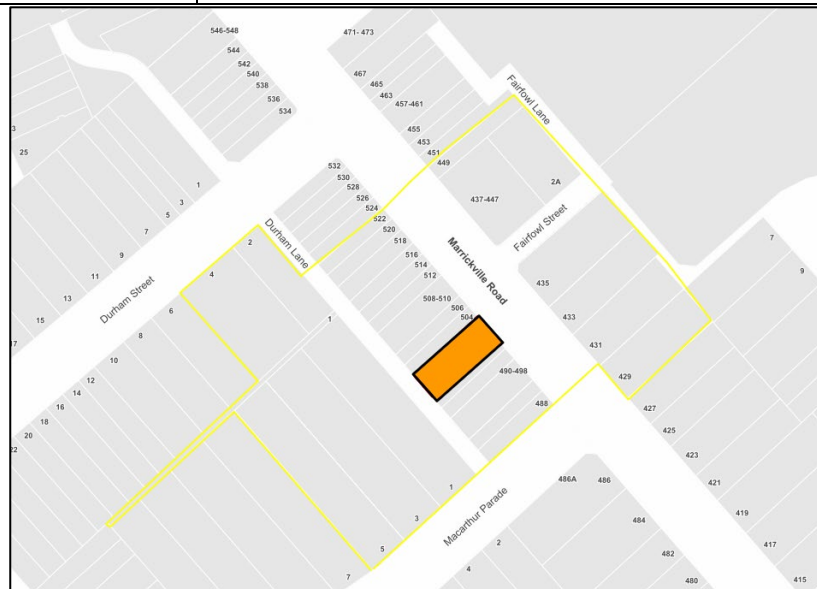




DEVELOPMENT ASSESSMENT PANEL REPORT

<b>Application No.</b>	DA/2024/0631
<b>Address</b>	500-502 Marrickville Road DULWICH HILL
<b>Proposal</b>	Partial demolition of existing structures, retention of the front portion of the building and construction of a four storey mixed use building (shop top housing), including ground floor commercial space and six residential units above.
<b>Date of Lodgement</b>	31 July 2024
<b>Applicant</b>	Vida Builders & Developers Pty Limited
<b>Owner</b>	Mr Garry Contos Mr Anthony Contos
<b>Number of Submissions</b>	Notification: 0 Renotification: 0
<b>Cost of works</b>	\$2,280,743.65
<b>Reason for determination at Planning Panel</b>	Development to which <i>SEPP (Housing) 2021</i> - Chapter 4 Design of Residential Apartment Development applies.
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Section 5.10 – Heritage Conservation</li> <li>• Part 2.5 – Equity of Access and Mobility</li> <li>• Part 2.10 – Parking</li> <li>• Part 8 – Heritage</li> </ul>
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended Conditions of Consent
<b>Attachment B</b>	Plans of Proposed Development
<b>Attachment C</b>	Architectural Excellence and Design Review Panel Meeting Minutes and Recommendations

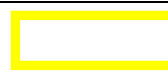


LOCALITY MAP

Subject Site



Notified Area



## 1. Executive Summary

This report is an assessment of the application submitted to Council for partial demolition of existing structures and construction of a four storey mixed use building (shop top housing), including ground floor commercial space and six residential units above at No. 500-502 Marrickville Road DULWICH HILL.

The application was notified to surrounding properties and no submissions were received in response to the initial notification. The amended plans received in response to Council's Request for Further Information letter were required to be renotified in accordance with Council's Community Engagement Framework and no submissions were received as part of the renotification process.

The non-compliances that have arisen from the application include:

- *SEPP (Housing) 2021* - Chapter 4 Design of Residential Apartment Development (non-compliances with the Apartment Design Guide)
- Section 5.10 – Heritage Conservation
- Part 2.5 – Equity of Access and Mobility
- Part 2.10 – Parking
- Part 4.2.4 – Built Form and Character
- Part 5.1.3 – Building Form
- Part 8 – Heritage
- Part 9 – Strategic Context

Despite the non-compliances, it is considered that the proposed development is capable of generally complying with the aims, objectives, and design parameters contained in the relevant State Environmental Planning Policies, *Inner West Local Environmental Plan 2022*, and Marrickville Development Control Plan 2011, subject to the imposition of conditions included in the recommendation.

The potential impacts to surrounding properties have been considered as part of the assessment process and given the context of the site and the desired future character of the precinct, are considered acceptable, subject to recommended design change conditions.

Considering the above, subject to the imposition of appropriate terms and conditions, the application is considered suitable for approval.

## 2. Proposal

The proposal seeks consent for the partial demolition of existing structures and construction of a four storey mixed use building (shop top housing), including ground floor commercial space and six residential units above. The proposal includes the following works:

- Construction of a basement level containing a sprinkler tank room, lift and a staircase;

- Ground floor contains a commercial tenancy with an ambulant water closet, accessible water closet, commercial garbage room, residential garbage room, caged bulky waste area, bicycle storage area with four (4) bicycle racks, building services, lift access, stairwell, deep soil planting, and two (2) off-street parking spaces;
- First floor contains two (2) studio apartments with balconies and one (1) x two (2) bedroom apartment with a balcony, lift access, stairs and landing;
- The second floor contains lift access, stairs, and landing, two (2) x two (2) bedroom apartments with balconies with Unit 4 being an accessible apartment; and  
The third floor contains one (1) x one (1) bedroom accessible apartment with a balcony, a communal open space area, lift access, stairs, and landing.

It should be noted that no use for the ground floor tenancy is proposed as part of this application.

### 3. Site Description

The subject site is located on the south-western side of Marrickville Road, between Macarthur Parade and Durham Street. The site consists of two (2) allotments and is generally rectangular in shape with a total area of 290.8sqm and is legally described as Lot 8 in DP 8108 and Lot 9 in DP 1082508.

The site has a frontage to Marrickville Road of 9.755m and a secondary frontage of 9.755m to Durham Lane. The subject site does not consist of any easements.

The site contains a two-storey structure to the primary street frontage with a single storey addition to the rear. The subject site is currently being used as a commercial premises (used furniture store). The adjoining properties support two storey structures with the ground floor premises being used for commercial purposes and the first floor for residential accommodation (shop top housing). It is important to note that Nos. 492, 508, 522 and 524 Marrickville Road are mixed use buildings with a commercial premises on ground floor and multiple residential occupancies on the floors above, similar to what is being proposed under the subject application.

Moreover, directly behind the subject site at No. 1 Macarthur Parade is an early learning centre.

The subject site is located within the Dulwich Hill Heritage Conservation Area and contains a contributory building.

No vegetation is located on the site; however, the subject site is in close proximity to a street tree located on the Marrickville Road frontage.



Figure 1 – Site Photo (Marrickville Road Street Frontage)



Figure 2 – Site Photo (Durham Lane Street Frontage)

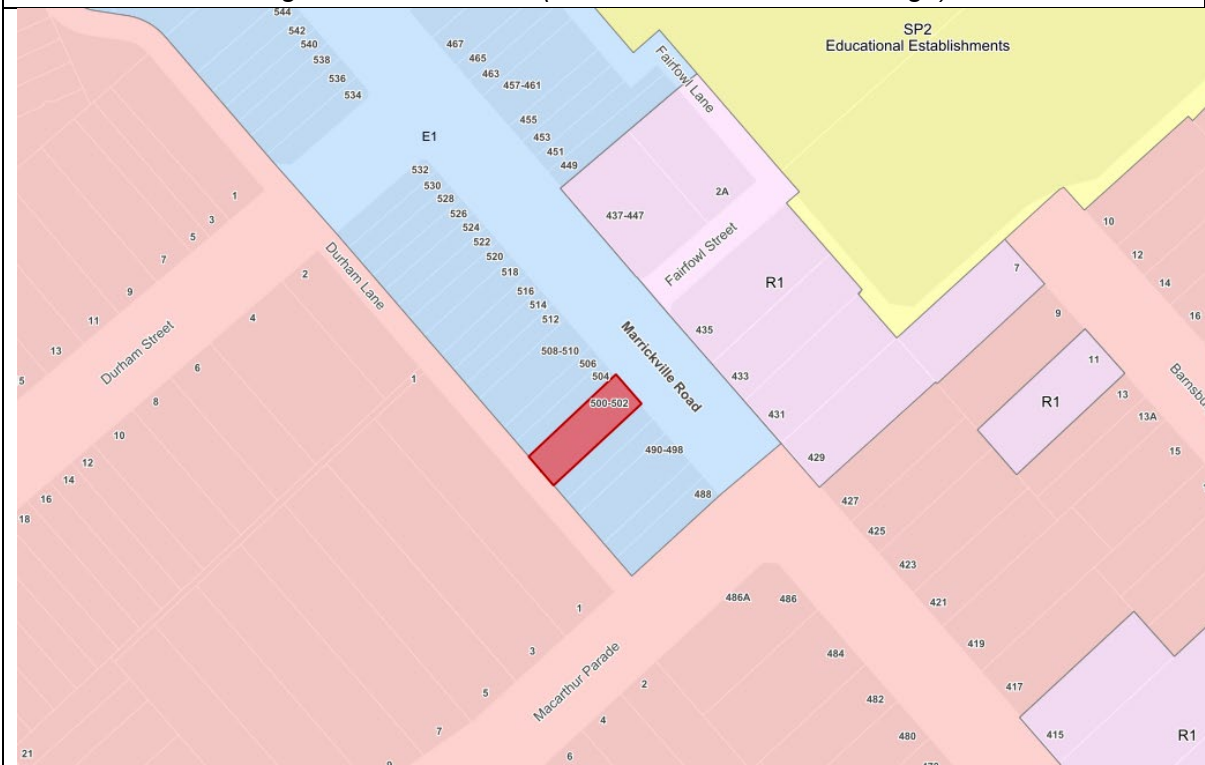


Figure 3 – Zoning Map

## 4. Background

### Site history

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

### **Subject Site**

<b>Application</b>	<b>Proposal</b>	<b>Decision &amp; Date</b>
DA200600342	To demolish part of the premises and carry out alterations and a first-floor addition to the rear of the premises.	Refused, 25/09/2006
DA201100031	To demolish the existing improvements, excluding the front façade and erect a three-part four storey mixed use development containing two ground floor shops and 6 dwellings with off street carparking for 6 vehicles with roof top terrace and pool and to strata subdivide the premises into 8 lots.	Refused, 10/05/2011

### **Surrounding properties**

#### 492 Marrickville Road, Dulwich Hill:

<b>Application</b>	<b>Proposal</b>	<b>Decision &amp; Date</b>
DA201900381	To subdivide the existing lot into 3 Torrens Title Lots. Alterations and additions to Lot 2 for a shop top housing development comprising a commercial use and 6 dwellings with associated parking and landscaping.	Approved – Local Planning Panel, 18/05/2020

#### 508 Marrickville Road, Dulwich Hill:

<b>Application</b>	<b>Proposal</b>	<b>Decision &amp; Date</b>
DA200800198	To demolish the existing premises excluding the front façade and carry out alterations and additions to the premises to erect a three-part four storey building containing ground floor shops and six dwellings with off street car parking for 3 vehicles.	Approved, 04/02/2009

522 Marrickville Road, Dulwich Hill:

Application	Proposal	Decision & Date
DA201300520	To demolish part of the premises and carry out alterations and additions to create a mixed-use development containing a ground floor shop and three dwellings with off street car parking for 1 vehicle.	Approved, 21/03/2014

524 Marrickville Road, Dulwich Hill:

Application	Proposal	Decision & Date
DA201400190	To demolish part of the premises and carry out alterations and additions to the premises to create a 4-storey mixed use development containing a ground floor commercial tenancy and 4 dwellings.	Approved, 19/12/2014

Application history

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

Date	Discussion / Letter / Additional Information
25/07/2024	Application lodged.
6/08/2024 to 27/08/2024	Notification period.
17/09/2024	Architectural Excellence Design Review Panel (AEDRP) meeting.
3/10/2024	A Request for Further Information letter was sent to the applicant requiring amended plans that address matters concerning heritage conservation, the Architectural Excellence Design Review Panel comments, provision of accessible apartments and parking, apartment size and layout, bicycle parking, façade retention, building certification and potential encroachments. An amended design verification statement was also requested.
7/11/2024	Amended plans and supporting documentation were received. Renotification was required in accordance with Council's Community Engagement Strategy. The amended plans and supporting documentation are the subject of this report.

## 5. Assessment

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

## A. Environmental Planning Instruments

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

### State Environmental Planning Policies (SEPPs)

#### SEPP (Resilience and Hazards) 2021

##### *Chapter 4 Remediation of land*

Section 4.6(1) of the *Resilience and Hazards SEPP* requires the consent authority not consent to the carrying out of any development on land unless:

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

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

A search of Council's records in relation to the site has not indicated that the site is one that is specified in Section 4.6(4)(c).

The application involves does not involve category 1 remediation under the SEPP.

#### SEPP (Housing) 2021

##### *Chapter 4 Design of Residential Apartment Development*

Section 147 of the *Housing SEPP* requires the consent authority to consider any comments from the Council's Architectural Excellence Design Review Panel (AEDRP), the design principles set out in Schedule 9 and the Apartment Design Guide (ADG).

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 ADG, how the objectives in Parts 3 and 4 of the guide have been achieved.



In accordance with Section 149 of the *Housing SEPP* certain provisions for residential apartment development contained within the Marrickville Development Control Plan 2011 have no effect if the ADG also specifies provisions to the same matter.

The following provides further discussion of the relevant issues:

Communal and Open Space

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

- Communal open space has a minimum area equal to 25% of the site.
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9.00am and 3.00pm on 21 June (mid-winter).

**Comment:** The development complies with the above requirements as 27.8% or 80.81sqm of communal open space is provided and the minimum direct sunlight provision is met.

Deep Soil Zones

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

Site Area	Deep Soil Zone (% of site area)
Less than 650sqm	7% (20.4sqm required)

**Comment:** The development complies with the above requirement as 7.6% or 22.4sqm of deep soil is provided on site. However, the Basement Floor Plan indicates that the Stormwater Tank may be potentially located beneath a portion of the deep soil area; thus, rendering this portion as a planter, rather than deep soil planting. As such, a condition is included in the recommended requiring the relocation of the Stormwater Tank outside of the deep soil zone.

Visual Privacy/Building Separation

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

Room Types	Minimum Separation
<i>Up to 12 metres (4 storeys)</i>	
Habitable rooms and balconies	6m
Non-habitable rooms	3m

**Comment:** The development complies with the above requirement to the rear adjoining property (No. 1 Macarthur Parade) with a 6.1m building separation and to the front adjoining property (No. 435 Marrickville Road) with a 24.9m building separation. However, the development proposes a nil boundary setback to both side adjoining properties (Nos. 498 and 504 Marrickville Road); thus, varying the minimum 6m building separation distance.

The variation to the minimum 6m building separation along the side boundaries is supported in this instance given that no balconies and / or glazing are located along the side boundaries shared with adjoining properties that will impact the visual and acoustic privacy of the occupants of the subject site and / or neighbouring properties. Further, the prevailing pattern of development consists of a nil side setback due to the narrow nature of the subdivision pattern along Marrickville Road and the commercial nature of the street. Considering the above, the nil setback to both side boundaries is acceptable in this instance.

Although the communal open space abuts the side boundaries to Nos. 498 and 504 Marrickville Road, it is adjacent to No. 498 Marrickville Road's off-street parking area and No. 504 Marrickville Road's roof area, ensuring that the communal open space will have minimal visual and acoustic privacy implications on neighbouring primary living areas and private open space areas. In addition, the communal open space area consists of 1.8m –4.7m deep planters to the side boundaries which will assist in mitigating any overlooking opportunities into neighbouring properties. As such, the variation from the Visual Privacy/Building Separation design requirement of the ADG is considered acceptable in this instance.

Furthermore, the proposed units within the subject site are adequately separated (6.9m) and contain privacy screening to openings to mitigate any cross viewing between units. Considering the above, the proposal has been designed in a matter which protects the privacy of its occupants.

#### 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.

**Comment:** The development complies with the above requirement with 83.3% or five (5) of six (6) of the units achieving compliant solar access. However, 16.7% or one (1) of the six (6) units (Unit 3) does not obtain a minimum 2 hours solar access to their main living room glazing and private open space areas; thus, varying the abovementioned requirements of Solar and Daylight Access of the ADG.

The proposal seeks to vary the requirement where only a maximum 15% of apartments can receive no direct solar access from 9:00am to 3:00pm on June 21. This variation is acceptable in this instance given that only one (1) of the six (6) units does not obtain solar access, resulting in compliance with the 70% requirement under this Part of the ADG. It is unreasonable to expect all apartments to obtain solar access given that the apartment in question, Unit 3, is south facing and is on the second floor of a four (4) storey building, making compliance unachievable. As such, the variation is considered minor and is reasonable in the circumstances.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

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

**Comment:** The development complies with the above requirements with all units being naturally cross ventilated. Additionally, the overall depth of each unit does not exceed 18m.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7m
Non-Habitable	2.4m
If located in mixed used areas	3.3m

**Comment:** The development provides minimum floor-to-ceiling heights of 2.7m to the residential units and 3.750m to the ground floor commercial premises which is considered sufficient to comply with the above minimum ceiling height requirements.

Apartment Size and Layout

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
Studio	35sqm
1 bedroom	50sqm
2 Bedroom	70sqm

**Note:** The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each.

In addition to the above, the ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.

- In open plan layouts (where the living, dining, and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (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 4 metres for two (2) bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

**Comment:** The proposed development complies with the abovementioned relevant requirements and in most cases exceeds the minimum apartment size or dimension.

Private Open Space and Balconies

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

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	4sqm	-
1 bedroom apartments	8sqm	2m
2 Bedroom apartments	10sqm	2m

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

**Comment:** The balconies for each of the units within the development exceeds the above minimum requirements.

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>
3+ Bedroom apartments	10m <sup>3</sup>

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

**Comment:** The development complies with the above minimum requirements, and in some circumstances exceeds the minimum requirements.

In considering the above, it is considered that the proposal is acceptable on merit against the Schedule 1 design quality principals and the applicable objectives of the ADG.

SEPP (Sustainable Buildings) 2022

Chapter 2 Standards for residential development - BASIX

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

SEPP (Transport and Infrastructure) 2021

*Chapter 2 Infrastructure*

Development likely to affect an electricity transmission or distribution network

The proposed development meets the criteria for referral to the electricity supply authority within Section 2.48 of the *Transport and Infrastructure SEPP* and has been referred for comment for 21 days.

Ausgrid provided comments with regard to the overhead powerlines in the vicinity of the development which have been included as advisory notes in the recommendation.

Overall, subject to compliance with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice the proposal satisfies the relevant controls and objectives contained within Chapter 2 Infrastructure of *SEPP (Transport and Infrastructure) 2021*.

**Inner West Local Environmental Plan 2022**

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

**Part 1 – Preliminary**

<b>Section</b>	<b>Proposed</b>	<b>Compliance</b>
Section 1.2 Aims of Plan	<p>The proposal satisfies this Section as follows:</p> <ul style="list-style-type: none"> <li>• The proposal encourages development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles;</li> <li>• The proposal conserves and maintains the natural, built and cultural heritage of the Inner West;</li> <li>• The proposal facilitates economic growth and employment opportunities within the Inner West;</li> <li>• The proposal encourages diversity in housing to meet the needs of, and enhance amenity for, Inner West residents;</li> <li>• The proposal creates a high-quality urban place through the application of design excellence in all elements of the built environment and public domain;</li> </ul>	Yes

Section	Proposed	Compliance
	<ul style="list-style-type: none"> <li>The proposal prevents adverse social, economic, and environmental impacts on the local character of the Inner West; and</li> <li>The proposal prevents adverse social, economic, and environmental impacts, including cumulative impacts.</li> </ul>	

**Part 2 – Permitted or prohibited development**

Section	Proposed	Compliance
Section 2.3 Zone objectives and Land Use Table  <i>E1 – Local Centre</i>	<ul style="list-style-type: none"> <li>The application proposes partial demolition of existing structures and construction of a four-storey mixed use building (<b>shop top housing</b>), including ground floor commercial space and six (6) residential units above which is permissible with consent in the E1 – Local Centre zone. <b>Shop top housing</b> is permissible with consent in the E1 zone; and</li> <li>The proposal is consistent with the relevant objectives of the zone, as the development seeks to introduce additional housing in the area whilst creating additional employment opportunities in the locality.</li> </ul>	Yes
Section 2.7 Demolition requires development consent	<p>The proposal satisfies this Section as follows:</p> <ul style="list-style-type: none"> <li>Demolition works are proposed, which are permissible with consent; and</li> <li>Standard conditions are recommended to manage impacts which may arise during demolition.</li> </ul>	Yes, as conditioned

**Part 4 – Principal development standards**

Control	Proposed		Compliance
Section 4.3 Height of buildings	Maximum	17m	Yes
	Proposed	15.414m	
Section 4.4 Floor space ratio	Maximum	2.2:1 or 639.76sqm	Yes
	Proposed	1.78:1 or 516.5sqm	
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.		Yes

**Part 5 – Miscellaneous provisions**

Section	Proposed	Compliance
Section 5.10 Heritage conservation	The subject site is a contributory building within the Dulwich Hill Commercial Precinct Heritage Conservation Area (HCA).	Yes, as conditioned

Section	Proposed	Compliance
	<p>The existing contributory building on-site has been highly altered over time. Although the front façade has been highly altered from its original condition, its fabric, style, and form are of historical significance. Thus, the proposed partial demolition of the existing building and retention of the front façade is supported on heritage grounds in accordance with the Objectives contained under this Section of the <i>IWLEP 2022</i>. However, the Demolition Plans do not align with the Elevational Plans as the slits within the parapet on the Demolition Plan extend down into the mouldings which is not supported given that it will result in the further demolition of original fabric. As such, a condition is included in the recommendation to revise the Demolition Plans so that the mouldings are not being cut into to create the slits to the parapet level.</p> <p>Further, the horizontal mouldings added to the façade on first floor are not supported given that it is not an original feature to the first floor of the front façade. As such, a condition is included in the recommendation to delete the horizontal banding on first floor.</p> <p>The proposed grey and black colour palette is not supported and is recommended to be amended to adopt a lighter and warmer colour range to be in keeping with the character of the HCA. As such, the following conditions are included in the recommendation in relation to the proposed colour scheme:</p> <ul style="list-style-type: none"> <li>• The use of a warmer colour palette for the historic façade and awning, based on an investigation of the historic sequence of façade colours. The colour scheme should not be for an all-grey scheme;</li> <li>• The surviving horizontal banding is to be finished in a lighter colour;</li> <li>• The use of a lighter joinery and railing colour other than black for this historic portion of the building; and</li> <li>• The use of a lighter colour for the awning fascia.</li> </ul> <p>In addition, the full height glazing to the ground floor shopfront windows should employ transom windows to maintain consistency with neighbouring shopfronts and the character of the HCA and appropriate conditions have been recommended.</p> <p>Considering the above, the proposal, as conditioned, has been designed to respond to the significance of the conservation area and preserves contributory elements</p>	

Section	Proposed	Compliance
	and fabric of the existing building which is a satisfactory response to the objectives contained under this Section of the <i>IWLEP 2022</i> .	

**Part 6 – Additional local provisions**

Section	Proposed	Compliance
Section 6.2 Earthworks	<ul style="list-style-type: none"> <li>The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability; and</li> <li>According to Council’s DA Documentation Requirements, a Geotechnical Report is required when it is proposed to excavate to a depth of 2m or more below the existing ground level. However, given that the proposed basement is limited in size and located centrally away from adjoining properties, it is considered that the works satisfies the requirement of this Section and will not impact neighbouring structures. Nevertheless, conditions are included in the recommendation to ensure a Geotechnical Report and Dilapidation Report are provided to the Certifying Authority to ensure the protection of neighbouring structures during excavation and construction.</li> </ul>	Yes, as conditioned
Section 6.3 Stormwater Management	<ul style="list-style-type: none"> <li>The proposal is satisfactory with respect to the provisions of this Section of <i>IWLEP 2022</i> and subject to standard conditions would not result in any significant runoff to adjoining properties or the environment.</li> </ul>	Yes, as conditioned
Section 6.4 Terrestrial biodiversity	<ul style="list-style-type: none"> <li>The subject site is identified as being located within the ‘Biodiversity’ area on the Natural Resource – Biodiversity Map. The subject site does not consist of any pervious areas in its current form, and therefore, the natural habitat of local wildlife will remain unaffected. As such, the provisions contained under this Section of the <i>IWLEP 2022</i> are not applicable.</li> </ul>	Yes
Section 6.9 Design excellence	<ul style="list-style-type: none"> <li>The proposed development is for the construction of a new building that exceeds 14m in height. The development is therefore required to demonstrate design excellence;</li> <li>In considering if the proposal exhibits design excellence, the application was referred to the Architectural Excellence Design Review Panel (AEDRP) for comment. The recommendations from the AEDRP have been largely resolved; and</li> <li>The proposal satisfies this Section as follows:                             <ul style="list-style-type: none"> <li>Subject to recommended conditions, a high standard of architectural design, materials,</li> </ul> </li> </ul>	Yes, as conditioned



Section	Proposed	Compliance
	<p>colours and detailing appropriate to the building type and location will be achieved. Refer to <i>Section 5.10 – Heritage Conservation</i> of this report for a detailed assessment;</p> <ul style="list-style-type: none"> <li>○ The proposed development, as conditioned, is of a form that will have acceptable impacts on heritage conservation, the public domain, solar access and overshadowing, view retention, acoustic and visual privacy, and other environmental impacts;</li> <li>○ The proposed development is an acceptable response to the relevant Controls and Objectives contained under the MDCP 2011 and <i>SEPP (Housing) 2021</i>;</li> <li>○ The shop top housing development is consistent with other development and previous approvals within the vicinity of the subject site;</li> <li>○ As discussed under <i>Section 5.10 – Heritage Conservation</i> of this report, the proposal seeks to retain the existing façade and construct the building behind the façade. The amended plans have responded appropriately to the Architectural Excellence Design Review Panel’s recommendations in terms of adequately integrating the existing openings within the façade with the use of the future development. For example, rather than making these existing openings as ‘dead’ openings, the first-floor windows have been framed and fenestrated to appear that they are being utilised by the new development. Further, the new slit openings within the upper parapet also enhance the internal amenity of the residents on the second floor in terms of improving outlook. As such, it is considered that the proposal has adequately integrated the development with the original fabric of the façade; and</li> <li>○ The proposed building separation, setbacks, amenity, urban form, heights, massing, and vehicular access is consistent with other established shop top housing within the vicinity of the subject site, and therefore, the development will be well integrated with the established streetscape.</li> </ul>	
<p>Section 6.13 Residential accommodation in Zones E1, E2 and MU1</p>	<p>The proposal satisfies the provisions contained under subclause (3) of this Section of the <i>IWLEP 2022</i> in the following manner:</p> <ul style="list-style-type: none"> <li>● The proposed shop top housing is considered as a mixed-use development given that the ground floor</li> </ul>	<p>Yes</p>

Section	Proposed	Compliance
	<p>will be utilised for commercial purposes and the levels above will be utilised as residential accommodation;</p> <ul style="list-style-type: none"> <li>• The development will consist of an active street frontage as the ground floor premises is proposed to be utilised for commercial purposes to the primary street frontage (Marrickville Road); and</li> <li>• As assessed throughout this report, the proposed development is of a form, bulk, use and scale that is compatible with the desired future character of the area.</li> </ul>	

## B. Development Control Plans

### Summary

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

MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes – see discussion
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Acceptable, on merit – see discussion
Part 2.6 – Acoustic and Visual Privacy	Yes, as conditioned – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes – see discussion
Part 2.9 – Community Safety	Yes, as conditioned – see discussion
Part 2.10 – Parking	Acceptable, on merit – see discussion
Part 2.13 – Biodiversity	Yes – Refer to <i>Section 6.4 – Terrestrial Biodiversity</i> of this report for details
Part 2.16 – Energy Efficiency	Yes – Refer to <i>SEPP (Sustainable Buildings) 2022</i> of this report for details
Part 2.18 – Landscaping and Open Space	Yes – see discussion
Part 2.20 – Tree Management	Yes, as conditioned – see discussion
Part 2.21 – Site Facilities and Waste Management	Yes, as conditioned – see discussion
Part 2.25 – Stormwater Management	Yes, as conditioned – see discussion
Part 4.2 – Multi Dwelling Housing and Residential Flat Buildings	Acceptable, on merit – see discussion
Part 5 – Commercial and Mixed Use Development	Acceptable, on merit – see discussion
Part 8 – Heritage	Yes, as conditioned – see discussion
Part 9 – Strategic Context	Acceptable, on merit – see discussion

The following provides discussion of the relevant issues:

## Part 2 – Generic Provisions

Control	Assessment	Compliance
Part 2.1 Urban Design	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>The proposal allows for an ease of safe access for all persons, through the provision of level paths and lift access;</li> <li>The proposal will create a complimentary mix of housing diversity;</li> </ul>	Yes

Control	Assessment	Compliance
	<ul style="list-style-type: none"> <li>The density is considered appropriate for its context having regard to the site’s E1 – Local Centre zoning and its proximity to nearby public transport options;</li> <li>The proposal does not impact the definition between the public and private domain and is appropriate for the character of the locality given its form, massing, siting, and detailing; and</li> <li>The proposal preserves the existing character of the streetscape and the HCA, as the proposal seeks to retain and integrate the original front façade into the shop top housing development.</li> </ul>	
Part 2.5 Equity of Access and Mobility	See below for a detailed discussion.	Acceptable, on merit

The proposed development is acceptable on merit in accordance with this Part as follows:

MDCP 2011 Requirement	Proposed	Consistency
<b>Residential Component</b>		
For developments with five (5) or more dwellings, one adaptable dwelling per five or part thereof.	The proposed six (6) dwellings require the provision of two (2) adaptable dwellings.	Yes – 2 units provided
Appropriate access for all persons through the principal entrance of a building and access to any common facilities	<p>The entry from the Marrickville Road frontage leads to a lift allowing a person with a disability to access all levels of the premises.</p> <p>However, according to the Access Report submitted with the DA, the turning circle to the communal open space area and multiple doorways on ground floor are non-compliant with the Australian Standards.</p>	No
One (1) accessible parking space for every adaptable dwelling	Two (2) accessible parking spaces are provided; however, one (1) parking space is to be dedicated for the commercial use on the site, resulting in a shortfall of one (1) accessible parking space.	No
<b>Commercial Component</b>		
Appropriate access is provided for all persons through the principal entrance to the premises.	Access provided for all persons (threshold ramp) through the principal entry of the commercial premises.	Yes
A continuous path of travel through the main entrance.	A level floor plan is provided throughout the entirety of the commercial premises.	Yes

Despite the above, the requirements of MDCP 2011 are effectively superseded by the Premises Standards. An assessment of whether or not these aspects of the proposal fully comply with the requirements of relevant Australian Standards and the Premises Standards has not been undertaken

Control	Assessment	Compliance
	<p>as part of this assessment. That assessment would form part of the assessment under the Premises Standards at the Construction Certificate stage.</p> <p><i>Continuous Path of Travel</i></p> <p>According to the submitted Access Report, the turning circle to the communal open space does not comply with the requirements under AS1428.1-2009 given the proposed arrangement overlaps the planter box. As such, a standard condition is recommended to be imposed as part of this consent granted to ensure that the development is constructed in accordance with the relevant provisions contained under the Building Code of Australia. This may require a small portion of the planter to be removed from what is shown on the plans and this is considered acceptable to facilitate the developments compliance with these requirements to ensure access.</p> <p>In addition, the Access Report identified that the Durham Lane entrance door, D03 and D07 do not allow for an accessible path of travel from the rear. Doorways across the development (where required) must be accessible. If doorways are to be manually operated, they must have the following accessible features:</p> <ul style="list-style-type: none"> <li>• Minimum of 850mm clear width (920mm doors) including active leaf for double doorways;</li> <li>• Circulation space in line with Clause 13.3 of AS1428.1-2009; and</li> <li>• 30% Luminance contrast at doorways in line with Clause 13.1 of AS1428.1-2009.</li> </ul> <p>Similar to the above, in order to rectify the abovementioned non-compliances, a condition is included in the recommendation to ensure that the development is constructed in accordance with the relevant provisions contained under the Building Code of Australia, providing accessible entry from the rear into the site.</p> <p><i>Accessible Parking</i></p> <p>The proposal has a shortfall of one (1) accessible residential parking space (see discussion under Parking- 2.10).</p> <p>An adaptable dwelling accommodates the changing needs of residents over time (e.g. ageing) without the need to demolish or substantially modify the existing structure and services. An adaptable dwelling needs to be designed in accordance with the relevant Australian Standard (Australian Standard AS4299-1995 <i>Adaptable Housing</i>) which provides guidance for designing dwellings to accommodate varying degrees of physical ability over time.</p> <p>It is considered that whilst the proposed development can accommodate the prescribed 2 adaptable units and therefore satisfy the requirements of MDCP 2011 for unit numbers, due to site constraints it cannot reasonably provide for 2 accessible car parking spaces as required.</p> <p>To address this and meet the intent of the provisions of MDCP 2011, without the creation of a basement, it is considered that one of the units which is required to be adaptable, be a “Silver Standard Liveable” apartment. This ensures the unit meets the intent of the DCP provisions yet does not require the stringent enforcement of parking.</p>	
<p>Part 2.6 Acoustic and Visual Privacy</p>	<p>The proposal will have a satisfactory impact on visual and acoustic levels of the surrounds as follows:</p> <p><i>Residential:</i></p> <ul style="list-style-type: none"> <li>• The proposed private open space areas on levels one (1), two (2) and three (3) on the front elevation</li> </ul>	<p>Yes, as conditioned</p>

Control	Assessment	Compliance
	<p>of the development overlook Marrickville Road, and thereby posing no potential privacy impacts.</p> <ul style="list-style-type: none"> <li>• Similarly, the private open space areas on levels one (1) and two (2) and the glazing (W08, D18, D19, W13, D24 and D25) on the rear elevation of the development overlook Durham Lane and consist of a 1m high x 450mm deep planter bed to assist in mitigating overlooking opportunities into rear adjoining properties. The overlooking impacts to Durham Lane are considered acceptable given that the private open space areas and the rear-facing glazing directly overlook the roof area of No. 1 Macarthur Parade which is a non-residential use;</li> <li>• The glazing to the front elevation that services the residential component of the development (D13, D15, D20, D21, D26 and D27) will have minimal visual privacy implications given that the existing façade wall will mostly screen D13, D15, D20 and D21 and a 1.7m deep planter bed is proposed in front of D26 and D27 which is a satisfactory outcome;</li> <li>• The communal open space area to the rear on level three (3) will also have minimal visual privacy implications on adjoining properties given that it is surrounded by 1m – 4.7m deep planter beds which will assist in limiting the area of useability and in return any direct overlooking opportunities to the south, east and west of the subject site. Further, given that the communal open space area services a low impact residential use, it is unlikely to result in adverse acoustic impacts; and</li> <li>• The privacy of the occupants of the subject site has been protected by implementing visual privacy measures (frosted windows and privacy screening) to W04, W06, W09, W11, W14 and W15 to mitigate any cross viewing into neighbouring units.</li> </ul> <p><i>Commercial:</i></p> <ul style="list-style-type: none"> <li>• As discussed under <i>Part 5 – Commercial and Mixed Use Development</i> of this report, a separate application is required to be lodged to grant consent for the specific use of the commercial premises on ground floor of the development where hours of operation and its associated acoustic impacts are likely to be assessed.</li> </ul>	
<p>Part 2.7 Solar Access and Overshadowing</p>	<p>The proposal will have a satisfactory impact in terms of solar access and overshadowing on the surrounds as follows:</p> <p><i>Overshadowing</i></p>	<p>Yes</p>

Control	Assessment	Compliance
	<ul style="list-style-type: none"> <li>The shadows cast mostly fall within existing shadows cast, on Durham Lane and / or to the roof areas and waste vehicle access and loading areas of Nos. 496 and 498 Marrickville Road which is well within allowable limits in accordance this Part of the MDCP 2011.</li> </ul> <p><i>Solar Access</i></p> <ul style="list-style-type: none"> <li>Apartment layouts and orientations have been designed to maximise solar access (refer to <i>Chapter 4 Design of Residential Apartment Development</i> under <i>SEPP (Housing) 2021</i> of this report for a detailed assessment); and</li> <li>The communal open space area will receive satisfactory solar access (refer to <i>Chapter 4 Design of Residential Apartment Development</i> under <i>SEPP (Housing) 2021</i> of this report for a detailed assessment).</li> </ul>	
Part 2.9 Community Safety	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>The proposal has been designed having regard to the CPTED principles;</li> <li>The proposed development has been designed to allow for passive surveillance of the street and laneway and communal areas on the site;</li> <li>The main pedestrian entrance to the building is recognisable and has been appropriately designed for both residential and commercial components of the development;</li> <li>The proposal has been designed to ensure habitable spaces and private open space areas overlook the public domain; and</li> <li>A condition is included in the recommendation to include lighting under the awning fronting Marrickville Road and any under awning lighting is to match the existing Whiteway Lighting Scheme in the area.</li> </ul>	Yes, as conditioned
Part 2.10 Parking	See below for a detailed discussion.	Acceptable, on merit, as conditioned

The site is identified within 'Parking Area 1' under Part 2.10 – Parking of the MDCP 2011. The following table summarises the car and bicycle parking requirements for the development:

Component	Control	Required	Proposed	Complies
<b>Car Parking</b>				
Resident Car Parking	<i>0.2 car parking spaces per studio or 1 bedroom unit</i>	2 x studios + 1 x 1 bed = 0.6 spaces	1 space	Yes
	<i>0.5 car parking spaces per 2 bedroom unit</i>	3 x 2 bed = 1.5 spaces		

Control	Assessment			Compliance
	<i>Total</i>	<i>2.1 spaces</i>		
Retail Premises Car Parking – customer and staff	<i>1 per 100sqm GFA</i>	70.94sqm = 1 space	1 space	yes
<b><i>Bicycle Parking</i></b>				
Resident Bicycle Parking	<i>1 bicycle parking space per 2 units</i>	6 units = 3 spaces	4 spaces	Yes
Visitor Bicycle Parking	<i>1 bicycle parking space per 10 units</i>	6 units = 1 space	4 spaces	Yes

\*The Architectural Plans and associated documentation do not specify whether the off-street parking spaces are allocated to the commercial premises or the residential component of the site. Therefore, it has been assumed that 1 space is dedicated to the commercial tenancy and 1 is dedicated to the residential component of the development.

As noted above, the proposal requires a total of three (3) off-street parking spaces and only two (2) are provided, resulting in a shortfall of one (1) off-street parking space. Given a commercial premises is proposed on-site and vehicular access is required to accommodate deliveries, etc., a condition is included in the recommendation to dedicate one (1) off-street parking space to the commercial premises and the other for the residential component on the site. With this condition, the proposal complies with the retail premises car parking requirements under this Part of the MDCP 2011 which is a satisfactory outcome.

However, given the above, the proposal results in a shortfall of one (1) resident parking space. Whilst it is acknowledged that the application is technically deficient in this regard, the following considerations are worth noting:

- The site is physically constrained by virtue of its narrow width of only 9.755m. From this it is apparent that only three (3) parking spaces are practically possible in this situation; however, this would impede the ability for the provision of the accessible parking space which is crucial given that adaptable dwellings are proposed; and
- It is considered that this development represents a good integration between land use and existing transport networks. The subject site is centrally located in the Dulwich Hill Business Centre which is well serviced by public transport (bus) and accommodates a wide range of services easily accessible to residents; thus, reducing the need for private vehicle use.
- Other developments of a similar nature have been supported with car parking variations in the vicinity of the site.

In light of the above, it is considered reasonable to waive the shortfall of one (1) residential parking space.

In addition to the above, standard conditions are recommended to be imposed as part of this consent granted to ensure that the proposed off-street parking facility complies within the minimum requirements / dimensions under Part 2.10 of the MDCP 2011.

Part 2.18 Landscaping and Open Spaces	The proposed development satisfies the relevant provisions of this Part as follows: <ul style="list-style-type: none"> <li>• Approximately 89.9sqm of landscaped areas (deep soil and planters) are provided on-site; and</li> </ul>	Yes
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Control	Assessment	Compliance
	<ul style="list-style-type: none"> <li>Each dwelling consists of a balcony that is directly connected to their primary living areas that has a minimum area of 8sqm and width of 2m.</li> </ul>	
Part 2.20 Tree Management	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>Conditions are included in the recommendation to protect surrounding vegetation during the demolition and construction of the development; and</li> <li>The vegetation proposed on the Landscape Plans is supported and a condition is included in the recommendation to arrange a final landscape inspection by Council's Urban Forest Specialist to ensure the vegetation has been planted in accordance with the approved plans.</li> </ul>	Yes, as conditioned
Part 2.21 Site Facilities and Waste Management	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>The application was accompanied by a waste management plan in accordance with the Part;</li> <li>Separate residential waste and commercial waste storage areas are proposed along with a bulky waste area; and</li> <li>Standard conditions are recommended to ensure the appropriate management of waste during the construction of the proposal and the ongoing use of the subject site.</li> </ul>	Yes, as conditioned
Part 2.25 Stormwater Management	Standard conditions are recommended to ensure the appropriate management of stormwater.	Yes, as conditioned

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

Control	Assessment	Compliance
Part 4.2.3 General Controls	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>The proposed dwelling mix (two (2) x studios, one (1) x single bedroom and three (3) x two (2) bedroom apartments) is compliant with C1 of this Part of the MDCP 2011;</li> <li>The proposed indoor and outdoor spaces accommodate all age groups and the changing needs of its occupants; and</li> <li>Two (2) adaptable and accessible dwellings are proposed (Units 4 and 6) and are well integrated into the development in order to not isolate them from the remaining apartments.</li> </ul>	Yes
Part 4.2.4 Built Form and Character	The proposed development satisfies the relevant provisions of this Part as follows:	Acceptable, on merit

Control	Assessment	Compliance
	<ul style="list-style-type: none"> <li>• The development complies with the maximum permissible Height of Building and Floor Space Ratio as stipulated under the <i>IWLEP 2022</i>;</li> <li>• The development will mostly cover the site (with the exception of the 22.4sqm deep soil zone on ground floor); thus, varying the 30% maximum permissible site coverage on-site as stipulated under C8 of this Part of the MDCP 2011. Non-compliance with this Control is acceptable in this instance given the existing site consists of 100% site coverage and similar developments within the immediate vicinity of the site also consist of 100% site coverage. Therefore, it is considered that the proposed site coverage is in keeping with the established pattern of commercial development along Marrickville Road; and</li> <li>• The proposed front, rear and side setbacks vary the minimum requirements stipulated under C12 of this Part of the MDCP 2011. As discussed under <i>Chapter 4 Design of Residential Apartment Development</i> under <i>SEPP (Housing) 2021</i> and <i>Part 5.1.3 – Building Form</i> of this report, the proposed building setbacks are considered acceptable given that they are in keeping with the prevailing pattern of development, allow for adequate separation, amenity and privacy and maintains an acceptable level of solar access. Considering the above, the variation from C12 is acceptable in this instance.</li> </ul>	
<p>Part 4.2.5 Streetscape, General Appearance and Materials</p>	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>• Subject to recommended conditions, the proposed façade will be complementary to the streetscape and the HCA (refer to <i>Section 5.10 – Heritage Conservation</i> of this report for a detailed assessment);</li> <li>• The development addresses the principal street frontage and is orientated to complement the existing pattern of development found in the street;</li> <li>• The development complements the uniformity and visual cohesiveness of the bulk, scale, and height of the existing streetscape; and</li> <li>• The proposed lift shaft and pergola over the communal open space area is sufficiently setback from the side, rear and front boundaries; thus, reducing the visibility of these elements from the public domain.</li> </ul>	<p>Yes</p>
<p>Part 4.2.6 Parking and Access</p>	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>• The proposed off-street parking facility is located to the rear of the subject site in accordance with C33 of this Part of the MDCP 2011.</li> </ul>	<p>Yes</p>

**Part 5 – Commercial and Mixed Use Development**

Control	Assessment	Compliance
Part 5.1.3 Building Form	See below for a detailed discussion.	Acceptable, on merit
<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <p><i>Development Standards</i></p> <ul style="list-style-type: none"> <li>The proposal readily complies with the maximum permissible Floor Space Ratio and Height of Building controls stipulated under the <i>IWLEP 2022</i>.</li> </ul> <p><i>Massing and Setbacks</i></p> <ul style="list-style-type: none"> <li>The proposed built form is located behind the existing contributory façade, resulting in the additions within the front 6m of the building and rendering the additions visible from the primary street frontage. Although this varies C3 and C4 of this Part of the MDCP 2011, the proposed building location is acceptable given that if the additions were pushed further rearward, the retention of the front façade would not be feasible. Further, the proposed ground floor, first floor, second floor and third floor front building lines are located in line with and / or behind No. 492 Marrickville Road. Considering the above, the proposed building location results in positive heritage conservation outcomes and is in keeping with the prevailing setback pattern, and is therefore acceptable;</li> <li>The building mass to the front 6m of the site has a height that is less than 12m and contains a maximum of three (3) storeys which is compliant with C7 of this Part of the MDCP 2011;</li> <li>The retention of the existing façade ensures a nil front setback to maintain a continuous street fronting building edge along the street;</li> <li>The proposal is compliant with C11 of this Part of the MDCP 2011 as the fourth floor is setback more than 6m from the primary street frontage;</li> <li>According to C13(i) of this Part of the MDCP 2011, the rear building envelope is to be contained within the combination of the rear boundary plane and a 45-degree sloping plane from a point of 7.5m above existing ground level. The development proposes a three-storey rear building envelope which varies C13(i) of this Part of the MDCP 2011. However, C13(ii) of this Part of the MDCP 2011 allows for an exceedance of the abovementioned building envelope control if it can be demonstrated that the development will not cause any adverse amenity implications on adjoining properties. It is considered that the proposed rear massing will have an acceptable outcome in terms of visual bulk and scale, solar access and overshadowing, acoustic and visual privacy and will have minimal amenity implications given that the subject site does not directly adjoin any residential accommodation to the rear (adjoins an early learning centre). Further, the proposed three storey rear building envelope is consistent with No. 492 Marrickville Road, and therefore, the level of bulk proposed will be consistent with the prevailing pattern of development. As such, the proposed variation from C13(i) of this Part of the MDCP 2011 is acceptable in this instance;</li> <li>The extent of glazing and balconies to the rear elevation of the building allows for the appropriate surveillance of the laneway which enhances the safety and security of the area; and</li> <li>The proposed lift shaft and pergola over the communal open space area is sufficiently setback from the side, rear and front boundaries; thus, reducing the visibility of these elements from the public domain.</li> </ul>		
Part 5.1.4 Building Detail	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>The street front portion of the building mass has been designed to emphasise the street front portion of the</li> </ul>	Yes

Control	Assessment	Compliance
	<p>building mass as the upper levels have been appropriately setback from the Marrickville Road frontage;</p> <ul style="list-style-type: none"> <li>• The side boundary masonry walls have included concrete bandings to provide visual interest when viewed from side-adjointing properties and from Durham Lane;</li> <li>• The proposed air-conditioning units have been screened behind planters or the existing façade wall to minimise visibility from the primary streetscape;</li> <li>• Refer to <i>Section 5.10 – Heritage Conservation</i> of this report for details related to demolition works, retention and restoration of the existing façade and works to the existing shopfront;</li> <li>• Although the private open space areas of Units 1, 2, 4 and 6 are located to the front of the subject site, they have been appropriately screened by the existing façade wall, and therefore, will have minimal impact on streetscape character;</li> <li>• The proposal maintains the active street frontage in accordance with this Part of the MDCP 2011 and allows for visual transparency and direct access between the footpath and the shop;</li> <li>• The proposed non-residential ground floor tenancy(as conditioned) provides adequate facilities (bulky waste storage, waste areas, vehicular access and loading area and sanitary facilities) to the rear of the shop to accommodate the future use; and</li> <li>• The entry to the residential use of the site is clearly identifiable and separate to the commercial entrance, sheltered, of adequate size, and can be accessed from both frontages.</li> </ul>	
<p>Part 5.1.5 Building Use</p>	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>• The proposed ground floor area is dedicated for non-residential uses and the upper levels will be utilised for residential accommodation which is permissible within the E1 – Local Centre zone;</li> <li>• The proposed dwelling mix (two (2) x studios, one (1) x single bedroom and three (3) x two (2) bedroom apartments) is compliant with C54 of this Part of the MDCP 2011</li> </ul>	<p>Yes</p>
<p>Part 5.1.6 Vehicle Access, Parking and Loading Services</p>	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>• Vehicular access is proposed from Durham Lane in accordance with C56 and C60 of this Part of the MDCP 2011;</li> <li>• Subject to recommended conditions, the proposed off-street parking spaces will be clearly identified as either commercial or residential use only (refer to <i>Part 2.10 – Parking</i> of this report for a detailed assessment); and</li> </ul>	<p>Yes, as conditioned</p>

Control	Assessment	Compliance
	<ul style="list-style-type: none"> <li>All building services are located within the proposed building and will not be visible from the public domain and / or commercial premises.</li> </ul>	
Part 5.3.1.1 Plan of Management	<p>The proposal has not specified the proposed use and / or hours of operation to the ground floor non-residential premises as part of this subject application. As such, a condition is recommended to be imposed as part of this consent granted to lodge a separate application to obtain consent for the use of the non-residential premises.</p> <p>Moreover, conditions are included in the recommendation to ensure that the building design of the premises incorporates measures to enable the installation of mechanical ventilation to accommodate potential future uses requiring the production and selling of food which given the location would more than likely be the future use of the site subject to approval</p>	Yes, as conditioned
Part 5.3.1.2 Noise and vibration generation		
Part 5.3.1.3 Environmental protection		
Part 5.3.1.4 Hours of Operation		

**Part 8 – Heritage**

Control	Assessment	Compliance
Part 8.2. 30 – Dulwich Hill Commercial Precinct (HCA 28)	<ul style="list-style-type: none"> <li>As discussed under <i>Section 5.10 – Heritage Conservation</i> of this report, the proposal seeks to retain the original front façade and demolish the remainder of the existing building. This is satisfactory given that the existing building on-site was highly altered over time and has minimal heritage value. As a result of retaining the front façade, the original contributory elements will be maintained which is a satisfactory outcome in terms of preserving the character of the HCA.</li> </ul>	Yes
Part 8.4.1.1 Public domain elements	<ul style="list-style-type: none"> <li>A condition is included in the recommendation to reconstruct and upgrade the existing footpath paving, kerb, landscaping, street furniture, etc. to Marrickville Road and Durham Lane as a result of the development; and</li> <li>The existing street tree to Marrickville Road will not impact the shopfront awning.</li> </ul>	Yes, as conditioned
Part 8.4.1.3 Setbacks	<ul style="list-style-type: none"> <li>The development proposes setbacks that are consistent with the prevailing pattern of development, resulting in nil front, side, and rear boundary setbacks. Refer to the discussions above for detailed assessments.</li> </ul>	Yes
Part 8.4.1.4 Building heights	<ul style="list-style-type: none"> <li>Refer to <i>Part 5.1.3 – Building Form</i> of this report for a detailed assessment.</li> </ul>	Acceptable, on merit
Part 8.4.1.5 Building form	<ul style="list-style-type: none"> <li>The proposed additions are located well behind the front facade of the existing building to minimise visibility from the primary street frontage;</li> <li>The existing shopfront is proposed to be retained which is a satisfactory outcome</li> </ul>	Yes
Part 8.4.1.6 Roof form	<ul style="list-style-type: none"> <li>As discussed under <i>Section 5.10 – Heritage Conservation</i> of this report, the proposal seeks to demolish the existing</li> </ul>	Yes

	<p>building and retain the original shopfront façade. As a result of the demolition works, the existing roof form will be removed which is supported given that it was highly modified over time, and as a result, lost its historical significance in the process; and</p> <ul style="list-style-type: none"> <li>• The proposal seeks to add solar panels to the new roof form in accordance with the AEDRP advice. The solar panels in question are not visible from the public domain given that are well setback from both the primary and secondary street frontages which is a satisfactory outcome.</li> </ul>	
Part 8.4.1.7 Building facades	<ul style="list-style-type: none"> <li>• The original scale, awning, proportions, materials and detailing of the original front façade is proposed to be retained as a result of the development;</li> <li>• The proposal seeks to alter the glazing to the ground floor shopfront and provide a separate residential entry to the northern side of the shopfront, is acceptable, subject to recommended conditions. Refer to <i>Section 5.10 – Heritage Conservation</i> of this report for a detailed assessment;</li> <li>• The proposal seeks to remove the existing glazing to the shopfront and first floor of the front façade which is acceptable given that these elements were not part of the original fabric of the existing building; and</li> <li>• Conditions are included in the recommendation to modify the proposed colour scheme to be of a warmer colour palette to be in keeping with the character of the HCA. Refer to <i>Section 5.10 – Heritage Conservation</i> of this report for a detailed assessment.</li> </ul>	Yes, as conditioned
Part 8.4.1.8 Car parking	<ul style="list-style-type: none"> <li>• The development provides driveway access from the rear lane and does not result in any car parking structure to the primary street frontage.</li> </ul>	Yes

**Part 9 – Strategic Context**

Control	Assessment	Compliance
Part 9.38 Dulwich Hill (Commercial) (Precinct 38)	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>• C2, C3, C4 and C5 of this Part of the MDCP 2011 requires any development on land within this precinct with a street frontage of less than 12m wide and a site area of less than 325sqm to have a 14m maximum Height of Building and 1.75:1 maximum Floor Space Ratio which is substantially less than the maximum permissible Height of Building and Floor Space Ratio on the site as dictated by the <i>IWLEP 2022</i>. The development, as proposed, varies C2, C3, C4 and C5 of this Part; however, the proposed development complies with the maximum permissible Height of Building and Floor Space Ratio as prescribed by the <i>IWLEP 2022</i>.</li> </ul>	Acceptable, on merit

	<p>The essence of C2, C3, C4 and C5 of this Part of the MDCP 2011 seeks to reduce the bulk and scale of new development. Given that the proposal is below the maximum Height of Building and Floor Space Ratio controls, it is considered that the proposal satisfies the objective of C2, C3, C4 and C5 of this Part of the MDCP 2011 in order to ensure the scale of the development minimises impacts on the streetscape, neighbouring properties and the subject site. Further, the scale of the development is relatively consistent with the previously approved shop top housing development at No. 492 Marrickville Road, and therefore, it is considered that there will be no additional visual bulk and scale implications from what has been previously approved on the street.</p> <p>Considering the above, the development as proposed, satisfies the objectives of these controls and desired future character of the area.</p>	
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**B. Other Matters**

As the site includes two separate allotments, a condition is included in the recommendation requiring lot consolidation prior to the issue of a Construction Certificate.

**C. The Likely Impacts**

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

**D. The Suitability of the Site for the Development**

The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential and commercial surrounding and amongst similar uses to that proposed.

**E. Submissions**

The application was required to be notified in accordance with Council’s Community Engagement Strategy between 6 August 2024 to 27 August 2024.

No submissions were received.

The application was renotified between 14 November 2024 to 05 December 2024 due to amended plans being submitted and no submissions were received.

## F. The Public Interest

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

This has been achieved in this instance.

## 6. Section 7.11 / 7.12 Contributions

Section 7.11 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 **\$115,585.00** would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023.

## 7. Housing and Productivity Contributions

The carrying out of the development would result in an increased demand for essential state infrastructure such as schools, hospitals, major roads, public transport infrastructure and regional open space. A contribution of **\$64,092.39** would be required for the development under Part 7, Subdivision 4 Housing and Productivity Contributions of the *EPA Act 1979*.

The housing and productivity contribution is required in addition to any Section 7.11 or 7.12 Contribution. A condition requiring that the housing and productivity contribution is to be paid is included in the recommendation.

## 8. Referrals

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

- Heritage Specialist;
- Urban Design;
- Fire;
- Development Engineer;
- Urban Forest;
- Resource Recovery;
- Environmental Health
- The Architectural Excellence Design Review Panel. and
- Building Certification.

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

- Ausgrid.



## 9. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Marrickville Development Control Plan 2011.

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

The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 10. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2024/0631 for partial demolition of existing structures, retention of the front portion of the building including facade and construction of a four storey mixed use building (shop top housing), including ground floor commercial space and six residential units above at No. 500-502 Marrickville Road, DULWICH HILL subject to the conditions listed in Attachment A below.

**Attachment A – Recommended Conditions of Consent**

**CONDITIONS OF CONSENT**

**GENERAL CONDITIONS**

Condition	
1.	<p style="text-align: center;"><b>Separation of Commercial and Residential Waste and Recycling</b></p> <p>The waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.</p> <p>Reason: Commercial/retail premises and residential properties pay separate charges for waste and recycling collection.</p>
2.	<p style="text-align: center;"><b>Recycling / Garbage / Organics Service Information and Education</b></p> <p>The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p>
3.	<p style="text-align: center;"><b>Bin Storage - Residential</b></p> <p>All bins are to be stored within the property. Bins are to be returned to the property within 12 hours of having been emptied.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p>
4.	<p style="text-align: center;"><b>Awnings with Lighting</b></p> <p>The proposed awning must be of cantilever type and be set back at least 600mm from the kerb line. The awning must include pedestrian lighting (Category P3-AS1 158) and must be maintained and owned by the property owner(s). The proposed awning must be designed to be easily removed if required in future. The owner must maintain, modify or remove the structure at any time if given notification by Council to do so. The lighting must be not be obtrusive and should be designed so that it does not shine into any adjoining residences.</p> <p>Reason: Provide all weather protection to pedestrians.</p>
5.	<p style="text-align: center;"><b>Rock Anchors</b></p> <p>This consent does not grant consent for any rock anchors on the road reserve or Council land.</p> <p>Reason: To protect Council infrastructure.</p>

6.	<p style="text-align: center;"><b>Electrical Substations</b></p> <p>Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site and may be the subject of an application for modification of consent.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p>
7.	<p style="text-align: center;"><b>Permits</b></p> <p>Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:</p> <ul style="list-style-type: none"> <li>• Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;</li> <li>• A concrete pump across the roadway/footpath;</li> <li>• Mobile crane or any standing plant;</li> <li>• Skip Bins;</li> <li>• Scaffolding/Hoardings (fencing on public land);</li> <li>• Public domain works including vehicle crossing, kerb &amp; guttering, footpath, stormwater, etc.;</li> <li>• Awning or street veranda over the footpath;</li> <li>• Partial or full road closure; and</li> <li>• Installation or replacement of private stormwater drain, utility service or water supply.</li> </ul> <p>If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p>
8.	<p style="text-align: center;"><b>Loading/unloading on site</b></p> <p>All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times.</p> <p>Reason: To ensure that any designated loading dock is available for servicing the site at all times.</p>
9.	<p style="text-align: center;"><b>Insurances</b></p> <p>Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.</p> <p>Reason: To ensure Council assets are protected.</p>

<b>10.</b>	<b>Noise – Consultant’s Recommendations</b>																																			
	<p>All performance parameters, requirements, engineering assumptions and recommendations contained in Acoustical report prepared by Koikas Acoustics Pty Ltd dated 2 July 2024 (ref: 6155R20240320rcf_500-502MarrickvilleRoadDulwichHill_DA) must be implemented.</p> <p>Reason: To protect the amenity of the neighbourhood and ensure that the development is carried out in accordance with the consent.</p>																																			
<b>11.</b>	<b>Asbestos Removal</b>																																			
	<p>Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.</p> <p>Reason: To ensure compliance with the relevant environmental legislation.</p>																																			
<b>12.</b>	<b>Documents related to the consent</b>																																			
	<p>The development must be carried out in accordance with plans and documents listed below:</p>																																			
	<table border="1"> <thead> <tr> <th style="text-align: center;">Plan, Revision and Issue No.</th> <th style="text-align: center;">Plan Name</th> <th style="text-align: center;">Date Issued/Received</th> <th style="text-align: center;">Prepared by</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">A1010, Rev 03</td> <td style="text-align: center;">Site Plan</td> <td style="text-align: center;">04/10/2024</td> <td style="text-align: center;">Algorry Zappia &amp; Associates Pty Ltd Villa + Villa</td> </tr> <tr> <td style="text-align: center;">A099, Rev 06</td> <td style="text-align: center;">Proposed Basement Floor Plan</td> <td style="text-align: center;">09/10/2024</td> <td style="text-align: center;">Algorry Zappia &amp; Associates Pty Ltd Villa + Villa</td> </tr> <tr> <td style="text-align: center;">A100, Rev 10</td> <td style="text-align: center;">Proposed Ground Floor Plan</td> <td style="text-align: center;">05/11/2024</td> <td style="text-align: center;">Algorry Zappia &amp; Associates Pty Ltd Villa + Villa</td> </tr> <tr> <td style="text-align: center;">A101, Rev 09</td> <td style="text-align: center;">Proposed First Floor Plan</td> <td style="text-align: center;">09/10/2024</td> <td style="text-align: center;">Algorry Zappia &amp; Associates Pty Ltd Villa + Villa</td> </tr> <tr> <td style="text-align: center;">A102, Rev 10</td> <td style="text-align: center;">Proposed Second Floor Plan</td> <td style="text-align: center;">05/11/2024</td> <td style="text-align: center;">Algorry Zappia &amp; Associates Pty Ltd Villa + Villa</td> </tr> <tr> <td style="text-align: center;">A103, Rev 08</td> <td style="text-align: center;">Proposed Third Floor Plan</td> <td style="text-align: center;">09/10/2024</td> <td style="text-align: center;">Algorry Zappia &amp; Associates Pty Ltd Villa + Villa</td> </tr> <tr> <td style="text-align: center;">A104, Rev 08</td> <td style="text-align: center;">Proposed Roof Plan</td> <td style="text-align: center;">09/10/2024</td> <td style="text-align: center;">Algorry Zappia &amp; Associates Pty Ltd Villa + Villa</td> </tr> </tbody> </table>	Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by	A1010, Rev 03	Site Plan	04/10/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa	A099, Rev 06	Proposed Basement Floor Plan	09/10/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa	A100, Rev 10	Proposed Ground Floor Plan	05/11/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa	A101, Rev 09	Proposed First Floor Plan	09/10/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa	A102, Rev 10	Proposed Second Floor Plan	05/11/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa	A103, Rev 08	Proposed Third Floor Plan	09/10/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa	A104, Rev 08	Proposed Roof Plan	09/10/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa			
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A200, Rev 07	Front Elevation	09/10/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
A201, Rev 07	Rear Elevation	05/11/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
A202, Rev 08	Courtyard Elevation	09/10/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
A203, Rev 09	Courtyard Elevation	05/11/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
A204, Rev 06	Side Elevation	09/10/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
A205, Rev 05	Side Elevation	09/10/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
A206, Rev 06	Street Elevation	09/10/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
A207, Rev 05	Existing Front Elevation	09/10/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
A300, Rev 09	Section 1	05/11/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
A301, Rev 09	Section 2	05/11/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
A302, Rev 07	Section 3	09/10/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
A303, Rev 05	Section 4	09/10/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
A304, Rev 02	Sections 5 and 6	09/10/2024	Algorry Zappia & Associates Pty Ltd

	A305, Rev 02	Sections 7 and 8	09/10/2024	Villa + Villa Algorry Zappia & Associates Pty Ltd Villa + Villa
	A306, Rev 03	Sections 9 and 10	05/11/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
	A310, Rev 03	Detailed Front Facade Section	05/11/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
	A311, Rev 03	Detailed Rear Facade Section	05/11/2024	Algorry Zappia & Associates Pty Ltd Villa + Villa
	LDA-01, Rev B	Landscape Master Plan	28/06/2024	Geoscapes
	LDA-02, Rev B	Landscape Detail Ground Floor Plan	28/06/2024	Geoscapes
	LDA-03, Rev B	Landscape Detail First Floor Plan	28/06/2024	Geoscapes
	LDA-04, Rev B	Landscape Detail Second Floor Plan	28/06/2024	Geoscapes
	LDA-05, Rev B	Landscape Detail Third Floor Plan	28/06/2024	Geoscapes
	LDA-06, Rev B	Landscape Section AA	28/06/2024	Geoscapes
	LDA-08, Rev B	Landscape Specifications & Details	28/06/2024	Geoscapes
	LDA-09, Rev B	Planting Schedule & Imagery	28/06/2024	Geoscapes
	Project No. 119000, Rev 3	DA Stage Access Assessment Report	08/11/2024	Jensen Hughes
	S100, Issue A	Facade Retention Works Ground Floor Foundation Plan	30/10/2024	LIM Engineers
	S101, Issue A	Facade Retention	30/10/2024	LIM Engineers

		Works First & Second Floor Plan		
	S102, Issue A	Facade Retention Works Sections & Detail	30/10/2024	LIM Engineers
	1755739M_02	BASIX Certificate	06/11/2024	Building & Energy Consultants Australia
	Project No. 119000, Rev 3	BCA Assessment Report	27/10/2024	Jensen Hughes
	DA4101, Rev 1	Civil Design Concept Stormwater & Grading Plan Ground Floor	08/07/2024	Sparks Partners +
	DA4102, Rev 1	Civil Design Concept Stormwater & Grading Plan - First & Second Floor	08/07/2024	Sparks Partners +
	DA4103, Rev 1	Civil Design Concept Stormwater & Grading Plan - Third Floor & Roof	08/07/2024	Sparks Partners +
	As amended by the conditions of consent.			
	Reason: To ensure development is carried out in accordance with the approved documents.			
<b>13.</b>	<b>Car Parking</b>			
	<p>The development must provide and maintain within the site:</p> <ul style="list-style-type: none"> <li>a. One (1) car parking space must be paved and line marked and dedicated to the commercial premises; and</li> <li>b. One (1) car parking space, for persons with a disability must be provided and marked as disabled car parking space and provided for the residential component of the development.</li> <li>c. Four (4) bicycle spaces.</li> </ul> <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.</p>			

14.	<p style="text-align: center;"><b>Residential Flat Buildings – Hot Water Systems</b></p> <p>Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not visible from the street.</p> <p>Reason: To protect the visual amenity of the neighbourhood.</p>
15.	<p style="text-align: center;"><b>Residential Flat Buildings – Air Conditioning Systems</b></p> <p>Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.</p> <p>Reason: To protect the visual amenity of the neighbourhood.</p>
16.	<p style="text-align: center;"><b>Works Outside the Property Boundary</b></p> <p>This development consent does not authorise works outside the property boundaries on adjoining lands.</p> <p>Reason: To ensure works are in accordance with the consent.</p>
17.	<p style="text-align: center;"><b>Storage of materials on public property</b></p> <p>The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.</p> <p>Reason: To protect pedestrian safety.</p>
18.	<p style="text-align: center;"><b>Other works</b></p> <p>Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
19.	<p style="text-align: center;"><b>National Construction Code (Building Code of Australia)</b></p> <p>A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
20.	<p style="text-align: center;"><b>Notification of commencement of works</b></p> <p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:</p> <ol style="list-style-type: none"> <li>a. In the case of work for which a principal contractor is required to be appointed: <ol style="list-style-type: none"> <li>i. The name and licence number of the principal contractor; and</li> <li>ii. The name of the insurer by which the work is insured under Part 6 of that Act.</li> </ol> </li> <li>b. In the case of work to be done by an owner-builder: <ol style="list-style-type: none"> <li>i. The name of the owner-builder; and</li> </ol> </li> </ol>



	<p>ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
21.	<p style="text-align: center;"><b>Dividing Fences Act</b></p> <p>The person acting on this consent must comply with the requirements of the <i>Dividing Fences Act 1991</i> in respect to the alterations and additions to the boundary fences.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
22.	<p style="text-align: center;"><b>Construction of Vehicular Crossing</b></p> <p>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 &amp; Civil Works form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.</p> <p>Reason: To protect assets, infrastructure and pedestrian safety.</p>
23.	<p style="text-align: center;"><b>Lead-based Paint</b></p> <p>Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.</p> <p>Reason: To protect human health.</p>
24.	<p style="text-align: center;"><b>Dial before you dig</b></p> <p>Contact "Dial Before You Dig" prior to commencing any building activity on the site.</p> <p>Reason: To protect assets and infrastructure.</p>
25.	<p style="text-align: center;"><b>Protection of Ausgrid Assets</b></p> <p>The construction works must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.</p> <p>The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite. Ausgrid's Network Standards can be sourced from Ausgrid's website, <a href="http://www.ausgrid.com.au">www.ausgrid.com.au</a></p> <p>Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets- Clearances". This document can be found by visiting the following Ausgrid website: <a href="http://www.ausgrid.com.au/Your-safety/Working-Safe/ Clearance-enquiries">www.ausgrid.com.au/Your-safety/Working-Safe/ Clearance-enquiries</a></p> <p>Reason: To protect Ausgrid assets.</p>

<b>26.</b>	<b>Future Application for Ground Floor Tenancy</b>
	A separate application is to be lodged in the future to obtain consent for the ground floor tenancy and is not to be utilised as residential accommodation.
	Reason: To protect the public interest.

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
<b>27.</b>	<p><b>Resource Recovery and Waste Management Plan - Demolition and Construction</b></p> <p>Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a "Waste and Recycling Waste Management Plan - Demolition and Construction" in accordance with the relevant Development Control Plan.</p> <p>Reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
<b>28.</b>	<p><b>Bin Storage Area</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Waste and Recycling Management Plan.</p> <p>The submitted Waste and Recycling Management Plan must demonstrate that that the bin storage area will accommodate the number of bins required for all waste and recycling generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, a weekly collection of organics which includes food and garden organics (FOGO), and a fortnightly collection of mixed recycling.</p> <p>The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.</p> <p>The bin storage area is to meet the design requirements detailed in the Development Control Plan.</p> <p>Reason: To ensure resource recovery is promoted and local amenity protected.</p>
<b>29.</b>	<p><b>Bulky Waste Storage Area – Residential</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans showing a bulky waste storage area which meets the floor area requirements as per the relevant Development Control Plan.</p> <p>Reason: To ensure resource recovery is promoted and local amenity protected.</p>

<p>30.</p>	<p><b>Waste Transfer Route</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point has a minimum 1200mm wall-to-wall clearance, is slip-proof with a hard surface, free of obstructions and at no point has a gradient exceeding 1:14 for 240L bins, and 1:40 for 660L bins.</p> <p>If the path of transfer exceeds this gradient, a bin tug, suited to the inclination, and which meets Australian Standards in Health, Safety, Environment and Quality is to be used to move waste and recycling bins, or bulky household waste, from the basement to ground level.</p> <p>Reason: To require details of measures that will protect residents and staff or tenants during the operational phase of the development.</p>				
<p>31.</p>	<p><b>Dwelling Access to a Disposal Point for All Waste Streams</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point will be within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste and recycling generated by that floor over a 24-hour period.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p>				
<p>32.</p>	<p><b>Security Deposit - Custom</b></p> <p>Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.</p> <table border="1" data-bbox="437 1151 1198 1229"> <tr> <td>Security Deposit:</td> <td>\$22,800.00</td> </tr> <tr> <td>Inspection Fee:</td> <td>\$389.00</td> </tr> </table> <p>Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.</p> <p>The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.</p> <p>Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.</p>	Security Deposit:	\$22,800.00	Inspection Fee:	\$389.00
Security Deposit:	\$22,800.00				
Inspection Fee:	\$389.00				

	<p>A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.</p> <p>The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.</p> <p>Reason: To ensure required security deposits are paid.</p>
<p><b>33.</b></p>	<p><b>Structural and Geotechnical Report</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:</p> <ul style="list-style-type: none"> <li>a. The basement must be fully tanked to prevent the ingress of subsurface flows;</li> <li>b. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;</li> <li>c. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;</li> <li>d. All components of the basement, including footings, must be located entirely within the property boundary;</li> <li>e. No adverse impact on surrounding properties including Council's footpath and road;</li> <li>f. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;</li> <li>g. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and</li> <li>h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.</li> </ul> <p>Reason: To ensure that the design of the basement is structurally sound and has been appropriately certified.</p>
<p><b>34.</b></p>	<p><b>Public Domain Works – Prior to Construction Certificate</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the Roads Act 1993 incorporating the following requirements:</p>

	<ul style="list-style-type: none"> <li>a. The public domain along all frontages of the site inclusive of footpath paving, kerb, landscaping, street furniture, etc. must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme.</li> <li>b. The construction of light duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site.</li> <li>c. The vehicular crossing to the site shall be designed to satisfy the ground clearance template for a B99 vehicle using dynamic ground clearance software. A long section, along both sides of the vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be provided for review. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section shall show both existing and proposed surface levels including information including chainages.</li> <li>d. New concrete footpath and kerb along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer.</li> <li>e. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations.</li> <li>f. Installation of a stormwater outlet to the kerb.</li> </ul> <p>All works must be completed prior to the issue of an Occupation Certificate.</p> <p>Reason: To ensure public domain works are constructed to Council's standards</p>
<p>35.</p>	<p><b>Parking Facilities</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:</p> <ul style="list-style-type: none"> <li>a. The internal vehicle hardstand area must be redesigned such that the level at the boundary must match the invert level of the adjacent gutter plus 110mm [rear lane only] at both sides of the vehicle entry. This will require the internal garage slab or hard stand area to be adjusted locally at the boundary to ensure that it matches the above-issued alignment levels.</li> <li>b. The garage slab or driveway must then rise within the property to be a minimum of 170mm (as quickly as possible) above the adjacent road gutter level and/or higher than the street kerb and footpath across the full width of the vehicle crossing.</li> <li>c. The longitudinal profile across the width of the vehicle crossing, vehicular access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 and AS 2890.2-2018 for a B99 design vehicle. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.</li> </ul>

	<ul style="list-style-type: none"> <li>d. Minimum headroom of 2200mm must be provided throughout the access and parking facilities. Minimum headroom of 2500mm must be provided above any disabled parking space(s).</li> <li>e. The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles.</li> <li>f. A bicycle storage area must be provided to accommodate a minimum of 4 bicycles and be designed in accordance with relevant provisions of AS 2890.3-2015.</li> </ul> <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP.</p>
<p>36.</p>	<p><b>Stormwater Drainage System</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:</p> <ul style="list-style-type: none"> <li>a. The design must generally be in accordance with the Stormwater Drainage Concept plan on Drawing No. DA4101, DA4102 &amp; DA4103 Rev 1 prepared by SPARKS+PARTNERS and dated 08/07/2024.</li> <li>b. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road.</li> <li>c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.</li> <li>d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage.</li> <li>e. The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes.</li> <li>f. A 150mm step up must be provided between the finished surface level of the external area and the finished floor level of the internal room unless a reduced step is permitted by Part 3.3.3. of the National Construction Code for Class 1 buildings.</li> <li>g. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.</li> <li>h. No nuisance or concentration of flows to other properties.</li> <li>i. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.</li> </ul>

	<p>j. Only a single point of discharge is permitted to the kerb, per frontage of the site.</p> <p>k. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm.</p> <p>l. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.</p> <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p>
<p>37.</p>	<p><b>Hazardous Materials Survey</b></p> <p>Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW.</p> <p>A copy of any SafeWork NSW approval documents is to be included as part of the documentation.</p> <p>Reason: To ensure compliance with the requirements of SafeWork NSW.</p>
<p>38.</p>	<p><b>Future Use of Shop top housing for Commercial Tenancy (prior to construction)</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that the building design must incorporate measures to enable the installation of appropriate mechanical ventilation systems that comply with relevant Australian Standards including AS1668 and can accommodate any exhaust/ventilation requirements for ground floor commercial units in particular food premises. If a food premises requires a mechanical exhaust system for charcoal cooking purposes, separate consent is required as additional filtration systems and odour assessment will be necessary.</p> <p>Reason: To ensure that future commercial tenancies can meet legislative requirements for mechanical ventilation.</p>
<p>39.</p>	<p><b>Design Change</b></p> <p>Prior to the issue of a Construction Certificate, amended plans being submitted to the satisfaction of Council's Heritage and Urban Design Team Leader demonstrating the following:</p> <ul style="list-style-type: none"> <li>a. The Stormwater Tank on the Basement Level is to be relocated so that it is outside of the deep soil zone;</li> <li>b. The use of a warmer colour palette for the historic façade and awning, based on an investigation of the historic sequence of façade colours. The colour scheme should not be for an all-grey scheme;</li> <li>c. The deletion of the additional horizontal banding at first floor level;</li> </ul>

	<p>d. The surviving horizontal banding is to be painted in a lighter colour;</p> <p>e. The use of transoms to the shopfronts;</p> <p>f. The use of a lighter joinery and railing colour other than black for this historic portion of the building;</p> <p>g. The use of a lighter colour for the awning fascia; and</p> <p>h. Revise A207, Rev 05, Existing Front Elevation, dated 09/10/2024 by Algorry Zappia &amp; Associates Pty Ltd and Villa + Villa to demonstrate that the original mouldings are not being cut into to create the slits at the parapet level.</p> <p>Reason: To ensure that the design changes protect the amenity of the neighbourhood.</p>
40.	<p><b>Long Service Levy</b></p> <p>Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.</p> <p>Reason: To ensure the long service levy is paid.</p>
41.	<p><b>Residential Flat Buildings – Adaptable Dwellings</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority, must be provided with plans that demonstrates a minimum of one (1) adaptable dwelling must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility and one (1) Silver Standard Livable apartment must be provided in accordance with the Livable Housing Design Guidelines.</p> <p>Reason: To ensure adaptable units are designed in accordance with the relevant Australian Standard.</p>
42.	<p><b>Structural Certificate for retained elements of the building</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.</p> <p>Reason: To ensure the structural adequacy of the works.</p>
43.	<p><b>Sydney Water – Tap In</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water’s online ‘Tap In’ program to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.</p>



	<p>Note: Please refer to the web site <a href="http://www.sydneywater.com.au/tapin/index.htm">http://www.sydneywater.com.au/tapin/index.htm</a> for details on the process or telephone 13 20 92.</p> <p>Reason: To ensure relevant utility and service provides requirements are provided to the certifier.</p>
44.	<p><b>Fibre-ready Facilities</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:</p> <p>The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.</p> <p>The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.</p> <p>Reason: To ensure relevant utility and service provides' requirements are provided to the certifier.</p>
45.	<p><b>Concealment of Plumbing and Ductwork</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible.</p> <p>Reason: To protect the visual amenity of the neighbourhood.</p>
46.	<p><b>Future Food Use - Mechanical Ventilation Provision</b></p> <p>Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.</p> <p>Reason: To protect the amenity of the neighbourhood and to ensure all mechanical ventilation is in accordance with the relevant Australian Standards.</p>

47.	<p><b>Green Roofs, Walls and Facades Report</b></p> <p>Prior to the issue of Construction Certificate, the Certifying Authority is to be provided with a report prepared by a suitably qualified person demonstrating that the proposed landscape plan and details of any green roofs, wall and facades are consistent with Inner West Councils Green Roof, Walls and Facades Technical Guidelines including but not limited to using species selected from the suggested species list, water proofing and drainage.</p> <p>Reason: To ensure landscaping is maintained.</p>														
48.	<p><b>Section 7.11 Contribution</b></p> <p>In accordance with section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Contribution Category</th> <th style="text-align: right;">Amount</th> </tr> </thead> <tbody> <tr> <td>Open Space &amp; Recreation</td> <td style="text-align: right;">\$84,807.00</td> </tr> <tr> <td>Community Facilities</td> <td style="text-align: right;">\$15,903.00</td> </tr> <tr> <td>Transport</td> <td style="text-align: right;">\$8,670.00</td> </tr> <tr> <td>Plan Administration</td> <td style="text-align: right;">\$974.00</td> </tr> <tr> <td>Drainage</td> <td style="text-align: right;">\$5,232.00</td> </tr> <tr> <td><b>TOTAL</b></td> <td style="text-align: right;"><b>\$115,585.00</b></td> </tr> </tbody> </table> <p>At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:</p> $C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$ <p>Where:</p> <p><math>C_{\text{payment}}</math> = is the contribution at time of payment</p> <p><math>C_{\text{consent}}</math> = is the contribution at the time of consent, as shown above</p> <p><math>CPI_{\text{consent}}</math> = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 139.8 for the September 2024 period.</p> <p><math>CPI_{\text{payment}}</math> = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment</p> <p>Note: The contribution payable will not be less than the contribution specified in this condition.</p> <p>The monetary contributions must be paid to Council (i) <u>if the development is for subdivision – prior to the issue of the subdivision certificate</u>, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if</p>	Contribution Category	Amount	Open Space & Recreation	\$84,807.00	Community Facilities	\$15,903.00	Transport	\$8,670.00	Plan Administration	\$974.00	Drainage	\$5,232.00	<b>TOTAL</b>	<b>\$115,585.00</b>
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	<p>the development does not require a construction certificate or subdivision certificate – prior to the works commencing.</p> <p><u>It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.</u></p> <p>Council's Plan may be viewed at <a href="http://www.innerwest.nsw.gov.au">www.innerwest.nsw.gov.au</a> or during normal business hours at any of Council's customer service centres.</p> <p>Please contact any of Council's customer service centres at <a href="mailto:council@innerwest.nsw.gov.au">council@innerwest.nsw.gov.au</a> or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.</p> <p>Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to <a href="http://www.innerwest.nsw.gov.au/invoice">www.innerwest.nsw.gov.au/invoice</a>; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).</p> <p>The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.</p> <p>Reason: To ensure payment of the required development contribution.</p>						
<p>49.</p>	<p><b>Housing and Productivity Contribution</b></p> <p>a. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition (b), is required to be made</p> <table border="1" data-bbox="491 1104 1110 1312"> <thead> <tr> <th>Housing and productivity contribution</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Housing and productivity contribution (base component)</td> <td>\$64,092.39</td> </tr> <tr> <td>Total housing and productivity contribution</td> <td>\$64,092.39</td> </tr> </tbody> </table> <p>b. The amount payable at the time of payment is the amount shown in condition (a) as the total housing and productivity contribution adjusted by multiplying it by:</p> <p style="text-align: center;"><b><i>Highest PPI number</i></b></p> <p style="text-align: center;"><b><i>Consent PPI number</i></b></p> <p>Where:</p> <p><i>highest PPI number</i> is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2<sup>nd</sup> last quarter before the quarter in which the payment is made, and</p>	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	\$64,092.39	Total housing and productivity contribution	\$64,092.39
Housing and productivity contribution	Amount						
Housing and productivity contribution (base component)	\$64,092.39						
Total housing and productivity contribution	\$64,092.39						

*consent PPI number* is the PPI number last used to adjust HPC rates when consent was granted, and

*June quarter 2023* and *PPI* have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

c. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

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

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

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

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

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

	<p>If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition (b.) at the time of payment.</p> <p>f. Despite condition (a.), a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the <i>Environmental Planning and Assessment Act 1979</i> to the development, or the <i>Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023</i> exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.</p> <p>Reason: To ensure payment of the required development contribution.</p>
<p>50.</p>	<p><b>Enclosure of Fire Hydrant</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed by a suitably designed accessible screen and in accordance with the requirements of AS 2419.1 2005.</p> <p>Reason: To protect the streetscape.</p>
<p>51.</p>	<p><b>Consolidation of Lots</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that the separate lots comprising the development have been consolidated into one lot and under one title and registered at NSW Land Registry Services.</p> <p>If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to Street Numbering Application.</p> <p>Reason: To ensure the proper disposition of land.</p>
<p>52.</p>	<p><b>Street Numbering</b></p> <p>If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to <a href="#">Street Numbering Application</a></p> <p>Reason: To ensure occupancies are appropriately numbered.</p>

**BEFORE BUILDING WORK COMMENCES**

Condition	
<b>53.</b>	<p><b>Hoardings</b></p> <p>The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.</p> <p>If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.</p> <p>Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.</p> <p>Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.</p>
<b>54.</b>	<p><b>Construction Traffic Management Plan – Detailed</b></p> <p>Prior to any building work, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.</p> <p>The following matters should be addressed in the CTMP (where applicable):</p> <ol style="list-style-type: none"> <li>a. Description of the demolition, excavation and construction works;</li> <li>b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;</li> <li>c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);</li> <li>d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;</li> <li>e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;</li> <li>f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);</li> <li>g. Proposed hours of construction related activities and vehicular movements to and from the site;</li> <li>h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);</li> <li>i. Any activities proposed to be located or impact upon Council's road, footways or any public place;</li> <li>j. Measures to maintain public safety and convenience;</li> <li>k. Any proposed road and/or footpath closures;</li> <li>l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;</li> </ol>

	<p>m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;</p> <p>n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);</p> <p>o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;</p> <p>p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;</p> <p>q. On-site parking area for employees, tradespersons and construction vehicles as far as possible;</p> <p>r. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and</p> <p>s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.</p> <p>t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance. If in the opinion of Council, TfNSW or the NSW Police the works results in unforeseen traffic congestion or unsafe work conditions the site may be shut down and alternative Traffic Control arrangements shall be implemented to remedy the situation. In this regard you shall obey any lawful direction from the NSW Police or a Council officer if so required. Any approved CTMP must include this as a note."</p> <p>Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
<p>55.</p>	<p><b>Tree Protection</b></p> <p>No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council's Tree Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent. Any public tree within 5 metres of the development must be protected in accordance with AS4970—<i>Protection of trees on development sites</i> and Council's Development Fact Sheet—<i>Trees on Development Sites</i>. No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.</p> <p>Reason: To ensure that trees to be retained are protected.</p>
<p>56.</p>	<p><b>Tree Protection</b></p> <p>To protect any street tree within 5 metres of the site, trunk (and branch protection if required) must be installed prior to any works commencing:</p> <p>The protection must be installed and certified by a person holding a minimum Australian Qualification Framework (AQF) Level 3, Certificate of Arboriculture, and</p>

	<p>must include the following in accordance with AS4970—<i>Protection of trees on development sites</i> / Council's Development Fact Sheet—Trees on Development sites;</p> <ol style="list-style-type: none"> <li>a. Tree trunk/s and/or major branches must be protected by wrapped thick carpet underlay or similar padding material to limit damage;</li> <li>b. Timber planks (50mm x 100mm 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 thick carpet underlay or padding material and timber planks must not be fixed to the tree in any instance, or in any fashion;</li> <li>c. Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.</li> </ol> <p>Reason: To protect and retain trees.</p>
57.	<p><b>Waste Management Plan</b></p> <p>Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
58.	<p><b>Erosion and Sediment Control</b></p> <p>Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
59.	<p><b>Standard Street Tree Protection</b></p> <p>Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.</p> <p>Reason: To protect and retain trees.</p>
60.	<p><b>Dilapidation Report</b></p> <p>Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified properties (Nos. 498 and 504 Marrickville Road) to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.</p> <p>Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>



<b>61.</b>	<p><b>Construction Fencing</b></p> <p>Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.</p> <p>Reason: To protect the built environment from construction works.</p>
<b>62.</b>	<p><b>Verification of Levels and Location</b></p> <p>Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.</p> <p>Reason: To ensure works are in accordance with the consent.</p>

**DURING BUILDING WORK**

	Condition
<b>63.</b>	<p><b>Tree Protection</b></p> <p>No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council's Tree Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent. Any public tree within 5 metres of the development must be protected in accordance with AS4970—<i>Protection of trees on development sites</i> and Council's Development Fact Sheet—<i>Trees on Development Sites</i>. No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.</p> <p>Reason: To ensure that trees to be retained are protected.</p>
<b>64.</b>	<p><b>Tree Protection Works</b></p> <p>All tree protection for the site must be undertaken in accordance with Council's Development Fact Sheet—<i>Trees on Development Sites</i> and AS4970—<i>Protection of trees on development sites</i>.</p> <p>Reason: To protect and retain trees.</p>
<b>65.</b>	<p><b>Advising Neighbours Prior to Excavation</b></p> <p>At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation.</p> <p>Reason: To ensure surrounding properties are adequately notified of the proposed works.</p>

66.	<p><b>Construction Hours – Class 2-9</b></p> <p>Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:</p> <p>7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm); 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and at no time on Sundays or public holidays.</p> <p>Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.</p> <p>In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.</p> <p>This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.</p> <p>Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to 8:00am to 12:00pm, Monday to Saturday; and 2:00pm to 5:00pm Monday to Friday.</p> <p>The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works. "Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>
67.	<p><b>Survey Prior to Footings</b></p> <p>Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.</p> <p>Reason: To ensure works are in accordance with the consent.</p>

**BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

Condition	
68.	<p><b>Notice to Council to deliver Residential Bins</b></p> <p>Council is to be notified of bin requirements three weeks prior to the occupation of the building to ensure timely delivery.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p>

<p>69.</p>	<p><b>Public Domain Works</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the Roads Act 1993 including:</p> <p>Light/Heavy duty concrete vehicle crossing(s) at the vehicular access location(s); and</p> <p>Other works subject to the Roads Act 1993 approval.</p> <p>All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".</p> <p>Reason: To ensure Council assets are protected, and that works that are undertaken in the public domain maintain public safety.</p>
<p>70.</p>	<p><b>No Encroachments</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.</p> <p>Reason: To maintain and promote vehicular and pedestrian safety.</p>
<p>71.</p>	<p><b>Whiteway Lighting - New</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the Under awning lighting matches the existing Whiteway lighting scheme in the area.</p> <p>Reason: To ensure Council assets are protected, and that works that are undertaken in the public domain maintain public safety.</p>
<p>72.</p>	<p><b>Parking Signoff</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.</p> <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's specifications.</p>

73.	<p><b>Future Use of Shop top housing for Commercial Tenancy (prior to occupation)</b></p> <p>Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with details confirming that the building includes provisions for the installation of suitable mechanical ventilation systems that comply with relevant Australian Standards, including AS1668, and can meet the exhaust/ventilation requirements for ground-floor commercial units, particularly for food premises. If a food premises requires a mechanical exhaust system for charcoal cooking, separate consent will be required, as additional filtration systems and an odour assessment will be necessary</p> <p>Reason: To ensure that future commercial tenancies can meet legislative requirements for mechanical ventilation.</p>
74.	<p><b>Certification of Tree Planting</b></p> <p>Prior to the issue of any Occupation Certificate a Final Landscape Inspection must be carried out and a certificate issued by Council's Tree Assessment Officer. This certificate is required to ensure that all tree protection measures, landscaping works (in accordance with approved Landscape Plans), tree planting and the deep soil percentage requirements have been carried out in accordance with the conditions of this consent. To arrange a Final Landscape Inspection please phone 9392-5000 a minimum of 48 hours prior to the required inspection date. An inspection fee will be charged in accordance with the current schedule of rates listed on Council's website. Any secondary inspections will incur a reinspection fee.</p> <p>Trees required by this condition must be maintained and protected until they are protected by Council's Tree Management DCP. Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.</p> <p>Reason: To ensure appropriate landscaping is undertaken.</p>
75.	<p><b>Section 73 Certificate</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the Sydney Water Act 1994.</p> <p>Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.</p>
76.	<p><b>Verification and Maintenance of Green Roofs, Walls and Facades Works</b></p> <p>Prior to the issue of an Occupation Certificate, the principal certifier is to be provided with written evidence demonstrating that the works have been carried out in accordance with the Green Roofs, Walls and Facades Report that was submitted at Construction Certificate Stage and a maintenance plan that is consistent with the Inner West Councils Green Roof, Walls and Facades Technical Guidelines.</p> <p>Reason: To ensure landscaping is maintained.</p>
77.	<p><b>Dilapidation Report</b></p> <p>Prior to the issue of an Occupation Certificate, the Certifying Authority and owners of identified properties must be provided with a second colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour</p>

	<p>photographs of all the identified properties (Nos. 498 and 504 Marrickville Road) to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.</p> <p>Reason: To determine potential construction impacts.</p>
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**OCCUPATION AND ONGOING USE**

Condition	
<b>78.</b>	<p><b>Noise General</b></p> <p>The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>
<b>79.</b>	<p><b>Green Roofs, Walls and Facades Establishment</b></p> <p>The plantings within the Green Roofs, Walls and Facades as part of this consent are to be maintained in a healthy and vigorous condition from the issue of an Occupation Certificate.</p> <p>Reason: To ensure landscaping is maintained.</p>

**DEMOLITION WORK**

**BEFORE DEMOLITION WORK COMMENCES**

Condition	
<b>80.</b>	<p><b>Hoardings</b></p> <p>The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.</p> <p>If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.</p> <p>Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.</p> <p>Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.</p>

81.	<p><b>Construction Traffic Management Plan – Detailed</b></p> <p>Prior to any building work, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.</p> <p>The following matters should be addressed in the CTMP (where applicable):</p> <ol style="list-style-type: none"> <li>a. Description of the demolition, excavation and construction works;</li> <li>b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;</li> <li>c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);</li> <li>d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;</li> <li>e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;</li> <li>f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);</li> <li>g. Proposed hours of construction related activities and vehicular movements to and from the site;</li> <li>h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);</li> <li>i. Any activities proposed to be located or impact upon Council's road, footways or any public place;</li> <li>j. Measures to maintain public safety and convenience;</li> <li>k. Any proposed road and/or footpath closures;</li> <li>l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;</li> <li>m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;</li> <li>n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);</li> <li>o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;</li> <li>p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;</li> <li>q. On-site parking area for employees, tradespersons and construction vehicles as far as possible;</li> <li>r. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and</li> <li>s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.</li> <li>t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance. If in the</li> </ol>
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	<p>opinion of Council, TfNSW or the NSW Police the works results in unforeseen traffic congestion or unsafe work conditions the site may be shut down and alternative Traffic Control arrangements shall be implemented to remedy the situation. In this regard you shall obey any lawful direction from the NSW Police or a Council officer if so required. Any approved CTMP must include this as a note."</p> <p>Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
<p>82.</p>	<p><b>Tree Protection</b></p> <p>To protect any street tree within 5 metres of the site, trunk (and branch protection if required) must be installed prior to any works commencing:</p> <p>The protection must be installed and certified by a person holding a minimum Australian Qualification Framework (AQF) Level 3, Certificate of Arboriculture, and must include the following in accordance with AS4970—<i>Protection of trees on development sites</i> / Council's Development Fact Sheet—Trees on Development sites;</p> <ul style="list-style-type: none"> <li>a. Tree trunk/s and/or major branches must be protected by wrapped thick carpet underlay or similar padding material to limit damage;</li> <li>b. Timber planks (50mm x 100mm 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 thick carpet underlay or padding material and timber planks must not be fixed to the tree in any instance, or in any fashion;</li> <li>c. Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.</li> </ul> <p>Reason: To protect and retain trees.</p>

Attachment B – Plans of Proposed Development



**DEVELOPMENT APPLICATION**

REV	ISSUE	DATE	BY
01	PREL ISSUE	8/7/2024	NL
02	FOR DEVELOPMENT APPLICATION	12/7/2024	NL
03	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	4/7/2025	NL

Drawn	Checked	Date
DL	CT	16/07/2024
DL	CT	16/07/2024
DL	CT	16/07/2024

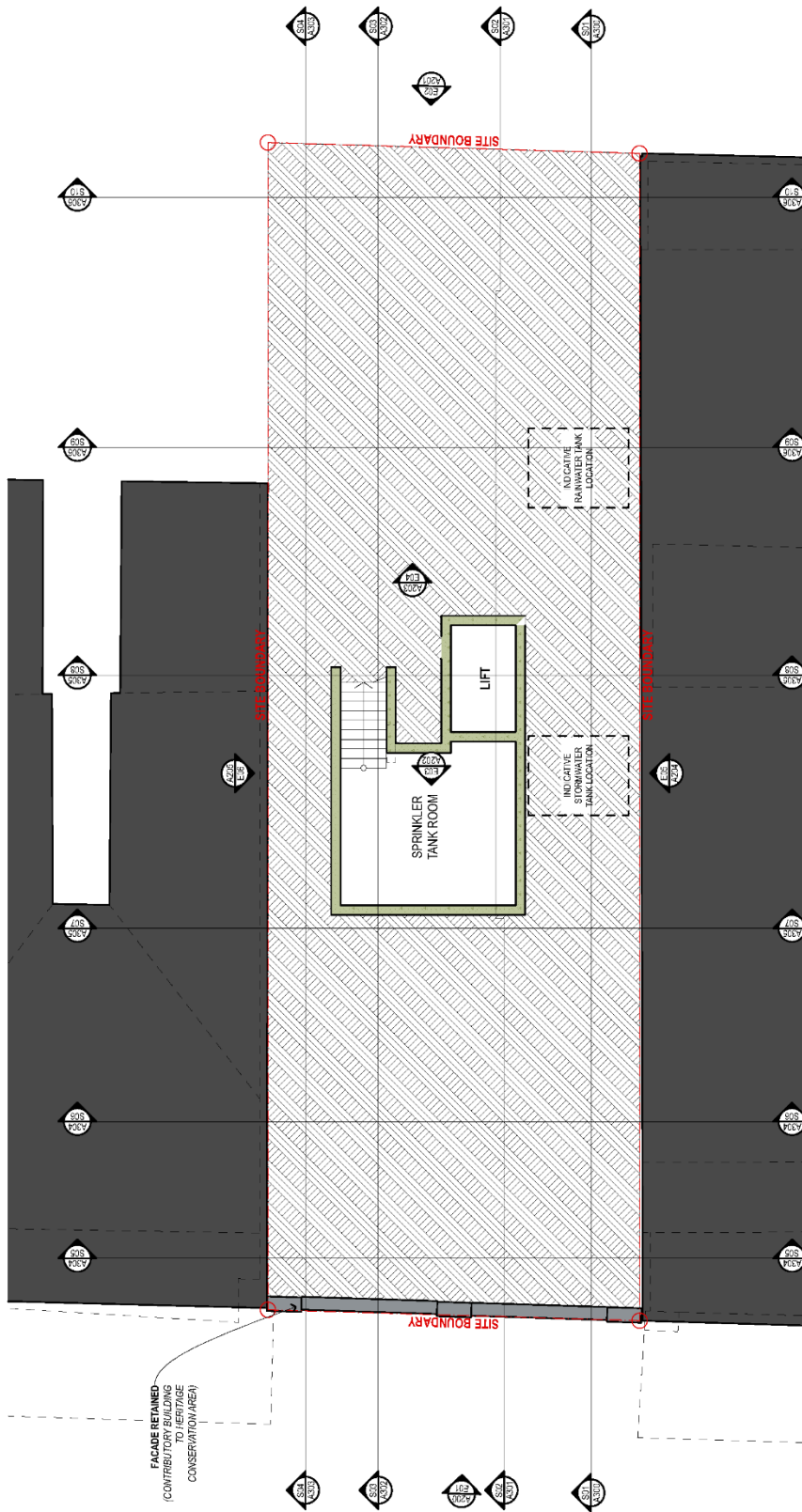
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**Proposed Shop Top Housing**  
505-507 Marrickville Rd  
DURHAM HILL NSW 2203  
Project No: PG312  
Sheet: A010  
Date: 16/07/2024  
Scale: 1:500  
Drawn: DL  
Checked: CT  
Date: 16/07/2024

Document Set ID: 40038032  
Version: 1, Version Date: 17/07/2025





**DEVELOPMENT APPLICATION**

REV	ISSUE	DATE	BY
01	DESIGN DEVELOPMENT ISSUE	15/02/24	NL
02	DESIGN DEVELOPMENT ISSUE	23/02/24	NL
03	FOR COUNCIL DEVELOPMENT APPLICATION	12/07/24	NL
04	FOR COUNCIL DEVELOPMENT APPLICATION	4/10/2024	NL
05	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	31/02/24	NL
06	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RPT		NL

Document Set ID: 40038032  
Version: 1, Version Date: 17/01/2025

**CONSULTANTS**

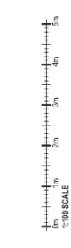
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15/02/2024 - 02/07/24  
15/02/2024 - 02/07/24  
15/02/2024 - 02/07/24  
15/02/2024 - 02/07/24

**ALGORY ZAPPA & ASSOCIATES**  
Building Design and Consulting Civil & Structural Engineers  
15/02/2024 - 02/07/24  
15/02/2024 - 02/07/24  
15/02/2024 - 02/07/24  
15/02/2024 - 02/07/24

**PROPOSED SHOP TOP HOUSING**  
502-502 MERRILL ST, RL  
DURRICH HE NSW 2025

**PROPOSED BASEMENT FLOOR PLAN**

Project No: P6312  
Sheet: A099  
Date: 17/01/2025  
Author: nev06



DEVELOPMENT APPLICATION

REV	ISSUE	DATE
03	DESIGN DEVELOPMENT ISSUE	14/02/24
04	PG&A ISSUE	18/02/24
05	FOR DEVELOPMENT APPLICATION	19/02/24
06	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	28/02/24
07	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	4/02/24
08	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RP1	9/02/24
09	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RP1	14/02/24
10	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RP1	27/02/24

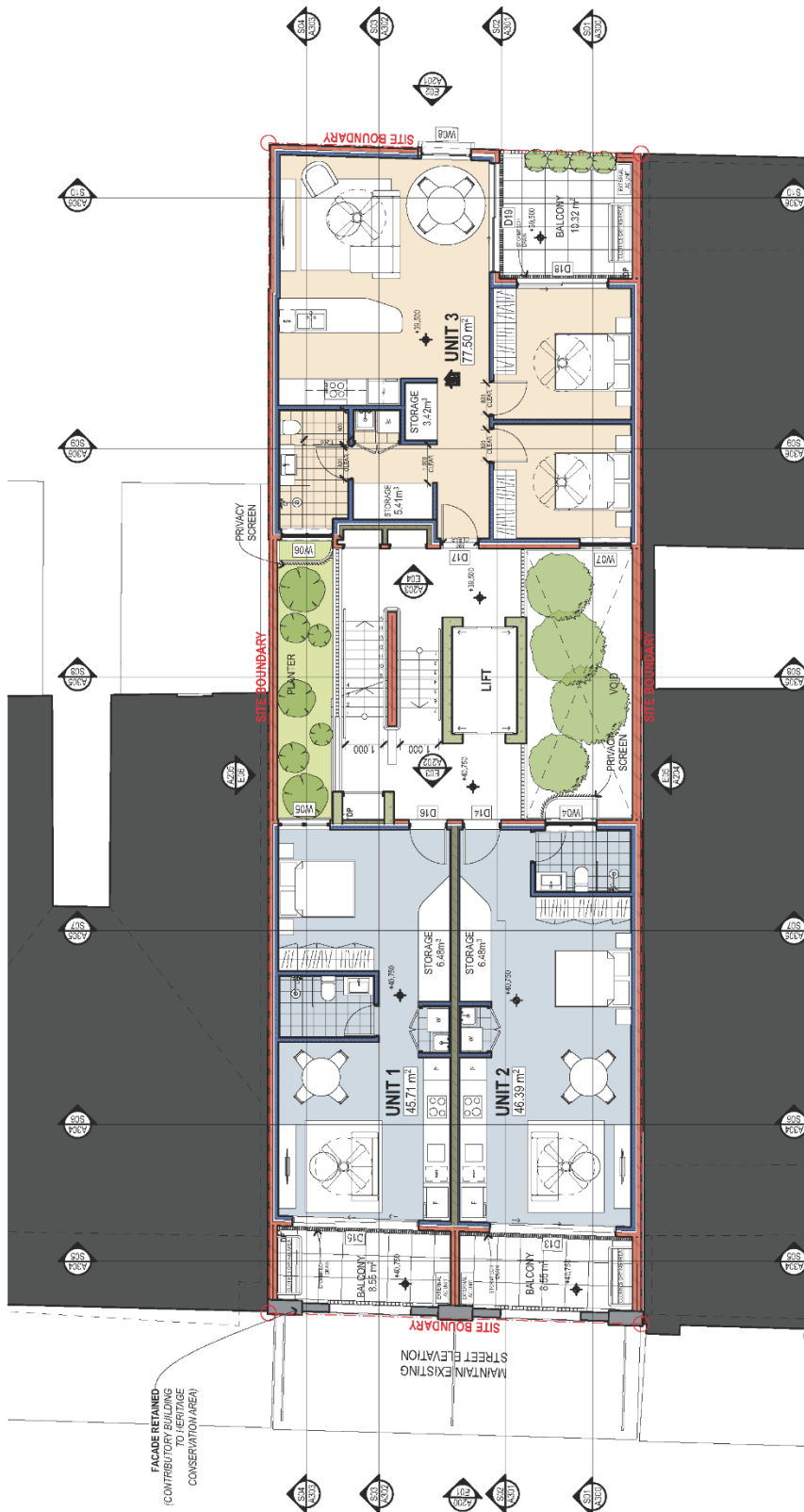
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Version: 1, Version Date: 17/01/2025

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PROPOSAL  
Proposed Shop Top Housing  
520-522 Marrickville Rd.  
Dulwich Hill NSW 2202

PROJECT No. P6312  
Drawing No. A100  
Scale: rev10



**DEVELOPMENT APPLICATION**

REV	ISSUE	DATE
02	DESIGN DEVELOPMENT ISSUE	23/02/24
03	DESIGN DEVELOPMENT ISSUE	18/02/24
04	DESIGN DEVELOPMENT ISSUE	14/02/24
05	FOR DEVELOPMENT APPLICATION	12/02/24
06	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	28/02/24
07	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	4/03/24
08	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RP	31/03/24

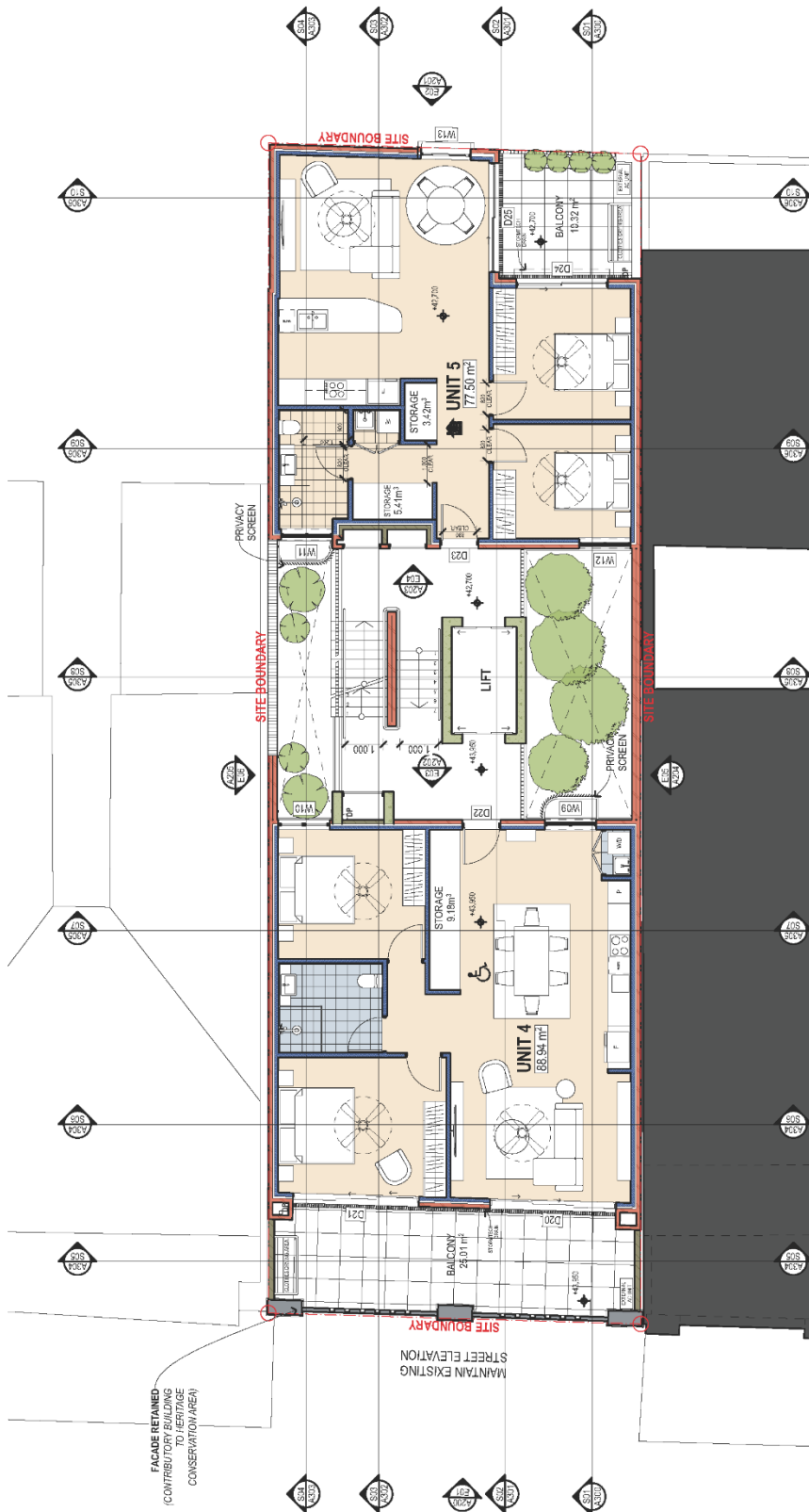
BY	DATE
NL	23/02/24
NL	18/02/24
NL	14/02/24
NL	12/02/24
NL	28/02/24
NL	4/03/24
NL	31/03/24

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Project: Proposed Shop Top Housing
   
 502-502 Murrumbidgee Rd
   
 Dulwich Hill NSW 2205
   
 Date: 31/03/24
   
 Drawn: DA
   
 Check: DA
   
 Title: P6312
   
 Sheet: A101
   
 Scale: rev09

Document Set ID: 40038032  
Version: 1, Version Date: 17/01/2025



**DEVELOPMENT APPLICATION**

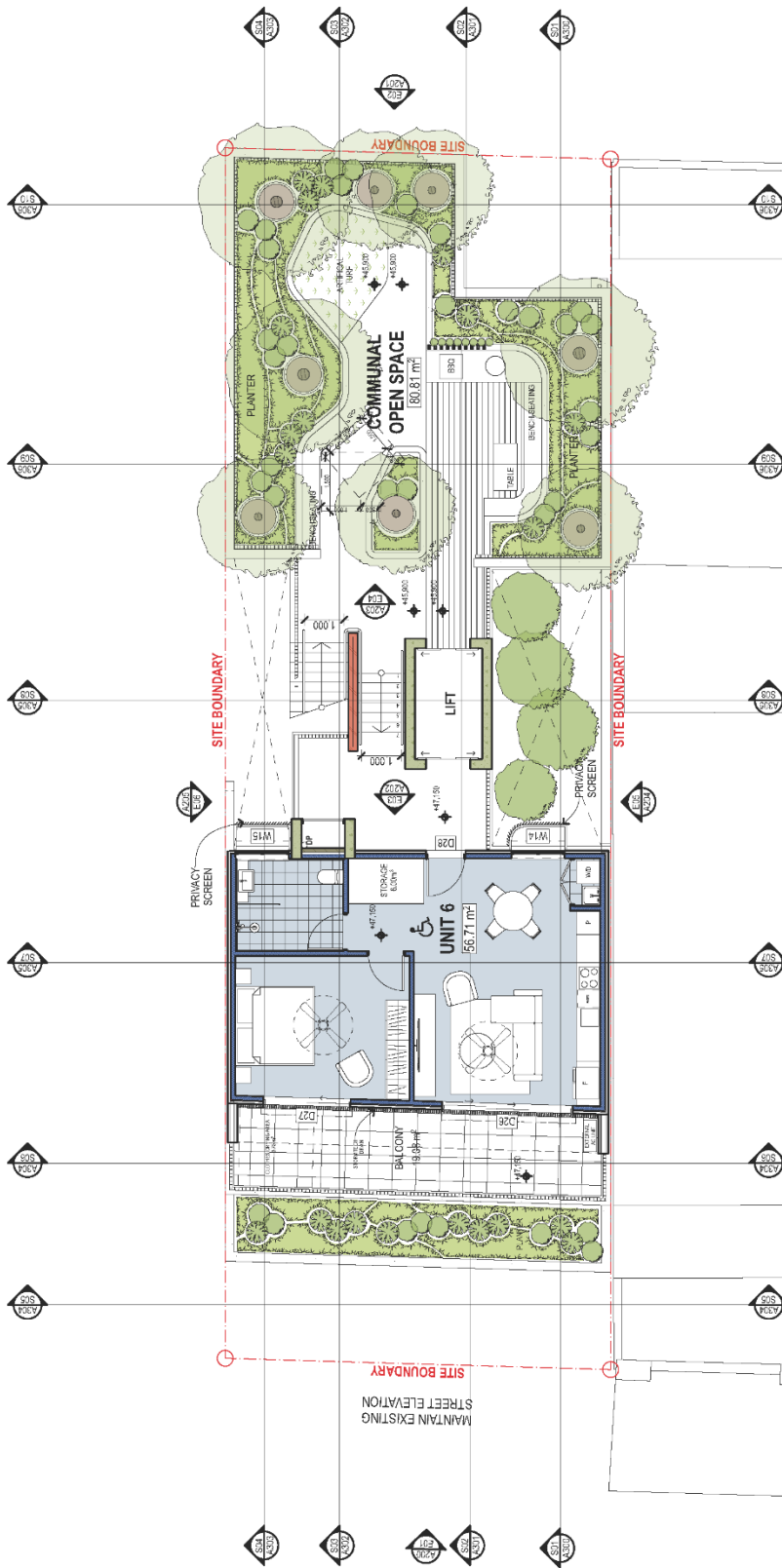
REV	ISSUE	DATE
03	DESIGN DEVELOPMENT ISSUE	30/02/24
04	DESIGN DEVELOPMENT ISSUE	14/03/24
05	FOR INFORMATION	12/07/24
06	FOR INFORMATION APPLICATION	26/09/24
07	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	4/10/2024
08	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	9/10/2024
09	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RP1	9/10/2024
10	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RP1	27/11/2024

Document Set ID: 4003032  
Version: 1, Version Date: 17/01/2025

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10/01/2024 - 31/03/2024  
10/01/2024 - 31/03/2024  
10/01/2024 - 31/03/2024  
10/01/2024 - 31/03/2024

**ALGORY ZAPPA & ASSOCIATES**  
Building Designers & Consulting Civil & Structural Engineers  
10/01/2024 - 31/03/2024  
10/01/2024 - 31/03/2024  
10/01/2024 - 31/03/2024  
10/01/2024 - 31/03/2024

**Proposed Shop Top Housing**  
50-52 Murrumbidgee Rd  
Dulwich Hill NSW 2205  
PG312 A102 rev10



**DEVELOPMENT APPLICATION**

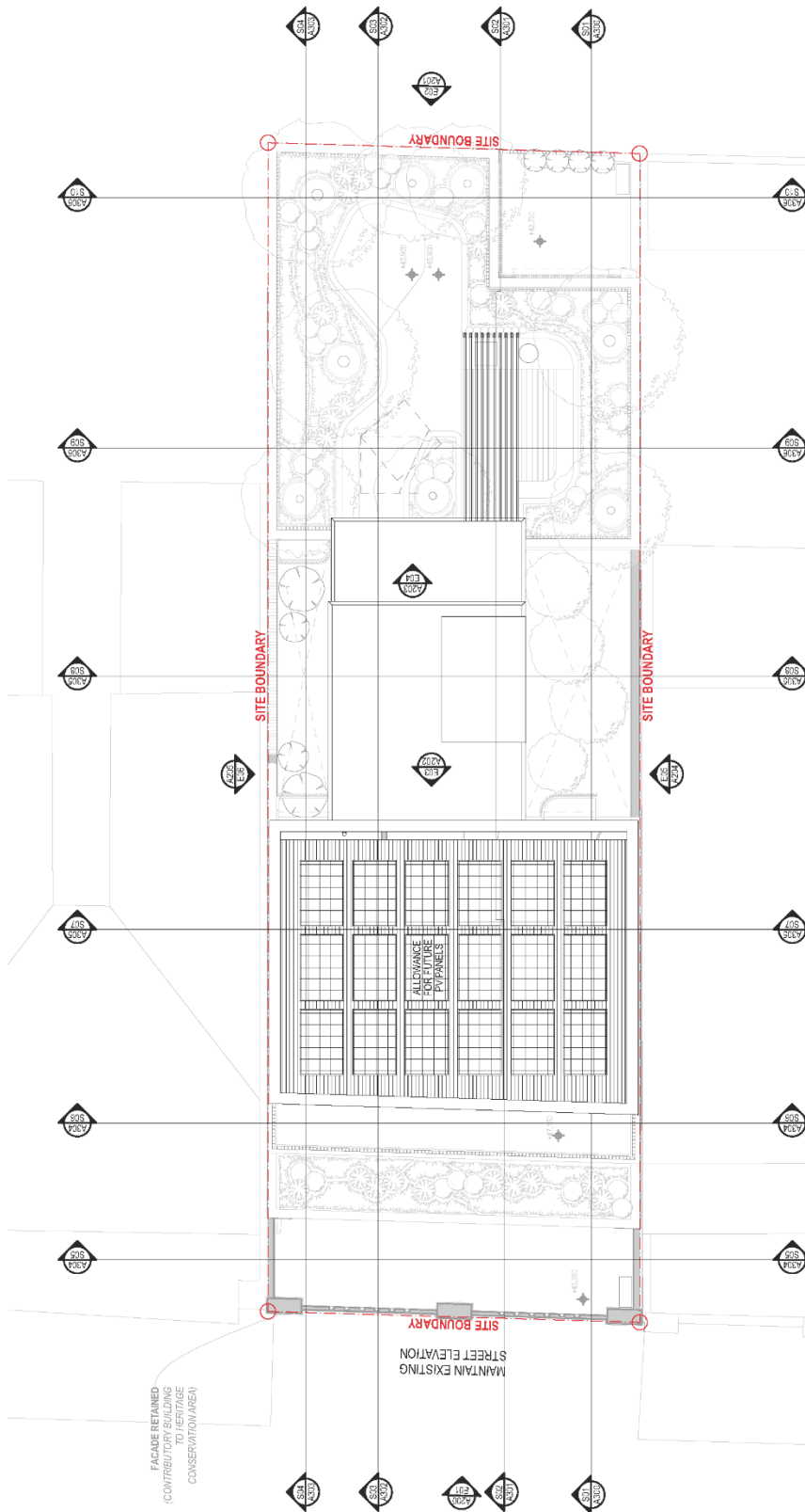
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02	DESIGN DEVELOPMENT ISSUE	23/02/24	NL
03	DESIGN DEVELOPMENT ISSUE	07/03/24	NL
04	DESIGN DEVELOPMENT ISSUE	12/03/24	NL
05	FOR DEVELOPMENT APPLICATION	12/03/24	NL
06	REVISED FOLLOWING DEPT FEEDBACK	28/02/24	NL
07	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	4/10/2024	NL
08	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RP	31/03/2024	NL

Document Set ID: 40038032  
Version: 1, Version Date: 17/01/2025

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Building Designers & Consulting Civil & Structural Engineers  
15/02/17/24, 4/10/24, 17/03/24  
500/15/02/2025, 15/03/24, 17/03/24  
www.algoryzappa.com.au

**Proposed Shop Top Housing**  
502-502 Murrumbidgee Rd  
Dural NSW 2105  
Project No: P6312  
Sheet: A103  
Date: 17/03/24  
Scale: 1:100  
Rev: rev08



**DEVELOPMENT APPLICATION**

REV	ISSUE	DATE	BY
01	DESIGN DEVELOPMENT ISSUE	15/02/24	NL
02	DESIGN DEVELOPMENT ISSUE	23/02/24	NL
03	DESIGN DEVELOPMENT ISSUE	14/03/24	NL
04	DESIGN DEVELOPMENT ISSUE	14/03/24	NL
05	PRQA ISSUE	17/02/24	NL
06	FOR DEVELOPMENT APPLICATION	4/10/2024	NL
07	REVISSED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	4/10/2024	NL
08	REVISSED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RP	31/03/24	NL

**CLIENTS**

**VILLA + VILLA**  
ARCHITECTURE-INTERIORS+GRAPHICS  
1000 COLLEGE STREET, SYDNEY NSW 1511  
PH: 02 9177 9622, 02 9177 9634  
WWW.VILLAVILLA.COM.AU

**CONSULTANTS**

**ALGORY ZAPPA & ASSOCIATES**  
Building Designers & Consulting Civil & Structural Engineers  
10/100 LIVERPOOL STREET, SYDNEY NSW 1511  
PH: 02 9141 8800  
WWW.AZAPPA.COM.AU

**PROJECT**

Proposed Shop Top Housing  
502-502 Murrumbidgee Rd  
Dulwich Hill NSW 2025

**PROJECT NO.** PEG312  
**DATE** 17/01/2025  
**REVISION** rev08

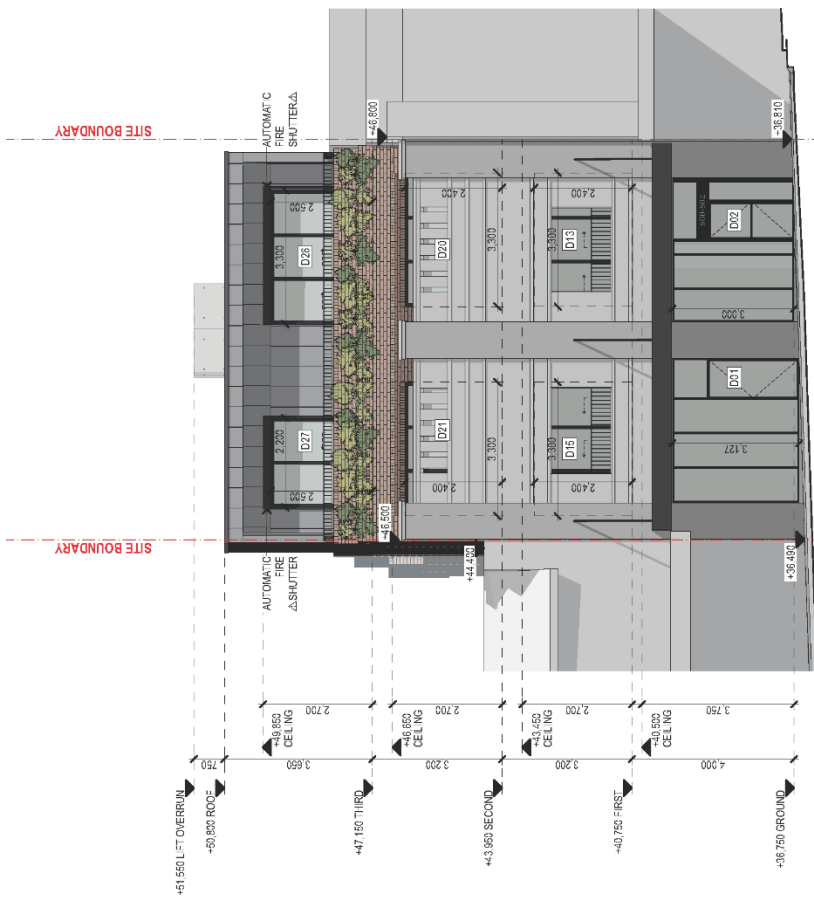
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Version: 1, Version Date: 17/01/2025

**MATERIALS AND FINISHES**

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SUPPLIER: TBC
- BRICK: SOLDIER BOND TUMBLED/RECYCLED APPEARANCE  
SUPPLIER: TBC
- PAINT: COLORBOND MONUMENT  
WINDOW AND DOOR FRAMES, BALUSTRADES
- PAINT: COLORBOND SHALE GREY  
HERITAGE FACADE
- PAINT: COLORBOND SOUTHERLY  
HERITAGE FACADE
- METAL CLADDING: COLORBOND BASALT
- CONCRETE
- CONCRETE LIFT SHAFT WALLS
- CONCRETE BLOCKWORK
- GLASS: CLEAR
- GLASS: FROSTED

▲ FIRE PROTECTION TO WINDOWS: PERFORMANCE SOLUTION AS PART OF FUTURE CC

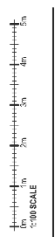


MAINTAIN EXISTING STREET ELEVATION

DEVELOPMENT APPLICATION

REV	ISSUE	DATE
01	DESIGN DEVELOPMENT ISSUE	15/02/24
02	DESIGN DEVELOPMENT ISSUE	23/02/24
03	DESIGN DEVELOPMENT ISSUE	19/03/24
04	DESIGN DEVELOPMENT ISSUE	07/04/24
05	FOR DEVELOPMENT APPLICATION	12/02/24
06	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	4/10/2024
07	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL R	9/10/2024

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Version: 1, Version Date: 17/01/2025



Drawn	Checked	Date
NA	ET	17/10/2024
Project	Sheet	Scale
DA	104-23	1:100
Project	Sheet	Scale
P6312	A200	rev07

**Proposed Shop Top Housing**  
50-52 Mansfield Rd  
Dulwich Hill NSW 2055

Project No: P6312  
Sheet: A200  
Rev: rev07












**ALGORY ZAPPA & ASSOCIATES**  
Building Designers & Consulting Civil & Structural Engineers

10/10/2024  
10/10/2024  
10/10/2024

**VILLA + VILLA**  
ARCHITECTURE-INTERIOR+GRAPHICS

10/10/2024  
10/10/2024  
10/10/2024

**MATERIALS AND FINISHES**

-  BRICK: RUNNING BOND TUMBLED/RECYCLED APPEARANCE  
SUPPLIER: TBC
-  BRICK: SOLDIER BOND TUMBLED/RECYCLED APPEARANCE  
SUPPLIER: TBC
-  PAINT: COLORBOND MONUMENT  
WINDOW AND DOOR FRAMES, BALUSTRADES
-  PAINT: COLORBOND SHALE GREY  
HERITAGE FACADE
-  PAINT: COLORBOND SOUTHERLY  
HERITAGE FACADE
-  METAL CLADDING: COLORBOND BASALT
-  CONCRETE
-  CONCRETE LIFT SHAFT WALLS
-  CONCRETE BLOCKWORK
-  GLASS: CLEAR
-  GLASS: FROSTED

▲ FIRE PROTECTION TO WINDOWS: PERFORMANCE SOLUTION AS PART OF FUTURE CC



**DEVELOPMENT APPLICATION**

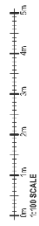
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02	DESIGN DEVELOPMENT ISSUE	23/02/24
03	FOR INFORMATION	14/03/24
04	FOR INFORMATION APPLICATION	12/07/24
05	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	4/10/24
06	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RFI	9/10/24
07	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RFI	5/11/24

Document Set ID: 40038032  
Version: 1, Version Date: 17/01/2025

**VILLA + VILLA**  
ARCHITECTURE-INTERIOR+GRAPHICS  
10/217 WALKER STREET, SYDNEY NSW 1511  
PH: 02 9149 6600  
WWW.VILLAVILLA.COM.AU

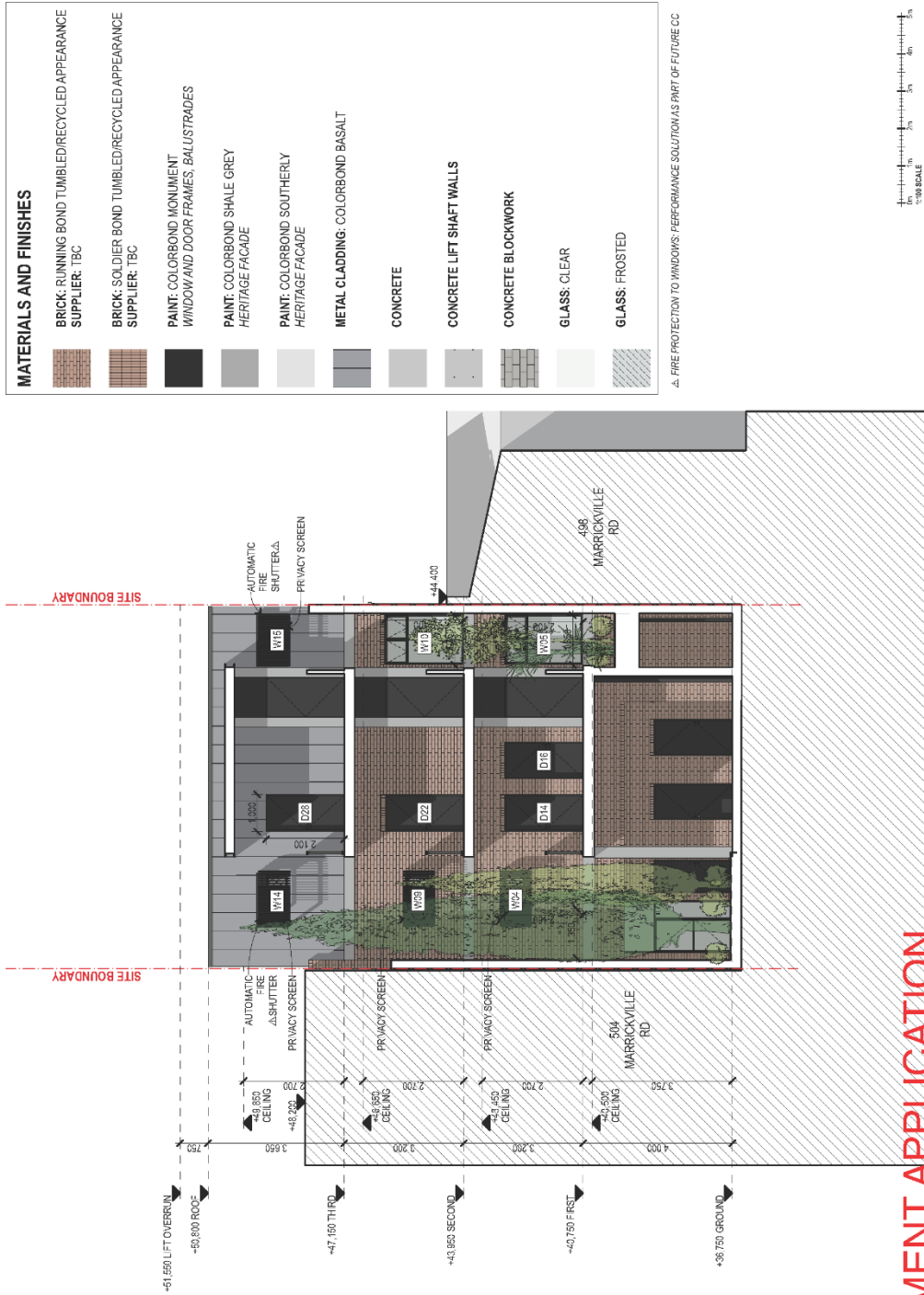
**ALGORY ZAPPA & ASSOCIATES**  
Building Designers & Consulting Civil & Structural Engineers  
10/217 WALKER STREET, SYDNEY NSW 1511  
PH: 02 9149 6600  
WWW.AZAPPA.COM.AU

**Proposed Shop Top Housing**  
52-52 Murrumbidgee Rd  
Dulwich Hill NSW 2055



Drawn	Checked	Date
NA	ET	16/10/24
DA	BA	1/10
Project <td>Sheet <td>Notes</td> </td>	Sheet <td>Notes</td>	Notes
P6312	A201	rev07





**DEVELOPMENT APPLICATION**

REV	ISSUE	DATE
01	DESIGN DEVELOPMENT ISSUE	18/02/24
02	DESIGN DEVELOPMENT ISSUE	23/02/24
03	DESIGN DEVELOPMENT ISSUE	14/03/24
04	DESIGN DEVELOPMENT ISSUE	18/03/24
05	PRQA ISSUE	19/03/24
06	FOR DEVELOPMENT APPLICATION	12/07/24
07	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	4/10/2024
08	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RP	31/03/24

Document Set ID: 40030032  
Version: 1, Version Date: 17/01/2025

**VILLA + VILLA**  
ARCHITECTURE-INTERIORS+GRAPHICS  
10/217 MARSHALL ST, SYDNEY NSW 1518  
PH: 02 914 868 88

**ALGORY ZAPPA & ASSOCIATES**  
Building Design & Consulting Civil & Structural Engineers  
10/217 MARSHALL ST, SYDNEY NSW 1518  
PH: 02 914 868 88

**Proposed Shop Top Housing**  
502-504 Marrickville Rd  
Dulwich Hill NSW 2025

Project No: P6312  
Sheet: A202  
Date: 17/01/2025  
Rev: rev08

**MATERIALS AND FINISHES**

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	BRICK: SOLDIER BOND TUMBLED/RECYCLED APPEARANCE SUPPLIER: TBC
	PAINT: COLORBOND MONUMENT WINDOW AND DOOR FRAMES, BALUSTRADES
	PAINT: COLORBOND SHALE GREY HERITAGE FACADE
	PAINT: COLORBOND SOUTHERLY HERITAGE FACADE
	METAL CLADDING: COLORBOND BASALT
	CONCRETE
	CONCRETE LIFT SHAFT WALLS
	CONCRETE BLOCKWORK
	GLASS: CLEAR
	GLASS: FROSTED



**DEVELOPMENT APPLICATION**

REV	ISSUE	DATE
02	DESIGN DEVELOPMENT ISSUE	23/02/24
03	DESIGN DEVELOPMENT ISSUE	18/02/24
04	DESIGN DEVELOPMENT ISSUE	18/02/24
05	FOR DEVELOPMENT APPLICATION	12/02/24
07	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	4/02/24
08	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL R1	9/02/24
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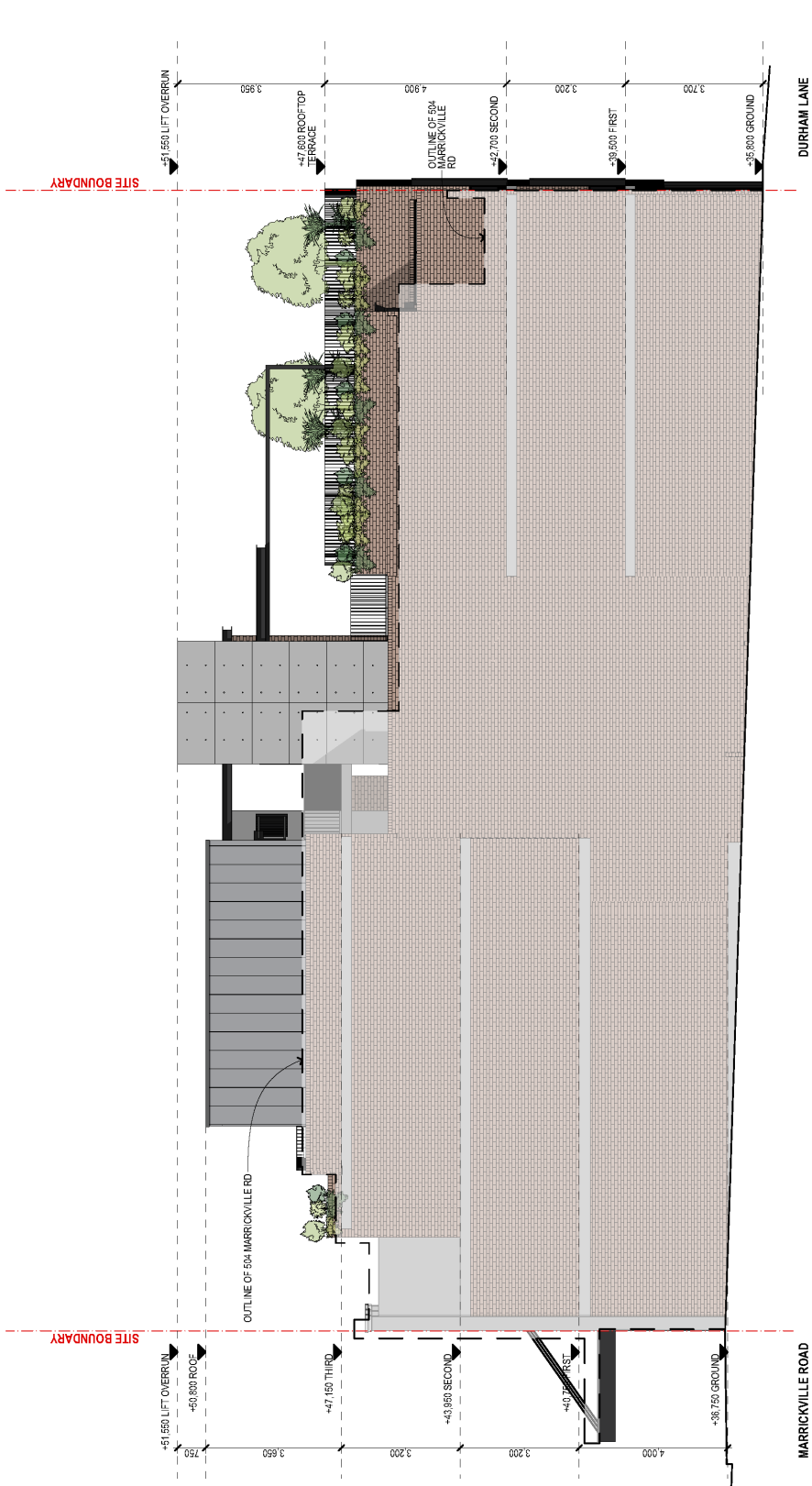
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**VILLA + VILLA**  
ARCHITECTURE-INTERIOR+GRAPHICS  
10/02/2019-2024  
10/02/2019-2024  
10/02/2019-2024

**ALGORY ZAPPA & ASSOCIATES**  
Building Design and Consulting Civil & Structural Engineers  
10/02/2019-2024  
10/02/2019-2024  
10/02/2019-2024

**Proposed Shop Top Housing**  
52-522 Mansfield Rd  
Dulwich Hill NSW 2055

Scale: 1:100  
Date: 17/01/2025  
Sheet: A203  
Rev: rev09



**DEVELOPMENT APPLICATION**

REV	ISSUE	DATE	BY
01	DESIGN DEVELOPMENT ISSUE	15/02/24	NL
02	DESIGN DEVELOPMENT ISSUE	23/02/24	NL
03	ARCHITECTURAL DEVELOPMENT APPLICATION	12/02/24	NL
04	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	4/02/24	NL
05	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RPT	9/02/24	NL

**CONTRACTOR**  
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 WWW.AZANDASSOCIATES.COM.AU

**PROJECT**  
 Proposed Shop Top Housing  
 520-560 Marrickville Rd  
 Durwich Hill NSW 2205

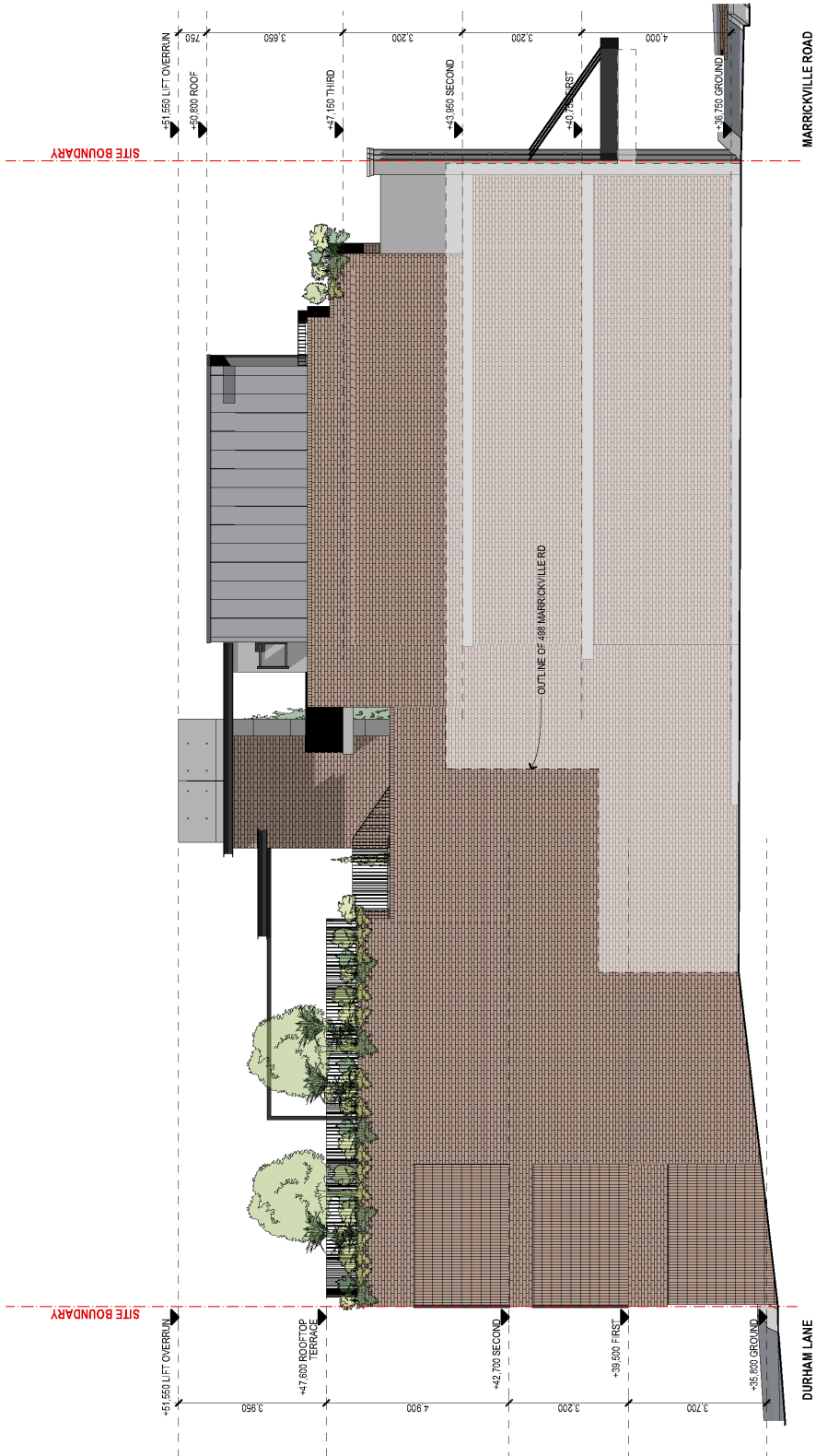
**PROJECT NO**  
 PB312

**CLIENT**  
 AC24

**DATE**  
 17/01/2025

**REVISED**  
 rev06

Document Set ID: 40038032  
 Version: 1, Version Date: 17/01/2025



**DEVELOPMENT APPLICATION**

REV	ISSUE	DATE	BY
01	DESIGN DEVELOPMENT ISSUE	15/02/24	NL
02	PRDA ISSUE	07/02/24	NL
03	COMPLIANCE APPROVAL ON	07/02/24	NL
04	PROPOSED DEVELOPMENT APPLICATION FOLLOWING REP FEEDBACK	4/02/24	NL
05	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RFI	9/10/2024	NL

DESIGN DEVELOPMENT ISSUE  
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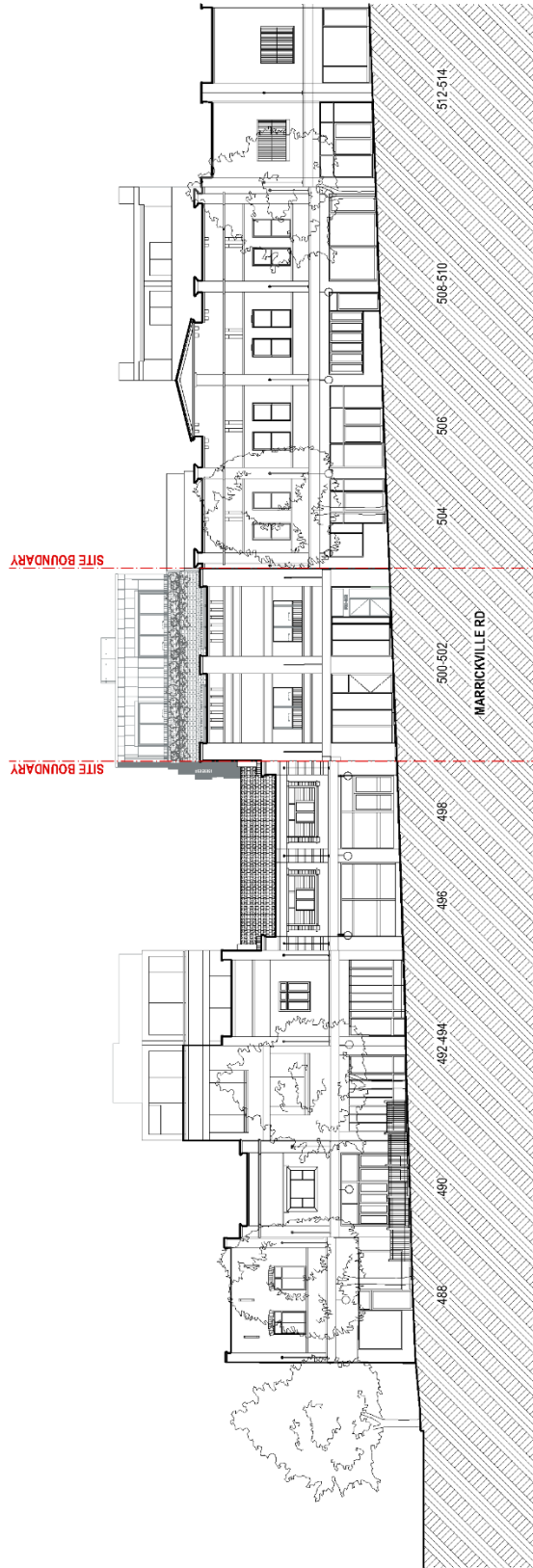
**VILLA + VILLA**  
 ARCHITECTURE + INTERIORS + GRAPHICS  
 1/150 WILSON STREET, SYDNEY NSW 1585  
 PH: 02 9277 7922, 402 27 8277 FAX: 9001 0800  
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**ALGORY ZAPPA & ASSOCIATES** Pty Ltd  
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Date	Revised	By	Date
15/02/24			
07/02/24			
07/02/24			
04/02/24			
09/10/24			

Project No: PB312  
 Client: AC25  
 Name: rev05

Document Set ID: 40038032  
 Version: 1, Version Date: 17/01/2025



# DEVELOPMENT APPLICATION

REV	ISSUE	DATE	BY
01	DESIGN DEVELOPMENT ISSUE	23/02/24	N.L.
02	DESIGN DEVELOPMENT ISSUE	14/03/24	N.L.
03	FOR INFORMATION	17/03/24	N.L.
04	FOR INFORMATION	4/02/24	N.L.
05	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	9/02/24	N.L.
06	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RPT		

REV	ISSUE	DATE	BY
01	DESIGN DEVELOPMENT ISSUE	23/02/24	N.L.
02	DESIGN DEVELOPMENT ISSUE	14/03/24	N.L.
03	FOR INFORMATION	17/03/24	N.L.
04	FOR INFORMATION	4/02/24	N.L.
05	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	9/02/24	N.L.
06	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RPT		

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Version: 1, Version Date: 17/01/2025

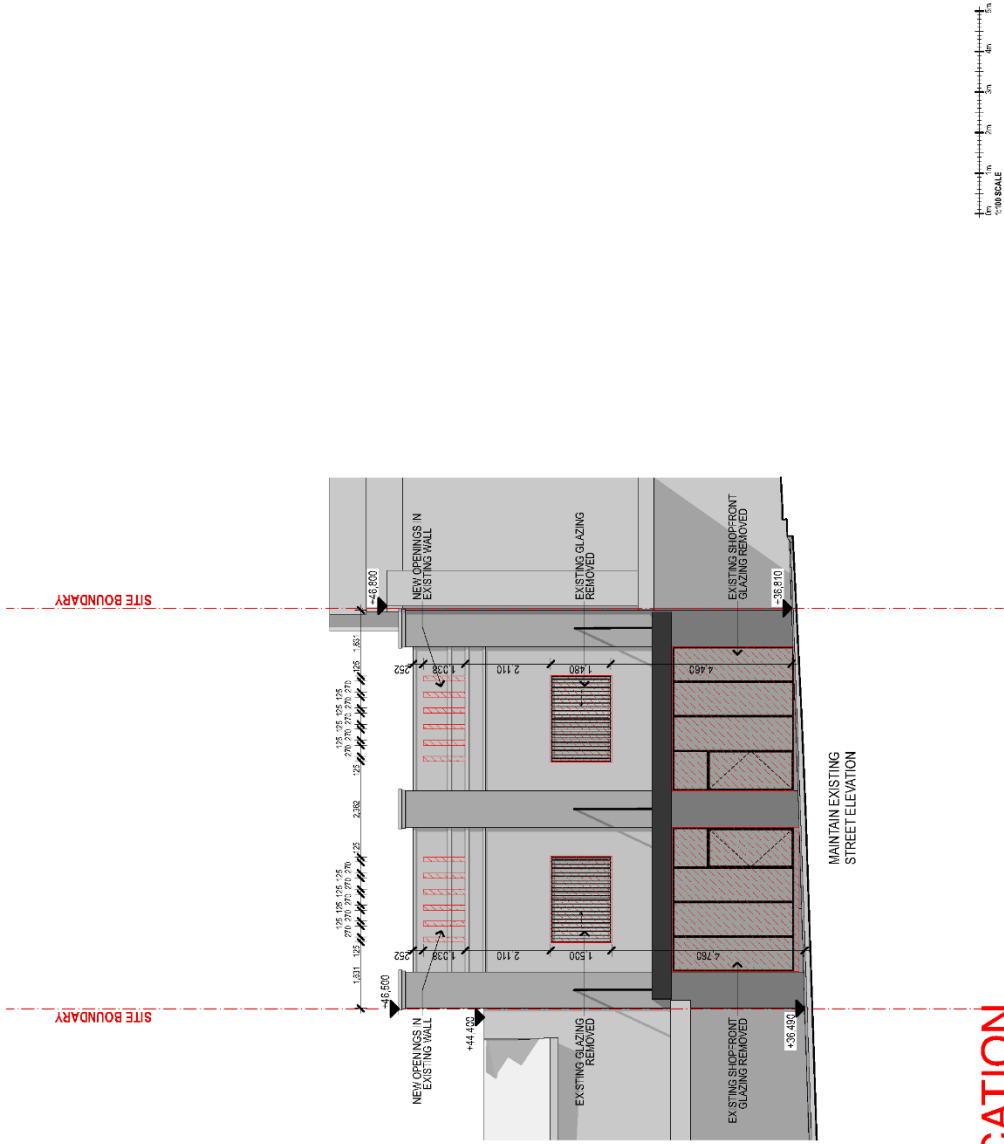
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ARCHITECTURE-INTERIOR+GRAPHICS  
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**ALGORY ZAPPIA & ASSOCIATES**  
Building Designers & Consulting Civil & Structural Engineers  
1/100-110/112, 114-116/118, 120/122/124, 126/128/130/132/134/136/138/140/142/144/146/148/150/152/154/156/158/160/162/164/166/168/170/172/174/176/178/180/182/184/186/188/190/192/194/196/198/200/202/204/206/208/210/212/214/216/218/220/222/224/226/228/230/232/234/236/238/240/242/244/246/248/250/252/254/256/258/260/262/264/266/268/270/272/274/276/278/280/282/284/286/288/290/292/294/296/298/300/302/304/306/308/310/312/314/316/318/320/322/324/326/328/330/332/334/336/338/340/342/344/346/348/350/352/354/356/358/360/362/364/366/368/370/372/374/376/378/380/382/384/386/388/390/392/394/396/398/400/402/404/406/408/410/412/414/416/418/420/422/424/426/428/430/432/434/436/438/440/442/444/446/448/450/452/454/456/458/460/462/464/466/468/470/472/474/476/478/480/482/484/486/488/490/492/494/496/498/500/502/504/506/508/510/512/514/516/518/520/522/524/526/528/530/532/534/536/538/540/542/544/546/548/550/552/554/556/558/560/562/564/566/568/570/572/574/576/578/580/582/584/586/588/590/592/594/596/598/600/602/604/606/608/610/612/614/616/618/620/622/624/626/628/630/632/634/636/638/640/642/644/646/648/650/652/654/656/658/660/662/664/666/668/670/672/674/676/678/680/682/684/686/688/690/692/694/696/698/700/702/704/706/708/710/712/714/716/718/720/722/724/726/728/730/732/734/736/738/740/742/744/746/748/750/752/754/756/758/760/762/764/766/768/770/772/774/776/778/780/782/784/786/788/790/792/794/796/798/800/802/804/806/808/810/812/814/816/818/820/822/824/826/828/830/832/834/836/838/840/842/844/846/848/850/852/854/856/858/860/862/864/866/868/870/872/874/876/878/880/882/884/886/888/890/892/894/896/898/900/902/904/906/908/910/912/914/916/918/920/922/924/926/928/930/932/934/936/938/940/942/944/946/948/950/952/954/956/958/960/962/964/966/968/970/972/974/976/978/980/982/984/986/988/990/992/994/996/998/1000

**Proposed Shop Top Housing**  
500-502 Marrickville Rd  
Dulwich Hill NSW 2033  
Project No: P-6312  
Sheet: A206  
Scale: rev06

**50M SCALE**  
0m 1m 2m 3m 4m 5m 6m 7m 8m 9m 10m 11m 12m 13m 14m 15m

Drawn	Checked	Date
DA	DA	18/10/24
DA	DA	18/10/24
DA	DA	18/10/24



**DEVELOPMENT APPLICATION**

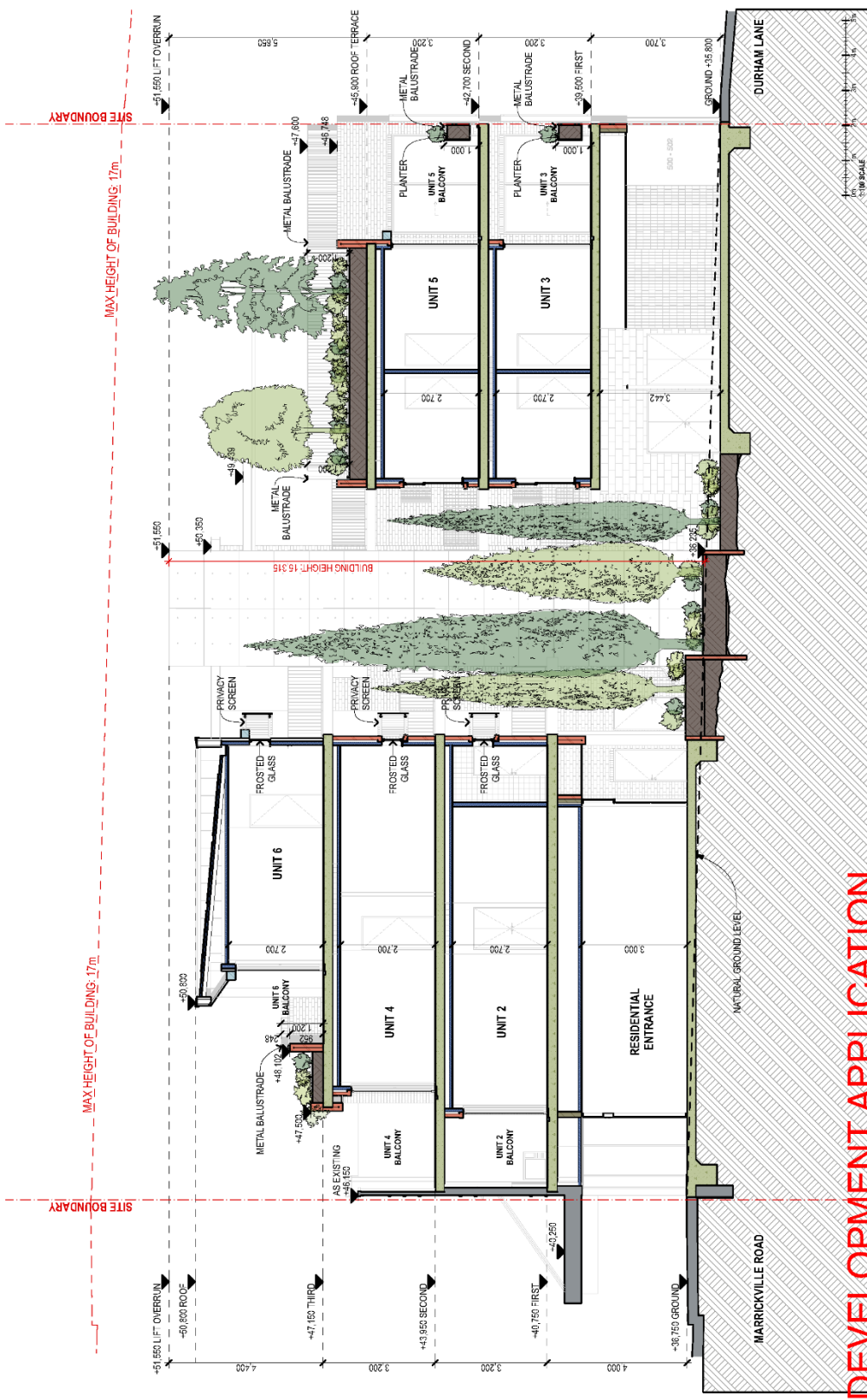
REV	ISSUE	DATE	BY
01	DESIGN DEVELOPMENT ISSUE	23/02/24	NL
02	PERMITS APPLICATION ISSUE	18/02/24	NL
03	PROPOSED DEVELOPMENT APPLICATION FOLLOWING RPP FEEDBACK	4/02/24	NL
05	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RPI	9/10/23	NL

Document Set ID: 4003032  
Version: 1, Version Date: 17/01/2025

**VILLA + VILLA**  
ARCHITECTURE-INTERIOR+GRAPHICS  
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WWW.VILLAVILLA.COM.AU

**ALGORZY ZAPPA & ASSOCIATES**  
Building Design & Consulting Civil & Structural Engineers  
10/22/2024 10:02:11 AM  
WWW.AZAPPA.COM.AU

**Proposed Shop Top Housing**  
520-522 Merrihill Rd  
Dulwich Hill NSW 2205  
Project No: P6312  
Sheet No: A207  
Rev: rev05



**DEVELOPMENT APPLICATION**

REV	ISSUE	DATE	BY
02	DESIGN DEVELOPMENT ISSUE	23/02/24	NL
03	DESIGN DEVELOPMENT ISSUE	18/02/24	NL
04	DESIGN DEVELOPMENT ISSUE	18/02/24	NL
05	FOR DEVELOPMENT APPLICATION	12/02/24	NL
07	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	4/10/2024	NL
08	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RP	9/10/2024	NL
09	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RP	27/11/2024	NL

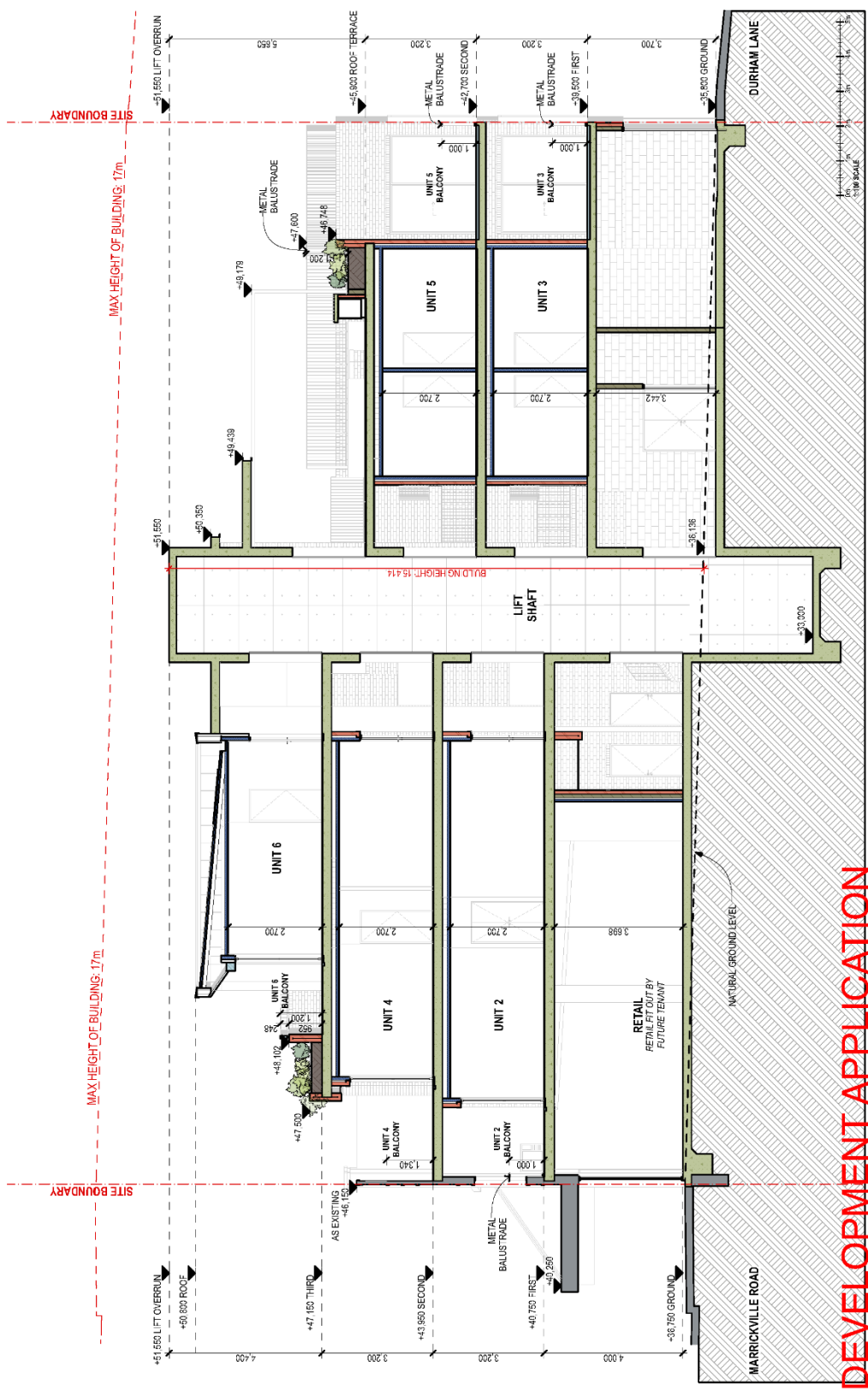
Project Name	Proposed Shop Top Housing
Client	502-552 Merrickville Rd Durwich Hill NSW 2025
Drawn	DA
Checked	DA
Scale	1:100
Project No	PE312
Sheet No	A300
Revision	rev09

Company Name	ALGORY ZAPPA & ASSOCIATES
Company Address	Baking Design & Consulting Cnr & Stewart Enquiries
Company Phone	61 616 416 466
Company Email	info@aloryzappa.com.au
Company Website	www.aloryzappa.com.au

Company Name	VILLA + VILLA
Company Address	ARCHITECTURE INTERIOR & GRAPHICS
Company Phone	61 2 9211 7624
Company Email	info@villavilla.com.au
Company Website	www.villavilla.com.au



**DEVELOPMENT APPLICATION**

REV	ISSUE	DATE	BY
02	DESIGN DEVELOPMENT ISSUE	23/02/24	NL
03	DESIGN DEVELOPMENT ISSUE	18/02/24	NL
04	DESIGN DEVELOPMENT ISSUE	18/02/24	NL
05	FOR DEVELOPMENT APPLICATION	12/02/24	NL
07	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	4/02/24	NL
08	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RFI	31/02/24	NL
09	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RFI	27/02/24	NL

**ALGORY ZAPPA & ASSOCIATES**  
 Building Designers & Consulting Civil & Structural Engineers  
 11/2024 Level 1, 44 Balfour Street, Leppington, NSW 2179  
 1. 6022 693 8000  
 2. 6022 693 8002  
 3. 6022 693 8003  
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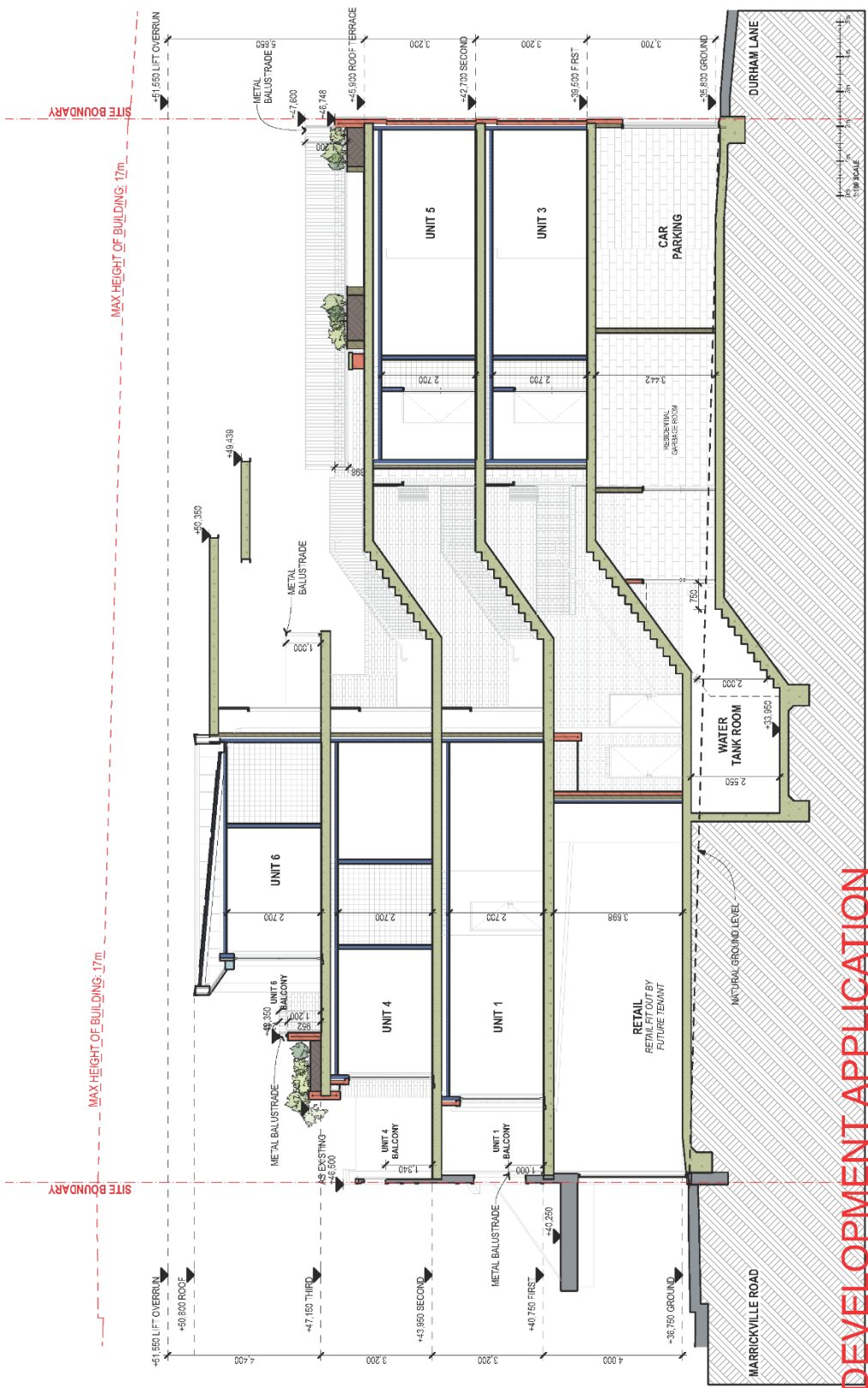
**VILLA + VILLA**  
 ARCHITECTURE-INTERIOR+GRAPHICS  
 5/2024 Level 1, 44 Balfour Street, Leppington, NSW 2179  
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Project Name: Proposed Shop Top Housing  
 502-552 Murrumbidgee Rd  
 Durham Hill NSW 2025

Project No: P6312  
 Issue: A301  
 Date: rev09

SECTION 2





**DEVELOPMENT APPLICATION**

REV	ISSUE	DATE	BY
01	DESIGN DEVELOPMENT ISSUE	18/02/24	NL
02	DESIGN DEVELOPMENT ISSUE	23/02/24	NL
03	DESIGN DEVELOPMENT ISSUE	18/03/24	NL
04	DESIGN DEVELOPMENT ISSUE FOR DEVELOPMENT APPLICATION	10/07/24	NL
05	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	12/07/24	NL
06	REVISED DEVELOPMENT APPLICATION FOLLOWING DEPT FEEDBACK	4/10/24	NL
07	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCILLOR	9/10/24	NL

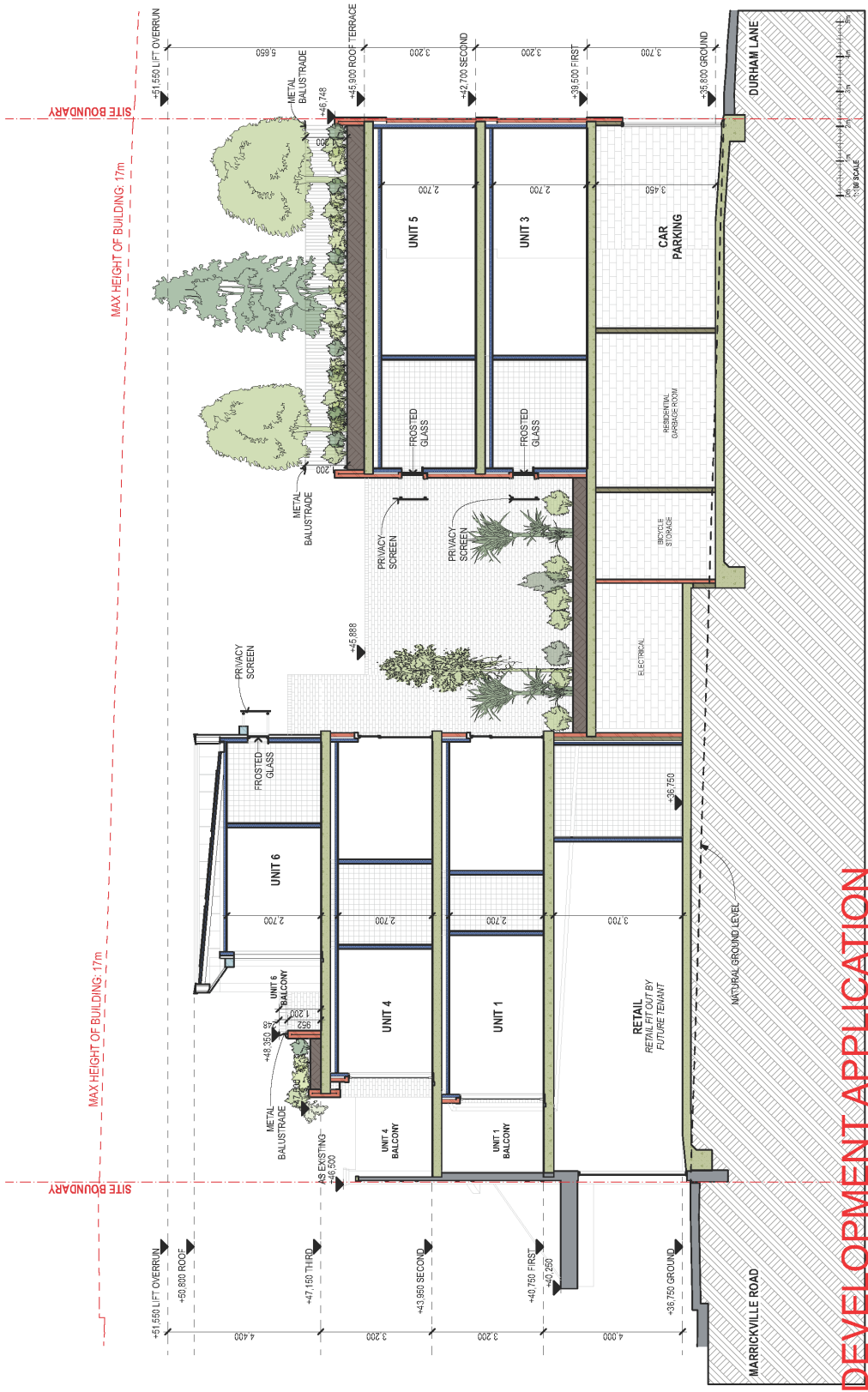
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Proposed Shop Top Housing	502/502 Murrumbidgee Rd	18/02/2024
	Durleigh Hill NSW 2205	1:200
Project No.	DA No	Scale
PE312	A302	As per
Sheet	Section	Notes
	A302	rev07

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**SECTION 3**

Document Set ID: 40038032  
 Version: 1, Version Date: 17/01/2025



DEVELOPMENT APPLICATION

REV	ISSUE	DATE	BY
01	DESIGN DEVELOPMENT ISSUE	14/8/2024	NL
02	PRDA ISSUE	8/7/2024	NL
03	FOR DEVELOPMENT APPLICATION	4/10/2024	NL
04	REVISED DEVELOPMENT APPLICATION FOLLOWING REP FEEDBACK	9/10/2024	NL
05	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RFI		

DATE	REVISION	BY
14/8/2024	REVISED DEVELOPMENT APPLICATION	NL
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4/10/2024	FOR DEVELOPMENT APPLICATION	NL
9/10/2024	REVISED DEVELOPMENT APPLICATION FOLLOWING REP FEEDBACK	NL

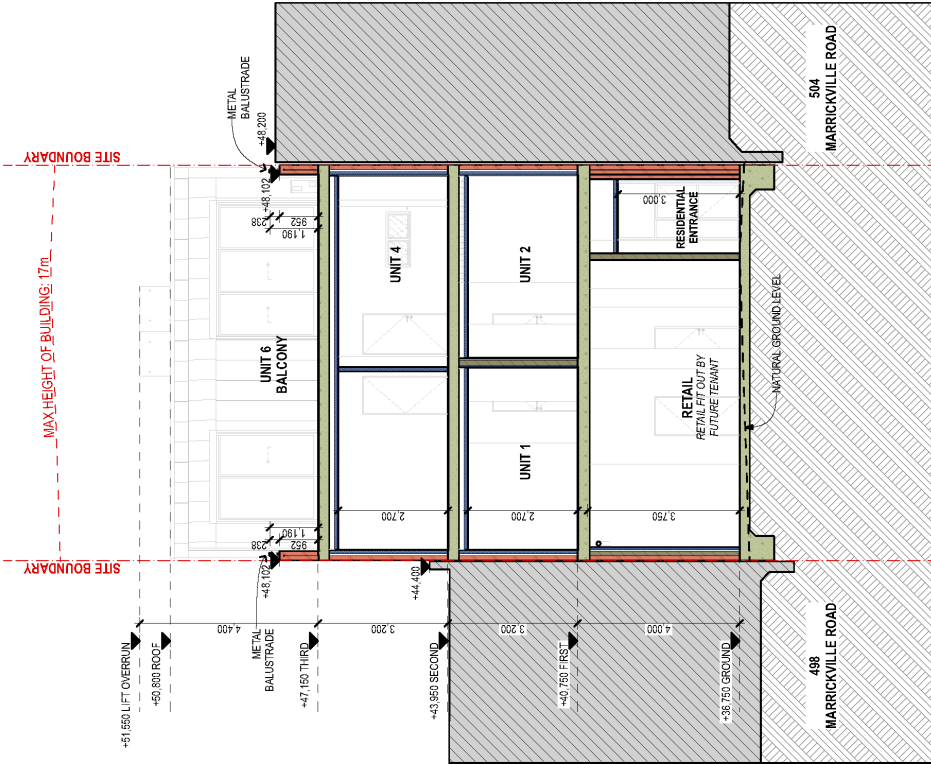
**ALGORY ZAPPA & ASSOCIATES** Pty Ltd  
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 1/100 St. Marks Street, Liverpool NSW 2157  
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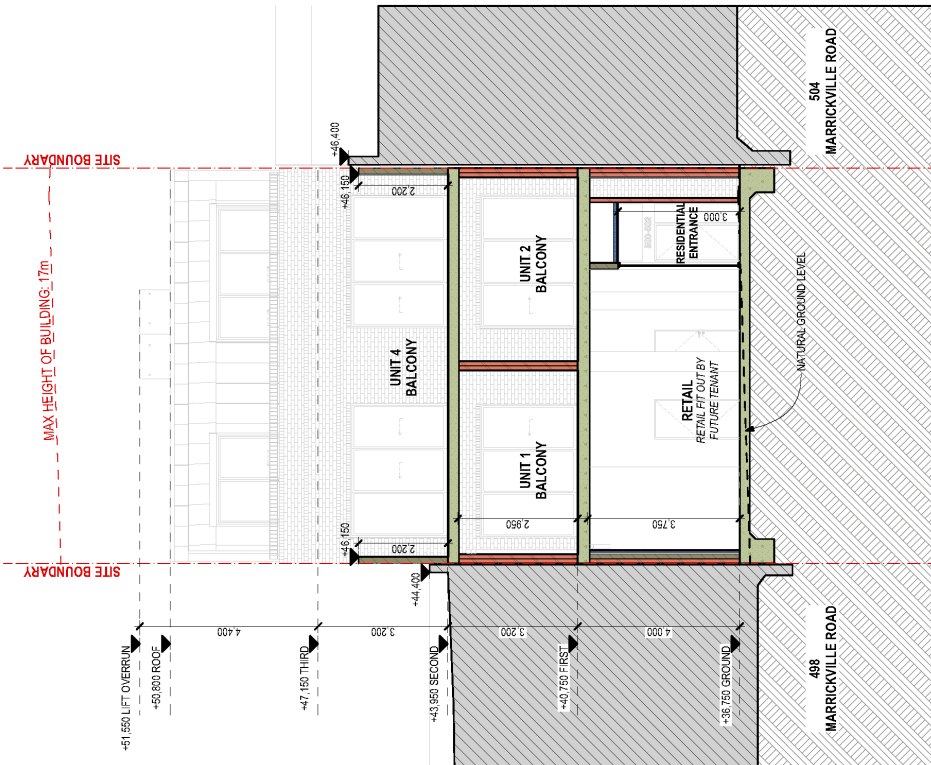
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 502-502 Murrumbidgee Rd  
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Drawn: [Name], Date: 14/08/2024  
 Checked: [Name], Date: 14/08/2024  
 No: [Number], Rev: 1.100  
 Scale: 1:100  
 Project No: P8312, Section: A303, Name: rev05

Document Set ID: 40038032  
 Version: 1, Version Date: 17/01/2025



SECTION 06



SECTION 05

**DEVELOPMENT APPLICATION**

REV / ISSUE  
 01 / REVISED DEVELOPMENT APPLICATION FOLLOWING DEFP FEEDBACK  
 02 / REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RFI

DATE  
 4/10/2024  
 9/10/2024

BY  
 NL  
 NL

Consultant  
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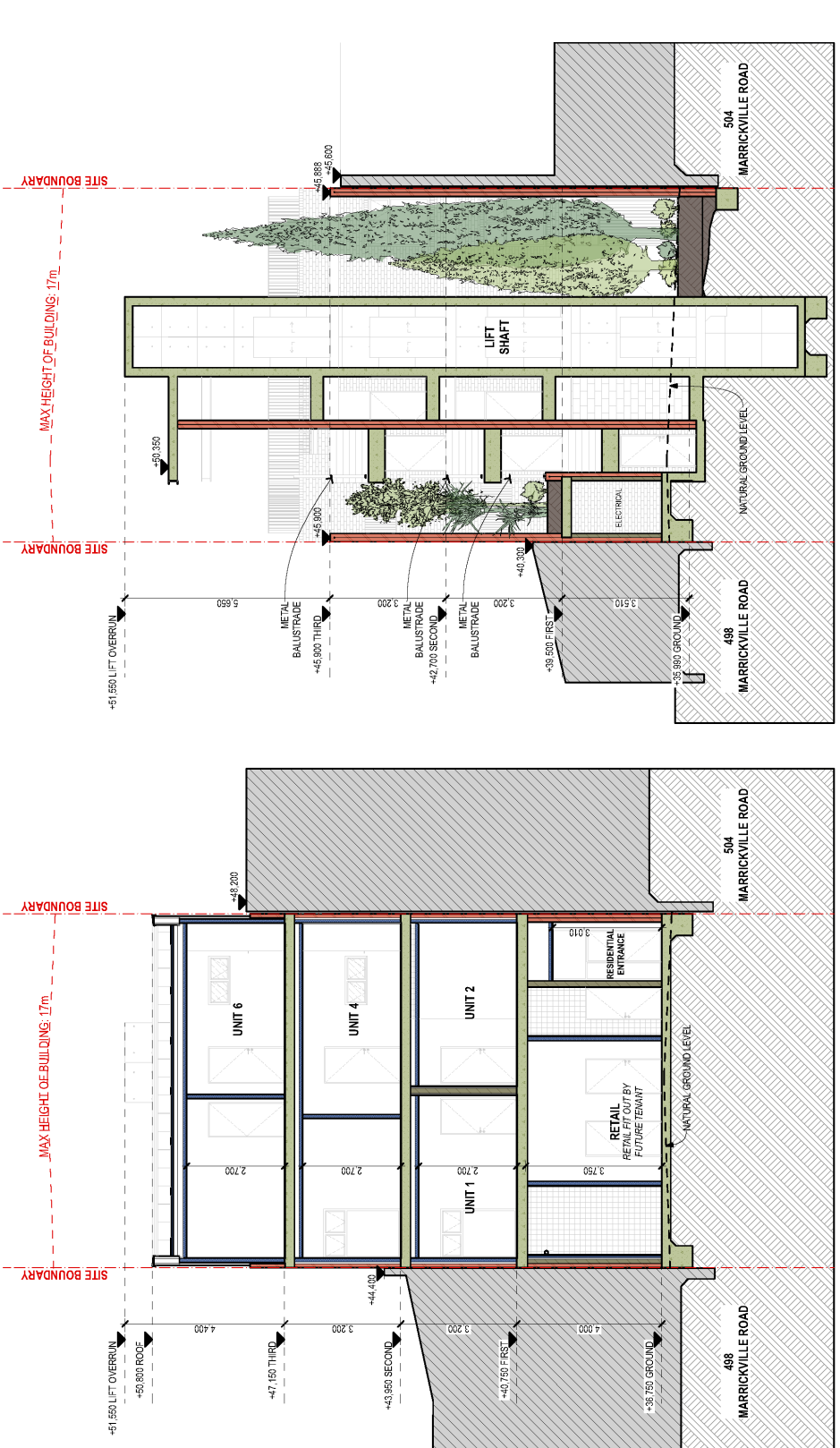
Project  
 Proposed Shop Top Housing  
 502-504 Marrickville Rd  
 Dulwich Hill NSW 2205

Date	Revised	By	Date
04/10/2024		NL	11/10/2024
09/10/2024		NL	11/10/2024

Drawn	Checked	Scale	Sheet	Total
DA	DA	1:100	A304	A304
Project #	Drawn #	Checked #	Scale	Sheet #
PE312	A304			REV02

Document Set ID: 40038032  
 Version: 1, Version Date: 17/01/2025



S07 SECTION 07 S08 SECTION 08

**DEVELOPMENT APPLICATION**

REV	ISSUE	DATE	BY
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02	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RPT	9/10/2024	NL

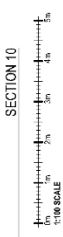
Proposed Shop Top Housing  
502-504 Marrickville Rd  
Dulwich Hill NSW 2205

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Building Designers & Consulting Civil & Structural Engineers

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Client Name	Project #	Sheet #	Date
Proposed Shop Top Housing	502-504 Marrickville Rd	A305	10/10/2024
Designer	Scale	Drawn	Checked
ALGORY ZAPPA & ASSOCIATES	1:100	ALG	ALG
Project #	Sheet #	Scale	Date
502-504 MARRICKVILLE RD	A305	1:100	10/10/2024
Project #	Sheet #	Scale	Date
502-504 MARRICKVILLE RD	A305	1:100	10/10/2024

Document Set ID: 40038032  
Version: 1, Version Date: 17/01/2025



S10

SECTION 09

S09

# DEVELOPMENT APPLICATION

REV	ISSUE	DATE	BY
01	REVISED DEVELOPMENT APPLICATION FOLLOWING DEFPFEEDBACK	4/10/2024	N.L.
02	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RP1	9/10/2024	N.L.
03	REVISED DEVELOPMENT APPLICATION FOLLOWING COUNCIL RP1	5/11/2024	N.L.

Document Set ID: 40038032  
Version: 1, Version Date: 17/01/2025

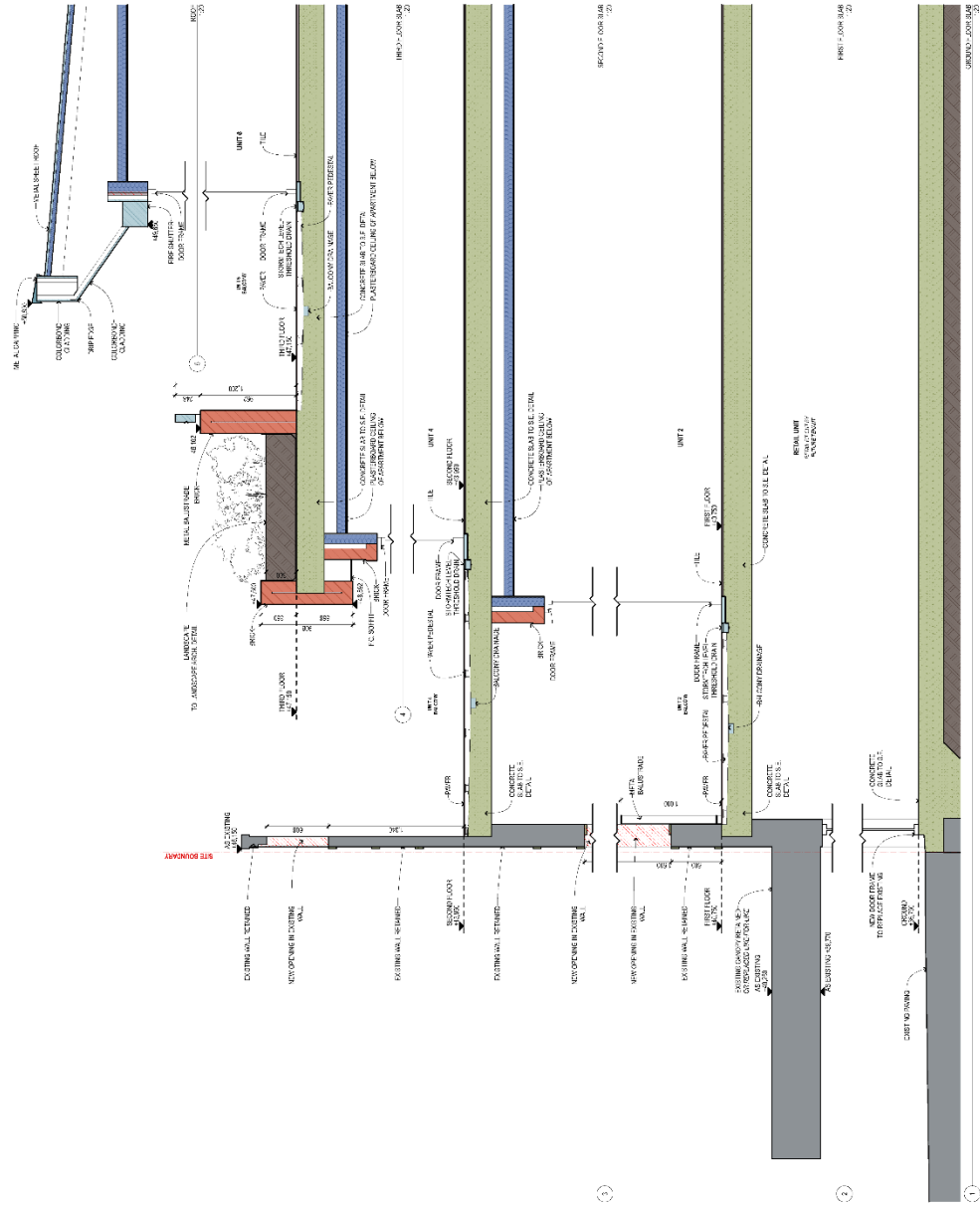
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Proposed Shop Top Housing  
502-503 Marrickville Rd  
Dulwich Hill NSW 2055

Project No: PE312  
Client: A305  
Date: 17/01/2025  
Rev: rev03

SECTIONS 9 AND 10



**DEVELOPMENT APPLICATION**

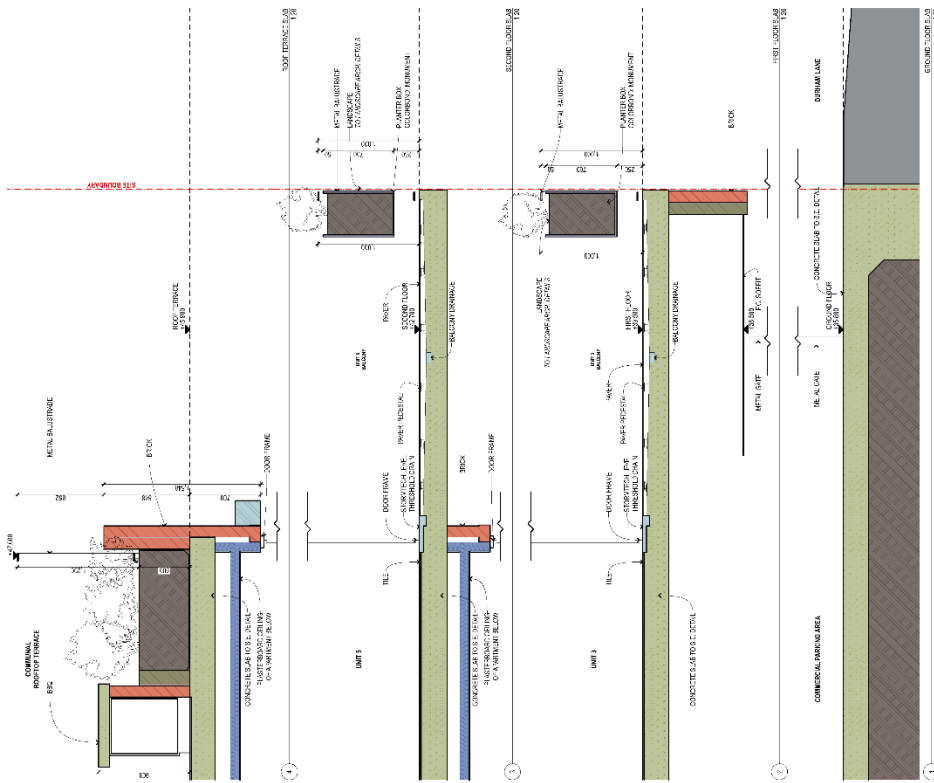
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Project: Proposed Shop Top Housing  
502-552 Memorial Rd  
DURRIBERRI NSW 2203

Date: 19/02/2025  
Drawn by: M.A. ZAPPALÀ  
Checked by: M.A. ZAPPALÀ  
Project: PG312  
Sheet: A310  
Rev: rev03

**DETAILED FRONT FACADE SECTION**



**DEVELOPMENT APPLICATION**

**DISCLAIMER:**  
 These plans have been prepared for the purposes of lodging an application for development consent under the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2007 (NSW). The applicant is responsible for ensuring that the plans are accurate and complete. The Council is not responsible for the accuracy or completeness of the plans. The Council is not responsible for the accuracy or completeness of the plans. The Council is not responsible for the accuracy or completeness of the plans.

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 WWW.AZAPPA.COM.AU

**Proposed Shop Top Housing**  
 500-502 Memorial Rd  
 DUNEDIN HIW NSW 2203

Project No: PG312  
 Sheet: A311  
 Date: 19/02/20  
 Rev: 03

DETAILS: REAR FACADE SECTION

**Attachment C – Architectural Excellence and Design Review Panel Meeting Minutes and Recommendations**



**Architectural Excellence & Design Review Panel Meeting Minutes & Recommendations**

Site Address:	500-502 Marrickville Road Dulwich Hill
Proposal:	Partial demolition of existing structures and construction of a four storey mixed use building (shop top housing), including ground floor commercial space and six residential units above
Application No.:	DA/2024/0631
Meeting Date:	17 September 2024
Previous Meeting Date:	-
Panel Members:	Matthew Pullinger (chair) Russell Olsson Jocelyn Jackson
Apologies:	-
Council staff:	Vishal Lakhia Kaitlyn Attard Sinclair Croft Kaitlin Zieme
Guests:	-
Declarations of Interest:	None
Applicant or applicant's representatives to address the panel:	Eduardo Villa (Villa + Villa) – Architects for the project





### Background:

1. The Architectural Excellence & Design Review Panel reviewed the architectural drawings and discussed the proposal with the applicant through an online conference.
2. The Panel acknowledges that the proposal is subject to Chapter 4 – State Environmental Planning Policy (SEPP) Housing 2021 - Design of residential apartment development - and the NSW Apartment Design Guide (ADG) applies to the proposal.
3. The Panel considers the **Design Verification Statement** provided by the architect to currently be inadequate and expects that it will require augmentation to explain how the 9 design quality principles are addressed by the design of the proposal. Additionally, a signed verification statement from the architect confirming they have designed (or directed the design) of the proposal should be provided in support of the DA submission.

### Discussion & Recommendations:

#### Principle 1 – Context and neighbourhood character

1. The Panel discussed the local streetscape character, the Heritage Conservation Area and the existing building fabric proposed to be retained. In the Panel's view, the degree of intervention into the existing front facade appears to be out of character given the use of the 'I' beam and alterations to the parapet silhouette. The Panel recommends that more of the existing facade be retained, particularly its parapet capping. If new openings are to be created in the existing facade, these openings should adopt proportions familiar to the building and elsewhere in the local area and should preserve the solid-to-void ratio evident in the HCA.
2. Further, while the Panel appreciates the intention to achieve improved outlook and daylight within the first and second floor balconies and living areas, alternative design strategies that strike a better balance between internal amenity and streetscape presentation may include:
  - a. The retention of approximately 4 courses of the brickwork parapet profile supported on a new lintel, with discrete openings below.
  - b. Alternatively, the creation of a number of narrower vertical openings (say 150-300mm wide) within the existing parapet wall to provide outlook from the second floor apartments.
  - c. The existing first floor windows are proposed to be removed to create balcony openings - these would be more successful if they retained a sense of being framed and fenestrated openings rather than 'dead' openings. A suitable treatment does not necessarily require glazing, but may incorporate some framing and subdivision the masonry openings so the face doesn't look 'hollowed out'. A deep reveal around the openings may also assist.
3. In relation to the front elevation, the Panel also suggests that the proposed planter-box overhanging apartment 4 could be realigned, to improve the outlook available from the second floor units.

#### Principle 2 – Built form and scale

1. The Panel discussed cross viewing issues between apartments (particularly bedrooms) addressing the central atrium courtyard. The separation distance is below the guidance offered by the ADG Part 3F Visual privacy. The Panel is not convinced by the proposed fluted glass treatment to the bedroom windows and recommends the incorporation of more effective measures to eliminate visual privacy issues while still providing some outlook to each habitable room. A suggested strategy is to add a blade wall or perforated screen across the courtyard perpendicular to the fire stairs.
2. The Panel recommends the applicant should engage a suitably qualified specialist as part of this development application stage to review compliance (or propose alternative solutions) with the National Construction Code, particularly for fire safety in regards to the open fire stairs, window proximity to the side boundaries and the proposed wall-types.



3. Revised architectural drawings should indicate details of the neighbouring buildings in the corresponding cross-sections.

#### **Principle 4 – Sustainability**

1. The Panel expects the proposal will achieve consistency with the targets within the ADG for solar access (part 4A-1, design criteria 1, 2 and 3) and natural cross ventilation (Part 4B-3, design criteria 1). Direct solar access achieved through skylight within Apartment 5 was discussed at the meeting and the Panel notes that the skylight does not provide solar access to the balconies, as guided by the ADG. This results in a shortfall in solar access across the scheme, which should be addressed.
2. Additionally, Council should satisfy itself that the following recommendations are incorporated within the revised DA documentation:
  - a. Use of ceiling fans within all bedrooms and living areas as a low energy alternative to mechanical A/C systems.
  - b. Provision of a rainwater tank to allow collection, storage and reuse within the subject site.
  - c. Inclusion of an appropriate photovoltaic system, and confirmation on 2D and 3D drawings.
  - d. Full building electrification including provision for EV charging points within the basement carpark.

#### **Principle 6 – Amenity**

1. The internal configuration of Apartments 3 and 5 was discussed at the meeting and the Panel recommends some reconfiguration of the kitchen and island bench layout to increase internal efficiencies within the combined living, dining and kitchen area.
2. As noted above, cross viewing between apartments should be eliminated. Reliance on fluted glass is discouraged. Each habitable space should achieve a degree of outlook without compromising privacy.

#### **Principle 7 – Safety**

1. The residential entry sequence would benefit from greater generosity and clearer lines of sight towards the lift. This may have a small impact on the size of the adjacent retail tenancy.

#### **Principle 8 – Housing diversity and social interaction**

1. The Panel recommends that the applicant discuss further with the Council's assessment section whether an additional accessible apartment is required as part of statutory requirements, and if so, then revised architectural drawings should confirm the relevant details.

#### **Principle 9 – Aesthetics**

1. The Panel discourages the use of dark roofing and cladding with low albedo rating (for example – Monument colour) and this should be avoided considering urban heat island effects. Alternative colours should be investigated which are more familiar to the local area character and with a higher albedo rating.
2. Revised architectural drawings should confirm location of AC condensers and the Panel prefers these are not located within balconies (unless thoughtfully screened) or anywhere visible from the public domain.
3. Developed architectural drawings should fully describe the design intent and include details of each primary façade type in the form of 1:20 sections and elevations (or using appropriate detailed 3D design material) indicating proposed materials, construction systems, balustrade types and fixings, balcony edges, window operation, integrated landscape planter beds, junctions, rainwater and balcony drainage, including any downpipes and similar details within the proposal. Typical wall details to be developed to meet NCC2022 requirements.



**Conclusion:**

Recognising its independent, expert and advisory role, the Panel offers in-principle support to the development application, subject to Council being satisfied the suggestions and recommendations set out in this report are meaningfully incorporated and/or addressed by the applicant.