8 storey building to the north-west. Therefore, the proposal will not generate any greater shadow than the shadow that will be created by the 8 storey building. In this regard, the proposal does not generate any adverse shadow impact;
- Consideration has been given to visual and acoustic privacy. The building is designed in a north-east, south-west orientation with apartments directed away from the adjoining approved buildings. A substantial rear setback is provided to increase building separation and improve solar access. Screens have been provided where necessary and high-light windows are provided in opaque glazing for daylight. The proposal is a considered response to the context and does not generate any privacy impact to adjoining development;
- The streetscape plan submitted with the application illustrates that the proposal provides a contextually appropriate height transition within an emerging high density residential area. The building is well articulated and composes quality materials such as dry-pressed bricks, decorative brickwork on side façades and use of vertical elements that are balanced with horizontal banding. The building is a carefully designed high-quality development that exhibits design excellence and will deliver visually interesting building that complements the streetscape and immediate area;
- The proposed height of the development provides amenity to future occupants that is considered to be a better planning outcome than that of a compliant proposal and is of a superior urban outcome in the context of surrounding approved development;
- The proposal is consistent with the objectives of the height of building standard and the objectives would be thwarted if compliance was required; and
- The proposal is consistent with the zone objectives;

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

As demonstrated in the assessment provided in this report, the additional dwelling does not result in adverse amenity impacts for residents of adjoining properties and the architectural form proposed responds appropriately to the future context of the site.

### *Floor Space Ratio*

A written request in relation to the contravention to the FSR development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 was submitted with the application. The applicant considers non-compliance with the FSR development standard to be acceptable for the following reasons:

- The proposed bulk, mass and density of the development is contextually appropriate and rationalises the height and FSR standards. In this context, the FSR standard of 1.3:1 is a disconnect with the 17 metre height standard, and in the circumstances of this case, the proposed FSR of 2.146:1 provides a rationalisation and better relationship with the height standard and height of adjoining approved development;
- Due to the substantial overshadowing as result of the adjoining approved 8 storey development to the north west, an increase in height is required to improve solar access. In order to achieve this increase in height, flexibility is required to the FSR standard. This will enable a development that achieves better amenity for future occupants than a development that would strictly comply with the FSR. This demonstrates that the benefits of varying the FSR and height are distinct and particular to the application;
- The development is consistent with the desired future character of the locality and the design of the development is considered to be a better urban outcome that will complement future adjoining development;
- The proposed residential flat building will provide an improved streetscape presentation and building form that includes good quality finishes and materials and will contribute positively to the locality;
- The proposal does not result in any undue or adverse environmental planning impacts in terms of shadow, amenity, privacy, traffic, view loss or streetscape presentation;
- The proposed development is compatible with the approved development in the immediate vicinity and is not considered to detract from the streetscape of Constitution Road. The proposal is exemplary of the desired future character of the area, as established through the land use zone under MLEP 2011 and planning precinct provisions in MDCP 2011 and surrounding recently approved development;
- The proposal is consistent with the objectives of the FSR standard; and
- The proposal is consistent with the zone objectives.

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

As demonstrated in the assessment provided in this report, the additional FSR does not result in adverse amenity impacts for residents of adjoining properties, results in improved amenity for future occupants and the architectural form proposed responds appropriately to the adjoining site context and future character of the masterplan area.

(vi) Preservation of Trees or Vegetation (Clause 5.9)

Clause 5.9 of MLEP 2011 concerns the protection of trees identified under Marrickville Development Control Plan 2011.

There are no trees on the property covered by and protected under Marrickville Development Control Plan 2011. However, the neighbouring property at 68 Constitution Road contains a Norfolk Pine which is of high retention value and may be impacted by the proposed development due to its proximity to the common boundary.

Council's Tree Management Officer recommended that the tree be retained and protected during construction. Despite the likelihood of future removal of the tree due to redevelopment and associated remediation works of the neighbouring property, conditions of consent are included in the recommendation requiring the retention and protection of the tree during construction.

(vii) 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 development includes excavation for a basement level, which subject to conditions which have been 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.

(viii) Flood Planning (Clause 6.3)

The land is not identified as land that is shown as "Flood planning area" on the MLEP 2011 Flood Planning Area Map; however, the site is subject to flooding.

The application was referred to Council's Development Engineer who advised that South Lane is subject to flooding and that amended driveway access and ground floor levels were required to ensure the site is not impacted by floodwaters.

Due to the location of the driveway access point and entry lobby on South Lane, the driveway height and floor levels of the lobby and ground floor units were subsequently modified.

Council's Development Engineer raised no concerns with respect to the amended plans subject to the imposition of conditions that have been incorporated into the recommendation.

(ix) Terrestrial Biodiversity (Clause 6.4)

The land is identified as "Biodiversity" on the MLEP 2011 Natural Resource - Biodiversity Map.

The land is also located in the Bandicoot Protection Area as identified in the Biodiversity Map contained in Appendix 3 of Part 2.13 of MDCP 2011 being an area identified as a potential habitat for the Long-nosed Bandicoot. The property has a site area which is greater than 450sqm.

The development was referred to Council's Biodiversity Officer who provided conditions of consent addressing any potential impact on biodiversity during demolition, construction and throughout the use of the development. Those conditions are included in the recommendation.

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 Marrickville Development Control Plan 2011.

Part	Compliance/
<b>Part 2 – GENERIC PROVISIONS</b>	
Part 2.1 – Urban Design	Yes – refer to discussion
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes – refer to discussion
Part 2.6 – Visual and Acoustic Privacy	Yes – refer to discussion
Part 2.7 – Solar Access and Overshadowing	No – refer to discussion
Part 2.8 – Social Impact Assessment	Yes – refer to discussion
Part 2.9 – Community Safety	Yes – refer to discussion
Part 2.10 – Parking	No – refer to discussion
Part 2.18 – Landscaping and Open Space	No – refer to discussion
Part 2.21 – Site Facilities and Waste Management	Yes – refer to discussion
<b>Part 4.2 – Multi Dwelling Housing &amp; Residential Flat Buildings</b>	
Part 4.2.3 – General Controls (Unit Mix)	No – refer to discussion
Part 4.2.4 – Building Form <ul style="list-style-type: none"> <li>• FSR and Site Coverage</li> <li>• Building Heights</li> <li>• Streetscape, General Appearance and Materials</li> </ul>	No – does not comply with FSR and Site Coverage and building height – refer to discussion

**Part 9 – STRATEGIC CONTEXT**

Part 9.3 – Hoskins Park Planning Precinct (Precinct 9.11)	No – Refer to discussion
---	--------------------------

The following provides discussion of the relevant issues:

**PART 2 – GENERIC PROVISIONS**(i) Urban Design (Part 2.1)

It is assessed that the development is acceptable having regard to the relevant aspects of the 12 urban design principles.

The application was also referred to Council’s Architectural Excellence Panel (AEP) who support the proposal. It is also noted that the applicant responded favourably to the AEP’s feedback at Pre –DA stage and DA stage in:

- Altering the design to ensure that the streetscape presentation be improved with increased articulation features to the Constitution Road elevation; and
- Increasing the presence of the entry lobby with an increased opening to South Lane.

(ii) Site and Context Analysis (Part 2.3)

A site and context analysis was submitted with the application and is acceptable.

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

The development would require a minimum of 3 adaptable dwellings and 3 accessible resident parking spaces. In addition, all areas of the development are required to be accessible by persons with a disability.

The development provides 3 adaptable dwellings, accessible entry and continuous path of travel within the development in accordance with the requirements of MDCP 2011. An Access Report was submitted with the application and demonstrates compliance with relevant access requirements.

The matter of accessible car spaces is discussed below in this section of the report 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.

(iv) Acoustic and Visual Privacy (Part 2.6)

The development would maintain a high level of acoustic and visual privacy for the adjoining approved development within the Masterplan area and adjoining residential dwellings on Constitution Road and ensures a high level of acoustic and visual privacy for future occupants of the development itself. The following points are noted:

- Private open space areas have been provided in the form of balconies in a north-east and south-west orientation to avoid overlooking of the adjoining 'Arlington Grove' development to the north west and south east;
- The balconies have been articulated and constructed with blade walls/screens to minimise potential overlooking of adjoining residential development and to provide privacy for future occupants;
- The highlight windows to the north-west façade do not generate any privacy issues, as they are opaque windows that allow for daylight and ventilation and are not transparent;
- The rear of the building is substantially setback from the boundary which minimises potential for overlooking of the approved development to the rear across South Lane;
- Balconies and habitable rooms facing Constitution Road are articulated and screened to minimise potential for overlooking of the approved development at 62 Constitution Road;
- Areas of common open space are not likely to generate unreasonable levels of noise out of character with what is expected of a residential use; and
- A condition of consent has been included requiring any noise from plant and equipment (i.e. – air conditioning units) to not exceed 5dBa above background noise.

(v) Solar Access and Overshadowing (Part 2.7)

*Overshadowing*

The shadow diagrams submitted with the application illustrate the extent of overshadowing to surrounding properties and demonstrate that proposal does not create any greater shadow than the shadow that is generated by the approved 8 storey building to the north west. As a result, the development does not generate any shadow that will reduce solar access to adjoining properties to the south.

Therefore, the development is not considered to be unreasonable in the circumstances and would not cause any unreasonable amenity impacts for surrounding residential development.

*Solar Access*

Solar access has been discussed above in section 4 of this report.

(vi) Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains objectives relating to community safety. The proposal provides clear visible entrances to the building from Constitution Road and South Lane, secure parking, habitable rooms overlooking Constitution Road and design features which would allow for casual surveillance of along both street frontages. Appropriate conditions are included in the recommendation regarding lighting and anti-graffiti treatment to the development.

(vii) Parking (Part 2.10)

*Car, Bicycle and Motorcycle Parking Spaces*



The site is located in Parking Area 2 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?
<b>Car Parking</b>				
Resident Car Parking	0.4 car parking space per studio	N/A	6	No
	0.5 car parking spaces per 1 bedroom unit	6 x 1 bed unit (non-adaptable) = 3 spaces		
	1 car parking space per 2 bedroom unit	6 x 2 bed unit = 6 spaces		
	1.2 car parking spaces per 3 bedroom unit	N/A		
	1 car space per 1 adaptable dwelling	3 accessible spaces		
	<b>TOTAL REQUIRED:</b>	<b>12 spaces</b>		
Visitor Car Parking	0.1 car parking space per unit	15 units = 1.5 spaces	0 spaces	No
	1 accessible visitor's car parking space per 4 accessible car parking spaces	0 accessible space  <b>TOTAL: 1.5</b>		
<b>Bicycle Parking</b>				
Resident Bicycle Parking	1 bicycle parking space per 2 units	15 units = 8 spaces	15 spaces	Yes
Visitor Bicycle Parking	1 bicycle parking space per 10 units	15 units = 1.5 spaces		
<b>Motorcycle Parking</b>				
Motorcycle Parking	5% of the total car parking requirement	N/A	-	-

The application proposes the provision 6 car parking spaces which does not comply with the requirements set out in the above table.

The applicant has indicated that the 6 parking spaces are to be allocated to the 6 x 2 bedroom units resulting in no allocated parking spaces for the 9 x 1 bedroom units.

Part 2.5 of MDCP 2011 requires the provision of 1 car space per adaptable unit, therefore the proposal is required to provide a total of 3 adaptable spaces and no adaptable parking spaces are proposed.

Whilst it is acknowledged that the proposed basement is considerably constrained and limited in size, the provision of accessible parking is necessary to ensure the adaptable units are adequately catered for. It is considered the proposal could provide for 2 accessible car spaces with minimal loss of parking. The provision of 2 accessible parking spaces would result in the loss of 1 car space to provide for a shared zone resulting in a total of 5 on-site car parking spaces. This is considered to be a better outcome for the site and its potential tenants.

Having regard to the limited space within the proposed car park, space 5 as shown on the basement plan could be deleted and converted to a 'shared area' to accommodate 2 accessible parking spaces on either side (spaces 4 & 6). A condition of consent is included in the recommendation to this effect.

The parking shortfall is considered moderate and it is noted that due to the amended location of the basement access off South Lane (an amendment made at the request of Council), one additional on street parking space will be provided in place of the existing and redundant driveway to the site off Constitution Road.

Despite the car parking space shortfall, the development is considered acceptable for the following reasons:-

- The development is within 25 metres of the Arlington Light Rail Station which will assist in mitigating car ownership, particularly for occupants travelling to and from the CBD;
- The development is within 280 metres walking distance to Old Canterbury Road and 700 metres walking distance to the Dulwich Hill Town Centre both of which provide well serviced bus stops; and
- The site size is constrained and any further parking would require a further excavation for additional parking which is not considered a reasonable outcome given the minimal benefit in additional car spaces and appropriateness of further excavation on the small site.

Further, the applicant submitted a Traffic and Parking Assessment Report which concludes that the proposed development is a moderate trip generator for the weekday peak times and will not negatively impact the ongoing use and function of the surrounding road network and intersections.

On balance, the development contributes to urban renewal in an emerging compact urban centre close to multiple public transit networks in the interest of supporting compact urban form, economic viability and sustainable transport. The development is therefore considered to be acceptable having regard to the objectives of Part 2.10 of MDCP 2011.

#### *Vehicular Access from South Lane*

During the assessment of the application the applicant submitted amended plans at the request of Council relocating the vehicular access point from the front of the site on Constitution Road to the rear of the site accessed via the public right-of-way known as 'South Lane'.

South Lane is to be formalised as a right of way with 'entry only' for vehicles from Grove Street and 'exit only' for vehicles onto Constitution Road. The relocation of the vehicular access point to South Lane provides a better public domain outcome to the front of the site and improves the general presentation of the development when viewed from Constitution Road. Further, the relocation of the driveway to South Lane reduces vehicle movements on Constitution Road.

In order to gain vehicular access from South Lane, legal access must be obtained over part of 6-26 Grove Street. Accordingly the following deferred commencement condition has been included in the recommendation:

*"Council is to be provided with written evidence that legally binding access over 6-26 Grove Street, Dulwich Hill has been afforded to the subject site (whether by reason of a right of way, contractual agreement or similar instrument) over that part of 6-26 Grove Street that is known as "south lane". Such legally binding access must also include the right to carry out such works as are necessary on 6-26 Grove Street to ensure physical access into the subject site can occur in accordance with any applicable standards."*

(viii) 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.

*Landscaped Area*

The development provides landscaping to the front of the site abutting Constitution Road and 101sqm of landscaped area at ground level located at the rear of the site. Although the landscaped area provided does not comply with the required provision for 45% landscaping of the site area required by MDCP 2011, the area is considered sufficient in size and function as it is provided as deep soil and is of a size which is considered appropriate given the relatively small nature of the development and expected occupancy rate.

A landscape plan and maintenance schedule was not submitted with the application. A condition is included in the recommendation requiring the submission of a landscape plan and maintenance schedule.

*Private and Common Open Space*

The units are provided with private open space in accordance with the required sizes in Part 2.18 of MDCP 2011. The common open space on ground level and level 5 are considered to afford a good level of amenity for future occupants. The development satisfies Part 2.18 in this regard.

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

*2.21.2.1 Recycling and Waste Management*

A Recycling and Waste Management Plan (RWMP) was submitted with the application and is considered to be adequate. In accordance with Part 2.21 of MDCP 2011, development with 4 or more storeys requires a garbage chute or waste storage room for waste disposal on each floor. The development provides a chute on each floor.

#### *2.21.2.5 Residential Waste*

Residential waste facilities have been provided on the ground floor level with direct access to Constitution Road. The garbage room has an area of 27.5sqm which is considered a sufficient size to accommodate the required 14 x 240 litre bins for waste and recycling.

A condition of consent is included in the recommendation requiring adequate bin management for collection periods as to minimise the impact of bins left out on the street on collection days.

#### *2.21.3.1 Clothes drying facilities*

Under the provisions of Part 2.21.2 of MDCP 2011, external clothes drying areas are required at a rate of 3.75m<sup>2</sup> per dwelling, with a minimum 6 metres of clothes line for each dwelling.

The balconies proposed for each dwelling are considered to be capable of accommodating suitable clothes drying facilities for future occupants.

#### *2.21.3.2 Public utilities*

A condition is included in the recommendation advising the person acting on the consent to liaise with the relevant authorities/service providers for public utilities (Sydney Water Corporation, Ausgrid, AGL and Telstra) concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.

#### *2.21.3.3 Mail Boxes*

A condition is included in the recommendation to ensure that suitable letterbox facilities are provided in accordance with Part 2.21.4 of MDCP 2011.

#### *2.21.3.4 Building identification numbers*

A condition is included in the recommendation requiring appropriate numbering details to be submitted in accordance with Part 2.21.5 of MDCP 2011.

#### *2.21.3.5 Telecommunication facilities*

A condition is included in the recommendation requiring the provision of suitable telecommunication facilities in accordance with Part 2.21.6 of MDCP 2011.

#### (x) Stormwater Management (Part 2.25)

The application was referred to Council's Development Engineer who provided conditions to be included in the recommendation to address stormwater management.

#### **Part 4 - RESIDENTIAL DEVELOPMENT**

##### **Part 4.2 – Multi Dwelling Housing and Residential Flat Buildings**

The site is located within the Hoskins Park Planning Precinct pursuant to Part 9.11 of MDCP 2011. Many of the controls and objectives contained within Part 4.2 are effectively superseded by the controls contained within Part 9.11. The following assessment is in regards to controls which are not replicated within Part 9.11 of MDCP 2011:

##### (i) General Controls (Part 4.2.3)

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

<b>Dwelling Type</b>	<b>Proposed</b>	<b>Required (%)</b>
Studio	4 dwellings (18%)	5-20%
1 bedroom	11 dwellings (50%)	10-40%
2 bedroom	7 dwellings (31%)	40-75%
3 bedroom	0 dwellings (0%)	10-45%

The development includes 0 x studio dwellings (0 % of 15), 9 x 1 bedroom dwellings (60 % of 15), 6 x 2 bedroom dwellings (40 % of 15) and 0 x 3 bedroom dwellings (0% of 15) which does not comply with the abovementioned unit mix requirements. Notwithstanding, there is considered to be an acceptable range of dwelling sizes and types to meet the future needs of the area across the precinct. The variation is not considered to warrant refusal of the application.

##### (ii) Built Form and Character (Part 4.2.4)

###### 4.2.1.1 Floor Space Ratio and Site Coverage

The floor space ratio of the development has been discussed earlier in this letter under the provisions of MLEP 2011.

Part 4.2.4.1 MDCP 2011 specifies the following maximum site coverage controls for residential flat buildings:

<b>Development Type</b>	<b>Maximum Site Coverage</b>
Residential flat building	45% for one storey 35% for two storey 30% for three or more storeys

The site coverage for this proposal, measured in accordance with the above, equates to 42% of the site area which does not comply with such requirement. Notwithstanding, the variation is considered acceptable given the site accommodates a sufficient deep soil area and an acceptable area of landscaping and common open space as discussed above in this report.

#### 4.2.4.2 Building Heights

This matter has been discussed earlier in this letter under the provisions of MLEP 2011.

#### (iii) Streetscape, General Appearance and Materials (Part 4.2.5)

The development is considered acceptable with regards to the streetscape design parameters prescribed under Part 4.2.5 of MDCP 2011. The original application was reviewed by the AEP who found the proposal to be of an overall high design standard with an appropriate use of colours and materials. Minor amendments to the entry area and lobby off South Lane and the architectural expression facing Constitution Road were recommended. These amendments were undertaken and amended plans were submitted.

In summary, the design of the development is of a high standard in terms of its architectural expression, use of colours and materials, its relationship with the public realm and internal amenity for future occupants.

### **PART 9 – STRATEGIC CONTEXT**

The site is located in the Hoskins Park Planning Precinct (Precinct 9.11) and the Hoskins Park Masterplan area (MA 11.1) under MDCP 2011.

Part 9.11 of the DCP prescribes the following site specific planning controls to achieve the desired future character for the Hoskins Park Planning Precinct:



Image 9: Figure 11.1b – (MA 11.1) Part 9.11 of MDCP 2011

(i) Masterplan Area (MA 11.1) – (Part 9.11.5.1)

Site Amalgamation

The site is 1 of 4 properties within ‘Site 4’ as shown in ‘Image 23’ above and further demonstrated in ‘Image 19’ below.

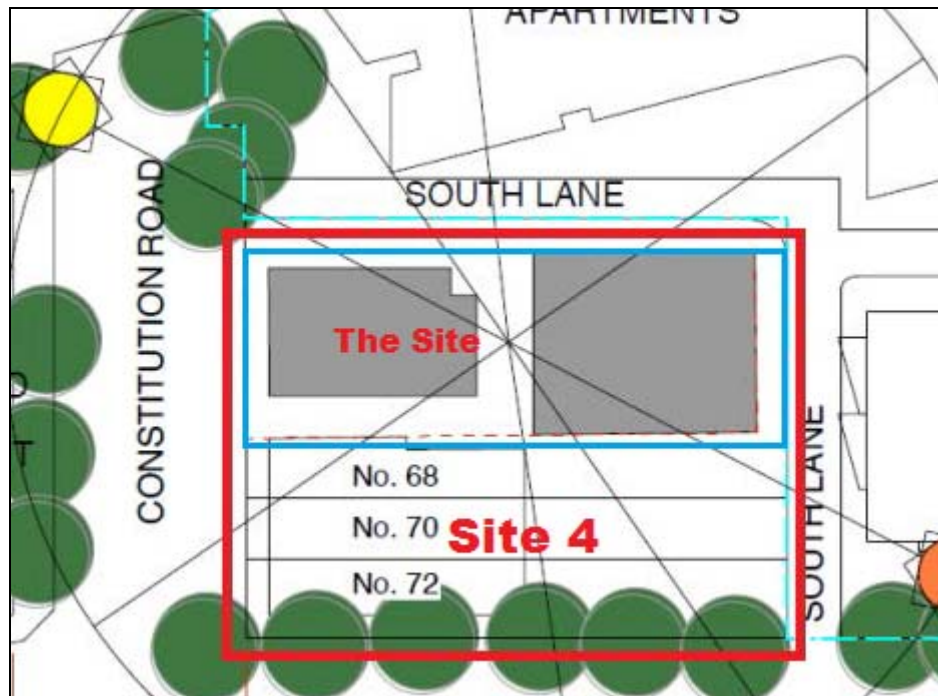


Image 10: Site 4 (Site 4 marked red & subject site marked in blue)

In accordance with Control C15 and C17 under Part 9.11.5.2 of MDCP 2011, the site is required to be amalgamated with 68, 70 and 72 Constitution Road in accordance with the pattern prescribed for 'Site 4'.

The development does not propose to amalgamate with 68, 70 and 72 Constitution Road. Documentation provided to Council indicates genuine attempts to amalgamate with the adjoining sites have been made and have been unsuccessful to date.

In support of the development without amalgamation with the adjoining sites within 'Site 4', the application was accompanied by alternative masterplan outcomes relating to remaining lot amalgamation opportunities. Modelled development outcomes to develop the adjoining 3 properties in isolation were provided to justify the proposed departure. This was undertaken by the applicant by:-

- The submission of detailed modelling of potential built form outcomes on the alternative amalgamated sites (68, 70 and 72 Constitution Road) and demonstrating how the sites could be amalgamated and redeveloped to be compliant with relevant planning policy controls; and
- demonstrating how they fit with the underlying intentions and objectives of the master plan, in the overall context of the Masterplan area.

In consideration of the evidence provided by the applicant, Council is satisfied that the applicant has demonstrated that the NSW LEC Planning Principles for site amalgamation/site isolation have been satisfied.

#### Building Height

The building does not comply with the building height development standard in MLEP 2011.



Further to this, Part 9.11 of MDCP 2011 prescribes a height limit expressed in storeys, being a 3 storey podium with a 4th storey setback 3 metres.

The subject development proposes a 5 storey podium with a setback 6<sup>th</sup> storey.

In assessing the appropriateness of these height departures, consideration is given to the scale of the development in the context of surrounding approved buildings to the north west (building A1, ‘Arlington Grove’ – 8 storeys) and to the south west (62 Constitution Road – 7 storeys). In addition, consideration is given to the sites’ constraints in terms of ability to provide complaint solar access for future occupants due to the proximity of the site to the adjoining approved 8 storey building to the north-west and the 4 storey building to the north.

Although the height of the development is non complaint, both numerically and when expressed as a number of storeys, the development provides a suitable visual transition between surrounding development to the north west and south west (‘Arlington Grove’ and 62 Constitution Road), the expected 4 storey height envisaged by Part 9.11 for 68, 70 and 72 Constitution Road and residential dwellings to the east on Grove Street. This is demonstrated in ‘Image 11 and Image 12’ below:-

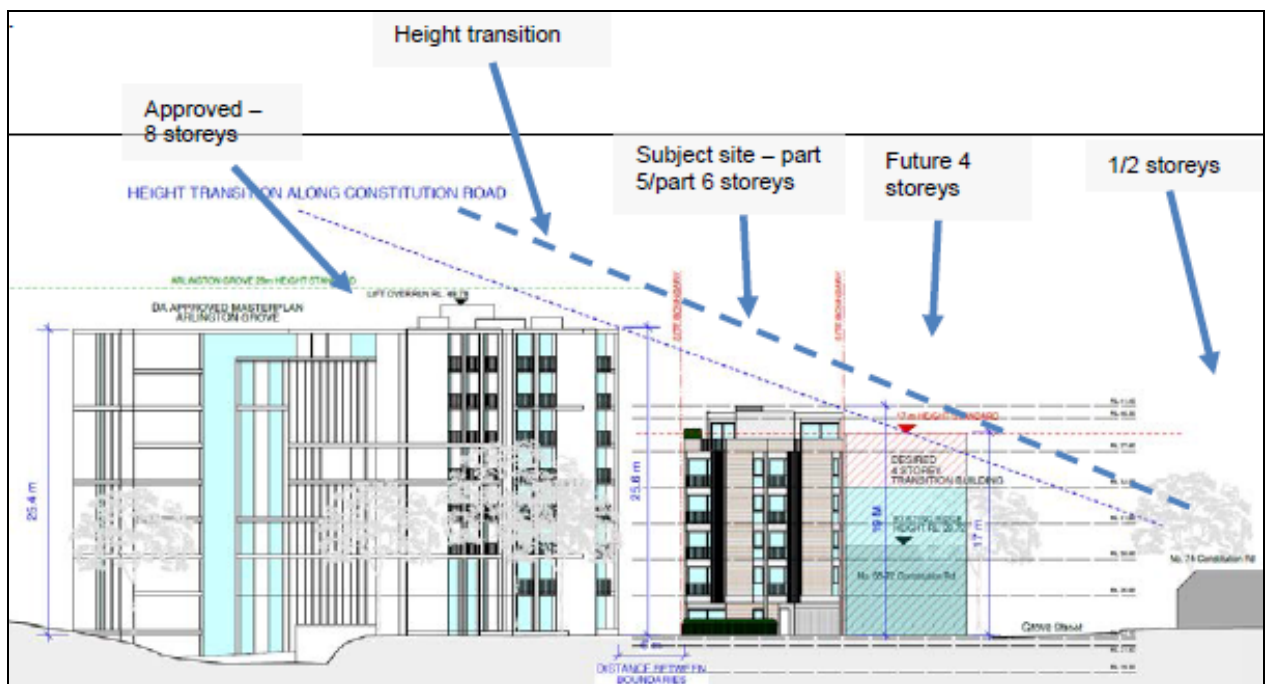


Image 11: Constitution Road streetscape elevation – height transition between approved 8 storey building, the subject site and possible future development at 68 – 72 Constitution Road



*Image 12: Sketch Up model of the development in the context of surrounding existing and approved development*

Although the subject proposal has six levels, the single unit at the top is recessed so that the new building would read as only five storeys from the street level.

The proposed height on the constrained site allows for better amenity for future occupants by providing good solar access to the upper 5<sup>th</sup> and 6<sup>th</sup> storey where as a reduced and compliant height would not allow for overall adequate solar access to units. It is noted that the approved building to the north was not positioned in accordance with the prescribed building pattern within the Masterplan area. Open space is prescribed in the Masterplan area in the location to be partly occupied by an approved building. This has reduced the opportunity for good solar access for lower level units for any potential development on the subject site.

It is therefore considered that the height and number of storeys of the development presents a suitable transition between the 8 storey development to the north-west and the existing and potential future residential buildings to the south east.

#### Boundary Setbacks/Upper Floor & Roof Setbacks

Figure 11.1b in Part 9.11 of MDCP 2011 below, shows required boundary and upper floor/roof setbacks for a building where the suggested site amalgamation for 'Site 4' has been achieved.



Image 13: Site 4 Boundary Setbacks/Upper Floor & Roof Setbacks

As the site has not been amalgamated as suggested for 'Site 4', the ability for the development to achieve the required setbacks is compromised. The development proposes to vary required side and front setbacks with a nil side setback to South Lane and 68 Constitution Road and a 1.5 – 2 metre front setback to Constitution Road. The upper level (level 5) is compliant with the exception of the south east side boundary shared with 68 Constitution Road. The required rear setback has been achieved with a proposed 12.7 metre setback to South Lane.

#### *Side Setbacks*

The proposed nil side setbacks provides for development at a suitable width whilst maintaining privacy to adjoining development, having orientated balconies and habitable rooms to the north east and south west. As per the suggested setbacks and heights shown above, a compliant development would not benefit from better solar access and privacy, therefore the proposed alternative side setback is considered an acceptable response to the sites constraints given it does not reduce potential for good amenity to units. Further, the remaining 3 sites within 'Site 4' have opportunity for future redevelopment on the boundary shared with the site.

#### *Rear Setback*

The development proposes a rear setback of almost double the required setback as shown in Image 22 above. This has been undertaken to improve solar access to rear facing units and has resulted in a reduced front setback of 1.5 – 2 metres to Constitution Road.

### *Front Setback*

Pre-DA advice was provided to the applicant by the AEP and suggested that the front setback be reduced to improve solar access to rear facing units and amenity to the rear open space. A reduced front setback was also suggested to promote a more solid presence for the building to Constitution Road in light of the approved 7 storey building at 62 Constitution Road which opposes the site. If the development were to be setback as shown in Image 13 above, the solar access, rear open space and streetscape presence of the development would be significantly compromised. It is therefore considered that the development is a better outcome for development on site. Further, it is likely that the 3 adjoining sites to the south east will redevelop with a similar front and rear setback to that of the subject development to achieve similar solar access, open space and streetscape outcomes.

### *Upper Floor & Roof Setbacks*

The required 3 metre setback to level 5 and its roof has been provided with the exception of the south east side which abuts the boundary shared with Constitution Road. This is an appropriate response as the adjoining site at 68 Constitution Road is likely to be redeveloped with nil side setbacks.

### *Sustainable Envelope and Occupant Amenity*

The objective of the sustainable envelope and occupant amenity control is to achieve a form of development that results in the future occupants of the building achieving adequate amenity, while protecting the amenity of the adjoining properties. The proposed development is considered to achieve this objective through orientating the majority of the internal and external living areas to the north east and south west, providing adequate solar access, cross-ventilation and providing a separation from adjoining properties to mitigate any overlooking. The development is considered acceptable in this regard.

### *Articulation Zones*

The proposal generally complies with the articulation zones prescribed within Part 9.11 of MDCP 2011 to the front and rear. The development provides a 6 metre setback from the Constitution Road frontage to the building facade, however, includes the provision of balconies within the 6 metre setback.

The proposal provides good articulation on front and rear elevations which breaks up the visual massing of both elevations when viewed from and beyond Constitution Road and South Lane. The application is considered acceptable in this regard.

### *Domain Interface and Structure*

The proposal generally complies with the controls relating to the domain interface and vehicle access location. Public domain works to Constitution Road, being works to Constitution Road for a 'Shared Zone' and grounding of power lines along Constitution Road and Grove Street, form part of this application. The proposed public domain works are considered to provide a good urban design outcome for the site and surrounding development and public land uses.

### **Concluding Remarks**

The proposal seeks significant variations to the Strategic Context Controls contained within Part 9.11 of the MDCP 2011.

In March 2013, changes to Section 79C of the *Environmental Planning and Assessment Act 1979*, changed the status of Development Control Plans through the introduction of Sub-Section 79C(3A) that as follows:

**(3A) Development control plans**

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards - is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards - is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
- (c) may consider those provisions only in connection with the assessment of that development application. In this subsection, **standards** include performance criteria.*

The intent of the above is to ensure that the application of controls contained within a DCP is done in a manner that allows flexibility and complements the development standards of the prevailing Local Environmental Plan (LEP).

In this instance, the controls of Part 9.11 of the MDCP 2011 constrain the development potential of land by imposing development controls that conflict with those permitted under the provisions of MLEP 2011.

As such, based on the intent of sub-section 79C (3A)(b), Council is required to be flexible in the application of the development controls and allow an alternative solution that achieves the objectives of the standard.

As stated above, the proposed development is supported in respect to variations to the prevailing development standards contained in MLEP 2011 and does not contravene the objectives of the development controls contained in MDCP 2011. As such the alternative solution proposed is considered acceptable for the site.

### **Public Domain Works**

The adjoining 'Arlington Grove' development approval included paving works to South Lane and on Constitution Road from the Arlington Station entrance to approximately 1 metre past the boundary of the subject site up Constitution Road. The Arlington Grove approval also required the establishment of a 'Shared Zone' on Constitution Road to its intersection with Grove Street.

To complete the paving required for the future 'Shared Zone', the application proposes to pave the remaining length of Constitution Road in contrasting colours comprising replacement of all asphalt with pavers to match South Lane and Arlington Grove works. Works are to be undertaken from the 'Arlington Grove Plaza' to the corner of Constitution Road and Grove Street. This shall continue the plaza type finish at the Constitution Road interface and will enable the shared zone to continue.

To further improve the public domain and site frontage, the application proposes the removal of 2 power poles and the undergrounding of power lines.

Public domain works proposed are shown in 'Image 14 below:

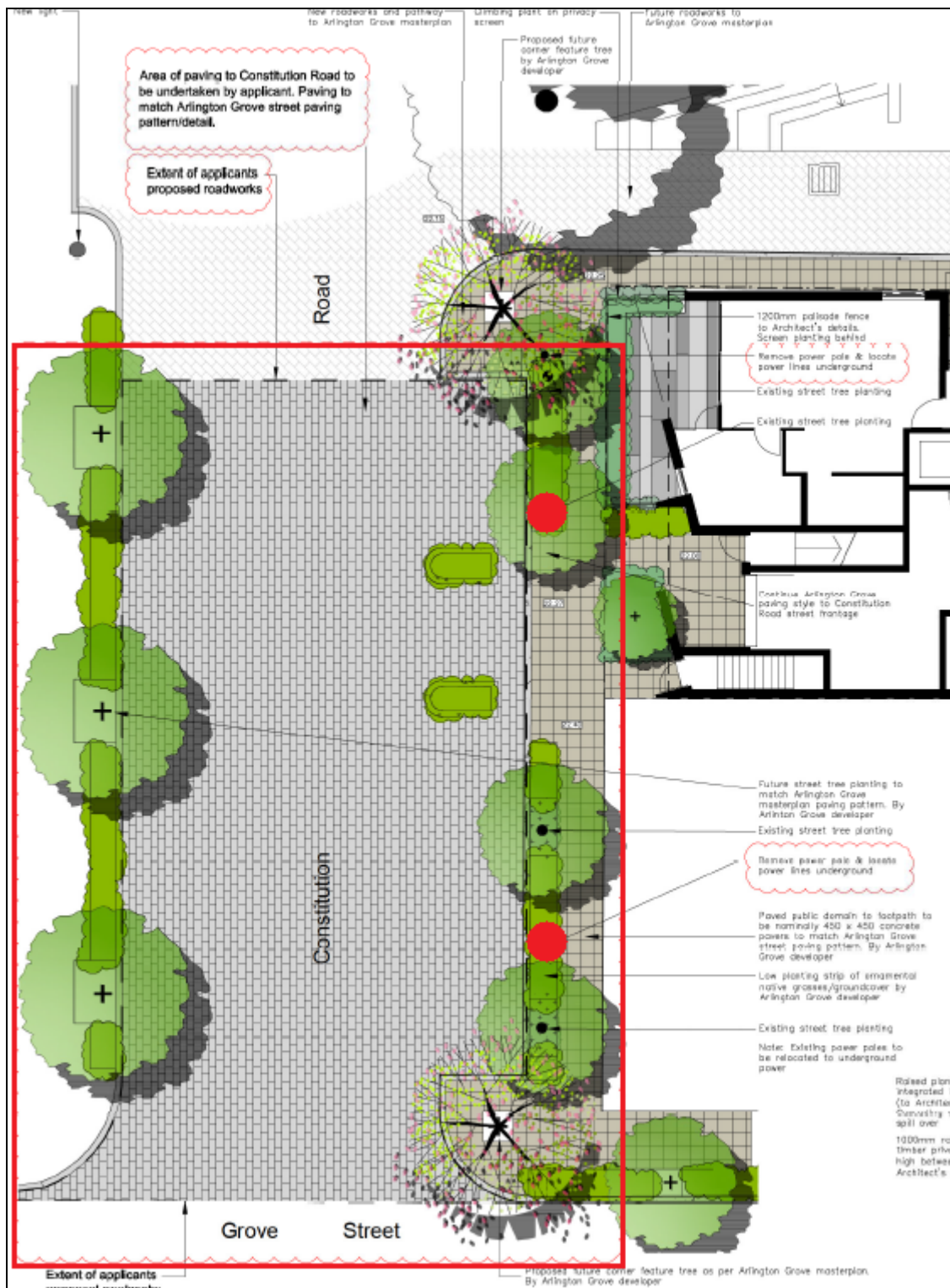


Image 14: Public Domain Works to Site Frontage

5(d) The Likely Impacts

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

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

The site is zoned R1 – General 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 advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. A total of 28 submissions were received.

The applicant submitted amended plans relocating the vehicular entrance to the basement from Constitution Road to South Lane at the rear. The amended development was re-notified and 6 submissions were received.

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

- (i) Height;
- (ii) FSR;
- (iii) Solar Access & Overshadowing;
- (iv) Privacy;
- (v) Traffic;
- (vi) Parking;
- (vii) Site Isolation;
- (viii) Variation to the Masterplan Site;
- (ix) Garbage Bins/Disposal; and
- (x) Unit sizes

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

- (i) Council has no power to grant development consent to the application because the owner of 'Arlington Grove' has not given land owner's consent to the lodgement of the development application which proposes works for a driveway on 'Arlington Grove' land.

#### Comment:

A deferred commencement condition is included in the recommendation requiring the person acting on the consent to ensure legal access is obtained to the basement car park via South Lane. The consent does not approve any building works on this adjoining property. Council is therefore of the opinion that consenting to the application is lawful.

- (ii) *Further Setback or landscaping and architectural articulation should be provided to the north west elevation to reduce the visual impact of the development when viewed from Building A1 ('Arlington Grove').*



Comment:

A variation to the required side setback is supported for the reasons discussed above in this report. The architectural expression on side boundaries was reviewed by the AEP and no objection was raised. Additional articulation to the north-west elevation would compromise the design and would likely require reduced internal floor plates and would impact the amenity of units.

- (iii) *The Traffic Report submitted with the application contains a number of errors including address names and adjoining development parking numbers.*

Comment:

Council notes the discrepancies listed in the Traffic Report; however, the impact of the development on traffic and parking has not been impacted by the discrepancies and has been assessed against relevant controls and policies.

- (iv) *There is not enough parking for the units and there is no visitor parking. The application should be refused on this basis or more parking spaces/less units should be provided.*

Comment:

Whilst it is acknowledged that there is likely to be some occupants and visitors that will not have a parking space to use on site, appropriate conditions are included in the recommendations specifying that the residents and therefore visitors of the development will not be eligible for any resident parking schemes. In addition, the overall impact of the development on parking is considered minimal for a 15 unit development within close proximity to public transport services and the parking impacts are not such to warrant refusal of the proposal.

- (v) *There is a large accumulative traffic impact associated with approved surrounding development in Arlington Grove and other developments within the surrounding locality. The development will contribute to this and the application should address this.*

Comment:

Issues of cumulative impacts are considered when planning controls are established and through the Masterplanning process. The proposal will lead to minimal increased traffic generation. The traffic impacts associated with the proposal are not considered of such significance to warrant refusal of the proposal, particularly when the anticipated redevelopment of the site given the planning controls is considered and the 15 unit development contains only 6 parking spaces that will generate minimal increased traffic.

- (vi) *Pedestrian safety will be at risk due to a driveway located across a high pedestrian area footpath.*

Comment:

The position of the driveway was relocated to the rear of the site off South Lane with an exit from South Lane to Constitution Road being established as a shared zone subject to construction works by the applicant and developer of 'Arlington Grove'.

(vii) *Public transport, schools and childcare centres are at capacity and will be degraded due to the population increase.*

Comment:

Any upgrade of these facilities need to be instigated by the relevant provider(s).

(viii) *There is not enough space in the road for construction vehicles*

Comment:

During construction, all necessary permits will be applied for by the applicant in accordance with conditions included in any consent issued.

(ix) *Structural damage to surrounding buildings as a result of large clay and soft sandstone on the site. Residents have experienced some damage to houses from construction at Arlington Grove. Dust and pollution will also impact surrounding houses and cars during construction.*

Comment:

Construction related impacts are able to be appropriately regulated through the recommended conditions of consent.

(x) *A dilapidation report should be provided prior to the issue of a construction certificate extending to 74A constitution Road and a Geotechnical Report should include this property.*

Comment:

It is considered unreasonable to extend the requirement of a dilapidation report and Geotechnical Report to a property of approximately 32 metres from the site.

(xi) *It is not clear what the VPA for the development includes and how it will benefit surrounding residents.*

Comment: A VPA no longer forms part of this application.

## 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

- Development Engineer
- Environmental Services (Contamination)
- Environmental Services (Biodiversity)
- Tree Officer
- Resource Management

#### 6(b) External

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

- Sydney Trains

### 7. Section 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 \$222,931.28 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 application seeks consent to demolish existing improvements and construct a 6 storey residential flat building containing 15 dwellings with basement car parking and associated landscaping works.

The heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application. The proposal results in departures with parking, unit mix, storey limit and site amalgamation pattern contained in MDCP 2011 and the FSR and height development standard in MLEP 2011. Notwithstanding this, the extent of the proposed non-compliances is not considered to result in adverse impacts on the amenity of the adjoining development or the future character of the Hoskins Park Planning Precinct.

The application is considered suitable for the issue of deferred commencement consent subject to the imposition of appropriate terms and conditions.

### 9. Recommendation

That Council, as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, grant deferred commencement consent to Development Application No: DA201600079 to demolish existing improvements and construct a 6 storey residential flat building containing 15 dwellings with basement car parking and associated landscaping works at 66 Constitution Road, Dulwich Hill subject to the conditions listed in Attachment A below.

**Attachment A – Recommended conditions of consent****PART A - DEFERRED COMMENCEMENT CONSENT**

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

1. Council is to be provided with written evidence that legally binding access over 6-26 Grove Street, Dulwich Hill has been afforded to the subject site (whether by reason of a right of way, contractual agreement or similar instrument) over that part of 6-26 Grove Street that is known as "south lane". Such legally binding access must also include the right to carry out such works as are necessary on 6-26 Grove Street to ensure physical access into the subject site can occur in accordance with any applicable standards.

**PART B - CONDITIONS OF CONSENT**

Once operative this part of the consent is subject to the following conditions:

**GENERAL**

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

<b>Plan, Revision and Issue No.</b>	<b>Plan Name</b>	<b>Date Issued</b>	<b>Prepared by</b>	<b>Date Submitted</b>
DA002, Rev G	Site Plan	07/09/16	Julie Cracknell & Peter Lonergan	07/09/16
DA101, Rev G	Basement Floor Plan	07/09/16	Julie Cracknell & Peter Lonergan	07/09/16
DA102, Rev G	Ground Floor Plan	07/09/16	Julie Cracknell & Peter Lonergan	07/09/16
DA103, Rev F	First Floor Plan	02/05/16	Julie Cracknell & Peter Lonergan	15/07/16
DA104, Rev F	Second Floor Plan	02/05/16	Julie Cracknell & Peter Lonergan	15/07/16
DA105, Rev F	Third Floor Plan	02/05/16	Julie Cracknell & Peter Lonergan	15/07/16
DA106, Rev F	Fourth Floor Plan	02/05/16	Julie Cracknell & Peter Lonergan	15/07/16
DA107, Rev F	Fifth Floor Plan	02/05/16	Julie Cracknell & Peter Lonergan	15/07/16
DA108, Rev F	Roof Plan	02/05/16	Julie Cracknell & Peter Lonergan	15/07/16
DA 201, Rev F	Section AA	07/09/16	Julie Cracknell & Peter Lonergan	07/09/16
DA301 Rev G	North-West & North East Elevations	07/09/16	Julie Cracknell & Peter Lonergan	07/09/16
DA302, Rev G	South West & South East Elevations	07/09/16	Julie Cracknell & Peter Lonergan	07/09/16

DA601, Rev F	Materials & Finishes Schedule	16/02/16	Julie Cracknell & Peter Lonergan	02/03/16
DA602, Rev F	Brick Pattern Wall Detail	16/02/16	Julie Cracknell & Peter Lonergan	02/03/16
1/2, Issue C	Landscape Plan	14.07.2016	Paul Scrivener	02/09/16
2/2, Issue C	Landscape Plan	14.07.2016	Paul Scrivener	02/09/16
-	Driveway Ramp Detail	02/05/16	Julie Cracknell & Peter Lonergan	15/07/16
No. 698525M	BASIX	22 February 2016	Greenwood Architectural Drafting	02/03/16
-	Access Report	17 February 2016	Ergon Consulting	02/03/16
E785/2	Remedial Action Plan – 66 Constitution Road	15 July 2016	Benviron Group	02/09/16
Report No. P2016-003-G133, Rev 0	Geotechnical Investigation Report	January 2016	Benviron Group	02/03/16

and details submitted to Council on 2 March 2016, 15 July 2016, 2 September 2016 and 7 September 2016 with the application for development consent as amended by the matter referred to in Part A of this Determination 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. DA601 and DA602, dated 16 February 2016, prepared by Julie Cracknell & Peter Lonergan. 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 development must be carried out substantially in accordance with, Remediation Action Plan 66 Constitution Road, Dulwich Hill NSW, E785/2, dated 15 July 2016, prepared by Benviron Group and submitted to Council on 17 May 2016 with the application for development consent and as amended by the following conditions.
6. 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.  
Reason: To ensure that the premises are used exclusively as a residential flat building.
7. 5 off-street car 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.  
Reason: To ensure practical off-street car parking is available for the use of the premises.
8. 2 car parking spaces, for persons with a disability, required as part of the total parking required under this Determination must be provided and marked as disabled car parking spaces.
9. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
10. A minimum of 3 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
11. 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).
12. The owners of the property appointing a designated person(s) responsible for moving waste bins from their usual storage space in the basement to the place to the collection point for the storage of domestic bins being in accordance with details to be submitted to Council's satisfaction. The bins shall only be placed in the approved collection point after 7.00pm on the day prior to collection and are

to be returned to their storage location within the building within two (2) hours of the bins being collected by Council. The owner's corporation shall be responsible to ensure compliance with this condition. Should the above conditions not be adhered to, Council reserves the right to reconsider servicing the site for garbage collection. The person acting on this consent shall advise any purchaser or prospective tenant of this condition.

13. 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.
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. 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.
18. Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition. In addition the by-laws of any future residential strata plans created for the property shall reflect this restriction.
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. 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.
22. No work is permitted within the rail corridor at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.
23. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. 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 by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

### **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).**

24. 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.
25. 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.
26. 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.

27. 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.
28. Where any loading, unloading or construction is to occur from a public place, Council5 must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.
29. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
30. 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.
31. 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'.
32. 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.

33. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining properties at 64 Constitution Road and 68 Constitution Road, if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.
34. 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.
35. 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 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.
36. 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.
37. 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.
38. 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 commencement of works.
39. Alignment levels for the site at all pedestrian and vehicular access locations must be obtained from Council 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.

40. All street trees adjacent to the site not approved for removal must be protected at all times during demolition and construction, in accordance with Council's Tree Preservation Order. Details of the method(s) of protection of such trees must be submitted to and be approved by Council before commencing works.
41. All approved protection measures must be installed prior to commencing any work and must be maintained for the duration of construction.
42. Where scaffoldings or hoardings are to be erected, street trees must be protected during construction works as follows:
  - a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AQF 2 or 3) and must include:
    - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
    - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage;
    - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion, and
    - (iv) Tree trunk and major branch protection must remain in place for the duration of construction and development works, and must be removed at the completion of the project.
  - b) All hoarding support columns must be placed a minimum of 300mm from the edge of the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
  - c) Materials or goods, including site sheds, must not be stored or placed:
    - (i) around or under the tree canopy; or
    - (ii) within 2 metres of tree trunks or branches of any street trees.
  - d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Tree Management Officer on ☎9335 2242, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

43.
  - a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works. Only minor pruning works will be approved by Council.
  - b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.
  - c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. Those works must be completed immediately following the trees removal.
44. 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.
45. Prior to commencement of any excavation, demolition or construction work, all workers on the work site are to be made aware of the potential presence of Long-nosed Bandicoots as part of the site induction (including what they look like). Note: To the untrained eye, a Long-nosed Bandicoot may be mistaken for a rodent.
46. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.
47. Prior to the commencement of works, on the completion of works, or at any time during the works period deemed necessary by Sydney Trains or Transport for NSW, 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 Sydney Trains.
48. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
49. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant is to contact Sydney Trains Rail Corridor

Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

50. Before commencing works, a project arborist with a minimum AQF level 5 qualification in arboriculture and who does not remove or prune trees in the Inner West local government area shall be engaged to provide an Arboricultural Impact Assessment (AIA) report with respect to the methods for retention and tree protection measures of the *Araucaria heterophylla* (Norfolk Island pine) in the neighbouring property at 68 Constitution Road. The AIA report shall comply with the requirements outlined in Marrickville Development Control Plan 2011, Section 2.20, Appendix 1.
51. All reasonable directions by the project arborist in relation to tree management and tree protection shall be complied with.
52. The contact details of the project arborist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.
53. The tree protection measures identified in the Arboricultural Impact Assessment (AIA) report shall be established before work commences.
54. The project arborist shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with those detailed in the Arboricultural Impact Assessment (AIA) report before work commences.

### **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.**

55. 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](http://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.

56. 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.
57. Details of an anti-graffiti treatment to the front, rear and north-west side elevation(s) of the development must be submitted to and approved by Council before the issue of a Construction Certificate.
58. a) Landscaping for the whole site (including rooftop gardens) must consist of only local native plants to consist of a grassy understorey with dense shrub layer and associated canopy that utilises a diverse and representative range of species from the Sydney Turpentine-Ironbark Forest (STIF).  
b) Final landscape plans must be reviewed and approved by Council's Acting Team Leader Biodiversity before the issue of a Construction Certificate.
- Note: Further advice and information on relevant species can be found in the GreenWay Revegetation Plan 2011(attached) and Council's DCP 2.18 – Landscaping and open spaces p11).
59. Bicycle storage with the capacity to accommodate a minimum of 15 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.
60. 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.
61. 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.
62. 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.
63. 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.
64. 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).

65. Noise attenuation measures must be incorporated into the development complying with State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure’s Development Assessment Guideline titled “Development Near Rail Corridors and Busy Roads - Interim Guidelines” in relation to interior design sound levels and in accordance with details being submitted to the Certifying Authority’s satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of 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”.

66. 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 \$222,931.28 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 (“CP”).

The above contribution is the contribution applicable as at 04 September 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. DC001578)**

- 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	\$24,813.64
Plan Administration	\$4,371.19
Recreation Facilities	\$190,704.33
Traffic Facilities	\$3,042.12

- 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.

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

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

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

[http://www.lspc.nsw.gov.au/levy\\_information/?levy\\_information/levy\\_calculator.stm](http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm)

68. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating the following:
- a) A minimum of 2 car parking spaces must be provided for people with a disability that are directly accessible to the entrance to the building. The car parking must be designed to comply with AS 1428.1 - 2009 'Design for access and mobility - General requirements for access - buildings' and AS 2890.1 1 'Off-street car parking'.
69. 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.
70. The person acting on this consent shall provide to Council a bond in the amount of \$18,892.40 and pay the related Section 138 (Roads Act) inspection fee of \$206.00 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.
71. 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.

72. 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.
73. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:
- i. The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc. shall be reconstructed and upgraded in accordance with the Street Tree Masterplan, the Draft Marrickville Public Domain Code and Draft Technical Manual or Council's standard plans and specification in place at the time the works are undertaken;
  - ii. The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
  - iii. New kerb and gutter along the frontage of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Infrastructure Services Division on 9335 2000; and
  - iv. Alignment levels to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations.

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

74. The Stormwater Drainage Plans 15328 Sheets 1 to 5 (Issue 1 dated 26/2/16) submitted by CK Engineering Services shall be amended and/or additional information provided before the issue of a Construction Certificate as follows;
- a) Details and procedures for the maintenance of the stormwater treatment system (WSUD maintenance plan) including access arrangements, maintenance schedule and recording procedure;
  - b) The plans shall be amended to suit the new architectural plans and vehicular access arrangement including flood protection measures; and
  - c) Construction details for the proposed new kerb inlet pit and Council stormwater pipe to be installed in Constitution Road. Details shall include a long section of the pipe detailing all utility services, bedding and road restoration detail.
75. As identified in the Flood Impact Assessment for 2-24 Grove Street, Dulwich Hill by WMA Water dated 25/10/13 the site is affected by adjacent overland flows during a 1 in 100 year storm event. The top water level of overland flows adjacent to the site has been determined to be of RL 22.25m AHD. The following flood protection measures shall be undertaken as follows:

- a) The underground carpark must be protected to a minimum height of RL 22.55m AHD providing a minimum 300m freeboard. All penetrations into the underground carpark including stairs, elevators, shutters and louvers shall be set at or above RL 22.55m AHD; and
- b) The ground floor dwellings must be protected to a height of RL 22.55m AHD providing a minimum 300mm freeboard.

Amended plans complying with the above requirements shall be submitted to and approved by Council before the issue of a Construction Certificate.

76. Prior to the issue of a Construction Certificate the person acting on this consent is shall prepare and provide to Sydney Trains for approval/certification the following items:

- (i) Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
- (ii) Final Construction methodology with construction details pertaining to structural support during excavation.
- (iii) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.
- (iv) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains land and infrastructure.
- (v) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
- (vi) Final drainage details based on the final approved development.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

77. Prior to the issue of a Construction Certificate the person acting on this consent 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.

78. 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 Principal 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.

79. Prior to 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.

80. Prior to the issue of a Construction Certificate the person acting on this consent 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.
81. Prior to the issue of a Construction Certificate the person acting on this consent 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.

### **SITE WORKS**

82. All excavation, demolition, construction and deliveries to the site necessary for the carrying out of development must be restricted to between 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, or as amended by Council.
83. Notwithstanding the above condition, all remediation works must be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays with no works being carried out on Sundays and Public Holidays or any Saturday that falls adjacent to a Public Holiday.
84. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
85. 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'.
86. 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.
87. 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.

88. All fill imported on to the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site must also be compatible with the existing soil characteristic for site drainage purposes.

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

- a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
  - b) Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.
89. 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.

90. All vehicles carrying materials to, or from the site, must have their loads covered with tarpaulins or similar covers.
91. 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.
92. The disposal of contaminated soil must be carried out in accordance with the requirements of the New South Wales Department of Environment, Climate Change and Water.
93. 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.

94. 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.
95. During construction, all holes (e.g. created for footings etc.), machinery and construction material stockpiles must be inspected daily prior to commencing work to ensure no Long-nosed Bandicoots are sheltering in these areas. In the event that a bandicoot is found, no work must proceed until the bandicoot has been safely vacated from the works area.
96. After demolition of existing structures, remedial activities shall be undertaken as outlined the site Remedial Action Plan, 66 Constitution Road, Dulwich Hill NSW, E785/2, dated 15 July 2016, prepared by Benviron Group. The deep soil and communal space portion of the site shall be validated to comply with HIL A – Residential with garden/accessible soil due to the high likelihood of access to this portion of the site by occupants after completion.
97. After demolition of existing structures, sampling and analysis of soils shall be undertaken to classify the waste in situ in accordance with *NSW EPA Waste Classification Guidelines 2014*, allowing the soil to be removed from site. Records of waste disposal shall be supplied prior to commencement of construction and the issue of a construction certificate.
98. Within 30 days of completion of remedial works set out in the Remedial Action Plan, a validation report complying with the *NSW EPA's Guidelines for Consultants: Reporting on Contaminated Sites* shall be submitted to Council that demonstrates that remedial activities have rendered the site suitable for the proposed development. The deep soil and communal space portion of the site shall be validated to comply with HIL A – Residential with garden/accessible soil due to the high likelihood of access to this portion of the site by occupants.
99. If during site works there are significant unexpected occurrences, site works shall immediately cease. A suitably qualified environmental consultant shall be engaged to assess the site and determine if the remediation is required as per the *NSW EPA's Guidelines for Consultants: Reporting on Contaminated Sites* to adequately address the unexpected occurrence. Any amendments to the approved remedial action plan to address unexpected occurrences shall be reported to. Council may request that a NSW EPA Accredited Site Auditor review any proposed changes to any management or remedial action plans.
100. Any groundwater shall be discharged to sewer (appropriate licence to be obtained); or disposed off-site to a suitably licensed facility. If any water is to be discharged to Council's stormwater system, the water shall comply with the *ANZECC Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems* (95% protection level for freshwater ecosystems). Water testing shall be carried out to ensure water is appropriate for discharge to the stormwater system. This testing shall be undertaken by a suitably qualified environmental scientist. Water that does not comply with the above standards shall not be discharged to the stormwater system, and shall be disposed of using alternative appropriate means.

101. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary.
102. All roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.
103. Tree protection measures detailed in the Arboricultural Impact Assessment (AIA) report and in Section 4 of Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 shall be implemented and complied with for the duration of works including site preparation, demolition, construction and landscaping (except where these conditions permit otherwise).  
Note: Australian Standards can be purchased via the Standard Australia publisher SAI Global Limited at [www.saiglobal.com](http://www.saiglobal.com).
104. Street trees adjacent to the subject property shall be protected in accordance with Section 4 of Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 for the duration of works including site preparation, demolition, construction and landscaping.
105. The new trees shall be planted following completion of construction and prior to the issue of the Occupation Certificate.
106. The new trees shall be planted in accordance with the following criteria:
  - a) The new trees shall be located in accordance with the approved landscape plan and shall be located a minimum of 1.0 metre from the dividing boundary fences and 1.5 metres from any building.
  - b) The species of trees and planting stock size shall be as detailed in the landscape plan approved before work started.
  - c) The planting stock size shall be at least 75 litres.
  - d) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
  - e) The new trees shall be planted in accordance with the tree planting detail included in the Marrickville Street Tree Master Plan 2014. Please note that planting holes for trees shall not be excavated deeper than the root ball and that new trees shall not be staked.
  - f) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
  - g) 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).
  - h) 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.
107. All piling and excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.

108. No rock anchors/bolts are to be installed into the rail corridor.

### **BEFORE OCCUPATION OF THE BUILDING**

109. 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.

110. 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.

111. 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.

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

- a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and



- this can take some time. This can also impact on other services and building, driveway or landscape design.
- b) Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.
113. Upon the completion of any remediation works stated in the RAP the person acting on this consent must submit to Council a Validation and Monitoring Report. The report must be conducted in accordance with the NSW Environment Protection Authority's *"Guidelines for Consultants Reporting on Contaminated Sites 1998"*.
114. A Section 73 Compliance Certificate from Sydney Water must be submitted to Council before occupation of the premises.
115. 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.
116. 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.
117. 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 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.
118. 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).

119. 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](http://www.basix.nsw.gov.au).
120. 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.
121. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
122. 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.
123. 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.
124. 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.
125. 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.
126. 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.
127. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage and water quality measures have been constructed in accordance with the approved

plans 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.

128. With the regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate. The Positive Covenant shall include the following:
- a) The proprietor of the property shall be responsible for maintaining the stormwater treatment facility in accordance with the approved plans;
  - b) The proprietor shall have the stormwater quality treatment facilities inspected annually by a competent person and must provide the WSUD maintenance plan approved under this Consent to competent person to record the annual inspections.
  - c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all elements of the stormwater quality treatment facilities to ensure that the water quality targets provided in the design of the system are achieved; and recover the costs of any such works from the proprietor.
129. Before the issue of an Occupation Certificate the adjacent public right-of-way ("South Lane") required for vehicular and pedestrian access to the site must be created on title and constructed to Council's satisfaction.
130. 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.
131. The existing overhead power cables along the Constitution Road frontage of the site must be relocated underground with appropriate street lighting and new metal light poles being installed at no cost to Council and before the issue of an Occupation Certificate. The street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid.
132. 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.
133. The project arborist shall certify in writing to the Principal Certifying Authority (PCA) before the issue of the Occupation Certificate that the conditions of consent relating to tree removal, tree pruning, tree protection and tree planting have been complied with and that the protected trees have not been damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure from the conditions. The Principal Certifying Authority shall report breaches of the conditions to Inner West Council.

134. Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easement. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

### **BEFORE THE RELEASE OF A STRATA PLAN**






135. The strata subdivision of the development must be carried out in accordance with survey plans to be submitted to and approved by Council. Such plans to be submitted together with the required fee for the approval of the final plan under the Strata Schemes (Freehold Development) Act 1973. Car spaces shall not be given separate strata lot numbers.
136. The submission of a final survey plan and 4 copies for the Strata subdivision.
137. All instruments under Section 88B of the Conveyancing Act used to create easements or right-of-ways must include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Council.
138. The payment of the required fee, under Council's adopted fees and charges, for the approval of the final plan under the terms of the Strata Schemes (Freehold Development) Act 1973.
139. Compliance with the conditions of this Determination with the development being completed in accordance with the approval to Council's satisfaction before the release of the Strata Plan.

### **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.
- The enclosed Fact Sheet on Long-nosed Bandicoots should be read before commencing any works on site, including site preparation works.

- Useful Contacts

BASIX Information	 1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	 13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	 1100 <a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a>
Landcom	 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	 131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	 1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diyasafe.nsw.gov.au">www.diyasafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	 131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	 13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - SITA Environmental Solutions	 1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>

WorkCover Authority of NSW

☎ 13 10 50

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Enquiries relating to work safety and asbestos removal and disposal.

- B. THAT** those persons who lodged submissions in respect to the proposal be advised of the Council's determination of the application.
- C. 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 standard/development standards:

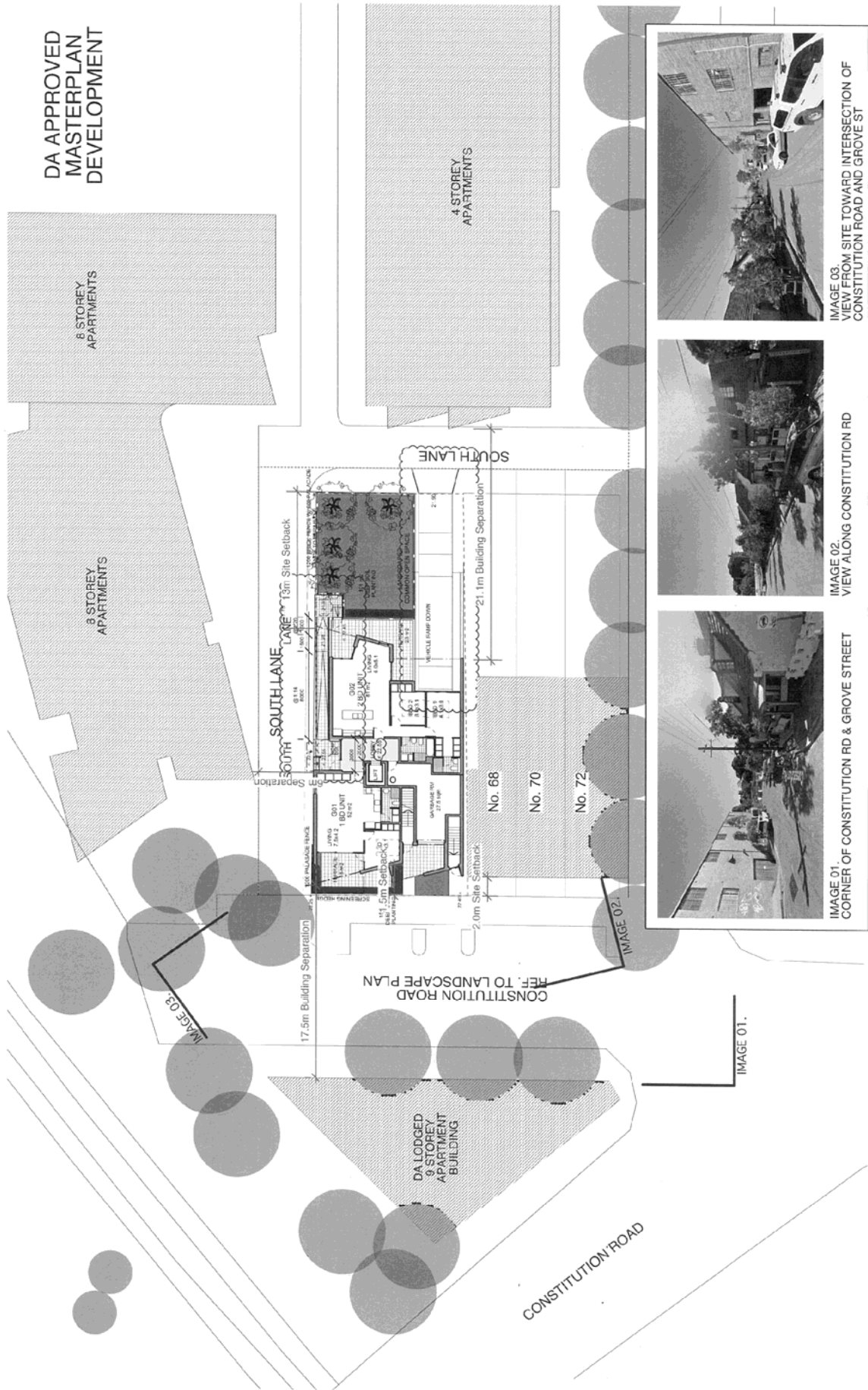
<u>Premises:</u>	66 Constitution Road, Dulwich Hill
<u>Applicant:</u>	Nino Urban Planning + Development
<u>Proposal:</u>	To demolish existing improvements and construct a 6 storey residential flat building containing 15 dwellings with basement car parking and associated landscaping works
<u>Determination:</u>	Deferred commencement consent
<u>DA No:</u>	201600079
<u>Lot and DP:</u>	Lot 2 in DP86920
<u>Category of Development:</u>	2
<u>Environmental Planning Instrument:</u>	Marrickville Local Environmental Plan 2011
<u>Zoning of Land:</u>	R1 - General Residential
<u>Development Standard(s) varied:</u>	Height (Clause 4.3) & Floor Space Ratio (Clause 4.4)
<u>Justification of variation:</u>	The proposal provides high residential amenity; results in no unreasonable amenity impacts to adjoining properties; is consistent with the objectives of the development standards and respective zone; and is appropriate in the context.
<u>Extent of variation:</u>	Floor Space Ratio – 413.3m <sup>2</sup> (65%) Height – 2.5 metres (14.7%)
<u>Concurring Authority:</u>	Council under assumed concurrence of the Secretary Department of Planning and Environment
<u>Date of Determination:</u>	

Attachment B – Plans of proposed development



<b>SITE ANALYSIS</b>	<b>DA 001</b>
Project:	86 Constitution Rd Dulwich Hill
Client:	Forté Construction Group Pty Ltd
Date:	January 2016
Scale:	1:375 @ A1, 1:750 @ A3

**Julie Cracknell**  
**Peter Loneragan**  
 Architects  
 156 Church St Newtown NSW 2042  
 Tel: (02) 9561554 Fax: (02) 9561724



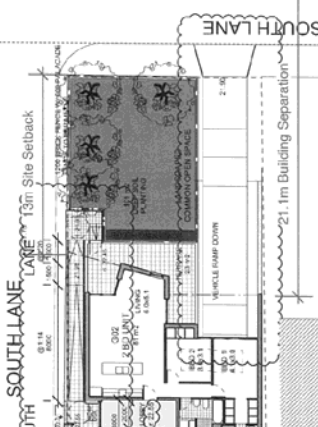
DA APPROVED MASTERPLAN DEVELOPMENT

8 STOREY APARTMENTS

8 STOREY APARTMENTS

4 STOREY APARTMENTS

DA LODGED 9 STOREY APARTMENT BUILDING

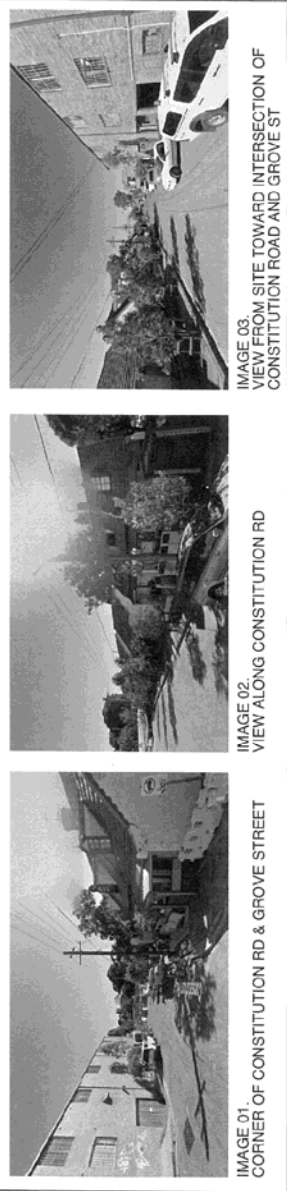


CONSTITUTION ROAD REF. TO LANDSCAPE PLAN

CONSTITUTION ROAD

IMAGE 02.

IMAGE 01.



Issue	Description	Date	Issue	Description	Date
A	Pre-Development Application Issue	08/07/16	F	Re-location of driveway to rear	02/05/16
B	Preliminary Issue	15/07/16	G	RDV to Ground Access Ramp & Basement Level	07/09/16
C	Amended Issue	20/07/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

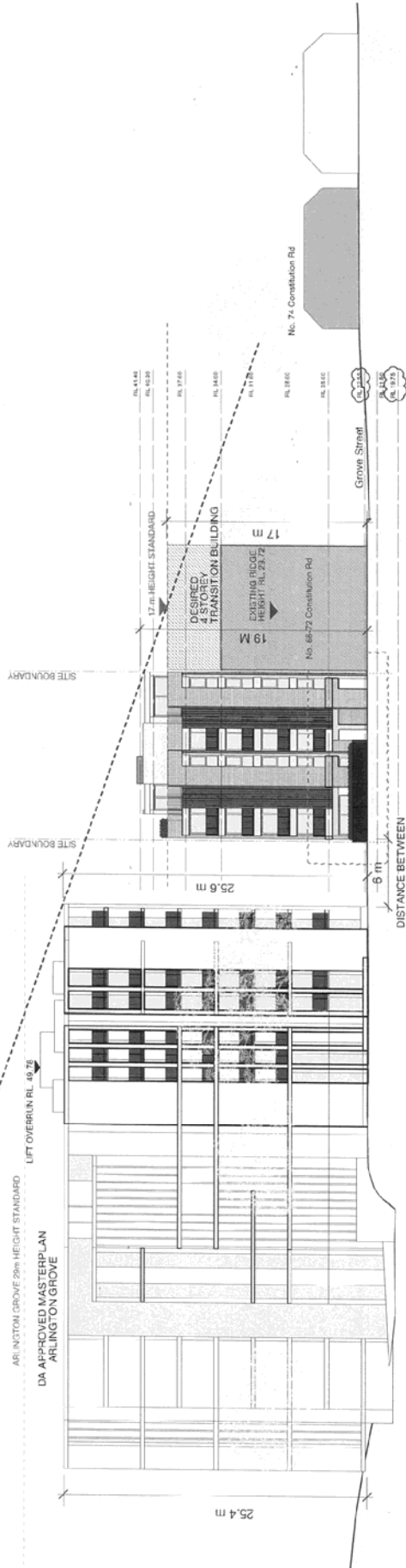
<b>Notes:</b>	

<b>Architects</b>	<b>Julie Cracknell &amp; Peter Loneragan</b>
156 Church St Newtown NSW 2042 Tel: (02) 95613534 Fax: (02) 9561224	
<b>SITE PLAN</b>	<b>DA 002</b>
<b>Title:</b>	66 Constitution Rd Dulwich Hill
<b>Project:</b>	LOT 2 IN D.F. 36920
<b>Client:</b>	Force Construction Group Pty Ltd
<b>Date:</b>	January 2016
<b>Scale:</b>	1:150 @A1, 1:300 @A3



HEIGHT TRANSITION ALONG CONSTITUTION ROAD

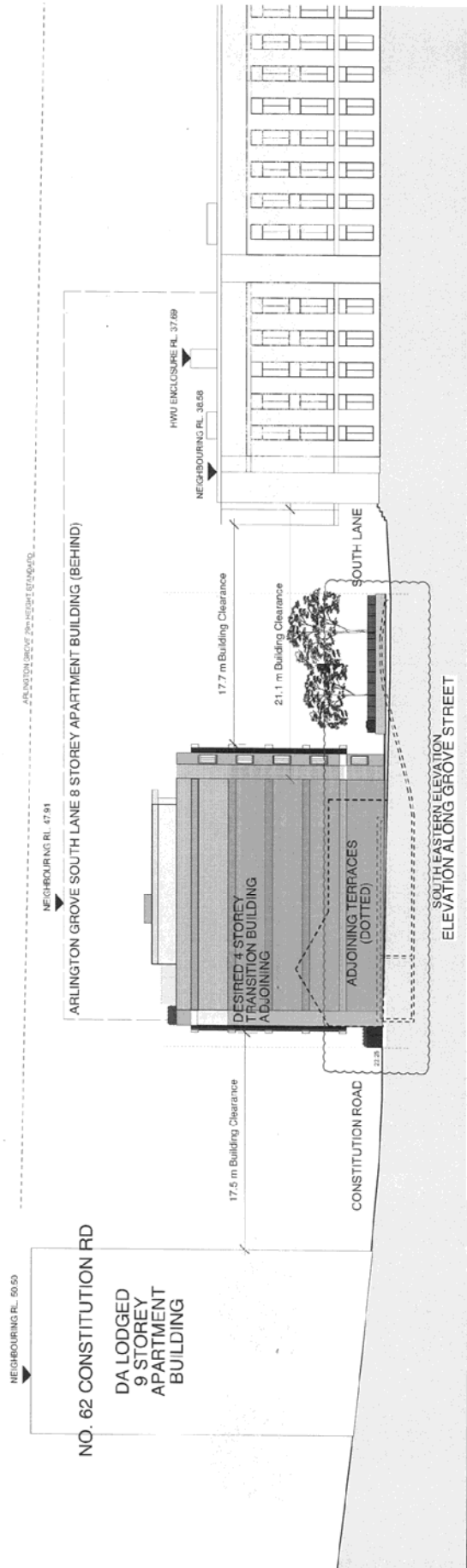


ELEVATION ALONG CONSTITUTION ROAD

Issue	Description	Date	Issue	Description	Date
A	Pre Development Application Issue	08/01/16	F	Re location of driveway to rear	02/05/16
B	Preliminary Issue	15/01/16			
C	Amended Issue	20/01/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

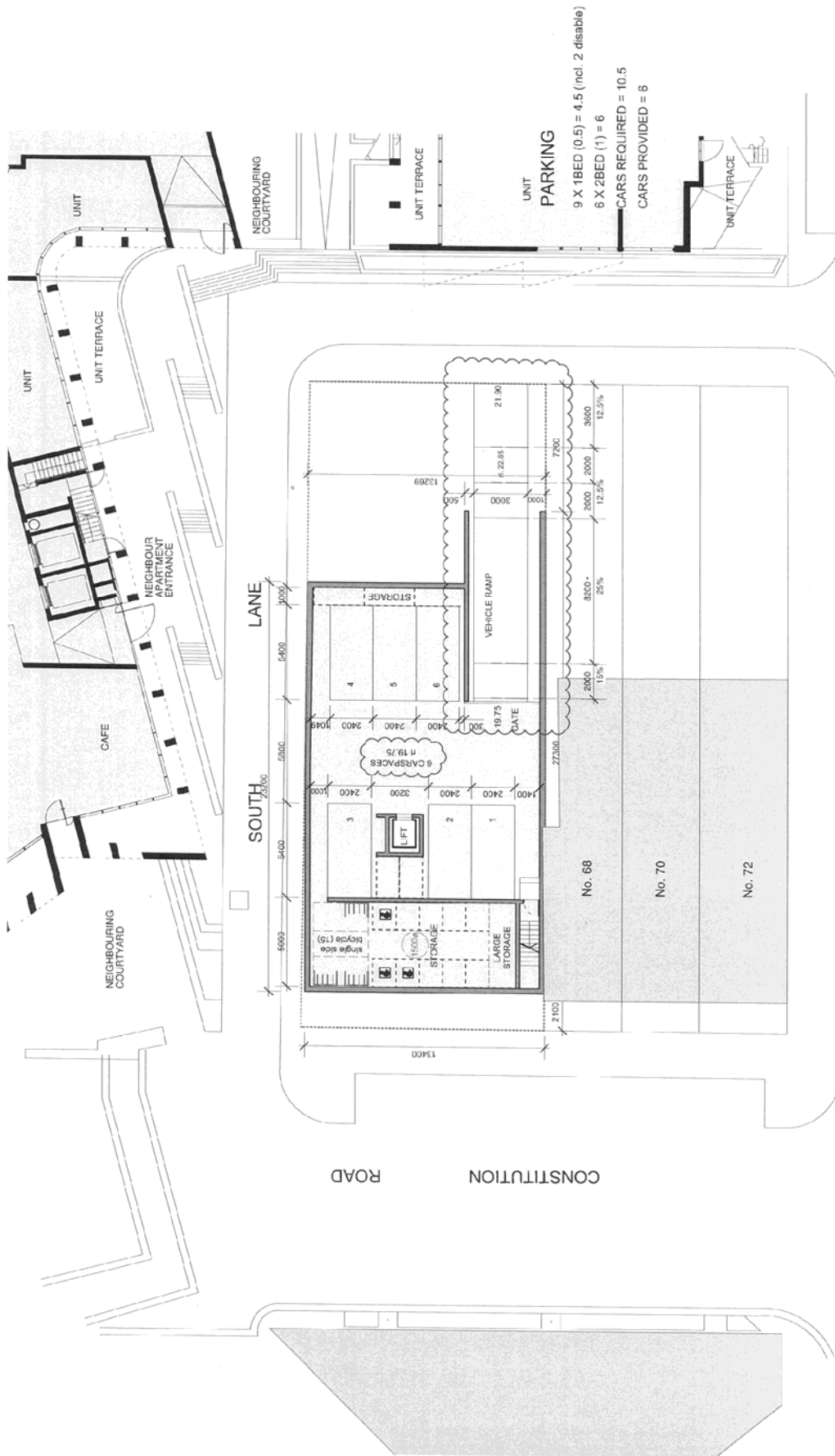
<p><b>Notes:</b></p> 	
<p><b>Project:</b> 66 Constitution Rd Dulwich Hill LOT 2 IN D.P. 36920</p>	<p><b>Title:</b> CONSTITUTION RD ELEVATION <b>DA 003</b></p>
<p><b>Client:</b> Fore Construction Group Pty Ltd</p>	<p><b>Scale:</b> 1:150 @A1, 1:300 @A3</p>
<p><b>Date:</b> January 2016</p>	<p><b>Architects:</b> <b>Julie Cracknell</b> <b>Peter Lonergan</b> 156a Church St Newtown NSW 2042 Tel: (02) 95651554 Fax: (02) 9550724</p>



Issue	Description	Date	Issue	Description	Date
A	Pre Development Application Issue	08/01/16	F	Relocation of driveway to rear	02/05/16
B	Primary Issue	15/01/16	G	REV. to Ground Access Ramp & Staircase Level	01/09/16
C	Amended Issue	20/01/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

<p><b>Julie Cracknell</b>  <b>Peter Loneragan</b>                  Architects                  156a Church St Newtown NSW 2042                  Tel: (02) 95651554 Fax: (02) 95501224</p>		<p><b>DA</b>  <b>004</b>  <b>G</b></p>
<p>Title: GROVE STREET ELEVATION                  Project: 66 Constitution Rd Dulwich Hill                  LOT 2 IN D.P.369/20                  Client: Forte Construction Group Pty Ltd                  Date: January 2016                  Scale: 1:150 @A1, 1:300 @A3</p>		



Issue	Description	Date	Issue	Description	Date
A	Pre Development Application Issue	08/07/16	F	Re location of driveway to rear	12/05/16
B	Preliminary Issue	15/07/16	G	REV. to Ground Access Ramp & Basement Level	07/09/16
C	Amended Issue	20/07/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

BASEMENT PLAN	
Title:	66 Constitution Rd Dulwich Hill
Project:	LOT 2 IN D.P.36920
Client:	Forte Construction Group Pty Ltd
Date:	January 2016
Scale:	1:100 @ A1, 1:200 @ A3

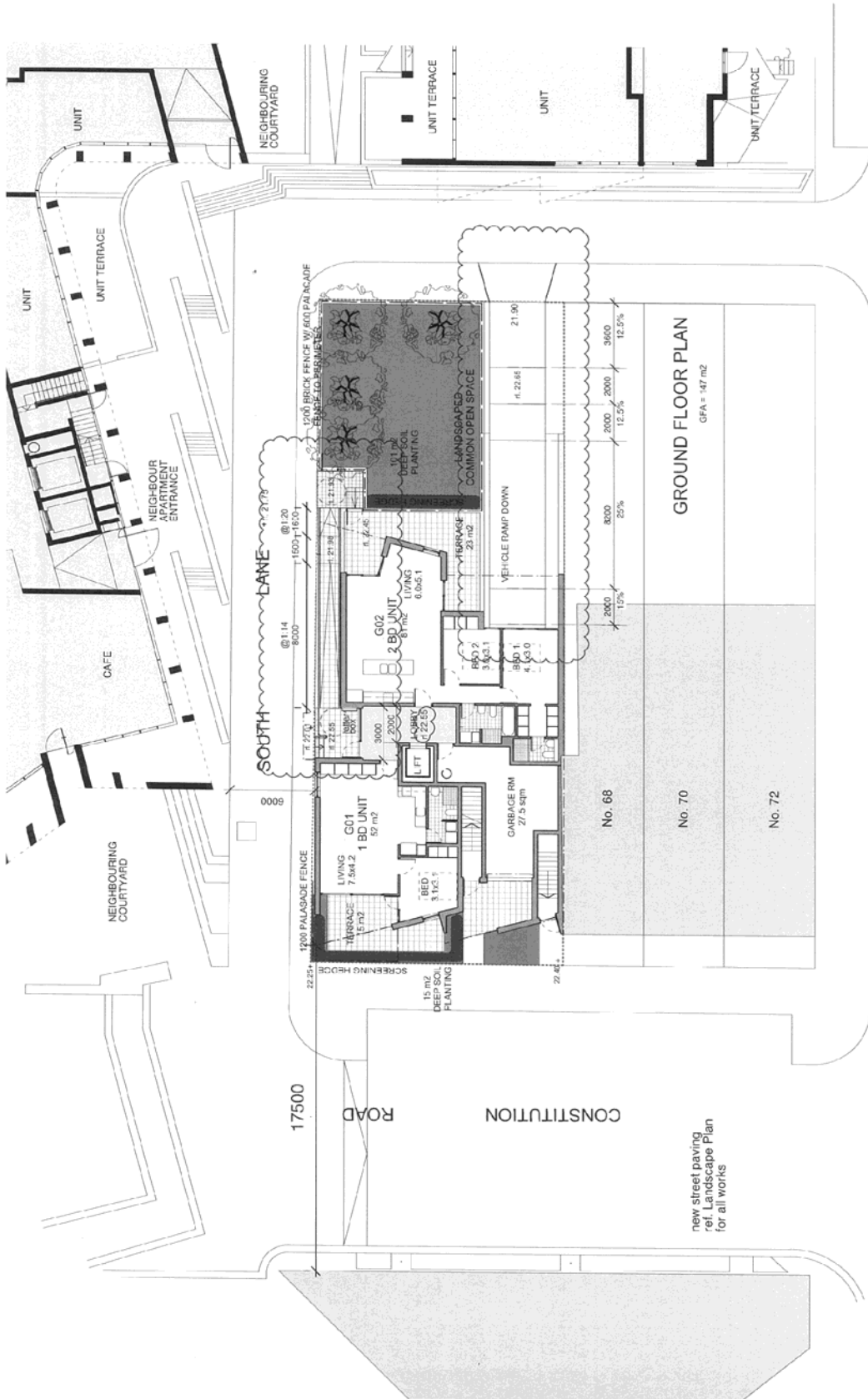
DA 101	G
--------	---

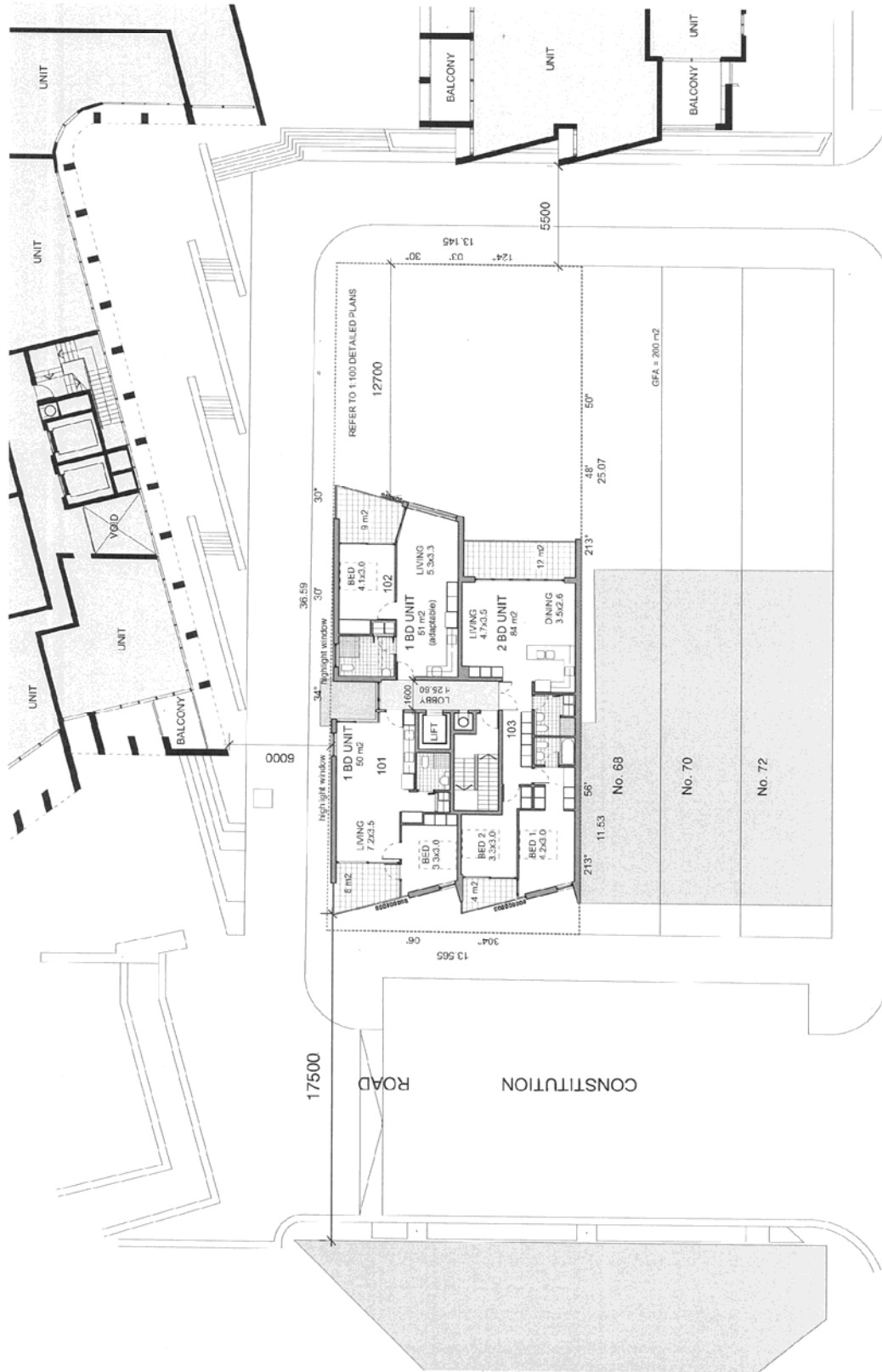
Notes:

0 2 4 6 8 10 M

**Julie Cracknell & Peter Loneragan**  
 Architects  
 156s Church St Newtown NSW 2042  
 Tel: (02) 95651534 Fax: (02) 95501224



<p><b>DA 102</b></p> <p><b>G</b></p>		<p><b>GROUND FLOOR PLAN</b></p> <p>Title: 66 Constitution Rd Dulwich Hill Project: LOT 2 IN D.P. 36920</p>																																					
<p><b>Architects</b></p> <p><b>Julie Cracknell &amp; Peter Loneragan</b></p> <p>1560 Church St Newtown NSW 2042 Tel: (02) 95651554 Fax: (02) 95501224</p>		<p>Client: Forre Construction Group Pty Ltd Date: January 2016 Scale: 1:100 @ A1, 1:200 @ A3</p>																																					
<p><b>Notes:</b></p> <p>new street paving ref Landscape Plan for all works</p>	<p>0 2 4 6 8 10 M</p>	<table border="1"> <thead> <tr> <th>Issue</th> <th>Description</th> <th>Date</th> <th>Issue</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Pre Development Application Issue</td> <td>08/07/16</td> <td>F</td> <td>Relocation of driveway to rear</td> <td>07/05/16</td> </tr> <tr> <td>B</td> <td>Preliminary Issue</td> <td>15/07/16</td> <td>G</td> <td>HS4, 10 Ground Access Ramp &amp; Basement Level</td> <td>07/09/16</td> </tr> <tr> <td>C</td> <td>Amended Issue</td> <td>20/01/16</td> <td></td> <td></td> <td></td> </tr> <tr> <td>D</td> <td>Development Application Issue</td> <td>11/02/16</td> <td></td> <td></td> <td></td> </tr> <tr> <td>E</td> <td>Development Application Issue</td> <td>16/02/16</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Issue	Description	Date	Issue	Description	Date	A	Pre Development Application Issue	08/07/16	F	Relocation of driveway to rear	07/05/16	B	Preliminary Issue	15/07/16	G	HS4, 10 Ground Access Ramp & Basement Level	07/09/16	C	Amended Issue	20/01/16				D	Development Application Issue	11/02/16				E	Development Application Issue	16/02/16				<p><b>GROUND FLOOR PLAN</b></p> <p>GFA = 147 m<sup>2</sup></p> <p>No. 68 No. 70 No. 72</p>
Issue	Description	Date	Issue	Description	Date																																		
A	Pre Development Application Issue	08/07/16	F	Relocation of driveway to rear	07/05/16																																		
B	Preliminary Issue	15/07/16	G	HS4, 10 Ground Access Ramp & Basement Level	07/09/16																																		
C	Amended Issue	20/01/16																																					
D	Development Application Issue	11/02/16																																					
E	Development Application Issue	16/02/16																																					



Notes:		Architects		Architects		Architects	
A	Pre-Development Application Issue	06/01/16	F	No location of driveway to rear	30/05/16	DA 103	
B	Preliminary Issue	15/01/16				F	
C	Approved Issue	20/01/16				F	
D	Development Application Issue	11/02/16				F	
E	Development Application Issue	16/02/16				F	

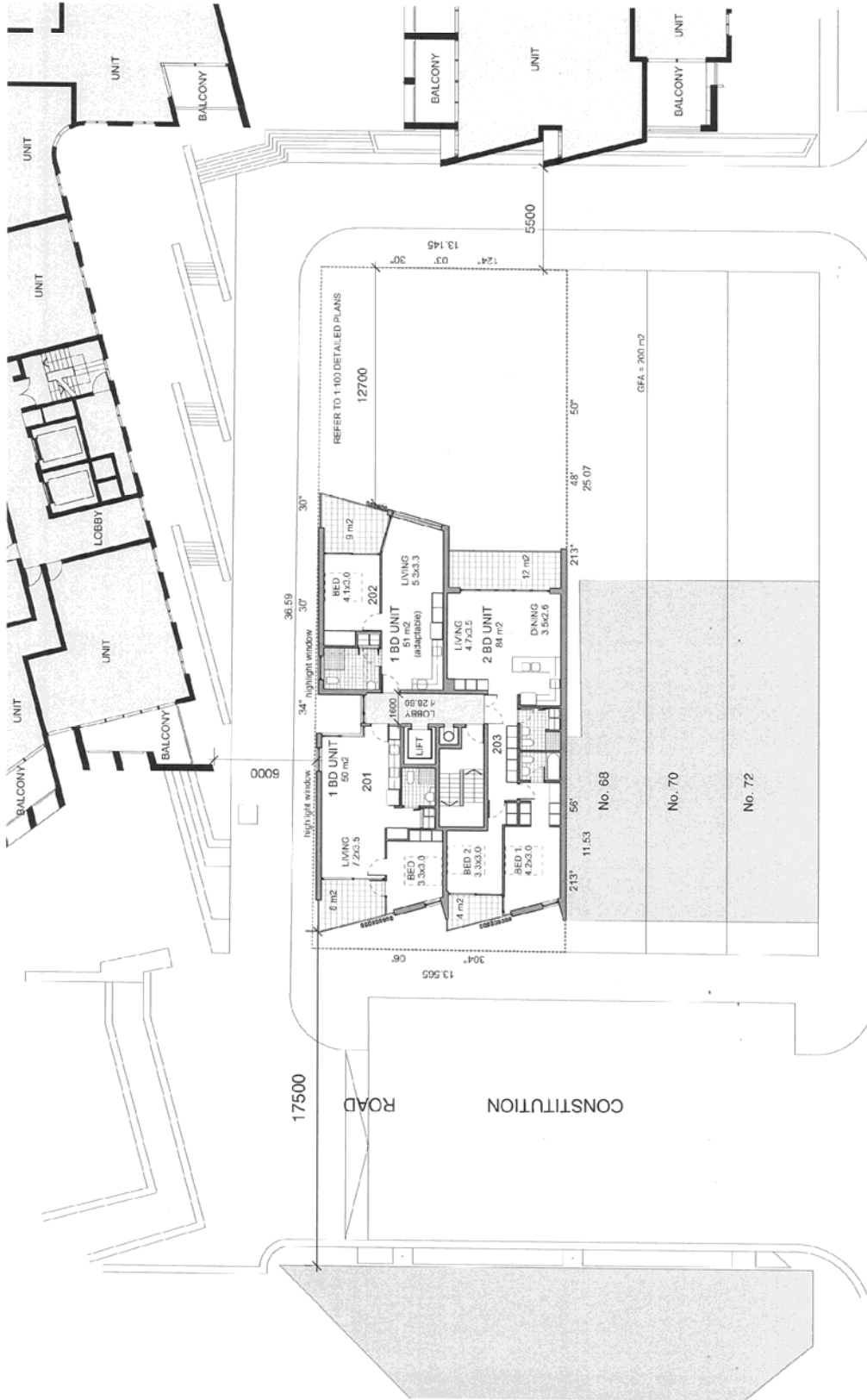
Issue	Description	Date	Issue	Description	Date
A	Pre-Development Application Issue	06/01/16	F	No location of driveway to rear	30/05/16
B	Preliminary Issue	15/01/16			
C	Approved Issue	20/01/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

Title:	Project:	Client:	Date:	Scale:
FIRST FLOOR PLAN	56 Constitution Rd Dulwich Hill	Ferre Construction Group Pty Ltd	January 2016	1:100 @ A1, 1:200 @ A3
Lot: Z IN D.F. 365/20 Ferre Construction Group Pty Ltd January 2016 Scale: 1:100 @ A1, 1:200 @ A3				

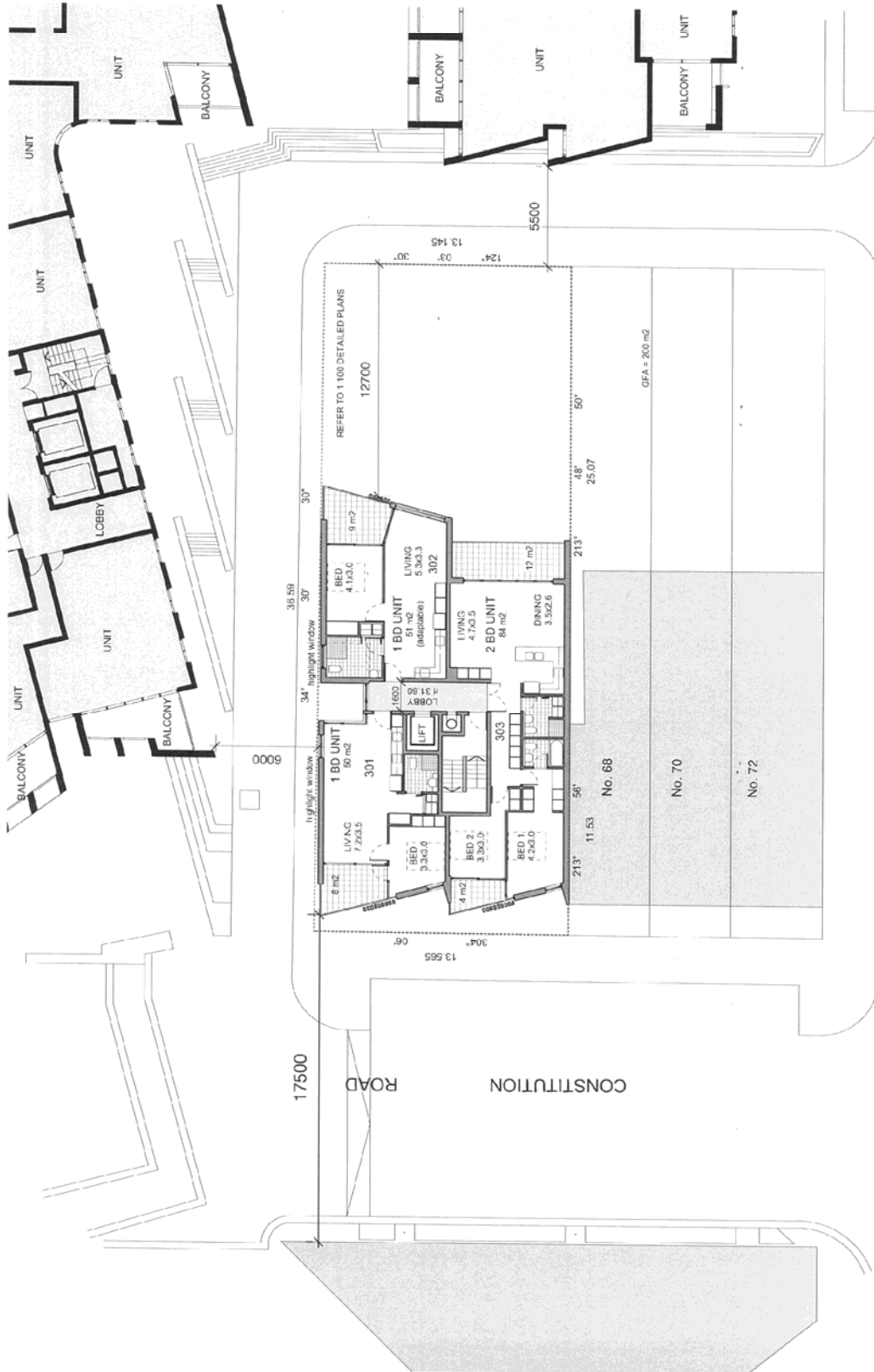
  

Julie Cracknell & Peter Loneragan Architects	
156a Church St Newtown NSW 2042 Tel: (02) 95651334 Fax: (02) 95501724	



SECOND FLOOR PLAN		DA 104		
Title:	66 Constitution Rd Dulwich Hill	Project:	L07 2 IN D.P. 3.69.20	
Client:	Forte Construction Group Pty Ltd	Date:	January 2016	
Scale:	1:100 @ A1, 1:200 @ A3			
<b>Julie Cracknell</b> <b>Peter Loneragan</b> <b>Architects</b> 156½ Church St Newtown NSW 2042 Tel: (02) 95631334 Fax: (02) 95501224				
Issue	Description	Date	Description	Date
A	Pre Development Application Issue	08/01/16	Location of driveway to rear	02/05/16
B	Preliminary Issue	15/01/16		
C	Amended Issue	20/01/16		
D	Development Application Issue	11/02/16		
E	Development Application Issue	16/02/16		





Issue	Description	Date	Issue	Description	Date
A	Pre Development Application issue	08/01/16	F	Re location of driveway to rear	02/05/16
B	Preliminary Issue	15/01/16			
C	Amended Issue	20/01/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

<p><b>Notes:</b></p>  		<p><b>Architects</b></p> <p><b>Julie Cracknell &amp; Peter Loneragan</b></p> <p>156 Church St Newcastle NSW 2043 Tel: (02) 95615154 Fax: (02) 95612124</p>	<p><b>THIRD FLOOR PLAN</b></p> <p><b>DA 105</b></p> <p><b>F</b></p>
<p>Title: 66 Constitution Rd Dulwich Hill</p> <p>Project: LOT 2 IN DP 30920</p> <p>Client: Forte Construction Group Pty Ltd</p> <p>Date: January 2016</p> <p>Scale: 1:100 @ A1, 1:200 @ A3</p>			

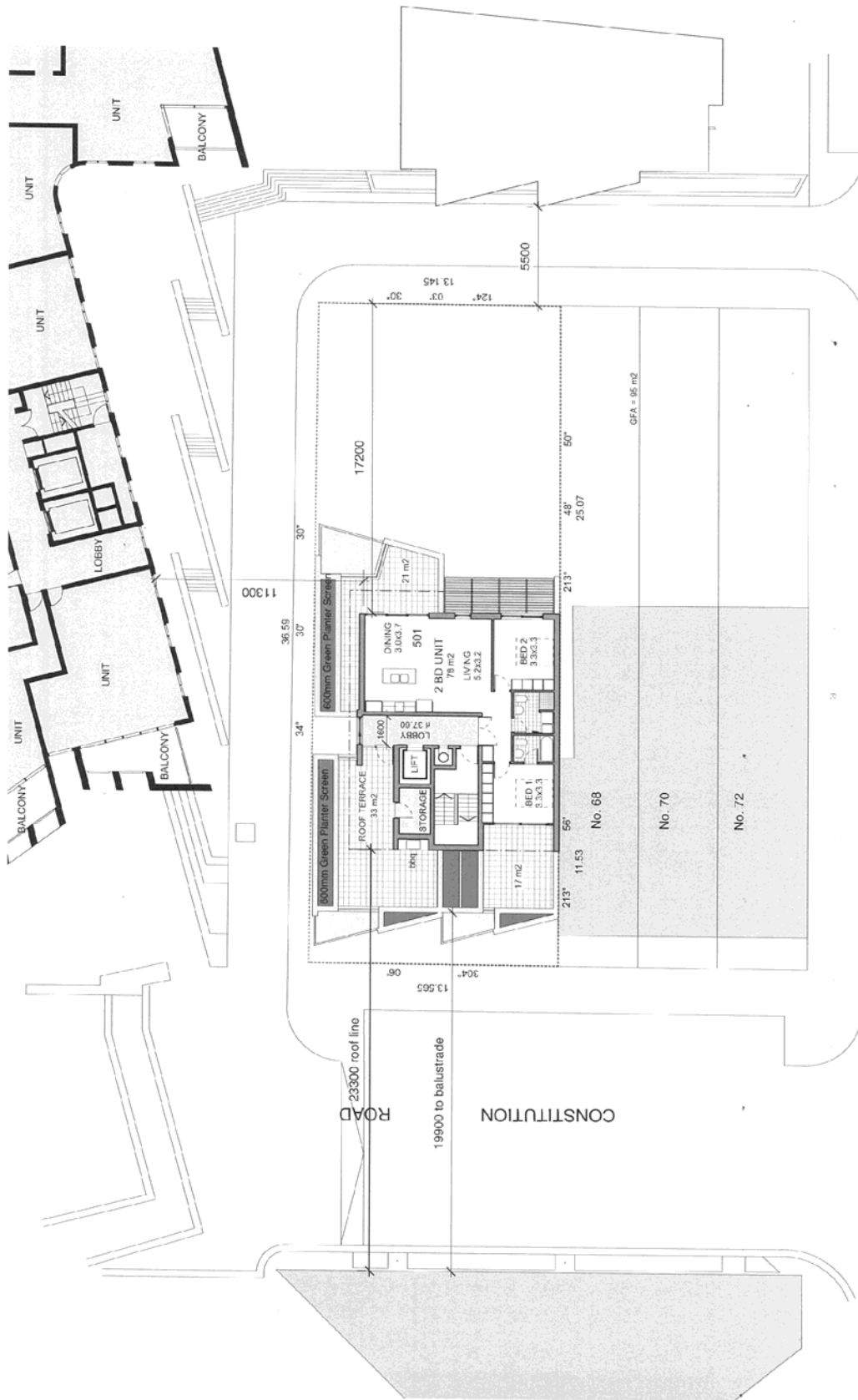


Issue	Description	Date	Issue	Description	Date
A	Pre-Development Application Issue	08/01/16	F	Re-location of driveway to rear	02/05/16
B	Preliminary Issue	15/03/16			
C	Amended Issue	20/01/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

<p><b>Notes:</b></p>		<p>Scale: 1:100 @ A1, 1:200 @ A3</p>
<p>Architects:</p> <p><b>Julie Cracknell &amp; Peter Lonergan</b></p> <p>156a Church St, Newtown NSW 2042 Tel: (02) 95515154 Fax: (02) 95501224</p>		<p><b>DA 106 F</b></p> <p>Project: 65 Constitution Rd Dulwich Hill LOT 2 IN D.P. 38920</p> <p>Client: Forte Construction Group Pty Ltd Date: January 2016</p>
<p>FOURTH FLOOR PLAN</p>		

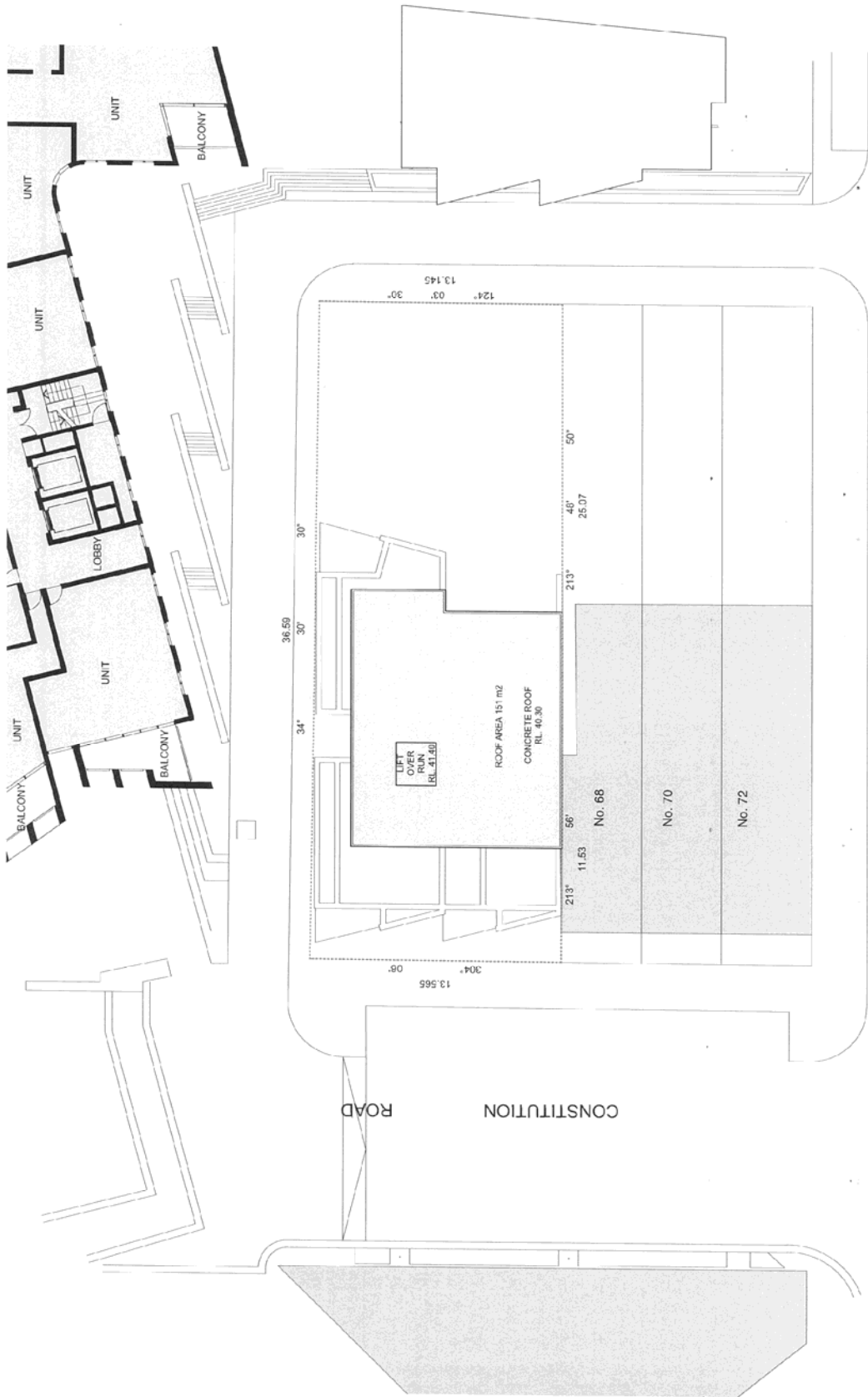




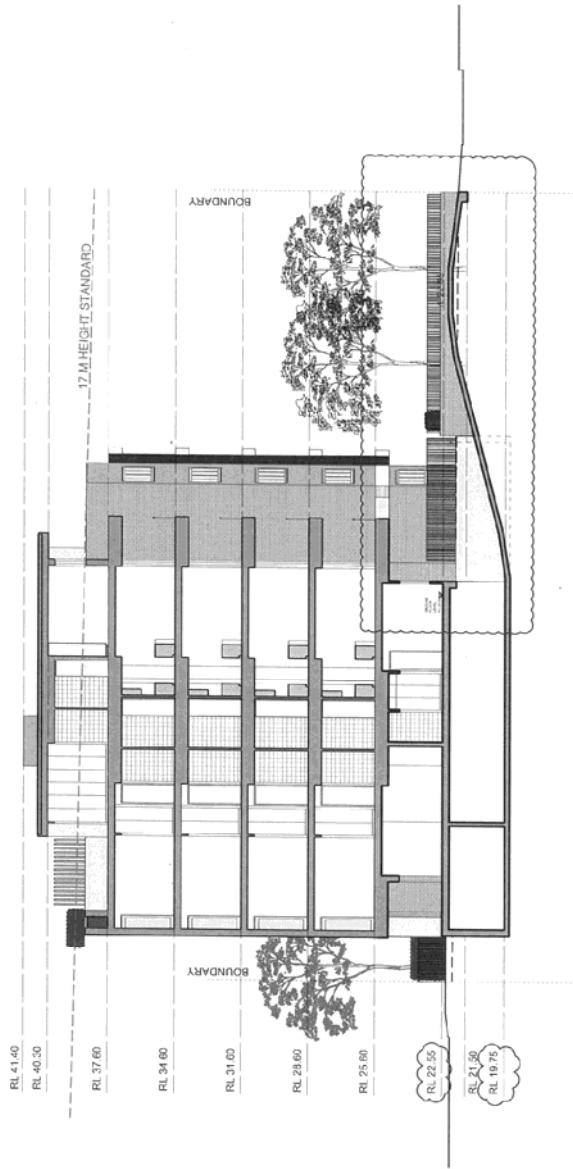
<p><b>Architects</b>  <b>Julie Cracknell &amp; Peter Loneragan</b>                  156a Church St, Newtown NSW 2042                  Tel: (02) 9561534 Fax: (02) 95501224</p>		<p><b>DA 107 F</b></p>		
<p><b>FIFTH FLOOR PLAN</b>                  Project: 66 Constitution Rd Dulwich Hill                  LOT 2 IN D.P.38920</p>		<p>Title: FIFTH FLOOR PLAN                  Client: Forte Construction Group Pty Ltd                  Date: January 2016                  Scale: 1:100 @ A1, 1:200 @ A3</p>		
<p>Issue Description</p>	<p>Date</p>	<p>Issue</p>	<p>Description</p>	<p>Date</p>
A Pre Development Application Issue	08/01/16	F	Re-location of driveway to rear	02/05/16
B Preliminary Issue	15/01/16			
C Amended Issue	20/01/16			
D Development Application Issue	11/02/16			
E Development Application Issue	16/02/16			

Notes:

0 2 4 6 8 10 M



		<p>Note:</p>	
<p>0 2 4 6 8 10M</p>	<p>Issue Description</p>	<p>Date</p>	<p>Issue Description</p>
<p>A Pre-Development Application Issue</p>	<p>08/01/16</p>	<p>F</p>	<p>Re location of driveway to rear</p>
<p>B Preliminary Issue</p>	<p>15/01/16</p>		
<p>C Amended Issue</p>	<p>20/01/16</p>		
<p>D Development Application Issue</p>	<p>11/02/16</p>		
<p>E Development Application Issue</p>	<p>16/02/16</p>		
<p>Architects</p> <p><b>Julie Cracknell</b> <b>Peter Lonergan</b></p> <p>156a Church St Newtown NSW 2042 Tel: (02) 95651554 Fax: (02) 95501224</p>		<p>Title: ROOF PLAN</p>	<p>Project: 66 Constitution Rd Dulwich Hill LOT 2 IN D.P. 369/20</p>
<p>DA 108</p>		<p>Client: Forte Construction Group Pty Ltd</p>	<p>Date: January 2016</p>
<p>Scale: 1:100 @ A1, 1:200 @ A3</p>		<p>F</p>	



**DA 201 G**

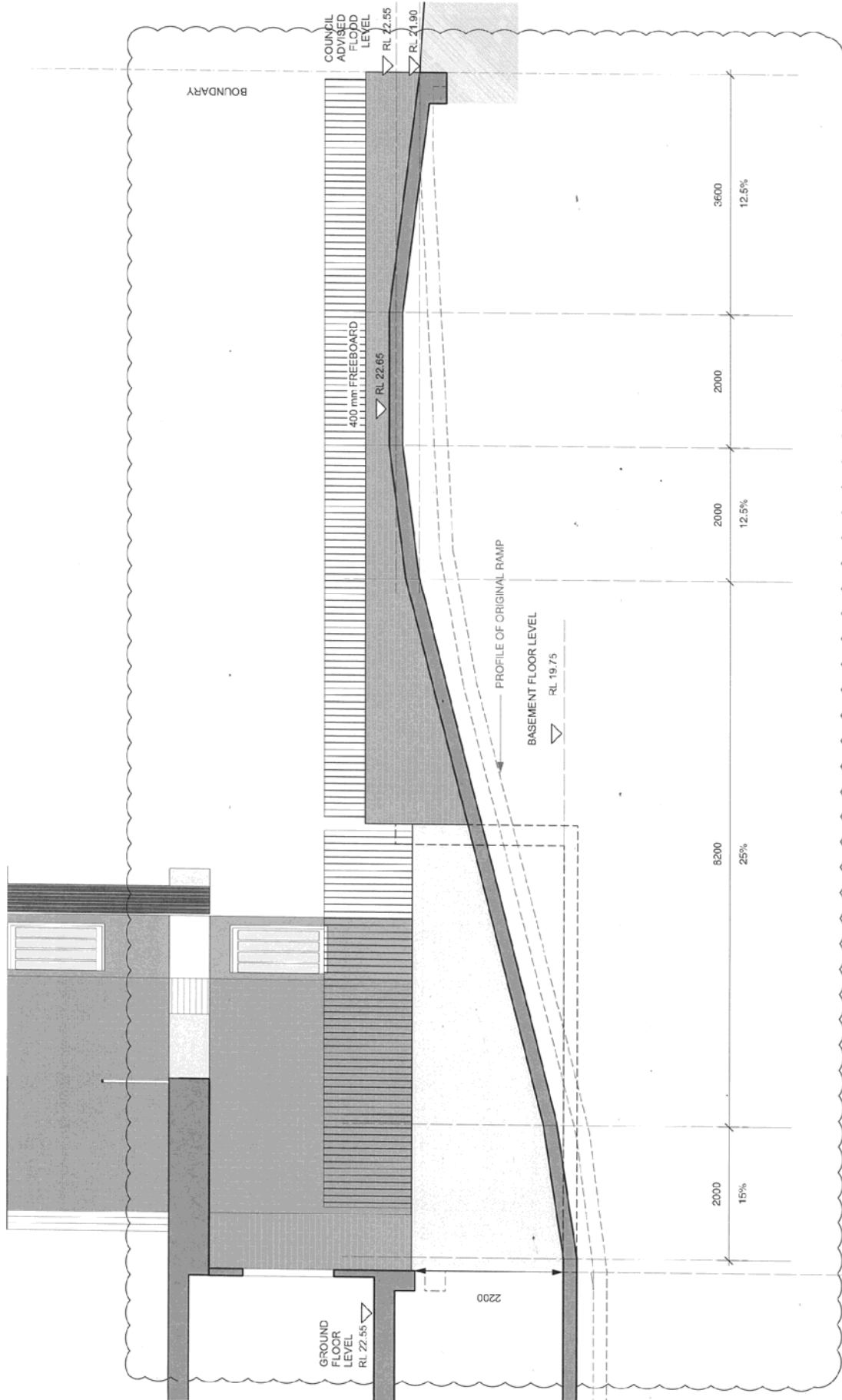
**SECTION AA**

Title: 66 Constitution Rd Dulwich Hill  
 Project: LOT 2 IN D.P.36920  
 Client: Forte Construction Group Pty Ltd  
 Date: January 2016  
 Scale: 1:100 @ A1, 1:200 @ A3

**Julie Cracknell**  
**Peter Lonergan**  
 Architects  
 156a Church St Newtown NSW 2042  
 Tel: (02) 95651554 Fax: (02) 95501224

Issue	Description	Date	Issue	Description	Date
A	Pre-Development Application Issue	06/07/16	F	Modification of driveway to rear	02/05/16
D	Preliminary Issue	12/07/16	G	REV. to Ground Access Ramp & Staircase Level	07/09/16
C	Amended Issue	20/07/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

Notes:



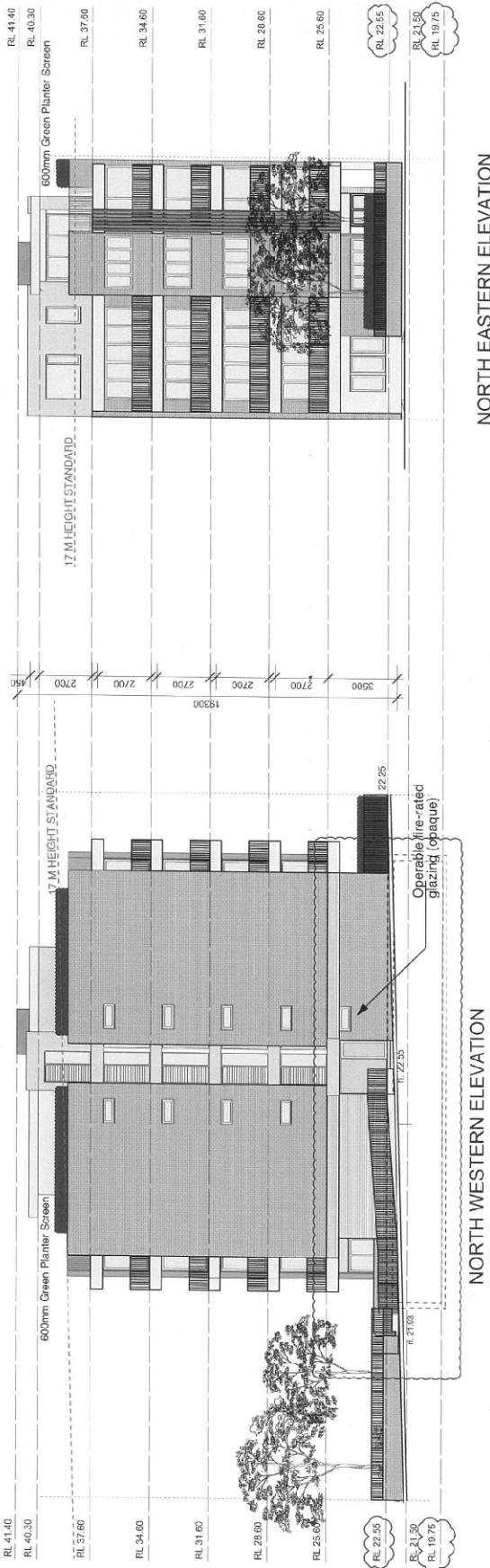
**Notes:**

Issue	Description	Date	Issue	Description	Date
A	Pre Development Application Issue	08/01/16	F	Re-location of driveway to rear	02/05/16
B	Preliminary Issue	13/01/16	G	REV. to Ground Access Ramp & Basement_awa	07/09/16
C	Amended Issue	20/01/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

**Architects**  
**Julie Cracknell & Peter Lonergan**  
 156a Church St Newtown NSW 2042  
 Tel: (02) 94561554 Fax: (02) 95501224

**DA 202**  
**G**

Title: DRIVEWAY RAMP DETAIL  
 Project: 66 Constitution Rd Dulwich Hill  
 LOT 2 IN O.P. 36920  
 Client: Forte Construction Group Pty Ltd  
 Date: January 2016  
 Scale: 1:25@A1 OR 1:50@ A3

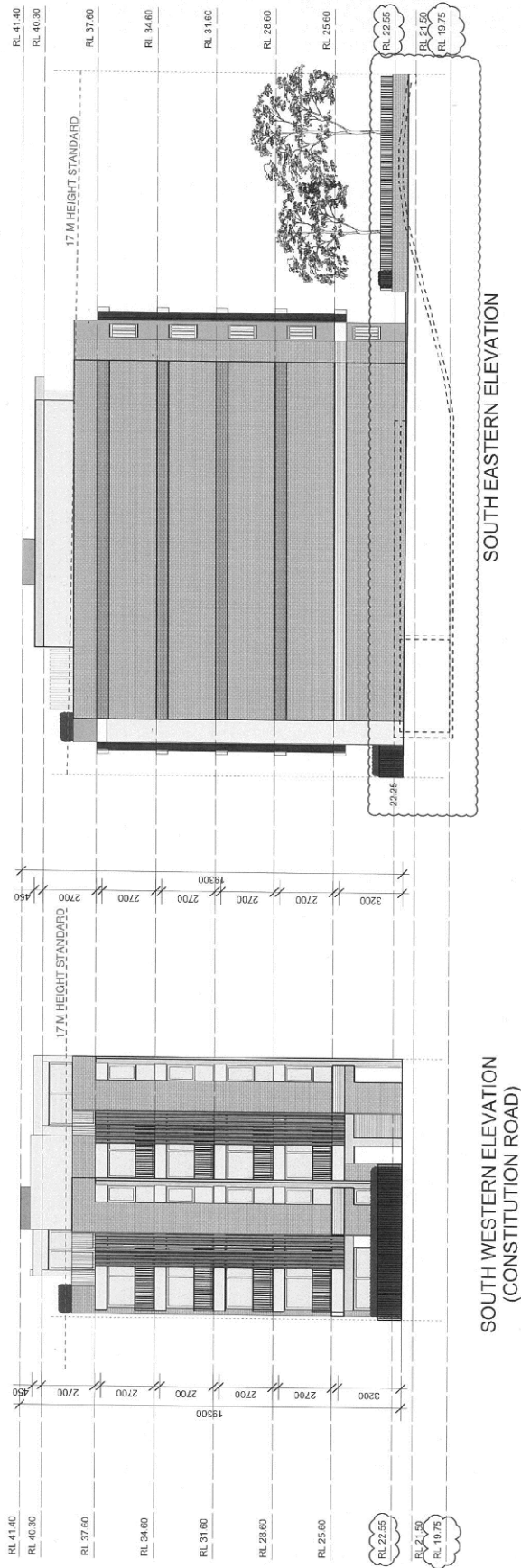


NORTH EASTERN ELEVATION

NORTH WESTERN ELEVATION

ELEVATIONS		DA 301	
Title:	66 Constitution Rd Dulwich Hill	G	
Project:	LOT 2 IN D.P. 3169/20		
Client:	Forte Construction Group Pty Ltd		
Date:	January 2016		
Scale:	1:100 @ A1, 1:200 @ A3		
<b>Julie Cracknell</b> <b>Peter Lonergan</b> Architects 156a Church St, Newtown NSW 2042 Tel: (02) 95615354 Fax: (02) 95501224		Date:	02/02/16
Issue:	Description	Date	Description
A	Pre-Development Application Issue	08/01/16	F - The location of driveway to rear
B	Preliminary Issue	15/01/16	G REV. to Ground Access Ramp & Basement Level
C	Amended Issue	20/01/16	
D	Development Application Issue	11/02/16	
E	Development Application Issue	16/02/16	

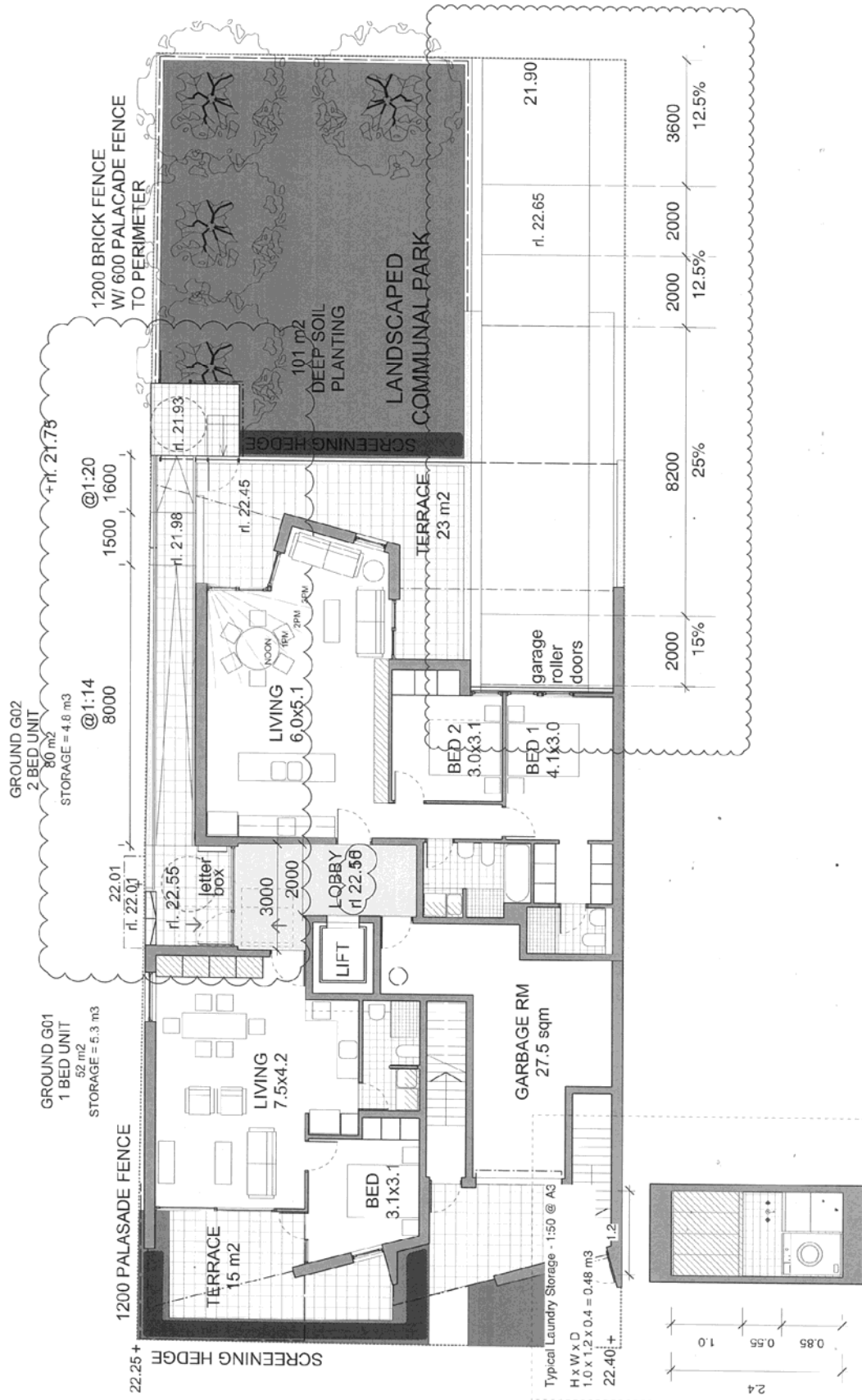




SOUTH WESTERN ELEVATION  
(CONSTITUTION ROAD)

SOUTH EASTERN ELEVATION

<p><b>DA 302 G</b></p>		
<p><b>ELEVATIONS</b></p>		
<p>Title: 66 Constitution Rd Dulwich Hill</p>	<p>Project: LOT 2 IN D.P. 36920</p>	
<p>Client: Forte Construction Group Pty Ltd</p>	<p>Date: January 2016</p>	
<p>Scale: 1:100 @ A1, 1:200 @ A3</p>	<p>Architects</p>	
<p><b>Julie Cracknell &amp; Peter Lomergan</b></p> <p>156a Church St Newswa NSW 2042 Tel: (02) 95651554 Fax: (02) 95601224</p>		
<p>Issue</p>	<p>Description</p>	<p>Date</p>
A	Pre-Development Application Issue	02/05/16
B	Preliminary Issue	15/01/16
C	Amended Issue	20/01/16
D	Development Application Issue	11/02/16
E	Development Application Issue	16/02/16
<p>Issue Description</p>		<p>Date</p>
<p>A Relocation of driveway to rear</p>		07/09/16
<p>G REV. to Ground Access Ramp &amp; Basement Level</p>		



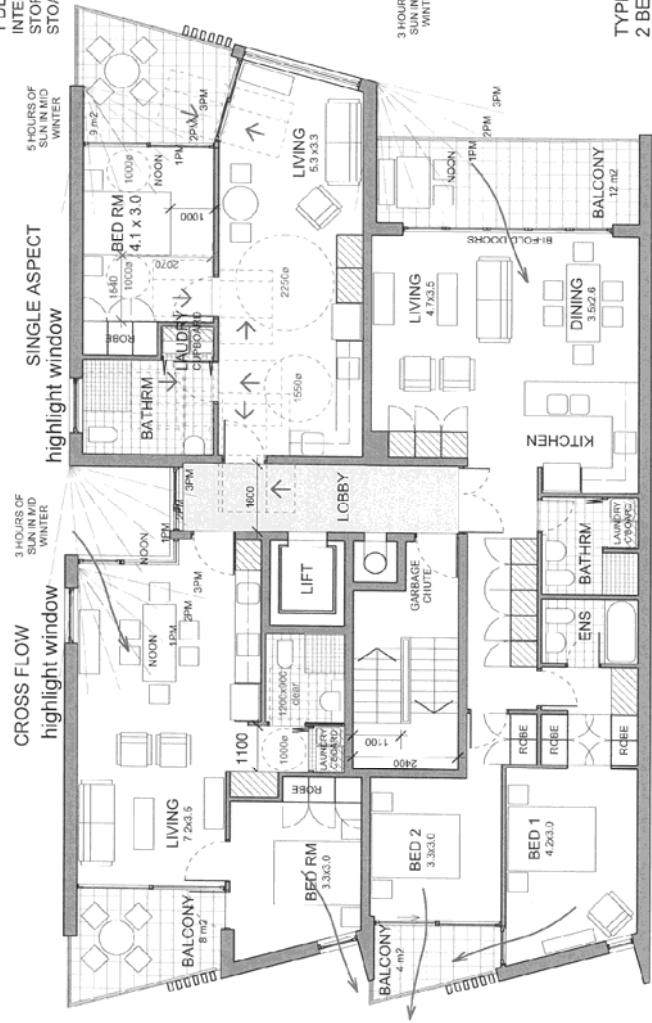
**Note:**  
 \*storage reaches 2.7 m from RL-21.10 floor to ceiling of ground floor is 3.2 m

Issue	Description	Date	Issue	Description	Date
A	Pre Development Application Issue	08/01/16	F	Relocation of driveway to rear	20/05/16
B	Preliminary issue	15/01/16	G	RLV to Ground Access Ramp & Staircase Level	07/09/16
C	Amended Issue	20/01/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

<b>Architects</b>	<b>Julie Cracknell</b> <b>Peter Lonergan</b>	<b>DA 401</b>
	156 Church St Newcastle NSW 2042 Tel: (02) 9561544 Fax: (02) 9561224	
	Client: Forte Construction Group Pty Ltd	
	Date: January 2016	
	Scale: 1:50 @ A1, 1:100 @ A3	

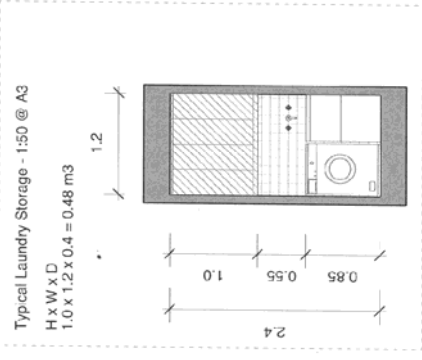
TYPICAL  
1 BED UNIT (ADAPTABLE)  
INTERNAL AREA 51 m<sup>2</sup>  
STORAGE 3.0 m<sup>3</sup>  
STORAGE CAGE 7.9 m<sup>3</sup>



TYPICAL  
2 BED UNIT  
INTERNAL AREA 84 m<sup>2</sup>  
STORAGE 10.0 m<sup>3</sup>  
STORAGE CAGE 7.9 m<sup>3</sup>

TYPICAL  
1 BED UNIT  
INTERNAL AREA 50 m<sup>2</sup>  
STORAGE 3.3 m<sup>3</sup>  
STORAGE CAGE 6.3 m<sup>3</sup>

4 LIVABLE UNITS PER  
SEPPRE REQUIREMENTS  
COMPLYING WITH SILVER  
LEVEL REQUIREMENTS OF  
LIVABLE HOUSING  
AUSTRALIA GUIDELINE



Issue	Description	Date	Issue	Description	Date
A	Pre Development Application Issue #	08/01/16	F	Re location of driveway to rear	02/05/16
B	Preliminary Issue	15/01/16			
C	Amended Issue	20/01/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

DETAILED UNIT PLANS		DA 402
Title:	66 Constellation Rd Dulwich Hill	
Project:	LOT 2 IN D.F. 36920	
Client:	Fore Construction Group Pty Ltd	
Date:	January 2016	
Scale:	1:50 @ A1, 1:100 @ A3	F

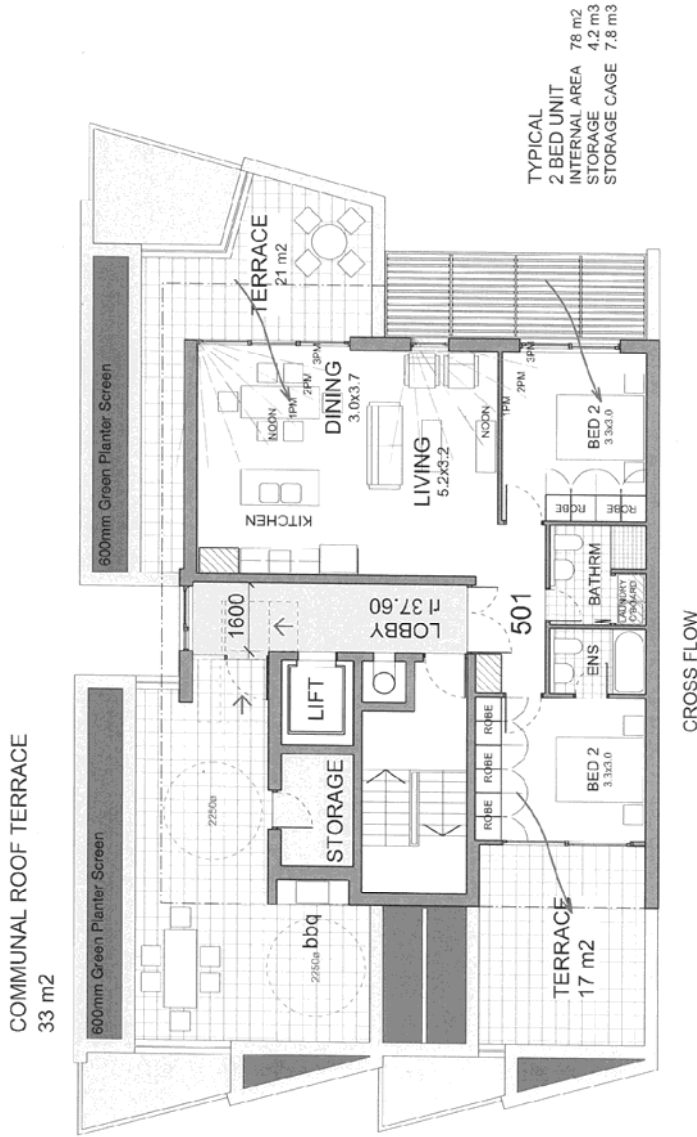
  

Julie Cracknell & Peter Lonergan Architects  
156a Church St Newtown NSW 2042  
Tel: (02) 95618554 Fax: (02) 95501224

Notes:

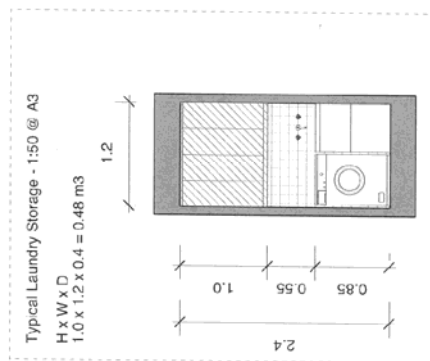




TYPICAL  
2 BED UNIT  
INTERNAL AREA 78 m<sup>2</sup>  
STORAGE 4.2 m<sup>3</sup>  
STORAGE CAGE 7.8 m<sup>3</sup>

CROSS FLOW

COMMUNAL ROOF TERRACE  
33 m<sup>2</sup>



Typical Laundry Storage - 1:50 @ A3

H x W x D  
1.0 x 1.2 x 0.4 = 0.48 m<sup>3</sup>

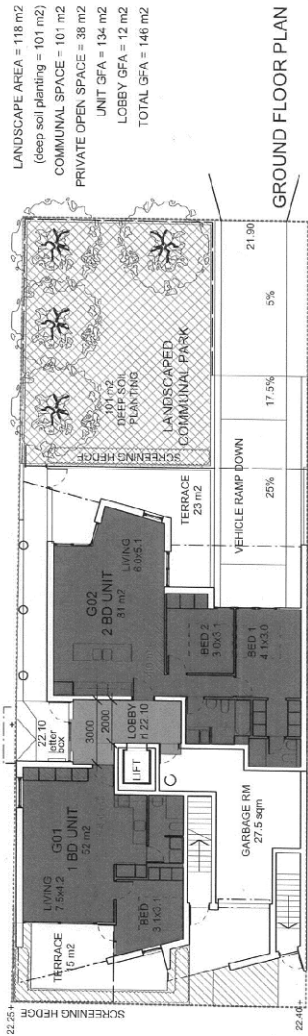
Issue	Description	Date	Issue	Description	Date
A	Pre Development Application Issue	08/07/15	F	Re location of driveway to rear	02/05/16
B	Preliminary Issue	15/07/15			
C	Amended Issue	26/07/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

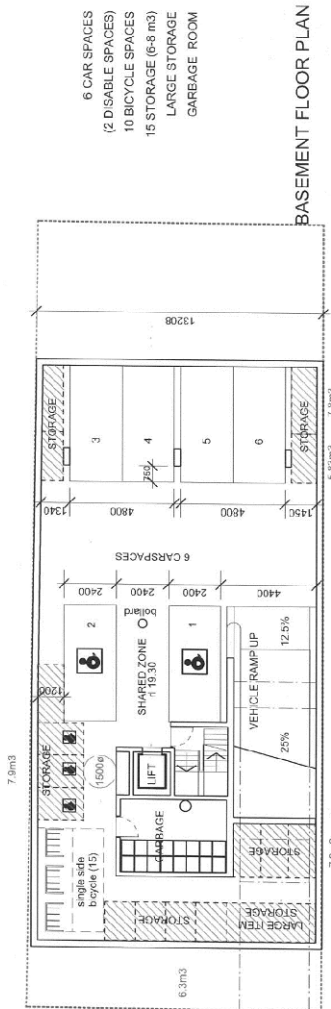
<p><b>Notes:</b></p>	
<p>0 2 3 4 5 M</p>	<p>Scale: 1:50 @ A1, 1:100 @ A3</p>

<p><b>Architects</b></p> <p><b>Julie Cracknell</b> <b>Peter Lonergan</b></p> <p>156 Church St Newcastle NSW 2043 Tel: (02) 95651554 Fax: (02) 95501274</p>	<p><b>DA 403</b></p> <p><b>F</b></p> <p>Project: 66 Constitution Rd Dulwich Hill LOT 2 IN DP 38920 Client: Forte Construction Group Pty Ltd Date: January 2016</p>
--	--



GROUND FLOOR PLAN



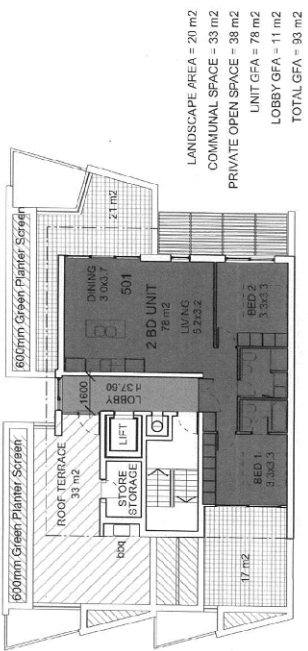
BASEMENT FLOOR PLAN

TYPE	GFA	P.O.S	ASPECT	WINTER SUN	STORAGE	NOTE
G01 1 BED	52	15	SINGLE	NIL	6.3+2.0 m <sup>3</sup>	GARDEN
G02 2 BED	80	51	DUAL	HR 30MIN	7.8+2.7 m <sup>3</sup>	GARDEN
101 1 BED	50	8	DUAL	HR 45MIN	6.3+2.2 m <sup>3</sup>	LIVABLE
102 1 BED	51	9	SINGLE	HR 20MIN	7.9+2.3 m <sup>3</sup>	ADAPTABLE
103 2 BED	84	16	DUAL	2HR 35MIN	7.9+10.7 m <sup>3</sup>	-
201 1 BED	50	8	DUAL	HR 05MIN	6.3+2.2 m <sup>3</sup>	LIVABLE
202 1 BED	51	9	SINGLE	2HR 10MIN	7.9+2.3 m <sup>3</sup>	ADAPTABLE
203 2 BED	84	16	DUAL	4HR 20MIN	7.9+10.7 m <sup>3</sup>	-
301 1 BED	50	8	DUAL	HR 00MIN	6.3+2.2 m <sup>3</sup>	LIVABLE
302 1 BED	51	9	SINGLE	4HR 00MIN	7.9+2.3 m <sup>3</sup>	ADAPTABLE
401 1 BED	50	8	DUAL	2HR 00MIN	6.3+2.2 m <sup>3</sup>	LIVABLE
402 1 BED	51	9	SINGLE	4HR 00MIN	7.9+2.3 m <sup>3</sup>	-
403 2 BED	84	16	DUAL	4HR 00MIN	7.9+10.7 m <sup>3</sup>	-
501 2 BED	73	38	DUAL	4HR 30MIN	7.9+4.2 m <sup>3</sup>	ROOF-TOP

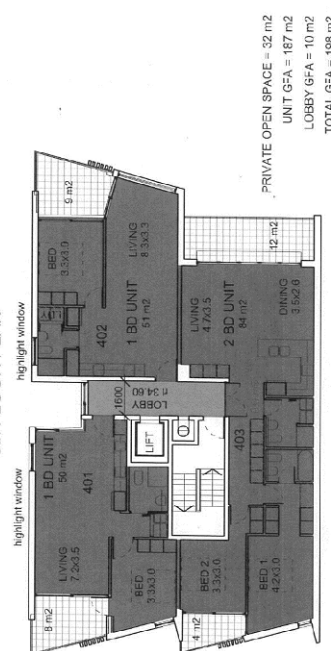
UNIT MIX  
SOLAR ACCESS SUMMARY  
6% RECEIVES NIL  
60% RECEIVES <1 HOUR  
28% RECEIVES BETWEEN 1 HR - 2HR

REF. TO SOLAR ACCESS REPORT FOR FULL DETAILS

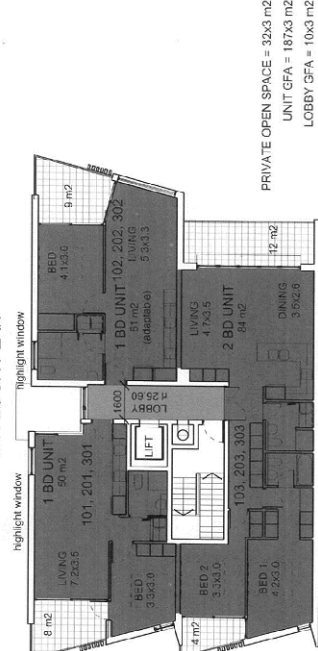
Title:	AREAS SCHEDULE	DA
Project:	66 Constitution Rd Dulwich Hill	501
Client:	Force Construction Group Pty Ltd	F
Date:	January 2016	
Scale:	1:100 @ AT, 1:200 @ A3	



5th FLOOR PLAN



4th FLOOR PLAN

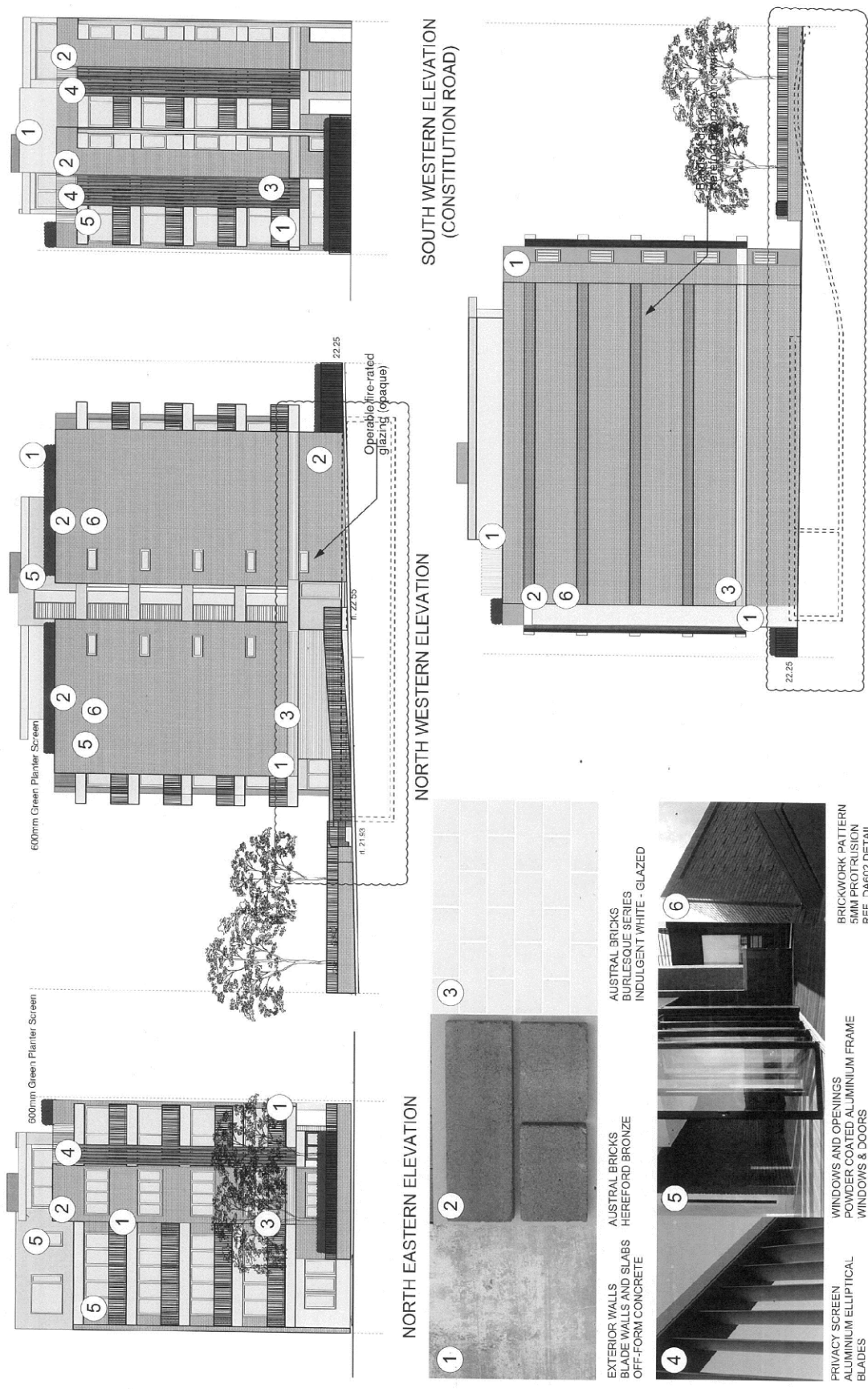


1st-3rd FLOOR PLANS

**Julie Cracknell**  
**Peter Lonergan**  
Architects  
156a Church St Newtown NSW 2042  
Tel: (02) 95651534 Fax: (02) 95501224

Issue	Description	Date	Issue	Description	Date
A	Pre Development Application Issue	08/01/16	F	Re location of driveway to rear	02/05/16
B	Preliminary issue	15/01/16			
C	Annexed Issue	20/01/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	15/02/16			

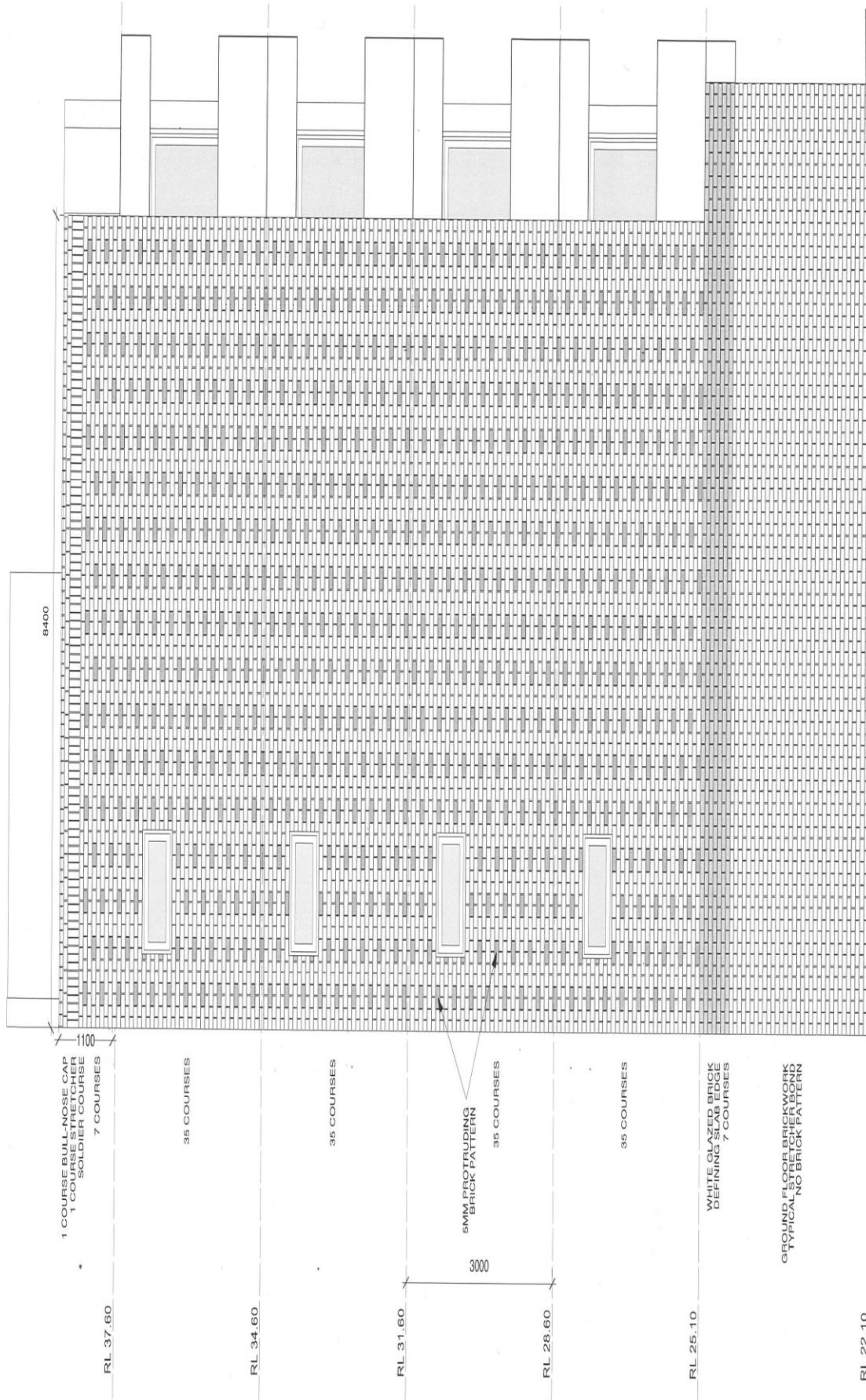
Notes:  
The calculation for storage areas is defined for apartments as being storage excluding kitchen shelves, pantries and bedroom wardrobes. The height of the storage is assumed to be floor to ceiling, i.e. 2.7m



Issue	Description	Date	Issue	Description	Date
A	Pre Development Application issue	08/01/16	F	Re location of driveway to rear	02/02/16
B	Preliminary issue	15/01/16	G	REV to Ground Access Ramp & Basement Level	07/09/16
C	Amended issue	20/01/16			
D	Development Application issue	11/02/16			
E	Development Application issue	16/02/16			

<b>DA 601</b>		<b>MATERIALS &amp; FINISHES</b>	
Project: 66 Constitution Rd Dulwich Hill LOT 2 IN D.P. 58920		Client: Forte Construction Group Pty Ltd	
Date: January 2016		Scale: 1:250 @ A1, 1:500 @ A3	
<b>Julie Cracknell</b> <b>Peter Loneragan</b> Architects 156a Church St Newtown NSW 2042 Tel: (02) 95651534 Fax: (02) 95501234		<b>G</b>	

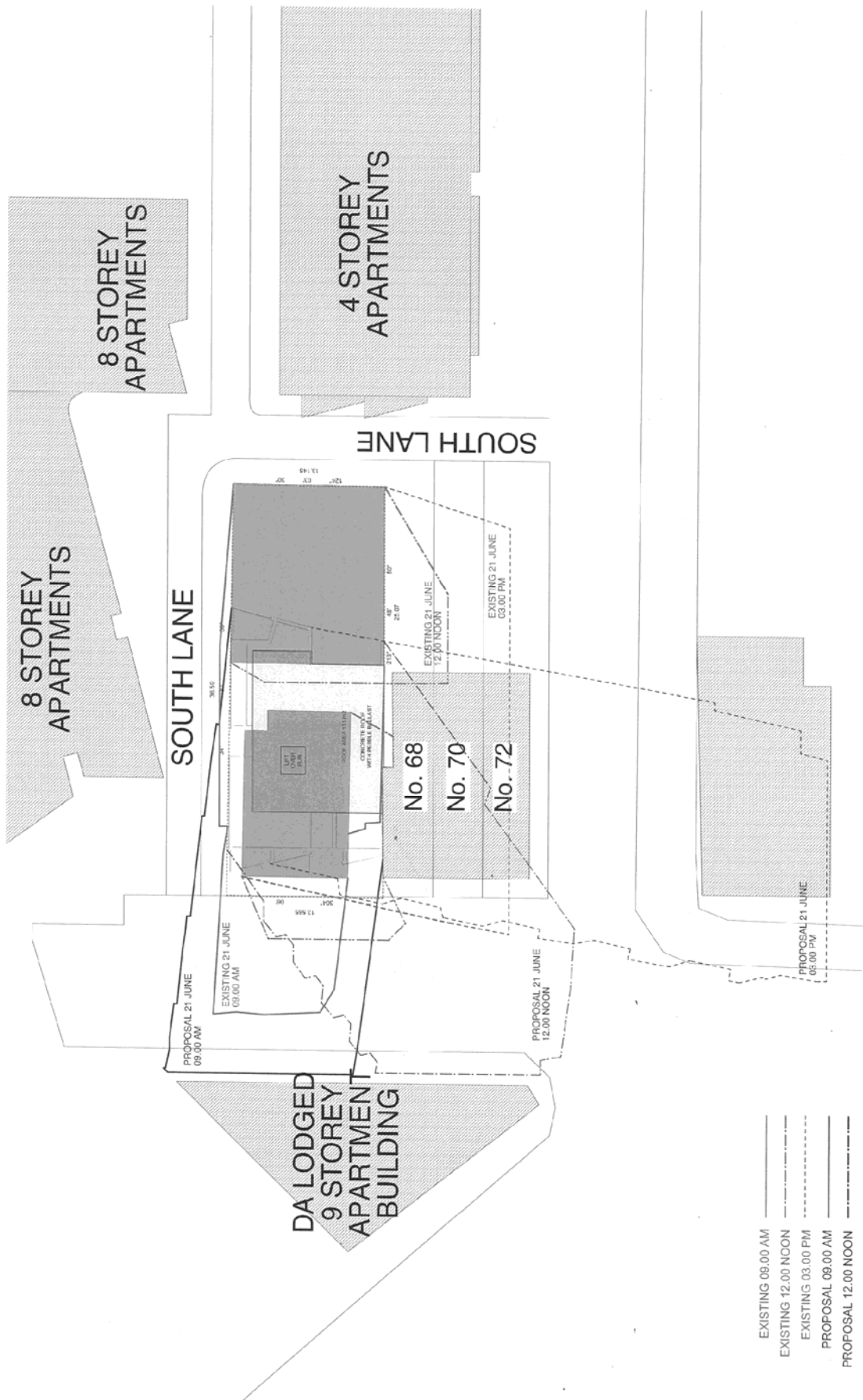


FACADE DETAIL - NORTH WESTERN ELEVATION TYPICAL

Issue	Description	Date	Issue	Description	Date
A	Pre Development Application Issue	08/01/16	F	Re location of driveway to rear	02/05/16
B	Preliminary Issue	15/01/16			
C	Amended Issue	20/01/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

<b>Architects</b> <b>Julie Cracknell</b> <b>Peter Loneragan</b> 156a Church St Newtown NSW 2042 Tel: (02) 95651554 Fax: (02) 95501224		Title: <b>BRICK PATTERN DETAIL ELEV</b> Project: <b>66 Constitution Rd Dulwich Hill</b> Client: <b>Forté Construction Group Pty Ltd</b> Date: <b>January 2016</b> Scale: <b>1:2.5 @A1, 1:50 @A3</b>
DA 602 F		



Issue	Description	Date	Issue	Description	Date
A	Pre-Development Application Issue	08/01/16	F	Re-location of driveway to rear	02/05/16
B	Primary Issue	15/01/16			
C	Amended Issue	20/01/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

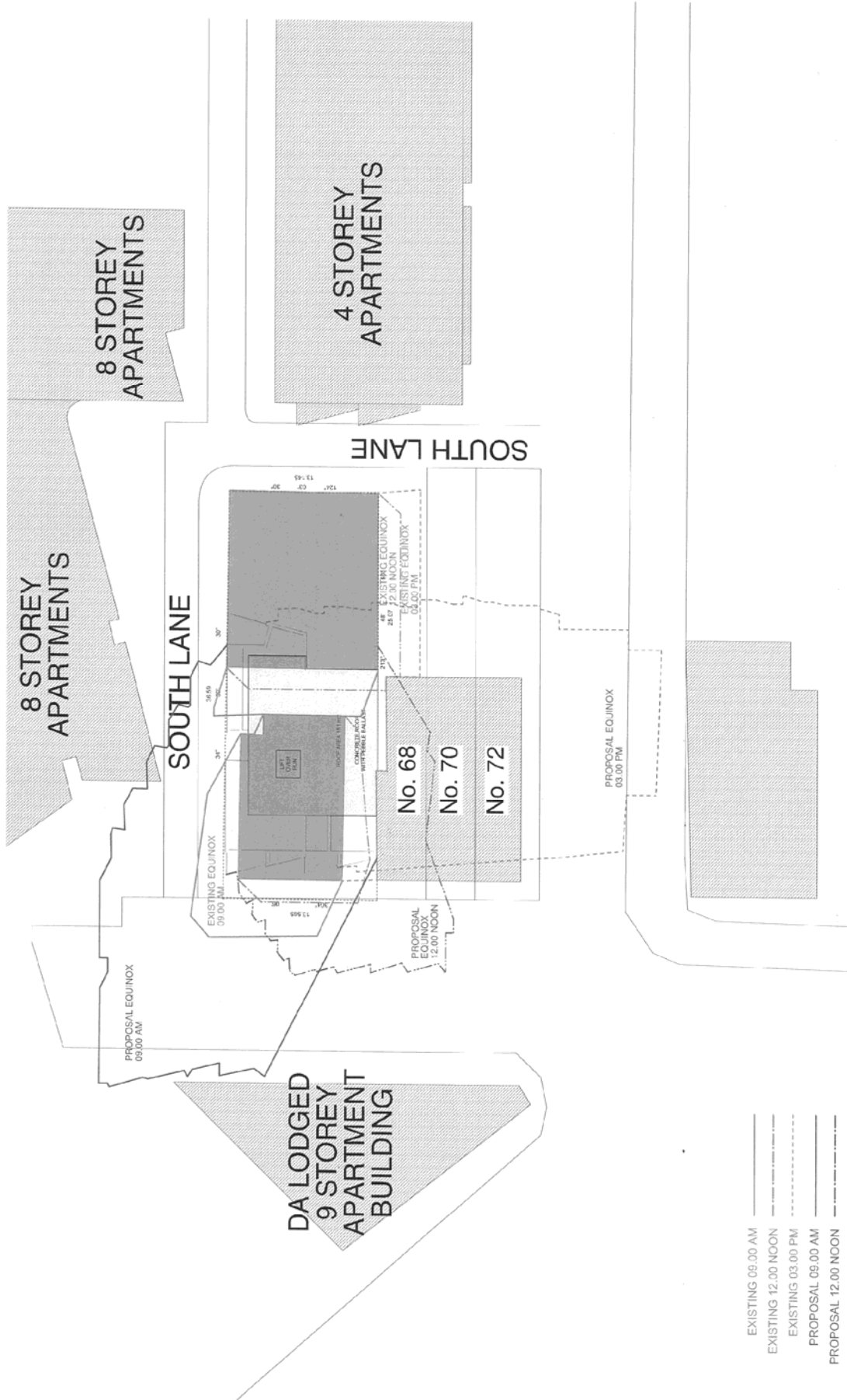
<b>Title</b>	SHADOWS - 21 JUNE	<b>DA</b>
<b>Project</b>	66 Constitution Rd Dulwich Hill	<b>801</b>
<b>Client</b>	Forto Construction Group Pty Ltd	<b>F</b>
<b>Date</b>	January 2016	
<b>Scale</b>	1:100 @ A1, 1:200 @ A3	

**Architects**


**Julie Cracknell**   
**Peter Loneragan**

156a Church St Newspan NSW 2043  
 Tel: (02) 95651554 Fax: (02) 95601234



- EXISTING 09.00 AM ————
- EXISTING 12.00 NOON - - - -
- EXISTING 03.00 PM - - - -
- PROPOSAL 09.00 AM ————
- PROPOSAL 12.00 NOON - - - -
- PROPOSAL 03.00 PM - - - -

**Notes:**

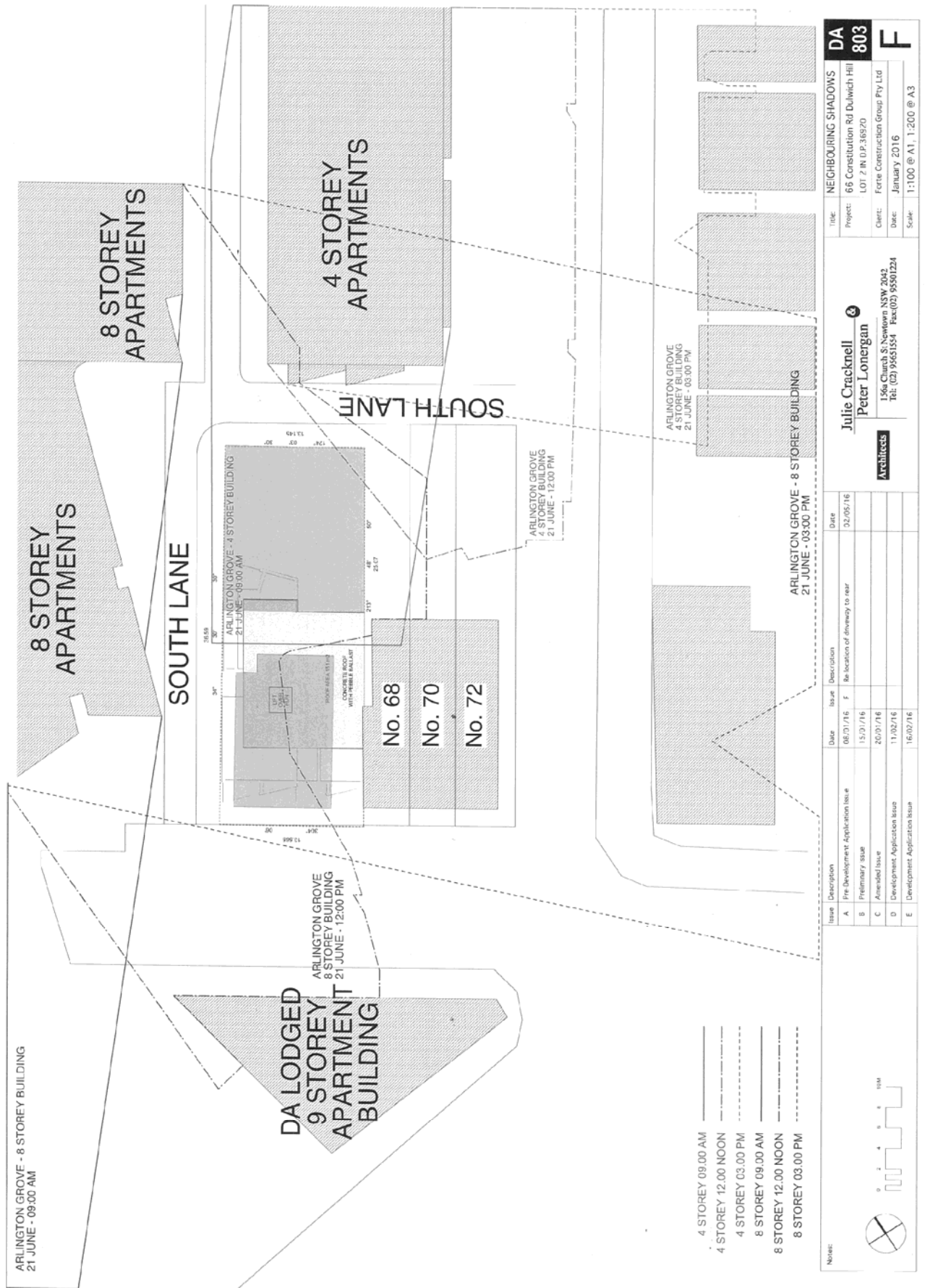


Issue	Description	Date	Issue	Description	Date
A	Pre-Development Application Issue	08/01/16	F	Relocation of driveway to rear	02/05/16
B	Preliminary Issue	15/01/16			
C	Amended Issue	20/01/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

**Architects**  
**Julie Cracknell**  
**Peter Lonergan**  
 156a Church St Newtown NSW 2042  
 Tel: (02) 95661554 Fax: (02) 95501254

**SHADOWS - EQUINOX**  
 Project: 66 Constitution Rd Dulwich Hill  
 LOT 2 IN D.P. 36920  
 Client: Forte Construction Group Pty Ltd  
 Date: January 2016  
 Scale: 1:100 @ A1, 1:200 @ A3

**DA 802 F**



**NOTICE OF SEDIMENT AND EROSION CONTROL**

Sediment and erosion control shall be effectively maintained at all during the course of construction as well as immediately after storm events and shall be required or replaced such that the barriers at the site are fully functional at all times and shall not be removed until the site has been stabilised or landscaped to the project's satisfaction.

The contractor shall ensure that no silt or fill encroaches upon adjacent areas for the duration of works.

The contractor shall ensure that kerb inlets and drains receiving stormwater shall be protected at all times during development.

Sediment fencing shall be secured by post (behind metal clear plastic) and used plastic safety caps shall be used at 2 metre intervals with geotextile fabric embedded at 200mm into soil.

All local stripped from the site and stockpiled up to 40% of its capacity shall be removed in a manner that does not increase erosion, sedimentation, pollution or drainage systems whether natural or not. Water may not be pumped directly across disturbed soil.

Any sediment spilled within the property or onto the roadways shall be removed and coincided with a spill and dry boom (without water) and disposed of as to be washed or swept into a watercourse or inlet to a stormwater system.

During dry weather where there is potential for dust movement, a light spray of water shall be applied to the site and adjacent roads and footpaths, however, the water shall not be applied in such a way as to create runoff.

Sub-surface components of the site drainage system shall be installed to working order prior to the construction of any building.

Following building works where large areas of soil have been exposed, the land shall be fully protected from erosion from vegetation or other soil stabilisation within 20 days of completion of building works.

Vehicle loads of waste and construction material must be covered during transportation and must comply with the POED Act 1997 and the Road Transport Act (NSW) 1999.

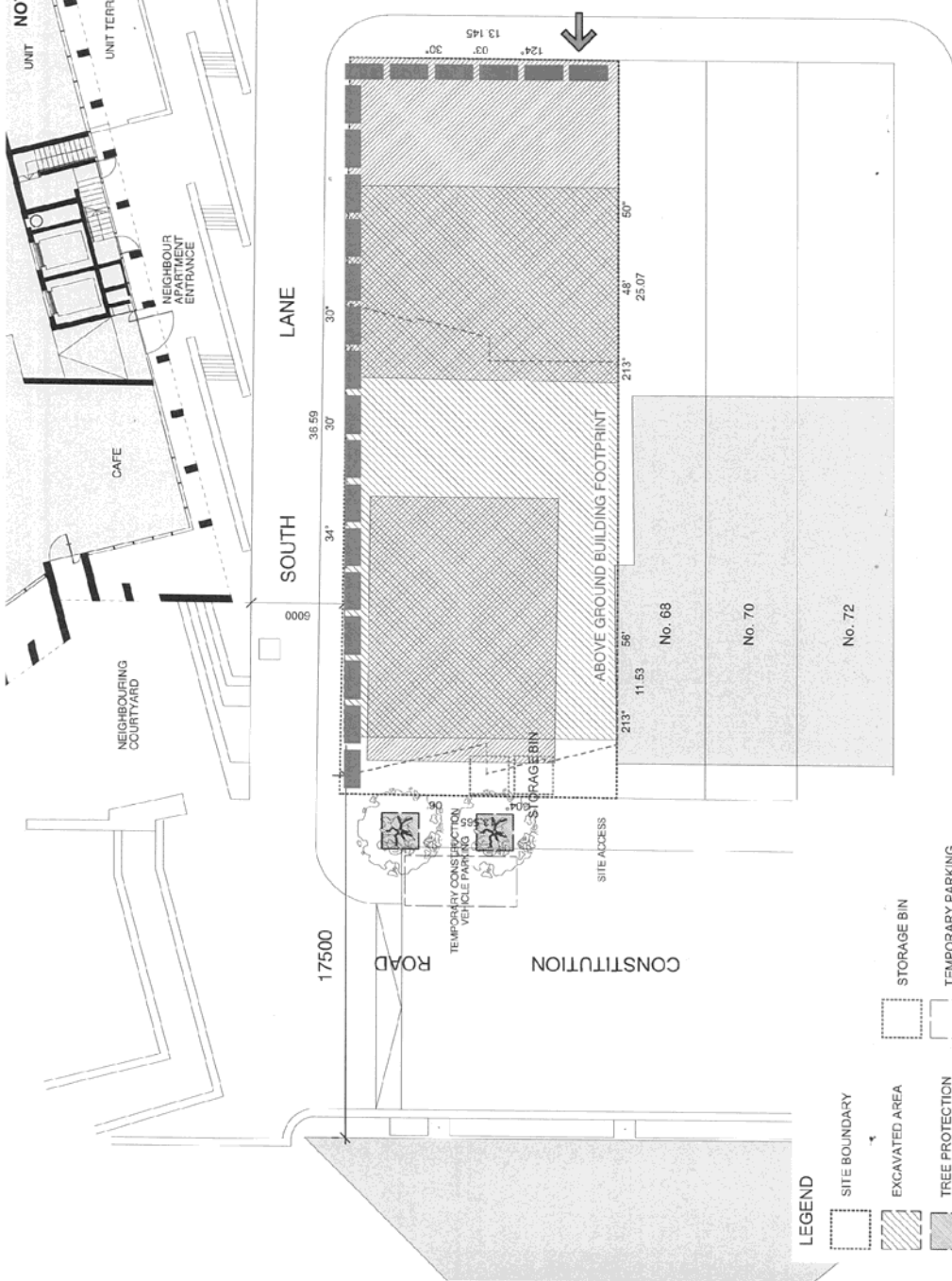
Stripping and excavation of the site shall not commence until such time as all necessary approvals have been obtained.

Prior to the installation of any roof material on a building, all necessary fabrications and gutters must be fixed and connected to the approved sub-surface drainage system.

Unless specifically required to carry out the plans, stripping of the site shall be staged and the site shall not be wholly stripped at any one time.

The stormwater disposal system shall be installed at the earliest stage possible. Excavated topsoil shall not be stockpiled at the site for any period greater than two weeks.

Landscaping works or temporary stabilisation with geotextile fabric shall be implemented at the earliest stage to ensure stabilisation of the soil.



- LEGEND**
- SITE BOUNDARY
  - EXCAVATED AREA
  - TREE PROTECTION
  - DEMOLISH
  - STORAGE BIN
  - TEMPORARY PARKING
  - SEDIMENT CONTROL

<b>DA</b>	<b>CONSTRUCTION MANAGEMENT</b>
<b>901</b>	Project: 66 Constitution Rd Dulwich Hill LOT 2 IN D.F. 36920
<b>F</b>	Client: Forte Construction Group Pty Ltd Date: January 2016 Scale: 1:100 @ A1, 1:200 @ A3

**Julie Cracknell**  
**Peter Loneragan**  
**Architects**  
156a Church St Newtown NSW 2042  
Tel: (02) 95651554 Fax: (02) 95501224

Issue	Description	Date	Issue	Description	Date
A	The Development Application Issue	08/01/16	F	Re-Location of driveway to rear	02/05/16
B	Preliminary Issue	15/01/16			
C	Amended Issue	20/01/16			
D	Development Application Issue	11/02/16			
E	Development Application Issue	16/02/16			

**Notes:**

0 2 4 6 8 10 M