

File Ref: DA201300375
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Summary

The following report provides an assessment of a Development Application to consolidate 16 lots, demolish all existing improvements and remediate the land followed by comprehensive redevelopment of the site to contain 249 dwellings and 1 ground floor retail premises within 4 buildings of heights varying from 3 to 8 storeys over 2 levels of parking for up to 262 vehicles combined with ancillary development works including civil works, internal road construction, tree removal and landscaping

The site is located within the strategic precinct and Masterplan area for Hoskins Park and is subject to the provisions of Part 9.11 of Marrickville Development Control Plan 2011. The application relies on an alternative development scenario that modifies the building layout and open space connections envisaged by the adopted Masterplan. As well increasing the density of the site from 1.7:1 to 2:1.

The application is considered to be generally consistent with the relevant controls, the stated objectives and the desired future character of the Hoskins Park precinct, achieving an appropriate balance between increased density and without significantly affecting the surrounding area.

The traffic generated by the development can be accommodated by the existing road network. Additional parking, including 2 dedicated car share parking bays, is provided on site to mitigate potential impacts on on-street parking.

The variation to adopted Floor Space Ratio development standard has been addressed in a Clause 4.6 request that is supported.

The development application was notified in accordance with Council's notification policy and 144 submissions were received. The application is considered acceptable subject to deferred commencement conditions aimed at resolving inter-agency approval process requirements.

A draft Voluntary Planning Agreement (VPA) accompanies the application and has been considered under separate cover.

PART A - PARTICULARS

Location: The site is located on the western side of Grove Street wrapping round to the northern side of Constitution Road (refer to the locality map provided in Image 1).

D/A No: 201300375

JRPP Reference No: 2013SYE064

Application Date: 15 August 2013 (additional information submitted on 13 September 2013, 20 October 2013, 22 October 2013, 28 October 2013, 29 October 2013, 1 November 2013, 8 November 2013, 28 November 2013, 2 December 2013,

4 December 2013, 5 December 2013, 6 December 2013, 24 January 2014, 6 February 2014, 7 February 2014 and 27 February 2014).



Image 1: Locality map

Proposal: To consolidate 16 lots, demolish all existing improvements and remediate the land followed by comprehensive redevelopment of the site to contain 249 dwellings and 1 ground floor retail premises within 4 buildings of heights varying from 4 to 8 storeys over 2 levels of parking for up to 262 vehicles combined with ancillary development works including civil works, internal road construction, tree removal and landscaping.

Applicant: Stamford Property Services

Estimated Cost: \$73,682,877

Zoning: R1 General Residential

PART B - THE SITE AND ITS CONTEXT

Environment: Suburban/residential, public open space, industrial (Andrews Meats) and rail infrastructure (refer to Image 2)

Improvements: Open paved storage yards and a mix of industrial warehouse, office and workshop buildings.



Image 2: Aerial Locality Plan

Current Use: Industrial

Prior Determinations: The site has a known industrial history, with the exception of potential contamination of the land (addressed under SEPP 55) there are no relevant historical consents.

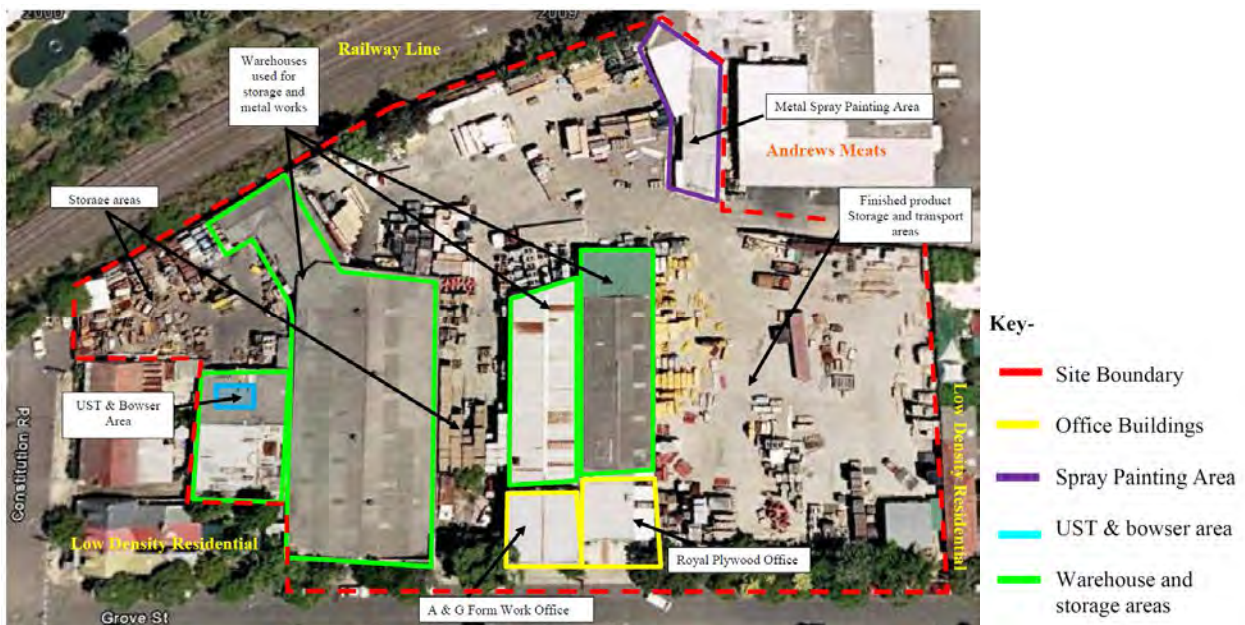


Image 3: Existing site layout (source: Aargus ESA)

PART C - REQUIREMENTS

- 1 **Zoning**
Is the proposal permissible under zoning provisions? Yes

- 2 **Development Standards (Statutory Requirements):**

<i>Type</i>	<i>Permitted</i>	<i>Proposed</i>
Height of Building (max)	29 metres	28.95 metres (maximum)
Floor Space Ratio (max)	1.7:1	2:1

- 3 **Departures from Development Control Plan:**

<i>Type</i>	<i>Required</i>	<i>Proposed</i>
Site Cover		Refer to discussion
Landscaped Area		Refer to discussion
Unit Mix		Refer to discussion
Separation controls		Refer to discussion
Strategic Context Controls		Refer to discussion

- 4 **Community Consultation:**
 Required: Yes (newspaper advertisement, on-site notice and letter notification)
 Submissions: 144 submissions (excluding submissions in relation to VPA)

- 5 **Other Requirements:**

 Sydney Water Act 1994
 State Environmental Planning Policy (State and Regional Development) 2011
 State Environmental Planning Policy No. 55 – Remediation of Land
 State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
 State Environmental Planning Policy (Infrastructure) 2007
 ANEF 2033 Affection (below 20 ANEF)
 Marrickville Section 94/94A Contributions Plan 2014
 Draft Street Tree Masterplan
 Draft Car Share Policy

PART D - ASSESSMENT

1. The Site and Surrounds

No. 2 – 26 Grove Street and 60 - 64 Constitution Road, Dulwich Hill (“the site”) is located on the western side of Grove Street between Hill Street to the north and Constitution Road to the south. The light rail line and corridor runs parallel to the rear boundary. The Arlington light rail station is located immediately adjacent to the south western corner of the site.

The land is made up of 16 individual titles legally described as follows:

- Lots 1 and 2 DP81275;
- Lot 2 DP104552;
- Lot 1 DP104551;
- Lots 1 and 2 DP774830;
- Lot 3 DP512916;
- Lot 1 DP587480;
- Lot 1 DP797072;

- Lots A, B & C DP443420;
- Lot 1 DP633309;
- Lot 11 DP563564;
- Lot 1 DP715815; and
- Lot 12 DP 1184304.

The site is of an irregular configuration, the main street frontage for the site and future development is orientated to Grove Street and measures 97.595 metres. The northern side boundary is staggered measuring 55.8 metres moving along a western axis, before stepping back south for a distance of 36.58 metres and then moving west once more for a distance of 46.15 metres. The western, rear, boundary adjacent to the rail corridor measures 123.895 metres.

The southern side boundary, like the northern boundary is staggered, measuring 10.74 metres along the Constitution Road frontage before moving north along the side boundary of No. 64 Constitution Road for a distance of 36.59 metres and then east along the rear boundary of Nos. 66 – 72 Constitution Road for 36.935 metres. The site has an area of approximately 10,131m².

The site is currently developed for industrial purposes, occupied and operated by A & G Formwork (Australia) Pty Ltd and contains a main 3 storey office building fronting Grove Street combined with several workshops, warehouses and storage areas. Vehicular access has historically been provided from the 3 street frontages of Constitution Road, Grove Street and Hill Street (refer to Image 3). The Hill Street vehicular access is via a right of way over the adjacent Andrews Meats site and is restricted to “entry only” (refer to Images and 4)



Image 4: View looking southeast showing Hill Street entry to Andrews Meats and the development site

The site is traversed by several large Sydney Water stormwater culverts and is subject to flooding from overland flows from the adjacent railway line, Constitution Road and Grove Street. The site has an approximate 2 per cent gradient change falling from Grove Street to the rear boundary and rail corridor.

The site is identified in State level strategic documents as Category 3 Employment lands and Council's strategic planning documents as fragmented industrial land, making it suitable for urban renewal opportunities, such as residential redevelopment.

Reflecting the current industrial use, the site is extensively covered by hard stand material and consequently supports minimal vegetation with the exception of the front setback to Grove Street.

The surrounding area is characterised by a mix of uses including Andrews Meats to the north east and low density residential dwellings to the south, north and west along Hill and Grove Streets and Constitution Road (refer to images 5 – 10).



Image 5: View of Grove Street looking south



Image 6: View of Grove Street looking northwest (A & G Formwork buildings in foreground)



Image 7: View of Grove Street looking north east showing residential dwellings



Image 8: View of Hill Street looking east

Urban renewal of the area is evident to the north of the site, with the prominent Waratah Mills development and to the south east of the site along Constitution Road and the southern end of Denison Road (refer to Images 9 and 12).



Image 9: View looking west down Hill Street to Waratah Mills



Image 10: View from the corner of Grove and Hill Street looking north west



Image 11: View looking west along Constitution Road towards Arlington light rail station



Image 12: View looking south along Denison Road, showing recent redevelopment sites

To the west of the site, opposite the light rail corridor is Johnson Park (refer to Image 13). Beyond the park is a medium density housing development that gives way to a small collection of neighbourhood shops and low density residential areas.



Image 13: View through Johnson Park looking east towards the site

2. The Proposal

The application seeks approval to consolidate 16 lots, demolish all existing improvements and remediate the land followed by comprehensive redevelopment of the site to contain 249 dwellings and 1 ground floor retail premises within 4 buildings of heights varying from 4 to 8 storeys over 2 levels of parking for up to 262 vehicles combined with ancillary development works including civil works, internal road construction, tree removal and landscaping.

The proposal has 4 main buildings described as follows:

- Building A located in the south western corner (nearest Arlington light rail station), comprising 2 wings both 8 storeys high and referred to as Buildings A1 and A2;
- Building B located towards the centre and north western corner (made up of Buildings B1 and B2). Building B1 to the south is 4 storeys and Building B2 to the north is 8 storeys;
- Building C located along the north eastern boundary is 5 storeys high; and
- Building E located along the eastern boundary fronting Grove Street is 4 storeys high.

The redevelopment also includes the construction of 2 new internal roads, known as North and South Lane. The site layout and building configuration is shown in Image 14. The operation of the new road network is described as follows:

- North Lane connects to both Grove Street and Hill Street and provides a 2 way flow of traffic and entry to car parking provided on site. Use of North Lane is restricted to an entry only from Hill Street. Waste Servicing will also occur through North Lane.
- South Lane connects Grove Street and Constitution Road and provides a 1 way flow of traffic.

Public access rights and connections will be established over the site, allowing public access through South Lane, establishing a kiss and ride to discourage vehicles turning at the eastern end of Constitution Road. A pedestrian and cycle right of way will also be established over the Greenway links.

A copy of the site layout plan is provided in Image 14 below. Detailed elevations are provided at **ATTACHMENT 1**.

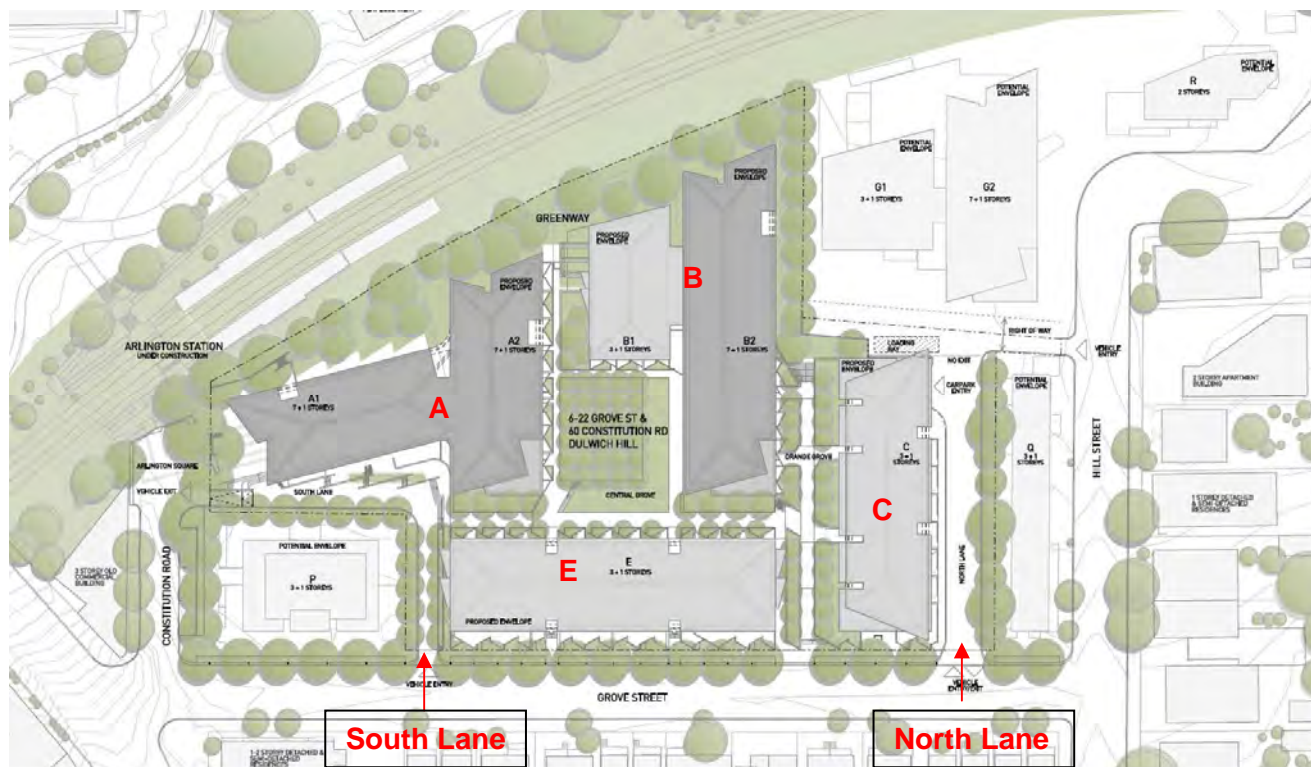


Image 14: Proposed site layout plan

The overall development statistics are summarised in Table 1.

Table 1: Key Development Statistics

Element	Permitted/Required	Proposed
Site Area	10,131m ²	
Gross Floor Area	17,223m ²	20,343m ² (inc. 343m ² due to excess parking provision).
Floor Space Ratio	1.7:1	2:1
Height of Buildings	29 metres	28.95 metres (maximum)
Storeys	Variable between 4 – 8	Variable 4 – 9
Apartment mix		
• Studio	5 - 20% (12 – 50 apartments)	8% (20 apartments)
• 1 bedroom	10 - 40% (25 – 100 apartments)	38.9% (97 apartments)
• 2 bedroom	40 - 75% (100 - 187 apartments)	50% (126 apartments)
• 3 bedroom	10 – 45% (25 – 112 apartments)	2.4% (6 apartments)
• Adaptable dwellings	50 apartments	50 apartments
Retail Floor Space	No min requirement	
Car parking spaces		
• Standard	176 spaces	194 spaces
• Accessible	63 spaces	65 spaces
• Service bays	4 spaces	3 spaces in basement 1 at grade east of Building C
Motorbikes	12 spaces	12 spaces
Bicycle spaces	123 resident; and 25 residential visitor	152 underground; 12 at grade within the site; and Bike racks at the entrance to Arlington Station.
Landscaped area	45% (4,555.95m ²)	23.5% (2,380.785m ²)

Deep soil	No requirement	792.572m ² (7.8 per cent of the site)
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The following section provides an assessment of the application against the relevant Acts and Regulations, statutory planning instruments, plans and policies.

3. Sydney Water Act 1994

The land contains several significant stormwater drainage assets owned by Sydney Water. The location of those assets within the site (outlined in red) is shown in Image 15 below.

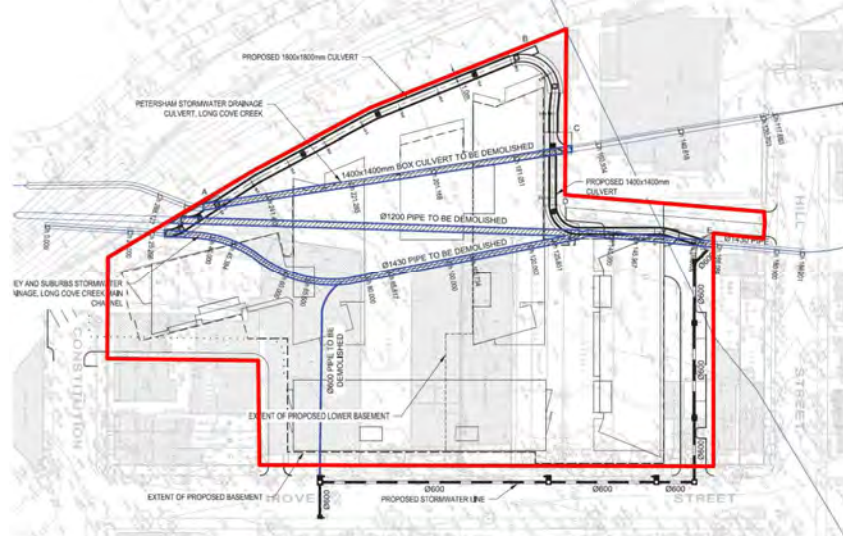


Image 15: Existing location of Sydney Water assets

To permit redevelopment of the site and provide the necessary underground parking the applicant has proposed to relocate Sydney Water assets to run parallel with the western boundary discharged at Hill Street (refer to Image 16). A Flood Impact Assessment by WMA Water (5 February 2014) and a Flood Study Report by Aurecon were submitted with the application that detail the hydraulic design of the new culverts and overland flow paths.

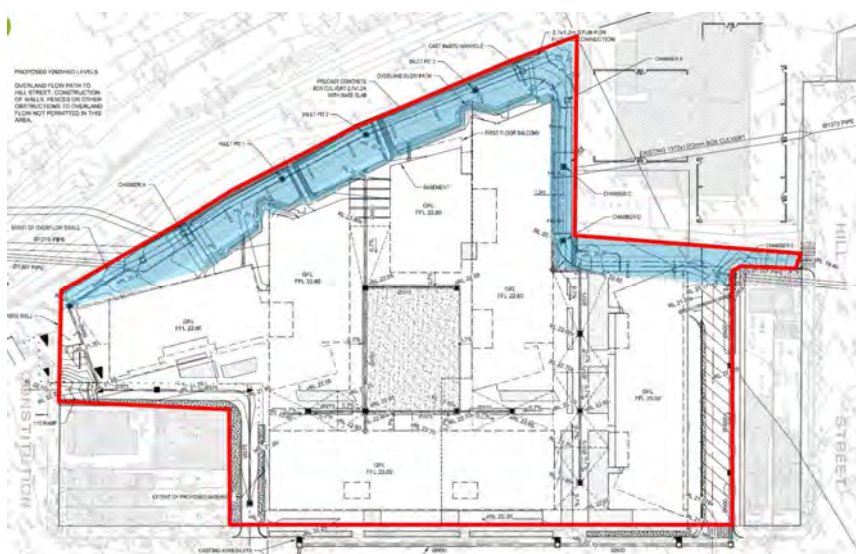


Image 16: Relocated Sydney Water assets

Sydney Water has given concept approval for the relocation of their assets as shown in Image 16. However, some matters relating to the detailed design and capacity of the culvert combined with the consistency of documentation remains outstanding.

To ensure the timely progression of the application, Sydney Water has agreed to the use of deferred commencement conditions to resolve the outstanding matters (refer to Part A Condition 3).

4. State Environmental Planning Policy (State and Regional Development) 2011

The development has an approximate capital investment value of \$73.7 million dollars.

Clause 3 in Schedule 4A of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979) provides that general development with a capital investment value of more than \$20 million must be determined by the relevant Joint Regional Planning Panel, pursuant to the provisions of Section 23G (4) and Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011.

5. State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55) prescribes the statutory process for the identification and remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The site has a known and documented history of industrial use. Aargus Australia undertook a Phase I and Phase II Environmental Site Audit dated December 2009 and 21 November 2012, respectively.

The detailed, Phase II, collected 21 soil samples across the site, consistent with the Environmental Protection Authorities (EPA) "Sampling Design Guidelines" (September 1995), combined with tests for Acid Sulphate Soil indicators and groundwater. The investigation results identified "hot spot" soil contamination. No indicators for Acid Sulfate Soils (consistent with Council's MLEP 2011 Acid Sulfate Soil Maps) and did not identify the presence of ground water at 4.6 metres (screened at intervals of between 1.6 metres and 3.6 metres).

Due to detected soil contamination, Aargus determined the site would require remediation. A Remedial Action Plan was developed and submitted with the DA, dated 21 November 2012.

All material was reviewed by a Douglas Partners in 2013, who recommended further testing to confirm the recommendations of the Aargus report and disposal methods for removed contaminants.

Council's Manager, Environmental Services has reviewed the contamination and remediation documents and is generally satisfied that the site can be made suitable for residential use. To ensure that the additional works recommended by Douglas Partners are undertaken prior to the activation of the consent and an appropriate and updated RAP developed, it is recommended that deferred commencement conditions be imposed consistent with the recommendations of Douglas Partners in correspondence dated 14 February 2013.

Once activated, the development would be subject to validation requirements which have been included in the conditions to ensure that the remediation is undertaken in accordance with industry standards.

6. State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

The provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) apply to the development.

In this regard SEPP 65 requires the following:

- a design verification from a qualified designer, verifying he/she completed the design of the residential flat development, and that the design quality principles set out in Part 2 of SEPP 65 — Design Quality of Residential Flat Development are achieved.
- in determining a development application for consent to carry out residential flat development, the consent authority is to take into consideration the publication Residential Flat Design Code (a publication of the Department of Planning, September 2002).

A design verification statement from Smart Design Studio was submitted with the application. The statement verifies Smart Design Studio has completed the design of the residential flat development, and achieves the design quality principles set out in Part 2 of SEPP 65 — Design Quality of Residential Flat Development.

A compliance statement against the Residential Flat Design Code was prepared by Urbis Planning.

The statements and the proposal were reviewed by Council staff as part of the merit assessment of the proposal. Details of that assessment are provided throughout this report, and concludes that the proposal maintains adequate solar access and privacy to adjoining properties, and provides adequate internal amenity in terms of solar access, private open space, apartment size and storage in accordance with SEPP 65. The proposal satisfies the provisions of SEPP 65.

A detailed assessment of compliance is provided in **ATTACHMENT 2** to this report.

The 10 design principles of SEPP 65 are reflected throughout the various sections of the Marrickville Development Control Plan 2011 as they relate to the development. Those matters are addressed in detail throughout the report.

7. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

This SEPP operates in conjunction with Environmental Planning and Assessment Regulation 2000 (the Regulations) to ensure the effective introduction of BASIX in NSW.

In accordance with Clause 6(1) the SEPP applies to BASIX affected development as defined by the Regulations. The development is defined as a BASIX affected development as it involves construction of a new building containing one or more dwellings, defined as a BASIX affected building.

BASIX and ABSA Certificates have been issued for the development. The certification ensures the proposal meets the required water and energy targets and accordingly satisfies the aims of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The relevant conditions have been included.

8. State Environmental Planning Policy (Infrastructure) 2007

Development adjacent to rail corridors

The development involves excavation for the purposes of remediation and the construction of underground parking.

Pursuant to Clause 86 of SEPP (Infrastructure) as the development involves excavation of more than 2 metres of land adjacent to a rail corridor the application was referred to RailCorp for concurrence. RailCorp have provided a response of no objection subject to the imposition of deferred commencement conditions in relation to the detail design and management plans to ensure that the works have no impact on the adjacent light rail network/line. RailCorp's requirements are included in the recommendation.

Traffic generating development

In accordance with Column 2 in Schedule 3 of Clause 104 of SEPP (Infrastructure) 2007 in relation to traffic generating development the application was referred to Roads and Maritime Services (RMS).

RMS having reviewed the proposal has raised no objection to the development and provided design and construction conditions for inclusion in the determination. The matters raised by RMS are consistent with matters reviewed and addressed by Council's Traffic Engineers, addressed in detail later in this report.

Conditions relating to the loading dock and signage have not been included in the recommendations, as the loading/unloading bay is recommended for deletion due to obstruction of access within the Right of Way. Loading and unloading will occur within the South and North Lanes via informal loading arrangements.

As North and South Lane do not connect to State roads under the management of RMS, consent for their construction is not required or necessary under the *Roads Act 1993*.

9. Marrickville Local Environmental Plan 2011

An assessment of the development having regard to the relevant provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011) is provided below.

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

The property is zoned R1 - General Residential under the provisions of MLEP 2011. The development, involving a retail premises and residential accommodation comprising residential flat buildings and shop top housing with ancillary works is permissible with Council's consent under the zoning provisions applying to the land.

The objectives of the R1 General Residential zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To provide for retail premises in existing buildings designed and constructed for commercial purposes.*
- *To provide for office premises in existing buildings designed and constructed for commercial purposes or as part of the conversion of existing industrial or warehouse buildings.*

The proposed mixed use development is consistent with the identified objectives of the R1 - General Residential zone providing for a range of unit sizes and layouts to meet the needs of future community while providing a well located and planned retail space that will meet needs of residents and commuters.

(ii) Subdivision (Clause 2.6)

Clause 2.6 of MLEP 2011 states that land to which the Plan applies may be subdivided, but only with development consent.

The development involves consolidation of 16 individual titles to form 1 lot. The creation of public access over the proposed shared pedestrian/cycleway along the western boundary green corridor and the proposed South Lane will require the registration of interests and encumbrances on the new title. Those matters are discussed in detail in later sections of this report and conditions relating to those matters are included in the recommendation.

(iii) Demolition (Clause 2.7)

The application seeks consent for the demolition of all existing improvements requiring consent under Clause 2.7 of MLEP 2011.

These have been considered as part of the assessment and taken into account in relation the assessment of waste management and traffic movements. Conditions are included in the recommendation to address those issues and Council's standard conditions relating to demolition works are included in the recommendation.

(iv) Height (Clause 4.3)

A maximum building height of 29 metres applies to the site as indicated on the Height of Buildings Map that accompanies MLEP 2011.

The site has a moderate change in landform with the lowest points to the west of the site adjacent to the rail corridor, around those buildings labelled A and B. Based on the existing ground levels immediately below the highest point of each of the buildings, the maximum building height has been measured at 28.95 metres. This point is at the lift overrun located atop building A1 at the southern end of the site.

The proposal complies with the Height of Building development standard.

(v) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 1.7:1 applies to the land as indicated on the MLEP 2011 map.

The development has a gross floor area (GFA) of 20,343m² which equates to a FSR of 2:1 on the 10,131m² site which does not comply with the FSR development standard.

(vi) Exceptions to Development Standards (Clause 4.6)

The application was accompanied by a Clause 4.6 request to vary the floor space ratio development standard for the site. The written request was accompanied by a detailed urban design analysis and an urban design review report completed by Ridenour Urban Projects.

The written statement addressed Clause 4.6 (2) of MLEP 2011 as well as the criteria established through the NSW Land and Environment Court (LEC) in the matter of *Wehbe v. Pittwater Council [2007] NSWLEC827*. The request has been made on the basis of the following:

- Strict compliance with the FSR development standard is unnecessary;
- The development complies with the height of building development standard applying to the land;
- The development is generally consistent with the objectives of the Masterplan for urban renewal of the land; and
- The additional FSR does not contribute to additional adverse impacts on adjacent development.

The variation has been considered against the matters set out in the “five part test” established by the Land and Environment Court and Clause 4.6 (3) of MLEP 2011 and the applicant’s submission.

The majority of the additional floor area fits within the building envelope envisaged by Council’s controls except with regard to the upper level residential encroachment into the top 3 metres of the building height.

The development will alter the character of the area. However, the height and scale of the buildings proposed are consistent with the future character contemplated by the Masterplan. The greatest massing has been placed away from street frontages and is complemented by appropriately designed and scaled landscaped areas.

On balance, the proposal to vary the development standard is considered acceptable.

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

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

The development involves the removal of the majority trees on the site and those along the western side of Grove Street and requires consent in accordance with Clause 5.9 of the MLEP 2011.

The application was accompanied by an Arboricultural Assessment report that surveyed 95 trees located on the site and on land adjoining the site. The key findings of the report are summarised as follows:

- Site vegetation consists of a mix of Australian natives and exotic species, generally classed as having a low quality;
- 57 of the surveyed trees have been allocated a retention value, 38 have been identified as suitable for removal;
- None of the trees surveyed were identified as being of a high retention value;
- None of the trees are listed as heritage items or under a significant tree register;

- No trees identified as being present on the site or land adjoining the site are listed as threatened tree species;
- A total of 45 trees are to be removed and 8 retained as part of the development; and
- The building footprint has the potential to adversely affect the health and vitality of a tree (known as Tree 25) located on adjacent land not in the control of the applicant.

The report also identifies trees on adjoining properties and trees exempt under the provisions of Part 2.20 of Marrickville Development Control Plan 2011 – Tree Management and determined a tree protection zone for each tree identified for retention in accordance with AS 4970 – 2009.

Council's Tree Management Officers have reviewed the information submitted to Council and raise no objection to the proposal on the grounds of tree preservation subject to:

- The provision of suitably detailed construction plans to resolve that Tree No. 25 located in the rear yard No. 72 Constitution Road, will not be adversely affected as a result of construction of the South Lane; and
- Suitable compensatory planting being provided within the site and along the respective road frontages, in particular the western side of Grove Street.

In response to the matters raised by Council's Tree Management Officer's conditions of consent have been imposed.

(viii) Acid Sulfate Soils (Clause 6.1)

The property is not identified as land being affected by acid sulfate soils. This was confirmed by the applicant through on site investigations. No further consideration of this matter is required.

(ix) Earthworks (Clause 6.2)

Clause 6.2 requires Council to consider the impact of a proposed development, involving earthworks, to:

- (a) ensure that works do not have a detriment effect on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land; and
- (b) allow earthworks of a minor nature without requiring a separate development consent.

The development involves excavation of up to 5 metres to permit the construction of a 2 parking levels. A preliminary geotechnical report prepared by Douglas Partners was submitted in support of the application. The report provides that:

- A surface and subsoil profile of fill, silty clays and sandstone was detected across the site;
- No groundwater seepage was detected at maximum drill depths of 4.6 metres;
- Excavation of fill material, silty clay and weathered shale may be removed using conventional earthmoving equipment; and
- Battering will be suitable in those areas of the site where excavation occurs away from the boundaries.

The bulk of the proposed excavation and earthworks are away from site boundaries with the exception of a small portion of the works proposed to occur within the zone of influence adjacent to Grove Street at the north eastern corner of the site (south of the proposed North Lane).

The development removes the majority of the existing trees from the site to facilitate the development. However, given the large expanse of hardstand existing trees are limited to the

perimeter of the site. These are adequately compensated for in replacement landscape works within the site.

The site has a nominal 2% gradient (1.77 metre difference) through the site falling away from Grove Street to the western boundary (at the rear of the site). The proposed excavation will have no visible impact on landform variation. As noted no groundwater was discovered at depths of 4.6 metres.

It is considered that subject to detailed geotechnical investigation as recommended by Douglas Partners to inform detailed design of the proposed sub level portion of the lower ground parking level the proposal is achievable without significant environmental impact.

Conditions are included in the recommendation requiring the person acting on the consent to undertake dilapidation surveys of all dwellings and properties within the immediate vicinity of the site to ensure that if damage arises as a result of the works, the owners of adjacent properties are suitable protected.

(x) Flood Planning (Clause 6.3)

Whilst the property is not currently identified as land that is shown as “Flood Planning Area” on the MLEP 2011 Flood Planning Area Map, or land at or below the flood planning level, the land is located in the Hawthorne Canal Flood Study.

This matter is discussed later in this report under the provisions of Marrickville Development Control Plan 2011.

(xi) Terrestrial Biodiversity (Clause 6.4)

The property is identified on the MLEP 2011 Natural Resource - Biodiversity Map as being part of the Bandicoot protection area and wildlife corridor.

The application was supported by an Assessment of Significance (seven part test) undertaken in accordance with Section 5A of the EP& A Act 1979. The report concludes that the development will not have an adverse impact on the local Long Nose Bandicoot population and makes recommendations to ensure appropriate management of the site throughout the development phase.

Council's Coordinator and Environment Officer for Biodiversity have reviewed the proposal and accompanying technical information and have raised no objection on the basis of impact on the local bandicoot populations.

Conditions are included in the recommendation to promote the establishment of complex habitat structure for planting within the greenway corridor along the western perimeter of the site and adjacent to the light rail corridor as a means of promoting effective habitat and encouraging the local bandicoot population.

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

The land is identified as being outside the 20 Aircraft Noise Exposure Forecast (ANEF) 2033 contour. In accordance with Table 3.3 *Building Site Acceptability Based on ANEF Zones* of Australian Standard 2021 – 2000: Acoustics Aircraft Noise Intrusion – Building Siting and Construction, the site is suitable for the intended use without the need for noise attenuation measures.

(xiii) Airspace Operations (Clause 6.6)

The development has a maximum height of RL50.28 metres AHD, which is below the Obstacle Limitation Surface RL70 applying to the land.

10. Marrickville Development Control Plan 2011

An assessment of the development having regard to the relevant provisions of Marrickville Development Control Plan 2011 (MDCP 2011) is provided in **ATTACHMENT 3** to this report.

PART 2 - GENERIC PROVISIONS

(i) Urban Design (Part 2.1)

The development is considered acceptable having regard to the relevant aspects of the 12 urban design principles due to the following:

- The site layout improves on the envisaged Masterplan for the site providing better street and pedestrian linkages with the existing and future networks;
- The site layout and design facilitates and promotes access and legibility to and through the site, pedestrian walkways and vehicle entries as well as allowing for public access links through the site along the greenway corridor connecting to the Arlington light rail station;
- The development is predominantly residential in nature with a small complimentary retail premises located adjacent to the Arlington light rail station;
- The increased density above Council's control does not result in negative external impacts;
- The inclusion of a small retail premises adjacent to the light rail station and proposed public domain improvement work will activate public spaces. The provision of an accessible and shared pedestrian/cycleway, a community garden and passive recreation spaces across the site will activate common areas;
- The use of face brick materials establishes a visual link between the new development form and the established character without replicating architectural building forms or styles; and
- The architecture of the buildings and structured formal landscaped areas work together to create a strong character, combined with less formal landscaping elements provided along the western boundary as part of the greenway corridor which soften the development and establish active links to adjacent future development sites and the public domain.

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

The development provides 50 adaptable dwellings and the necessary accessible resident and visitor parking. The proposal satisfies the requirements of Part 2.5 of MDCP 2011.

(iii) Visual and Acoustic Privacy (Part 2.6)

Visual Privacy

In general the proposal is considered to achieve suitable privacy between dwellings within the site and to those adjoining through the following:

- Where separation distances between built elements is below the recommendations of the RFDC, the architecture of the buildings has used staggered and articulated building elements to alter the directional view of windows and/or orientated apartments away from each other ensuring no direct lines of sight between habitable spaces;
- The Grove Street facing building (Building E) has been designed to activate the streetscape with ground level dwellings placing both active and passive living spaces to the street. All other

levels of Building E have passive habitable living rooms orientated eastward to ensure that existing residential premises are afforded greater privacy. This is strengthened through the 17 metres separation between the buildings;

- The general design of Building E, promotes positive street level activation allowing for a lightly raised floor level and visually permeable fence to encourage use and promote casual surveillance without compromising privacy; and
- Public open space as a shared asset generally benefits from some sense of overlooking by dwellings. As such, the design and orientation of the development optimises the western outlook to Johnson Park. This design element is positive in activating the west facing elevations as well as contributing to passive casual surveillance of public land promoting the principles of CPTED.

The development will not result in any unreasonable adverse privacy impacts.

Acoustic Privacy

The development has been designed to ensure residential amenity with respect to the following:

- Units orientated west towards the light rail have located bedrooms at the eastern end of apartments away from rail noise source. A noise impact assessment was submitted with the application that concludes that a 19dBA reduction is required to ensure preservation of residential amenity. The assessment resolves that this is achievable through the use of 6mm monolithic glass in sliding doors and windows; and
- Grove Street does not and is not expected to carry traffic volumes likely to cause adverse residential acoustic amenity impacts associated with high volume road networks. This is supported by the outcomes of the noise impact assessment.

Conditions are included in the recommendation in relation to the attenuation measures for dwellings included in the acoustic assessment.

(iv) Solar Access and Overshadowing (Part 2.7)

Solar access – adjacent land

The development complies with control C2 of Part 2.7.3 retaining solar access to those dwellings located to the north and east of the site for a period of 2 hours at the winter solstice.

It is acknowledged that there will be some impact on the western facing elevations of the single dwellings houses fronting Grove Street, opposite the development site. Shadows will be cast over the front yards from approximately 2.00pm extending to cover the front facades and windows by 3.00pm. The impacts are acceptable given the intent of the Masterplan controls.

The most affected properties are those located to the south of the site, including Nos. 66 – 72 Constitution Road. Those dwellings will not receive or retain 2 hours of solar access to living areas and open space orientated north. Notwithstanding this, the non-compliance is a result of the significant change in scale that was to be expected from the realisation of the site redevelopment.

Furthermore, these sites comprise part of the Masterplan and the impacts are considered in the context of those sites being redeveloped in the future.

Solar access - internal

The development generally complies with controls C9 and C10 of Part 2.7.5.2 providing the following:

- 80 per cent of apartments achieve a minimum of 2 hours solar access at the winter solstice;
- 93 per cent of apartments are orientated north, east and west;
- The greenway corridor that contributes 66 per cent of the main areas of common landscaped area provided across the site, receives 2 hours of solar access commencing from 12.00 noon until 3.00pm; and
- The central grove which makes up the remaining 44 per cent of main common landscaped area of the site, will be in shadow at the winter solstice. Notably Council's control requires only 50 per cent of common landscaped areas to receive solar access and therefore the proposal complies. Moreover, the level of overshadowing while inconsistent with the adopted Masterplan controls is typical of development of the density proposed.

The design and layout of the site, including the suitability of the central grove and solar access is considered in more detail later in the report.

(v) Social Impact Assessment (Part 2.8)

In accordance with Part 2.8 of the MDCP the application was supported by a Social Impact Statement (SIS). The SIS concludes that the development would have a positive impact on the local community as a result of the following:

- Urban renewal of existing industrial land for residential purposes will enhance the built form of the site and connectivity to local infrastructure including Johnson Park and Arlington Light Rail Station;
- Improved amenity through landscaped treatment complementing the existing character and environment.

The SIS also raises potential adverse impacts on existing residents in respect to changes to traffic conditions. In particular the potential affects of increasing vehicular movements on the safety and residential amenity on Grove Street.

The potential social impacts raised by Urbis in the recommendations have been considered in the assessment of the application. Matters relating to traffic and pedestrian safety are planning and traffic impacts and are considered under the relevant sections of this report.

The SIS was reviewed by Council's Social Planner who indicated the report was appropriate. The development is recognised as contributing to the availability of new housing stock within a well serviced location adjacent to public transport routes.

(vi) Community Safety (Part 2.9)

The development complies with the requirements of Part 2.9 Community Safety, as detailed in **ATTACHMENT 3**. The development has been considered against the principles of Crime Prevention Through Environmental Design and considered to be consistent based on the following:

- Casual surveillance is promoted through units designed and laid out to overlook common areas and the adjoining street network. Surveillance will be enhanced by appropriate lighting at night;
- Pedestrian networks through the site are visible from adjoining dwellings, running in a direct linear path with minimal gradient changes and blind corners;
- Sightlines within common spaces are preserved by low level planting to preserve visibility and avoid concealment. Low level lighting used at night will enhance visibility and not produce glare;

- Access control is achieved through the use of clear and legible pedestrian entries that direct residents, visitors and the general community through the site combined with security controlled access buildings and car parks;
- Territorial reinforcement is achieved through the provision of a clear and legible pedestrian network that directs residents, visitors and the general community through the site; and
- Space management, including maintenance of common areas will be provided by the future body corporate who would be responsible for the ongoing maintenance of the site. Allowing public access to the site for local residents will foster a sense of community ownership.

(vii) Parking (Part 2.10)

In accordance with Part 2.10.6 the application was accompanied by a Traffic Impact Statement (referred to as the TAFFIX report) that considered compliance with Council's parking requirements, potential affects of the additional traffic on the local road network, public transport availability and the internal road layout.

The report was reviewed by Council's Traffic Engineers and reported to Council's Pedestrian, Cyclist and Traffic Calming Advisory Committee. The following sections address each of the relevant components in turn.

Car, Bicycle and Motorcycle Parking Spaces

An assessment of parking is provided in Table 2 below. The development seeks to provide parking above Council's required rates. This was considered as part of the traffic assessment undertaken by the applicant's consultants and Council's Traffic Engineer's who accepted the resolutions of TRAFFIX, including:

- Bicycle, car and service parking provided within the development, including the oversupply above Council's MDCP 2011 requirements is supported on the basis of likely market demands;
- Parking supply over Council's requirements should alleviate any potential adverse impact on demand for on street parking associated with the residential development and density increase;
- There is no direct relationship between parking provided to high density residential development and trip generation. As such the provision of parking does not in itself contribute to traffic generation. This is supported by the Roads and Maritime Service guidelines; and
- Parking design complies with the relevant Australian Standard.

Car share spaces

Part 2.10.9 of MDCP 2011 encourages the provision of car share spaces in large scale residential developments. Council is building on these controls through the development of a formal car share policy that is currently on exhibition.

The development provides for 2 dedicated car share spaces within the underground parking provided on site. Preliminary discussions with a provider indicates that the technology to support the provision of car share spaces within private car parks is available and there are successful examples within Marrickville, including the student accommodation development at 43 Australia Street, Camperdown and adjacent Council areas such as Central Park in the City of Sydney LGA.

Conditions have been imposed to confirm the number of spaces and requiring the developer to provide public access.

Table 2: Assessment of parking

Part 2.10 Parking				
Parking required		Calculated	Proposed	Complies
Car parking (standard)				
Residents	0.4 spaces/studio 0.5 spaces/ 1 bed; 1 space/2 bed; 1.2 spaces/3 bed	0.4 x 20 = 8 spaces; 0.5 x 71 = 35.5 spaces; 1 x 102 = 102 spaces; 6 x 1.2 = 7.2 spaces Total: 153 spaces	157 standard resident bays; and 12 tandem standard resident bays. Total = 176 bays	Yes
Visitors	0.1 spaces/dwelling	0.1 x 199 = 20 spaces	12 standard visitor bays	No, but resolvable through conditions.
Retail	1/100m² GFA.	322/100 = 3.22 = 3 spaces	Nil	No, but accepted.
Other	Encouraged.	N/A	2 dedicated car share spaces.	Refer to discussion.
Carparking (accessible)				
Residents	1 per adaptable dwelling	50 x 1 = 50 accessible spaces	50 accessible resident spaces	Yes
Visitors	0.25 per accessible resident space	0.25 x 12.5 = 13 spaces required	13 accessible spaces	Yes
Retail	1/10 parking spaces	Nil provided	1 accessible space	Yes. Refer to discussion.
Servicing and deliveries				
Residential	1 space/50 units (above the first 50)	199/50 = 3.98 = 4 spaces required	3 spaces in car park.	Yes
	50% of spaces adequate for trucks	4/2 = 2 spaces required	Truck parking provided at north east end of Building B2 located in right of way.	No. Condition to remove imposed.
Motorcycles				
All	5% of required parking	12 spaces	12 spaces	Yes
Bicycles				
Residential				
Resident	1 per 2 units	249/2 =124.5 =125	152 basement 8 in public domain near station; 12 at ground level throughout the site.	Yes
Visitor	1 per 10 units	249/10= 24.9 =25		
Total		150		
Retail				
Staff	1 per 300m²	3 spaces.		
Customers	1 per 500m² (where GFA > 1000m²)	>1,000m² therefore not required.	N/A	N/A

Access

The development involves the construction of 2 new internal roads namely:

- South Lane – a one way street with entry from the southern end of Grove Street and exit at the western end of Constitution Road. This road will serve as a “kiss and ride” for the light rail station and servicing lane for the retail component; and
- North Lane – a 2 way street with entry from Hill Street and the northern end of Grove Street. Vehicles may only exit on to Grove Street. This street will serve as the main vehicle entry to the underground car park and point of collection for waste servicing.

The road layout and concept design has been reviewed by Council’s Development and Traffic Engineers, who are generally supportive, and concluded that the internal roads were suitably designed to meet their intended functions.

Traffic

The TRAFFIX investigation and report concluded the following:

- The residential use of the site has a lower order traffic generation than the current industrial use;
- Under the worst case scenario a total of 73 vehicles per hour will be added to the local transport network in the AM and PM peaks. The network has the capacity to absorb the identified increase;
- The development will reduce the number of heavy vehicles using the residential street network and may improve safety and benefit pedestrians, particularly when Arlington light rail station is operational;
- Critical intersections were modelled to demonstrate that the additional traffic will not alter the current delays and queues; and
- Increasing traffic flows will not adversely affect residential amenity impacts within Grove Street.

Following a review by Council’s Traffic Engineers and Council’s Pedestrian, Cyclist and Traffic Calming Advisory Committee a further study was also provided in relation to potential impacts on Denison Road. The outcome of that assessment is summarised as follows:

- Traffic will generally increase as a result of the proposal. However there is adequate capacity within the local network to absorb the increase without altering the current level of service at key intersections.
- The additional study into Denison Road conditions concluded there is likely to be an increase of up to 10 per cent during the AM and PM peak periods. Council as part of its Capital Works Program will be undertaking a Local Area Traffic Management review that will identify any upgrade works necessary to ensure the safe functioning of the street.
- The development will contribute to changing traffic conditions within Grove Street, including an increase in traffic flow. However the increased in traffic flow is not anticipated to result in adverse impacts to pedestrian safety in the street network around the site or a reduction of residential amenity. Consideration of residential amenity in traffic assessment typically considers the provision of footpaths, crossing facilities and traffic calming and would look at issues and opportunities to cross the road safely (i.e. volume of traffic), width of roadway, speed zoning and usage of heavy vehicles.

Based on the identified increasing in traffic flow along Denison Road, the applicant has offered to contribute \$10,000 to Council, in addition to the Section 94 contributions, to fund a Local Area Traffic Management (LATM).

Council staff have reviewed and accepted the resolutions of the TRAFFIX reports. Suitable conditions are included in the recommendation in response to the development to ensure that necessary works and easements are established. The funding offer is also supported and has been incorporated into the public benefit matters included in the Voluntary Planning Agreement (considered under separate cover). It is envisaged that this money would be directed towards the existing LATM for the area.

Pedestrian Safety

Assessment of the proposal by the TRAFFIX on behalf of the applicant and reviewed by Council's Traffic Engineers included an assessment of pedestrian safety.

The TRAFFIX report concluded that while there is an increase in traffic associated with the development, it will not adversely affect residential amenity, which includes consideration of impacts on pedestrian movements within the local traffic network.

Council has previously liaised with Transport for NSW in relation to the construction of a pedestrian crossing within the immediate area of the site. The proposal has not been progressed due to the configuration of street intersections that do not have sufficient sightlines to allow for the establishment of a safe crossing point.

The western end of Constitution Road will become increasingly pedestrianised as a result of the new Arlington Light Rail stop, the retail/active use element adjacent and the discharge points for pedestrian connection leading from and through the development site. The application includes a proposal from the developer to construct a public domain plaza at this convergence point, including a "shared zone".

It is however likely that increased pedestrian movements will occur beyond the extent of the marked "share way" and for safety reasons a condition is included in the recommendation requiring that the "Shared Zone" be extended to the intersection of Grove Street as high levels of pedestrian activity will extend to this point.

In addition to the above, to improve traffic safety in Constitution Road a condition is included in the recommendation requiring that South Lane become a public Right-of-Way so as to allow vehicles to enter and leave Constitution Road in a forward direction without performing a reverse manoeuvre. In its current configuration all vehicles that enter and leave Constitution Road are required to perform a 3 point turn which may compromise pedestrian safety.

(viii) Fencing (Part 2.11)

Fencing detail is consistent with the architectural design and form of the development. The Grove Street fence has been designed to ensure some interaction between public and private domain, suitable and effective casual surveillance of adjacent street frontages and common areas.

Detailed design of fencing along the western boundary adjacent to the rail corridor has not been provided. A condition is included in the recommendation requiring a 1.8 metre high, dark toned open style palisade fence to ensure safety and maintain a visually recessive appearance.

A detailed compliance assessment in accordance with the relevant controls of Part 2.11 of MDCP 2011 is provided in **ATTACHMENT 3**.

(ix) Biodiversity (Part 2.13)

2.13.3 & 2.13.4 Protection of Endangered/Threatened Species & Wildlife Corridors

These matters have been considered earlier under Section 9 of this report in relation to Terrestrial Biodiversity.

2.13.5 Development near parks, bushland reserves and other public open spaces

The property is located within the immediate vicinity of Johnson Park to the west on the opposite side of the light rail corridor. The development is consistent with the relevant controls as follows:

- The proposal is designed to provide residents with an outlook to the park but does not privatise the open space due to the demarcation of space by the rail corridor and light rail line. Furthermore, the establishment of a publicly accessible pedestrian/cycleway along the western boundary connecting the new Arlington light rail station with Grove Street (through the site), North Lane and Hill Street, will enhance public space and amenity;
- The development provides an average setback from the western boundary of 10.7 metres. This setback will be landscaped to provide a visual buffer and transition to the open space located on the opposite side of the light rail corridor;
- View corridors to and from Johnson Park are primarily obtained along existing street alignments. The development retains exiting view corridors and will create a new corridor through the site along the Orange Grove;
- A limited number of dwellings currently benefit from partial views of Johnson Park. These include units on the upper (second and third floors) of 9 – 11 Dulwich Street and those located on the second storey of “The Denison” (corner of Denison Road and Constitution Road). Views are obtained from west facing balconies across side boundaries and over intervening roof scapes of down hill properties. The sight lines from those dwellings located in Dulwich Street to the park are through the site where the development steps down to 4 storeys at Building B1 and should retain a partial view of the Park;
- Views from Johnson Park looking east will be altered with the new buildings visually evident from the open space. The varied height of the buildings together with the staggered edge and landscape elements will provide for visual interest and a marker of the new light rail corridor and Arlington station; and
- Views of the Sydney City skyline from the Park, including Centrepont tower, will not be affected by the proposed development.

The proposal is considered to be consistent with the controls and objectives of Part 2.13.5.

(x) Energy Efficiency (Part 2.16)

Part 2.16 of MDCP 2011 contains controls and objectives for energy efficiency targets for non-residential development. In particular Part 2.16.3 relates to development for retail premises between 100m² and 1,000m².

The development includes a 322m² retail premises intended for use as a food and drink premises. The provision of energy efficient devices and fittings is a matter for detailed design that will be certified at Construction and Occupation Certificate Stage. Conditions are included in the recommendation to address those matters.

Combined with the above the applicants have provided an assessment of the café element (being the only non-residential component) carried out in accordance with Part J of the Building Code of Australia contained within the National Construction Code.

(xi) Water Sensitive Urban Design (Part 2.17)

Part 2.17 of MDCP 2011 contains objectives and controls relating to Water Sensitive Urban Design (WSUD) for new residential and commercial developments.

The development site and adjacent land has been designed to incorporate WSUD elements aimed at reducing sediment loads in urban runoff. These include the provision of rain gardens within the landscaped setback to the western boundary and Grove Street verge adjoining the development site. Council's Development Engineer and Tree Management Officers have been consulted in relation to the proposed location and raise no objection.

The provision of WSUD elements will contribute to enhanced visual amenity to the streetscape and improved water quality for runoff entering the stormwater system.

Council's Development Engineer has provided conditions of consent which are included in the recommendation to ensure that the WSUD elements are suitably constructed to Council's design specifications.

(xii) Landscaping and Open Spaces (Part 2.18)

Part 2.18.11.7 of MDCP 2011 prescribes landscaped area, private and common open space controls for mixed use developments.

A detailed assessment in accordance with the controls is provided in the compliance table included in **ATTACHMENT 3** to this report. The outcome of the assessment is summarised as follows.

- 95 per cent of apartments are provided with compliant areas of private open space;
- 27 units with a floor area greater than 85m² are included requiring the provision of 10 per cent common open space. The development is supported by a network of plazas and passive recreation spaces that enhance the buildings' setting and complement private open spaces. The network of courtyards, plazas, greenway space and pedestrian paths account for approximately 48 per cent of the site; and
- Landscaped area of 2,3810m² (23.5 per cent of the site) incorporating passive recreation elements has been provided.

The development does not comply with the required provision for common landscaped area and has developed an alternate masterplan that allocates preference to the design and orientation of building forms to favour individual residential amenity over the provision of common open space.

On balance, this outcome is considered acceptable. The design and layout of the buildings do not increase external impacts on neighbouring sites and maintains and enhances the public domain and streetscape interfaces.

(xiii) Site Facilities Waste Management (Part 2.21)

Site facilities

Site facilities necessary to support the development are capable of being provided. A detailed assessment of compliance is provided in **ATTACHMENT 3** and conditions have been imposed to ensure compliance.

Waste storage facilities

The applicant has proposed the use of 660L bins to service the site. Agreement from Council's Waste Services Section has been negotiated subject to the applicant construct a suitable kerb edge to allow for the safe movement of the bins from the waste storage area to east bound lane of North Lane.

The plans detail the provision of a "rolling kerb" gutter that has undergone a risk assessment. Suitable conditions have been imposed to ensure the design meets Councils requirements and that prior to occupation the appropriate departments are contacted to arrange the appropriate number of bins.

Waste Management (Collection)

Collection of residential waste will occur from the North Lane with Council's trucks entering via Hill Street. The waste storage room has been designed to facilitate Council access to the waste storage area to overcome the need to leave bins on the street.

Trucks will be able to park on the west bound lane of the North Lane and retrieve bins from the lock up. The kerb adjacent to the waste storage area will be designed to Council's specification to ensure that bins are able to be safely manoeuvred.

Collection of non-residential waste will be via the South Lane and require a private contractor service.

Waste Management (Disposal)

A Recycling and Waste Management Plan (RWMP) prepared by Elephants Foot was submitted with the application. In general the waste management arrangements for the site are acceptable subject to minor amendments to the following matters:

- Deletion of all references to use of compaction system within the RWMP prepared by Elephants Foot;
- Relocation of compost area shown on Drawing No. DA:102 Revision AC prepared by Smart Design Studio to an area adjacent to the community garden to encourage the reuse of waste materials;
- Minor internal design amendments to the waste storage areas shown on Drawing DA: 101 Revision T prepared by Smart Design Studio to ensure that waste areas are access controlled;
- The preparation and submission of suitable construction and demolition RWMP prior to the issue of a Construction Certificate; and
- The preparation of a suitable waste management plan in connection with addendum Remedial Action Plan (refer to SEPP 55 assessment) to ensure appropriate disposal of contaminated waste.

Council's Waste Services Section have reviewed and accepted the plans provided in support of the development. Conditions are included in the recommendation concerning the required amendments and detailed information to ensure on site management.

(xiv) Flood Management (Part 2.22)

Flood affectation

The land is located within the draft Hawthorne Canal Flood Study area and is known to experience inundation related to overland flow and flooding. Accordingly, the applicant was directed to provide a flood report to address the potential impacts associated with the redirection of flood waters.

The reports have been reviewed by Council's Development Engineer who provided the following comments:

- A satisfactory flood report has been submitted establishing acceptable floor levels for the development to ensure the protection of property the sublevel carpark to prevent flooding. Moreover the report suitably demonstrates that no adverse impacts on adjacent properties or Council's road network will occur as a result of the development.
- Additional detailed design will be required in relation to the overland flow paths to ensure the flow of water is captured and transported around the site (as intended) without impacting on adjacent land. Appropriate conditions are included in the recommendation in relation to those matters.

Stormwater management

The diversion of Council's stormwater pipe in Grove Street is acceptable subject to conditions which are included in the recommendation.

PART 3 –SUBDIVISION, AMALGAMATION AND MOVEMENT NETWORKS

The development includes the consolidation of 16 separate title lots into 1 lot and involves the construction of the following vehicle and pedestrian networks:

- South Lane located at the southern end of the development forming a one way connection between Grove Street (entry) and Constitution Road (exit);
- North Lane located at the northern end of the consolidated title. A dual carriageway with entry and egress to Grove Street is provided combined with a entry only point from Hill Street that traverse a right of way over the adjacent site currently occupied by Andrews Meats; and
- A shared pedestrian and cycle path along the western boundary adjacent to the rail corridor connecting Arlington Light Rail Station to North Lane and Grove Street as well as allowing for potential extension to connect through Andrews Meats, if it is redeveloped in the future.

The proposed consolidation and movement networks are considered in detail in the context of the Masterplan controls of Part 9 of MDCP 2011. The applicant has indicated that South Lane and shared pedestrian/cycle way will be covered by a right of carriageway/entry registered on the title for the benefit of the public.

Conditions are included in the recommendation requiring that the public right of way be established before the issue of any Occupation Certificate.

PART 4 –RESIDENTIAL DEVELOPMENT

Part 4.2 - Multi Dwelling Housing and Residential Flat Buildings

Unit mix

As shown in Table 3 below, the proposal seeks a variation to the unit mix in relation to the provision of 3 bedroom apartments, providing a maximum of 6 x 3 bedroom apartments equal to 2.4 per cent of the development yield.

Table 3: Assessment of unit mix

Unit Type	Required	Proposed	Complies
Studio	5 - 20% (12 - 50 apartments)	8% (20 apartments)	Yes
1 bedroom	10 - 40% (25 - 100 apartments)	38.9% (97 apartments)	Yes
2 bedroom	40 - 75% (100 - 187 apartments)	50% (126 apartments)	Yes
3 bedroom	10 - 45% (25 - 112 apartments)	2.4% (6 apartments)	No

Despite the non-compliance the development provides for a range of unit layouts and types that contribute to housing range and mix consistent with the intent of the control.

Separation

Separation from boundaries and other sites within the Masterplan area are considered under the assessment of Part 9.11 of MDCP 2011 in this report. The following section considers the separation of building elements within the site. A detailed assessment in accordance with SEPP 65 is provided in **ATTACHMENT 2**.

The following separation distances are proposed:

- 6 metres at ground level increasing to 8 metres at levels 1 to 3 (inclusive) separates the western elevation of Building E from the eastern elevations of Buildings A2 and B2 (each 8 storeys in height). A variation of between 1 - 3 metres;
- Buildings A and B are separated over the central grove by a distance of 26 metres. This narrows to a minimum of 9 metres at the western end. However, at this point habitable rooms are not orientated to each other and so comply with the required separation distances;
- 12 metres separates the northern elevation of Building E from the southern elevation of Building C, which is compliant with the 12 metre separation required; and
- 12 metres separates the southern elevation of Building C from the north facing balcony edge of Building B2, which is compliant with the SEPP 65 and MDCP 2011 controls.

As indicated above a variation of between 1 – 3 metres is sought between the western elevation of Building E and eastern ends of Buildings A and B. The separation issue is addressed through the building design that orientates windows and outdoor living spaces away from each other. Overall the proposal achieves compliance with SEPP 65 and the MDCP 2011 in relation to the proportion of dwellings achieving suitable solar access. Accordingly, the reduced separation has retained suitable residential amenity consistent with the aim of the control.

Site cover

The 8 storey development has 38 per cent site cover (3,896m²) a variation of 856.7m² which does not comply with the maximum 30 per cent required for residential flat buildings over 3 storeys in height.

Notwithstanding this, the site is located within a highly developed urban context with a site cover generally consistent with other large scale developments within the immediate context of the site, in particular “The Denison” on the corner of Constitution Road and Denison Road.

The provision of landscaping, including deep soil has been considered under Part 9 of the MDCP and is considered acceptable for the development.

Façade design

The development is generally considered to provide a high quality façade design orientated to main street frontages of Grove Street and Constitution Road.

In particular the front facades of Buildings E and A are well articulated and balanced through an effective use of glazed openings. Solid massing elements are mirrored by equal and proportionate glazing elements within facades immediately adjacent to streets.

Building ends do not contain fenestration detail to ensure privacy between dwellings. However, the mass of those elements is moderated through the use of angled walls and stepped building forms. Further use is made of variation in building materials to introduce horizontal elements to vertical planes aimed at breaking any wall mass.

Notably with the exception of the eastern end of Building C, the 8 storey building forms are recessed into the site and will only be visible from a distance. While those elements will, from certain vantage points, be visually evident they are not considered to be dominant within the adjacent streetscapes or from within the site itself.

In relation to the streetscape elevation of Building C and its presentation to Grove Street this elevation, like those of Buildings A and B, has staggered form through its lengths and stepped height transitions. Street level plantings within the front setback and the street verge soften the appearance of the building forms and contribute to improved public and visual amenity.

PART 5 – COMMERCIAL AND MIXED USE DEVELOPMENT

Active Use – Design and Layout

Building A1 includes a ground floor retail component with residential above requiring assessment against the relevant provisions in Part 5 of the MDCP 2011. In this instance as the building form is guided by Part 9 strategic context controls only those matters not addressed in Part 4 or Part 9 of MDCP 2011 have been included in the assessment.

Council's active street front controls are designed to ensure new infill development is consistent with the prevailing streetscape of established commercial precincts. In this instance, the commercial component of the development is limited to the southern end of the precinct site adjacent to the light rail corridor. Whilst non-compliant with the standard controls for active ground floor uses within a mixed use development the proposed space is considered to be appropriately located and designed to enhance both the development and the public domain.

Detailed consideration of compliance of this aspect is provided in the compliance assessment provided in **ATTACHMENT 3**.

Active Use – Operation

In accordance with recent amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, first use applications are no longer required for certain forms of commercial premises operations.

Consequently, operational aspects of the future tenancy and any likely impacts have been considered in the assessment of the application.

The plans indicate that the retail premises will operate as a café. In concept Council officers have no objection to this use. Conditions are included in the recommendation to control the potential amenity impacts that may arise in relation to the operation of an active use within an otherwise residential environment. In particular these include:

- Hours of operation – internal and external;
- Placement of furniture within common areas to ensure pedestrian and bicycle movements are not disrupted or obstructed; and
- Management of servicing arrangements in relation to loading/unloading and waste collection.

PART 9 – STRATEGIC CONTEXT


The land is located in the 9.11 Hoskins Park Planning Precinct (Precinct 9.11) under MDCP 2011.

The application has been made on the basis of an alternate masterplan to guide the redevelopment of the site. The alternate redevelopment strategy generally retains the envisaged amalgamation pattern, as adopted under Part 9.11 of MDCP 2011 but seeks to modify the following elements:

- Building configuration, lengths and widths;
- Road layout and vehicular access;
- Configuration of future Site 3;
- Open space locations; and
- Boundary setbacks and separation distances.

Building Configuration, length and width

The masterplan alternative increases the size of individual building footprints and redistributes building mass with buildings orientated to improve the individual amenity of dwellings. A comparison of the 2 layouts is provided below.

Masterplan Layout Alternatives Applicant's masterplan	Key Elements/Outcomes
	<ul style="list-style-type: none"> • Buildings re-orientated to improve residential solar access; • Improved interface with public domain at Constitution Road; • Establishes continuous view corridor through the site to Johnson Park; • Formal layout and structured landscaping; • Reduced solar access to central courtyard; • Increased building footprints and reduce landscaped elements; • Retains setback and storey height to Grove Street; • Maintains the rhythm of space between building forms and setbacks at side boundaries; • Results in shorter building lengths orientated to Grove Street by consolidating Buildings E and F and reduces cumulative wall length to 60

metres; and

- Introduces a new view corridor through the site to Johnson Park along the Orange Grove.

Part 9.11 MDCP 2011 Masterplan



- Buildings orientated east-west with limited solar access potential for residential units;
- Graduated and stepped transition from 4 to 6 to 8 storey buildings;
- Improved solar access to common open space within;
- View corridor from Grove Street to central open space; and
- Narrow footprints and improved landscape provision.

One of the most significant changes in the site layout is that building orientation that now favours solar access to individual dwellings over common open space located within the Central Grove.

The shadow diagrams indicate that the central common open space will be in shadow on the winter solstice. Notably however the development overall still achieves compliance with the requirement for 50 per cent of landscape area to achieve 2 hours of solar access.

The extent of overshadowing to the central grove is considered suitable in the context of the overall development and its density. In particular, given the overall compliance with Council's solar access controls relating to common landscaped area (refer to earlier discussion).

The development enhances the interface to Constitution Road through an effective transition and "buffer" to residential elements through the incorporation of a retail space at the ground floor.

Along Grove Street, Buildings E and F of the adopted Masterplan have been condensed to a single building form. This has increased the maximum building length to the street front from 55 metres to 60 metres. However, the design of the façade is considered to provide for effective visual relief to achieve a positive streetscape outcome and public domain interface.

The possible view corridor and public access between Buildings F and E has been relocated to the northern end of the site and introduces a view corridor through Orange Grove towards Johnson Park as well as introducing a new east-west pedestrian link, improving pedestrian permeability of the site locating the connection closer to block edges and terminus points near Hill Street.

Road layout and vehicular access

Under the Masterplan adopted by Part 9.11 of MDCP 2011, 3 separate vehicle access points were envisaged with vehicles entering and exiting in the following manner:

- Constitution Road through Site 1 serving Buildings A and F on Site 1 and Building P on Site 4;
- Northern end of Grove Street through and serving Buildings E and Q on Sites 1 and 3 (respectively); and
- Street through Sites 1 and 2 serving Buildings B and C on Site 1 and Building G on Site 2.

The alternate scheme has retained the street connections but altered the flow of traffic into and from the site and provided vehicle links to promote the active flow of traffic through the precinct sites. This is achieved through the following:

- South Lane – provides a right or left hand turn from Grove Street with one way circulation exiting to Constitution Road. This lane will serve as a drop off/pick up point for Site 1 and the new light rail station as well as providing vehicular access to Site 4 and servicing of the retail premises; and
- North Lane – two way entry/exit to Grove Street and entry only from Hill Street. North Lane will provide access to the basement carpark for Site 1, and allows for future access to Site 2 and Site 3.

The alternate masterplan has an improved outcome in traffic movement to and through the site. It will allow for ease of waste servicing by Council and does not adversely affect local traffic flows. The detailed consideration of the alternate traffic flow scenario has been considered in earlier sections of this report.

Modification to boundaries of future Site 3

A comparison of Site 3 and Building Q layout and setbacks is provided in Images 17 and 18 below. The following alterations are proposed:

- Site 3 will have maximum depth of 12.115 metres (a variation of 1.585 metres); and
- Future Building Q will have a 2 metre setback at ground level (a variation of 1.35 metres).

In taking into consideration the suitability of the alternative the following has been considered:

- Building C on Site 1 has been reorientated on an east-west axis to improve solar access to units;
- Building C has been reduced from 6 storeys to 4 storeys;
- The site accommodates the separation distance previously apportioned over the 2 sites;
- The site wholly accommodates the driveway and vehicular access previously required to be apportioned over both Sites 1 and 3; and
- The site will allow for a vehicle entry through the basement to permit a basement development under Site 3 by establishing an easement which burdens site 1 in favour of site 3.



Image 17: Extract of Figure 11.1b of MDCP 2011

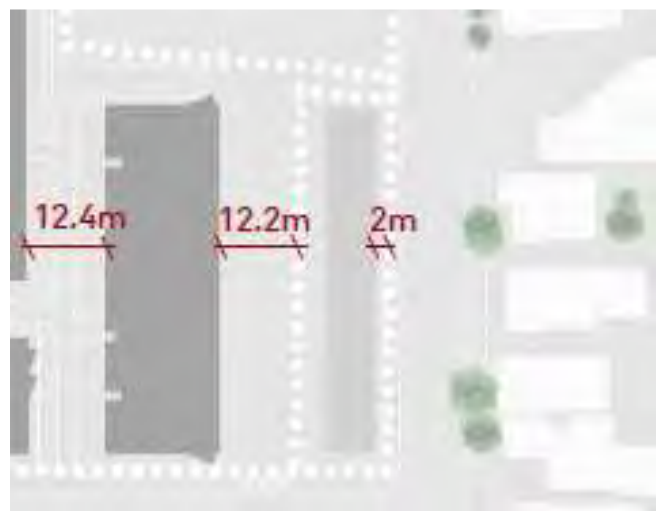


Image 18: Extract of applicant's alternate masterplan layout

Even under the Masterplan arrangements Site 3 would have struggled to achieve a basement level car park based on the identified entry point from Grove Street at the narrowest point of the land. This would have had urban design and streetscape implications and affected the gross floor area/yield of the land in the future.

The applicant has submitted a feasible design/construction alternative for Site 3 and Building Q that adopts a terrace style of development. It is considered that this would create a suitable and improved visual transition between the Hill Street frontage and the buildings proposed, particularly in view of the reduced height and scale of Building C.

Open Space and landscaped elements

The alternate masterplan envisages the provision for landscaping in respect to the following:

- A weighted 10.7 metre setback western development and building setback;
- Reduced central “communal area”;
- Relocation of view corridor and visual connection to open space; and
- Increased building footprint dimensions.

The alternate scheme has been considered and is supported based on the following:

- The staggered façades of the buildings contribute to breaking the mass and achieving the desired effect of Control C7 to not create a “tunnel effect” combined with suitable plantings that this element then achieves the intent of the control.
- Minor incursions into the 8 metre greenway setback occur at 3 points, namely at the southern end where Building A forms an interface with Arlington light rail station with the elevated terrace that makes a positive connection with public infrastructure and will enhance with site and adjacent public domain. The other 2 incursions are located towards the middle and northern end of the site, with building elements within the corridor for an extent of no more than 2 metres. The facade elements are angled so as to avoid forming a hardline edge to the park and so do not appear to be visually intrusive.
- The landscaped edge is well designed and provides for suitable landscaping as well as accommodating a shared pedestrian/bicycle path that promotes active use of the space and improves site permeability.
- The building layout introduces a visual link through the site towards Johnson Park. This visual connection will be consistent with the established view corridors.
- The development is set amongst formal landscape gardens and pedestrian walkways. The design and layout of the site has been informed by demographic and social trends that seek to enhance internal residential amenity and space over the provision of common areas.
- The landscape areas provided achieve a strong sense of place and character that is consistent with the architecture of the buildings.

Boundary setbacks and separation

Separation of building elements within the site have been considered in earlier sections of this report. The following assessment and discussion considers the modified building layout and masterplan in the context of separation to future development on adjacent sites within the Hoskins Park Precinct.

In the context of the adopted Masterplan the alternate layout reflects the following variations:

- Setbacks to Grove Street and future Site 4 in relation to Building E comply.

- Separation between Building C and Building Q on future Site 3 is a variation from the required 12 – 18 metres. However, based on the reduced storey height of Building C the 12 metre separation complies with SEPP 65.
- Boundary separation between Building A1 and the eastern boundary of future Site 4 seeks a variation of 500mm at the south-eastern end along the eastern edge of the balcony serving unit 201 at each level, where separation of 6.5 metres is provided instead of the required 7 metres. This is considered acceptable based on the design of the respective building form that is angled away from the adjacent site. To overcome potential impacts of privacy from the eastern facing edge of the balcony screening devices should be incorporated into the design. A condition has been included in the recommendation to this effect.
- A separation of 12 metres between the northern elevation of Building C and the boundary of future Site 3 has been provided. Building C has been reduced in scale from a possible 6 storeys to 4 storeys. Accordingly, the separation complies with the MDCP 2011 and SEPP 65 controls.
- 6 metres separates the western elevation of Building C from the eastern side boundary of the Andrews Meats site which reflects an apportioned separation distance based on 4 storeys of habitable development, compliant with the MDCP 2011 and SEPP 65 separation controls.
- The north-western portion of Building B2 has a variable separation from the northern elevation to the southern boundary of the Andrews Meats site from a minimum of 6 metres from the edge of balconies increasing to 8 metres to windows of habitable rooms. This separation distance does not comply. The applicant contends that the variation does not compromise or diminish the development potential of Site 3 and that, like Site 1, the Masterplan controls would be revisited to optimise the development potential of land.

In support of their request to vary the industry accepted standards and adopted Masterplan controls an alternative layout option has been provided that places a lower 4 storey form stepping up to an 8 storey building form (refer to Image 19).

The alternative is one viable option that demonstrates that Site 4 could still be developed in accordance with MLEP 2011 development standards and the building storey heights under the MDCP 2011.

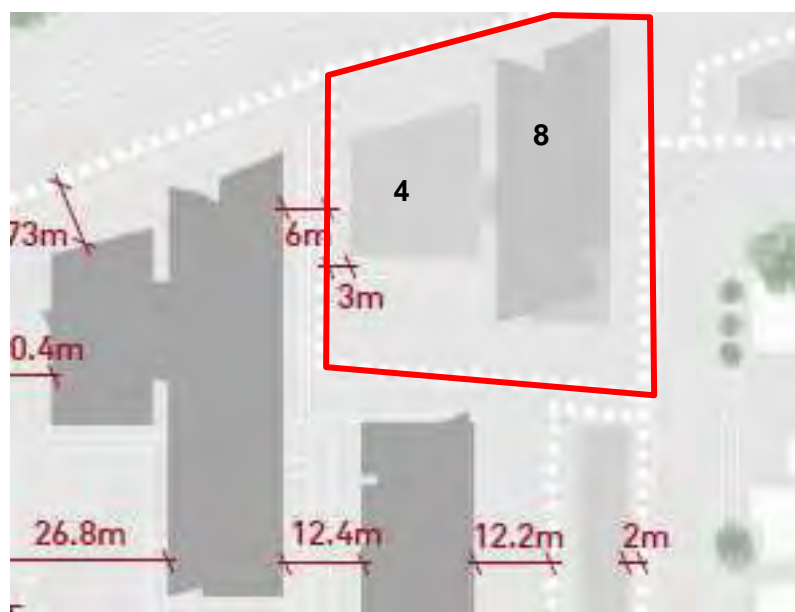


Image 19: Extract from alternate materplan

11. Marrickville Section 94/94A Contributions Plan 2014

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$3,638,299.10 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

The applicant has agreed to undertake public domain improvements to the eastern side of Grove Street to include verge planting, footpath reconstruction and aerial bundling of power cables at their cost.

12. Any planning (or draft planning) agreement under Section 94F of the Act

The application includes a draft Voluntary Planning Agreement (VPA) which the applicant intends to enter into with Council for the development. The VPA seeks to provide a public benefit including:

- 2 x affordable housing units;
- Public domain works around Arlington light rail station and the western end of Constitution Road;
- Upgrade works to the western side of Grove Street, including pavement and street tree plantings;
- Street tree plantings to Constitution Road west of its intersection with Grove Street; and
- \$10,000 directed towards an LATM study.

The works are to be undertaken at the developer's cost and are provided in addition to the Section 94 contributions being imposed by Council for the development. The specific details and an assessment of the VPA has been prepared by Council's General Counsel and is provided separately.

13. Any relevant matters prescribed by the Regulations

The development has been considered against Clause 92 of the Regulations and the following resolved:

- The land is not on land within a local government area identified in the Table of Clause 92;
- The land is not affected by a Government Coastal Policy;
- The development will be subject to conditions controlling the method of demolition to confirm compliance with AS 2601—1991: *The Demolition of Structures*, published by Standards Australia, and as in force at 1 July 1993; and
- The application does not relate to land the subject of a subdivision order made under Schedule 5 of the Act.

14. Any coastal zone management plan

No coastal zone management plans apply to the land.

15. The Likely Impacts

The potential impacts of the proposal have been addressed throughout earlier sections of this report.

16. The Suitability of the Site

This report has demonstrated that the site has sufficient capacity to accommodate the development with minimal adverse impacts on neighbourhood amenity. There are no significant natural or cultural constraints that would hinder the development, and accordingly the site is considered suitable for the proposed development.

17. Submissions

External Referrals

The application was referred to the following external agencies:

- RailCorp;
- Ausgrid;
- Sydney Water;
- Roads and Maritime Services; and
- Marrickville Local Area Command (Police).

All agencies have responded and raised no objection to the proposal. Where relevant the comments provided by agencies have been included in the body of the report.

Internal Referrals

The application was referred to the following internal departments and sections:

- Engineering (Civil and Traffic);
- Environmental Services (Contamination and Biodiversity);
- Waste Services;
- Strategic Planning (Precinct controls and urban design);
- Street Tree Managers;
- Transport Planner;
- Social Planner; and
- Local Traffic Committee.

Comments and conditions of the relevant sections are provided throughout the report as part of the assessment of issues relevant to their sections. In general most sections raised no objection to the proposal or matters raised have been resolved through the assessment process, except with regard to Council's Urban Design Planner whose advice is summarised as follows:

- Design should be refined to increase solar access to the central grove.
- Building B should be reduced to 6 storeys at north-eastern end to provide additional solar access to the central grove.
- Greenway setback should be increased.
- Building footprints reduced.
- Additional balconies should be introduced to the Grove Street façade and fenestration to eastern elevations.

The issues raised above have been addressed in the body of the report or in **ATTACHMENT 3** that provides a detailed assessment of compliance, with the exception of the final point. In relation to this matter, the following has been considered:

- Balconies orientated to Grove Street will not receive solar access and would be off bedrooms. As such it is not considered that they would facilitate the desired outcome of providing for greater activation of the Grove Street building frontage. In fact they would most likely only add visual articulation to the building that is not considered necessary given the high quality architectural design of the building.
- The upper most level and the ground floor have active uses or balconies orientated to the Grove Street frontage and provide suitable and appropriate activation and casual surveillance.
- The applicants have achieved a reasonable balance of ensuring activation and providing the opportunity for casual surveillance without imposing an unreasonable potential privacy incursion on residents on the opposite side of the street, which has been subject of much concern and objection from the residents immediately adjacent to the site.
- The eastern facing elevations of the 8 storey building components are considered to be setback sufficiently from the street edges and are appropriately designed to overcome any potential visual amenity impacts arising from the bulk and scale of the building.

Community Consultation

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. A total of 144 submissions were received, 87 individual submissions (this includes multiple submissions from the same objectors) combined with a total of 57 copies of a proforma objections.

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 have been discussed in the report. In particular, the following concerns, which have already been discussed throughout the main body of this report:

- (i) Compliance with SEPP 65;
- (ii) Compliance with MLEP Development standards;
- (iii) Traffic, access, parking and pedestrian safety;
- (iv) Solar access and overshadowing;
- (v) Visual and Acoustic privacy;
- (vi) Built form;
- (vii) Building Height;
- (viii) Changing character of development;
- (ix) Tree removal and street trees; and
- (x) Impacts on local fauna.

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

- (i) *The development is not reflective of the existing low density, single dwelling house development form that defines the prevailing built form character. To provide an improved built form outcome consistent with the established character the buildings should be no more than 3 storeys.*

Comment:

The development is a significant increase in the density and scale of development that is predominant within the immediate locality. It is agreed that the realisation of the development will visibly alter the appearance of the site and the immediate locality and that the buildings are visually apparent.

Development along the street edges, in particular to Grove Street and Constitution Road, is well designed and proportioned. Most objections are concerned with the visual impact of Building E orientated to Grove Street. This building is setback in accordance with the adopted control and is consistent with the envisaged storey height. The design attributes have been considered in detail within the body of the report and the Attachments.

In relation to the request to reduce building heights to 3 storeys, it is noted that the maximum height of the buildings are consistent with the controls in metres and habitable storeys.

- (ii) *Lack of community engagement and consultation in relation to the change in development standards and controls that have facilitated the potential 8 storey redevelopment of the site.*

Comment:

The changes to zoning, development standards (height and FSR) and the strategic context controls of MDCP 2011 were exhibited as part of the MLEP/MDCP. Advertising of the development application and draft Voluntary Planning Agreement has been undertaken in accordance with the requirements of the Environmental Planning and Assessment Regulations 2000.

- (iii) *Residents would like to see the restrict right hand turns from Constitution Road into Grove Street.*

Comment:

Restricting the flow of traffic along Constitution Road to restrict a right hand turn into Grove Street, will have adverse impacts on the broader street network, including Hill Street and Denison Road. Retaining a 2 way traffic flow will provide a more even distribution of traffic within the existing network. This option is currently not supported by currently available traffic information.

- (iv) *Reduction in the availability of on street parking in Constitution Road due to roads works by Transport for NSW.*

Comment:

Road works being undertaken by Transport for NSW to support the light rail development are independent of this development and cannot be determined or considered under the development application.

- (v) *Impacts of increasing population on local infrastructure and community services.*

Comment:

The proposal will bring about an increase in the local population and this will increase the demands for local infrastructure and services. Council plans for these increases through the implementation of Council's Section 94 Plan which contains a capital works program based on assessment of demographic trends within the area and the review of future demand for services and infrastructure.

- (vi) *The site may contain heritage assets, in the form of underground stormwater assets.*

Comment:

The applicants submitted a heritage impact statement in relation to the property that identified the potential for the registration of Sydney Water infrastructure under Section 170 *Heritage Act 1977*.

The pipes and infrastructure to be removed from the site for the purpose of facilitating redevelopment are not part of the registration applying to the Hawthorn Canal Stormwater Channel. This was confirmed by Sydney Water. As such there are no heritage constraints applying to the land.

(vii) Adverse impact to property values on surrounding and adjacent land

Comment:

No evidence has been provided to support claims of adverse impact on local land values. Moreover, under the provisions of the Environmental Planning and Assessment Act 1979 property/land values is not a matter for consideration.

(viii) Residents would like the following modifications to the vehicular entries and laneways:

- *multiple basement entries as opposed to the single entry from Grove and Hill Street;*
- *Exit from basement on to Constitution Road.*

Comment:

The proposed road network through the site, will provide for the safe entry and exit of vehicles. As adjacent sites, in particular Site 2, redevelop there will be opportunity to establish or negotiate a secondary exit point to Hill Street. As highlighted earlier in the report, the alternate road layout is considered to achieve an improved outcome, in particular in response to the western end of Constitution Road allowing for circular and one way traffic flows that will complement the new light rail station.

(ix) The location of the North Lane exit will have adverse noise impact on residents of No. 4 Grove Street and unreasonable headlight glare for those on the opposite side of Grove Street.

Comment:

Dwellings orientated westward on the opposite side of Grove Street have a floor height approximately 1.2 metres above the footpath level of the eastern side of Grobr Street. This coupled with the continuous and level path of the new road link mitigate against the potential for adverse impact associated with headlight glare.

No. 4 Grove Street, will experience some increase in noise associated with construction and ongoing use. North Lane serves only the residential dwellings of the site and as such is expected to have less impact than traffic flows on an average road network. It is likely that this site will be redeveloped in the short to medium term. In this instance, the transient nature of the impacts would not warrant the refusal of the application.

(x) Residents would like Council to negotiate with the developers to secure undergrounding of electricity within Grove Street.

Comment:

Negotiations have been undertaken to this end. The applicant has agreed to carry out additional public domain improvements including bundling of overhead cables within Grove Street, construction of a new footpath and planting new street trees along the eastern side of Grove Street.

18. The Public Interest

As demonstrated by this report, the proposed mixed use development will not result in any significant adverse impacts on adjoining properties or the locality, and will provide a high standard of residential living and deliver public benefit through the addition of new residential accommodation and provide new public access allowing for connectivity with new Arlington light rail station.

The development will cater to an increasing residential housing demand within the locality while also providing for the creation of new jobs through construction and a new retail component.

The proposal is not considered to be contrary to the public interest.

19. Conclusion

The application has been assessed having regard to the heads of consideration under Section 79C(1) of the *EP&A Act 1979*, the provisions of the relevant SEPPs, Council LEPs, DCPs, Codes and Policies.

The application relies on an alternative development scenario that will increase the density of the site and modify the building layout and open space connections envisaged by the adopted Masterplan.

The alternate masterplan provides a well-designed mixed development which satisfies the aims and intent of the Hoskins Park Strategic context controls, through urban renewal of existing and fragmented industrial land providing a predominantly residential development consistent with the envisaged scale set amongst formal landscaped gardens and pedestrian networks promoting connectivity with the future Arlington Light Rail Station.

The built form and massing is located within a landscaped setting, setback from adjoining properties.

The development is generally consistent with the principles promoted by SEPP 65 and the various parts of the MDCP 2011 providing for neighbourhood amenity and streetscape, visual and acoustic privacy, solar access and design for climate, stormwater, crime prevention, accessibility and waste management.

The traffic generated by the development can be accommodated by the existing road network. Additional parking, including 2 dedicated car share parking bays, is provided on site to mitigate potential impacts on on-street parking.

The proposal does not result in significant adverse impacts on the amenity of the neighbourhood and based on the assessment undertaken, approval of the development is recommended subject to the imposition of appropriate conditions.

PART E – RECOMMENDATION

- A. THAT** the development application to consolidate 16 lots, demolish all existing improvements and remediate the land followed by comprehensive redevelopment of the site to contain 249 dwellings and 1 ground floor retail premises within 4 buildings of heights varying from three 3 to 8 storeys over 2 levels of basement for 262 vehicles combined with ancillary development works including civil works, internal road construction, tree removal and landscaping be

APPROVED and a **DEFERRED COMMENCEMENT CONSENT** be issued subject to the following terms and conditions:

PART A - DEFERRED COMMENCEMENT CONSENT

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

1. An updated contamination investigation report being carried out in accordance with advice by Douglas Partners dated 15 February 2013 by an appropriately qualified environmental consultant in accordance with appropriate Department of Environment, Climate Change and Water guidelines in order to adequately determine the extent of soil contamination and any identified ground water. This investigation must locate and identify any underground storage tanks present on the site, this report must be submitted to Marrickville Council for review and approval.

Reason: To ensure the site has been appropriately investigated and the extent of contamination adequately determined and to facilitate an appropriate Remediation Action Plan.

2. A Remediation Action Plan (RAP) must be prepared in accordance with appropriate Department of Environment, Climate Change and Water guidelines which stipulates how the site will be remediated and validated so that no significant contamination remains on site. The remediation strategy must not include onsite management of contamination. The RAP being submitted to Council's satisfaction.

Reason: To ensure the site will be appropriately remediated and validated to ensure that it is suitable or will be made suitable for the proposed residential land use without the need for ongoing management or monitoring requirements.

3. The Person acting on this consent must satisfy Sydney Water and Council with regard to stormwater and flood management of the site in particular it must be demonstrated that the following performance criteria have been met:

- a) The capacity of the proposed new stormwater culverts should be equal to the existing stormwater culverts / pipes;
- b) No adverse impacts on flood behaviour;
- c) No loss in floodplain storage within the site and
- d) No increase in the frequency or degree of inundation of properties upstream or downstream.

In satisfying the above criteria the person acting on this consent must refer to Sydney Water Email dated 12/3/2014 with the attached comments to Council dated 26/2/14.

Reason: To ensure that the requirements of Sydney Water are complied with in relation to works affecting their assets.

4. The person acting on this consent must prepare and provide to RailCorp for approval/certification the following items:

- a) Final Geotechnical and Structural report/drawings that meet RailCorp's requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
- b) Final Construction methodology with construction details pertaining to structural support during excavation. The person acting on this consent is to be aware that

- RailCorp will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- c) A report assessing the in impact or any movement on the rail tunnel that may result from the proposed development. This report is to be based on the Final Geotechnical and Structural Report.
 - d) Final cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail tunnel. All measurements are to be verified by a Registered Surveyor.
 - e) Detailed Survey Plan showing the relationship of the proposed developed with respect to RailCorp's easement and tunnel location.
 - f) If required by RailCorp, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Reason: To meet the terms of RailCorp's concurrence and ensure the protection of their assets.

5. In relation to the Voluntary Planning Agreement:

- a) The Voluntary Planning Agreement approved by Council in conjunction with this development consent ("VPA") is entered into in accordance with Clause 25C(1) of the Environmental Planning and Assessment Regulation 2000; and
- b) The VPA has been registered on the title to all properties to which this development consent relates.

Reason: To ensure that the VPA is entered into and to confirm the terms of Council's approval.

Evidence of the above matters must be produced to the Council or its delegate within 2 years of the date of this Determination otherwise the Consent will lapse.

PART B - CONDITIONS OF CONSENT

Once operative the consent is subject to the following conditions:

GENERAL

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

Plan No. and Issue	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
DA:001 Rev T	Envelope & Context Plan	28.11.13	Smart Design Studio	06.02.14
DA:002 Rev L	Site/Roof Plan	31.01.14	Smart Design Studio	06.02.14
DA:100 Rev U	Lower Level Basement Plan	31.01.14	Smart Design Studio	06.02.14
DA:101 Rev T	Basement Plan	31.01.14	Smart Design Studio	06.02.14
DA:102 Rev AC	Ground Floor Plan	31.01.14	Smart Design Studio	06.02.14
DA:103 Rev U	Level 1 Floor Plan	31.01.14	Smart Design Studio	06.02.14

Plan No. and Issue	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
DA:104 Rev T	Level 2 Floor Plan	31.01.14	Smart Design Studio	06.02.14
DA:105 Rev T	Level 3 Floor Plan	31.01.14	Smart Design Studio	06.02.14
DA:106 Rev M	Level 4 Floor Plan	31.01.14	Smart Design Studio	06.02.14
DA:107 Rev N	Level 5 Floor Plan	31.01.14	Smart Design Studio	06.02.14
DA:300 Rev O	Elevations 1	31.01.14	Smart Design Studio	06.02.14
DA:3001 Rev N	Elevations 2	31.01.14	Smart Design Studio	06.02.14
DA:302 Rev J	Elevations 3	31.01.14	Smart Design Studio	06.02.14
DA:303 Rev K	Elevations 4	31.01.14	Smart Design Studio	06.02.14
DA:303 Rev M	Elevations 5	31.01.14	Smart Design Studio	06.02.14
DA:400 Rev O	Sections 1	31.01.14	Smart Design Studio	06.02.14
13530_LSK_001_B	Landscape Concept Plan	31.01.14	Context	06.02.14
	Planting Palette	Undated	Context	15.08.13
	Typical Details (planting)	13.08.13	Context	15.08.13
Dwg Ref No: 13530 LSK001	Verge Planting Plan	March 2014	Context	28.03.14
Surveyors ret 130212 Ease	Plan of proposed easement over Lot 1 DP 715815, Lot 11 DP 563364, Lot 1 DP 633309 and Lot 12 DP1184304 – Basement Level	30.01.14	Mark John Andrew - Surveyor	06.02.14
Surveyors ret 130212 Ease	Plan of proposed easement over Lot 1 DP 715815, Lot 11 DP 563364, Lot 1 DP 633309 and Lot 12 DP1184304 - Basement Level 2	30.01.14	Mark John Andrew - Surveyor	06.02.14
1302 – Arlington Grove	Schedule of Materials and Sample Board	N/A	Smart Design Studio	2.10.13
Report Ref: 237019 Rev 1	Flood Study Report	05.02.14	Aurecon	06.02.14
113072_250205_v1	Flood Impact Assessment	05.02.14	WMA Water	06.02.14
	Drains Data Rev 4 Extended		DRAINS	06.02.14
Drawing No. CIV-002 Rev 02	General Notes Sheets 1 of 2	05.02.14	Aurecon	06.02.14

Plan No. and Issue	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
Drawing No. CIV-003 Rev 02	General Notes Sheets 2 of 2	05.02.14	Aurecon	06.02.14
Drawing No. CIV-005 Rev 02	Erosion and Sediment Control Plan	05.02.14	Aurecon	06.02.14
Drawing No. CIV-006 Rev 02	Erosion and Sediment Control Plan	05.02.14	Aurecon	06.02.14
Drawing No. CIV-007 Rev 02	Stormwater culverts proposed relocation	05.02.14	Aurecon	06.02.14
Drawing No. CIV-010 Rev 04	General Arrangement	05.02.14	Aurecon	06.02.14
Drawing No. CIV-021 Rev 02	Existing Stormwater Culverts Longitudinal Sections	05.02.14	Aurecon	06.02.14
Drawing No. CIV-022 Rev 03	Proposed Culvert Diversion Longitudinal Section Sheet 1 of 3	05.02.14	Aurecon	06.02.14
Drawing No. CIV-023 Rev 02	Proposed Culvert Diversion Longitudinal Section Sheet 2 of 3	05.02.14	Aurecon	06.02.14
Drawing No. CIV-024 Rev 02	Proposed Culvert Diversion Longitudinal Section Sheet 3 of 3	05.02.14	Aurecon	06.02.14
Drawing No. CIV-025 Rev 01	Proposed Culvert Diversion Cross Sections	05.02.14	Aurecon	06.02.14
Drawing No. CIV-031 Rev 02	Proposed Culvert Diversion Longitudinal Sections North Lane	05.02.14	Aurecon	06.02.14
Drawing No. CIV-032 Rev 02	Proposed Culvert Diversion Longitudinal Sections South Lane	05.02.14	Aurecon	06.02.14
Drawing No. CIV-040 Rev 02	Pavement Detail	05.02.14	Aurecon	06.02.14
Drawing No. CIV-041 Rev 03	Proposed Drainage Layout Plan	05.02.14	Aurecon	06.02.14

Plan No. and Issue	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
Drawing No. CIV-042 Rev 02	Stormwater Details Sheet 1 of 2	05.02.14	Aurecon	06.02.14
Drawing No. CIV-043 Rev 02	Stormwater Details Sheet 2 of 2	05.02.14	Aurecon	06.02.14
Drawing No. CIV-044 Rev 01	Stormwater Long Sections	05.02.14	Aurecon	06.02.14
Certificate No. 481128M	BASIX Certificate	15.03.13	Inhabitgroup	15.08.13
Certification No.1005544232	ABSA Certificate	13.08.13	Samantha Anderson (assessor no. 60832) Inhabit group	15.08.13
N/A	Noise Impact Statement	9.08.13	Inhabit Australasia Pty Ltd	15.08.13
	Assessment of Significance Report (Long nose Bandicoot)	12.08.13	Ecological Australia Pty Ltd	15.08.13
	Arboricultural Impact Assessment Report/Tree Protection Specification	2 10.13	Tree IQ	2.12.13
Project Ref: 73369	Review of third party reports (contamination and remediation)	14.02.14	Douglas Partners Pty Ltd	15.08.13

with the application for development consent and as amended by the matters referred to in Part A of this Determination and the following conditions.

Reason: To confirm the details of the application submitted by the applicant.

- Units E2-103 and C1-102 as shown on Drawing No. DA:103 Revision U prepared by Smart Design Studio dated 31.01.14 must, for a period of no less than 5 years from the date of issue of an Occupation Certificate for the units described, be used for the purpose of providing affordable housing.

Reason: To confirm the terms of this consent.

- All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: To ensure the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.

- The ground floor window display areas of both buildings must be maintained at all times with no roller shutters being installed across the shopfront.

Reason: To preserve the streetscape and character of the area.

5. Each dwelling must be used exclusively as a single dwelling and must not be adapted for use as backpackers' accommodation, serviced apartments or a boarding house and must not be used for any industrial or commercial purpose.

Reason: To ensure that the proposed dwellings are used exclusively as single dwellings.

6. All roof-top plant and associated equipment must be located within the approved building envelope as detailed in the plans listed in Condition 1.

Reason: To confirm the terms of this consent.

7. A total of 262 off-street car parking spaces must be maintained, hardpaved, linemarked, labelled and drained in accordance with the plans approved under Part B Condition 1. The distribution must ensure that the minimum allocation of parking is undertaken in accordance with the following:

Residents (standard)	168
Resident Visitors (standard)	20
Accessible Resident	50
Accessible Resident visitor	13
Retail/Commercial	1
Service vehicles	3
Car share	2

Reason: To ensure the minimum allocation of parking is allocated in accordance with Councils controls.

8. The designated car spaces within that part of the lot/common property must only be used for car share purposes as part of a car share operation run either by the owner of the buildings/owners corporation or by a car share operator.

Reason: To ensure that the designated car share car parking spaces are used exclusively for car share purposes.

9. The owner/owners corporation must operate a car share scheme or contact the operation of the scheme to a car share operator, for no fee, to the satisfaction of Council within the car share spaces required by Council. Public access for members of the scheme including residents and occupants within the surrounding area, access by the operator and access by car share vehicles must be provided at all times, including the provision of access/swipe cards at no cost. Public liability for the buildings must include the operation of the car share scheme.

Reason: To confirm the terms of Council's approval and to ensure that the designated car share car parking spaces are provided.

10. The required car share parking spaces must be provided within the residential/visitor parking area, and marked as a "shared hire car only".

Reason: To ensure that the designated car share car parking spaces are provided and marked accordingly and that members are advised and directed to such parking.

11. A minimum of 50 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility. One disabled parking space must be allocated to each adaptable dwelling.

Reason: To make reasonable provision in the development to provide residential accommodation suitable for people with a disability.

12. The resident car parking spaces for the non adaptable dwellings must be allocated based on unit type in accordance with the rates specified in Table 1: On site car parking requirements for Parking Area 2 under Part 2.10 of Marrickville Development Control Plan 2011 – Parking.
Reason: To ensure the equitable distribution of the required car parking spaces.
13. Where tandem parking spaces are provided, both spaces must be allocated to a single residential apartment.
Reason: To ensure appropriate management and allocation of parking.
14. A sign must be permanently displayed near the point of entry to the site at the western end of the North Lane to indicate that visitor parking is available on site.
Reason: To ensure that visitors are advised and directed to the visitor parking.
15. The visitor parking spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and wired to all units (prior to an Occupation Certificate being issued or the use commencing, whichever is earlier). The intercom must comply with the relevant Australian Standard.
Reason: To ensure that visitor car parking spaces are accessible.
16. All vehicles must enter and exit the site in a forward direction.
Reason: To ensure the safety of all road users and to accord with the advice of the Roads and Maritime Services.
17. Owners and occupants of the proposed building are not be eligible for any existing or future resident parking scheme for the area. The person acting on this consent is responsible to advise any purchaser or prospective tenant of this condition.
Reason: To ensure the development does not reduce the amount of “on street” parking currently available.
18. A minimum of 12 motorcycle parking spaces must be provided and maintained for each of the approved Buildings. The design of require motorcycle parking spaces must be in accordance with the relevant provision of Part 2.10 of Marrickville Development Control Plan 2011 – Parking and be for the exclusive use of residents.
Reason: To confirm the number of motorcycle parking spaces and the terms of Council’s approval.
19. A total of 249 storage cages must be maintained in accordance with the plans approved under Part B Condition 1. The distribution of storage cages must ensure that all units are provided with a storage cage consistent with the unit size in accordance with the provisions of the Residential Flat Design Code.
Reason: To ensure the allocation of suitable storage to each unit.
20. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.
Reason: To provide for adequate site drainage.
21. All stormwater drainage must be designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3.-2003 ‘Stormwater Drainage-’ and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems must be designed to cater for the 20 year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the 20 year

A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the 50 year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths must be designed to cater for the 100 year A.R.I. storm.

Reason: To provide for adequate site drainage.

22. Should the development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.

Reason: To provide for the existing and potential electrical power distribution for this development and for the area.

23. In relation to the road and footpath works adjacent to the site the person acting on this consent must within 14 days of notification by Council, execute any and all maintenance works required by Council. In the event that the person acting on this consent fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security and Council may recover any costs in excess of the security from the person acting on this consent.

Reason: To ensure all drainage works are maintained within a reasonable time limit during a 12 month maintenance period.

24. Throughout all phases of the development including excavation, demolition or construction work, all holes (e.g. created for footings etc.), machinery and construction material stockpiles must be inspected daily prior to commencing work to ensure no Long-nosed Bandicoots are sheltering in those areas. The following steps must be taken if a Bandicoot is found on site:

- a) All work on site must stop. There must be no attempt to harm or remove the Bandicoot. Removal of the bandicoot from the site can only be undertaken by a trained wildlife carer.
- b) Immediately contact WIRES (1300 094 737) or Sydney Wildlife (9413 4300) to arrange for a trained wildlife carer to safely remove the Bandicoot from the site.
- c) Council's Team Leader – Biodiversity (9335 2254) must also be contacted to report that a Bandicoot has been found on site.
- d) No work must proceed until the Bandicoot has been safely removed from the work site by a trained wildlife carer.

Reason: To ensure the safety and protection of the endangered Long-nosed Bandicoot population (*NSW Threatened Species Conservation Act 1995*) during excavation, demolition or construction work.

25. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to 'offensive noise' as defined by The Protection of the Environment Operations Act 1997 (NSW). In this regard the roller door to the car parking entry is to be selected, installed and maintained to ensure their operation does not adversely impact on the amenity of the surrounding neighbourhood.

Reason: To protect the amenity of the surrounding neighbourhood.

26. The use of the premises and any plant and equipment must not give rise to:

- a) transmission of unacceptable vibration to any place of different occupancy;
- b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 3dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance

with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

NOTE: Marrickville Council has adopted a 3dB(A) goal in order to prevent background noise creep and the 5dB(A) criteria as outlined in the above mentioned references are not to be used.

Reason: To prevent loss of amenity to the area.

27. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

Reason: To ensure the compliance of any advertisements or advertising structures with the requirements of Part 2.12 of Marrickville Development Control Plan 2011 - Signs and Advertising Structures.

28. No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.

Reason: To prevent the public footpath from being obstructed.

29. No storage of goods or equipment external to any building on the site being permitted.

Reason: To ensure the premises are kept in a neat and tidy manner.

30. All trade waste must be stored within the site boundaries and contained in such a manner so as not to cause a nuisance.

Reason: To provide for correct storage of wastes.

31. The hours of operation for the ground floor retail premises must be restricted to between the hours of 7.00am and 7.00pm Mondays to Sundays excluding Public Holidays with the use of the outdoor terrace and seating areas in association with the retail premises must be restricted to between the hours of 7.00am to 5.00pm Mondays to Sundays excluding Public Holidays.

Reason: To confirm the terms of Council's approval.

32. The number and location of tables and chairs provided for seated dining must be generally in accordance with the approved ground floor plan, Drawing No. DA 102 Revision AC prepared by Smart Design Studio listed in Part B, Condition 1. The placement of tables and chairs must not obstruct pedestrian or bicycle movements to and from the greenway corridor or be placed outside the site boundaries within the public domain.

Reason: To confirm the details of the application submitted by the applicant.

33. The removal and collection of waste from the site in relation to the operation of the ground floor retail premises is restricted as follows:

- a) The collection of waste and recycling (other than glass) must only occur between 7.00am and 9.00pm Mondays to Sundays excluding Public Holidays.
- b) The transference of glass from one receptacle to another, including the collection of glass by waste vehicles, must only occur between the hours of 9.00am and 8.00pm Mondays to Fridays and 9.00am and 5.00pm Saturday and Sundays excluding Public Holidays.
- c) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the South Lane within half an hour of collection.

Reason: To ensure waste servicing operations do not interfere with residential amenity.

34. All loading and unloading in connection with the retail use must be carried out wholly within the property, during the approved hours of operation and in such a manner so as to not cause an inconvenience to the public or disruption to the flow of traffic along the South Lane.

Reason: To prevent use and obstruction of the adjacent public thoroughfare.

35. During all stages of the development extreme care must be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities must remain the full responsibility of the person acting on this consent.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.

36. Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.

37. No metal ladders, tapes and plant/machinery, or conductive material must be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

Reason: To confirm the terms of RailCorp's concurrence.

38. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp. Where the person acting on this consent proposes to enter the rail corridor, the Principal Certifying Authority must not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted.

Reason: To confirm the terms of RailCorp's concurrence.

39. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan must be submitted to RailCorp for review.

Reason: To confirm the terms of RailCorp's concurrence.

40. Where a condition of consent requires RailCorp's endorsement the Principal Certifying Authority must not issue a Construction Certificate, as the case may be, until written confirmation has been received from RailCorp that the particular condition has been complied with.

Reason: To confirm the terms of RailCorp's concurrence.

41. Any on street signage required to be erected in relation to or as a result of the development works approved herein must be at no cost to Roads and Maritime Services (RMS).

Reason: To confirm the terms of agreement from RMS.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental

Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the Building Code of Australia.

42. Final Remediation Action Plans of the proposed works must be submitted for approval by Marrickville Council prior to the commencement of work.

Reason: To ensure that appropriate and necessary remediation of the land is undertaken.

43. The site must be remediated in accordance with the approved Remedial Action Plans and to the appropriate criteria and validated by a suitably qualified consultant.

Reason: To ensure that appropriate and necessary remediation of the land is undertaken.

44. Prior to the any works commencing on the site a Site Audit Statement and Summary Audit report completed and signed by an accredited site auditor in accordance with the Contaminated Land Management Act 1997 and the relevant guidelines and legislation must be submitted to Council. The Site Audit Statement and Summary Audit report must clearly state that the land is suitable for the proposed use without the need for any further remediation or testing.

Note: A Site Audit Statement requiring ongoing review by the Auditor will not be accepted.

Reason: To ensure that the land is suitable for ongoing residential use.

45. No work must commence until:

- a) A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
- b) A minimum of 2 days written notice must be given to Council of the intention to commence work.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

46. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

47. Sanitary facilities are to be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.

Facilities are to be located so that they will not cause a nuisance.

Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

48. All demolition work must:

- a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and

- b) Where asbestos is to be removed it shall be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.

Reason: To ensure that the demolition work is carried out safely.

49. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

Reason: To protect the amenity of the area.

50. All services in the buildings being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.

Reason: To ensure that the demolition work is carried out safely.

51. The Waste Management Plan accompanying this Development Application has not been approved by this consent. Prior to the commencement of any the following detail is to be submitted to and accepted by Council:

- a) A Waste Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued. The plan must comply with the Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- b) The Waste Management Plan required by a) above must not include or require the use of compaction machines within the development.
- c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

52. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.

Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.

Reason: To secure the area of the site works maintaining public safety.

53. Before the commencement of works appropriate fencing must be installed along the rail corridor to prevent unauthorised access to the rail corridor. The installation of any hoarding or scaffolding facing the common boundary with the rail corridor must only occur with the consent of RailCorp with details of the type of fencing and the method of erection must be to RailCorp's satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

Reason: To secure the area of the site works do not affect the operation of RailCorp's land.

54. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:

- a) The name, address and telephone number of the PCA;
- b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
- c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

55. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan must indicate:

- a) Where the builder's materials and waste are to be stored;
- b) Where the sediment fences are to be installed on the site;
- c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
- d) How access to the site will be provided.

All devices must be constructed and maintained on site while work is carried out.

Reason: To prevent soil erosion and sedimentation of the stormwater network.

56. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and are to be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining properties at 2 Grove Street, 4 Grove Street and 66-72 Constitution Road, Dulwich Hill, if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

Reason: To catalogue the condition of the adjoining properties for future reference in the event that any damage is caused during work on site.

57. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.

Reason: To provide a person that residents can contact.

58. Where it is proposed to carry out in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings in the amount as provided for in Council's adopted fees and charges.

Reason: To ensure that all restoration works are in accordance with Council's Code.

59. The person acting on this consent must apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

Reason: To ensure all necessary approvals have been applied for.

60. A detailed Traffic Management Plan to cater for construction traffic must be submitted to and approved by Council before commencement of works. Details must include proposed truck parking areas, construction zones, crane usage, truck routes etc. All construction traffic complying at all times with the approved Traffic Management Plan. The developer must ensure that all construction workers and contractors are fully aware of the approved Traffic Management Plan.

Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.

61. The person acting on this consent must provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent must submit a hoarding application and pay all relevant fees before commencement of works.

Reason: To secure the site and to maintain public safety.

62. The person acting on this consent must submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.

Reason: To ensure the existing condition of Council's infrastructure is clearly documented.

63. Before the commencement of any excavation, demolition or construction work, all workers on the work site must be made aware of the potential presence of Long-nosed Bandicoots as part of the site induction (including what they look like). See **Long-nosed Bandicoot fact sheet** Note: To the untrained eye, a Long-nosed Bandicoot may be mistaken for a rodent.

Reason: To ensure the safety and protection of the endangered Long-nosed Bandicoot population (*NSW Threatened Species Conservation Act 1995*) during excavation, demolition or construction work.

64. All trees identified for retention in Table 2, Section 4.5 of the TreeIQ report must be protected in accordance with the recommended Tree Protection measures, including fencing, ground protection and trunk and branch protection detailed in Section 4.6 and Appendix 5 must be installed by or under the direction of the project Arborist.

Protection measures must be in place prior to the commencement of any works on the site and must be retained until the issue of an Occupation Certificate.

Reason: To ensure trees being retained are adequately protected and that their stability and ongoing viability is not compromised by the works.

65. The project Arborist must certify in writing to the Certifying Authority that all tree protection measures have been established in accordance with the tree protection specification and recommendations of the TreeIQ report dated 2 November 2013.

Reason: To ensure that tree protection measures are implemented.

66. The project Arborist must prepare a tree protection instruction sheet that explains the reason for tree protection and details what is not permitted within the fenced Tree Protection Zones (TPZs). As part of site induction, each worker must read and sign that they have read and understood the tree protection instructions.

Reason: To ensure that the tree protection measures are effectively implemented.

67. A detailed specification must be prepared by the project Arborist with respect to how works will proceed within 2.5 metres, the Structural Root Zone (SRZ), of tree 25. All works within the SRZ must be directly supervised by the nominated project Arborist. No roots greater than 20mm in diameter may be pruned or severed unless the appointed project Arborist can demonstrate that to do so would not compromise the stability of tree 25 and advice of the same is submitted to the Certifying Authority.
Reason: To ensure that the construction of the South Lane will not adversely affect the retention and health of Tree 25, located in the rear yard of No. 72 Constitution Road.
68. The project Arborist must confirm in writing to the Certifying Authority that works within the SRZ of tree 25 located in the rear yard of No. 72 Constitution Road have proceeded strictly in accordance with the specification previously referred to and any direction on site by the project Arborist.
Reason: To ensure that all efforts to guarantee the stability of tree 25 are adhered to and that risk from the tree falling is appropriately managed.
69. Trees identified for removal in Table 1, Section 4.2 of the TreeIQ report must be removed by an Arborist with a minimum Certificate 3 Arboriculture qualification, in accordance with the requirements of *WorkCover NSW Code of Practice Amenity Tree Industry 1998*.
Reason: To ensure that trees are removed in a safe and environmentally responsible manner.
70. Access into fenced Tree Protection Zones (TPZs) must not be permitted for any purpose, including excavation, trenching, tunnelling, storage of materials, vehicles and equipment, placement of temporary buildings, etc. If access into a TPZ is required for any purpose, the project Arborist, must submit written approval to the Certifying Authority.
Reason: To ensure the integrity of the TPZs is not compromised.
71. The project Arborist must inspect the tree protection measures randomly at intervals of no greater than monthly. Written verification of the inspections undertaken and the outcome must be provided to the Certifying Authority who must provide copies to Council with the registration of the Occupation Certificate.
Reason: To ensure compliance with the conditions to protect the trees being retained.
72. All landscaping works, including advanced tree plantings must be planted in accordance with the planting palette and landscape plan in the Landscape Design Report (Context, August 2013). All trees must comply with NATSPEC and must be planted by an arborist or horticulturist with a minimum Certificate 3 qualification 3.
Reason: To ensure that the new trees are healthy, structurally sound and make an immediate contribution to local amenity and urban forest canopy.
73. If required by RailCorp, prior to the commencement of works, a joint inspection of the rail infrastructure and property in the vicinity of the project must be carried out by representatives from RailCorp and the person acting on this consent. Those dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.
Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

74. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.**

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to Council's satisfaction before the issue of a Construction Certificate.

Reason: To comply with the requirements of that Act.

75. The separate lots comprising the development must be consolidated into one lot and under one title and registered at the NSW Department of Lands before the issue of a Construction Certificate.

Reason: To prevent future dealing in separately titled land, the subject of one consolidated site development.

76. The following amendments must be made to the plans listed in Part B, Condition 1:

- a) The stair access leading from the terraced seating area located at the south western edge of Building A providing access to and from the Greenway Corridor must be replaced with a ramped access designed in accordance with the relevant Australian Standards to promote accessibility for all users;
- b) The waste storage area must be designed to ensure access control between the waste room and all other areas within the parking levels of the building;
- c) Suitably designed screening devices being provided to the eastern facing edge of balconies serving Unit 201 in Building A1 at each level to a minimum height of 1.6 metres above the finished floor level;
- d) The at grade loading bay to the west of Building C being deleted from the plans and relocated to an appropriate location along the length of the North Lane that permits vehicles to enter and exit in a forward direction;
- e) Details of suitable clothes drying facilities for each unit in accordance with Part 2.21.2 of MDCP 2011;
- f) The road pavement of the North Lane commencing immediately adjacent to the entry/exit to the common waste store shown and extending eastward for no less than 10 metres must be flush with the adjacent footpath level; and
- g) Any balcony within 20 metres of the adjacent light rail line shall be suitably screened to prevent object being dropped or thrown into the corridor.

in accordance with details to be submitted to the Certifying Authority's satisfaction and where necessary obtain approval from RailCorp before the issue of a Construction Certificate

Reason: To promote accessibility through the site, ensure safety and security of the premises, provide for waste servicing of the site and prevent the flow of traffic within the current and future access network.

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

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

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

http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

78. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating the following:
- a) Access to the premises via the principal place of entry to the building and throughout the site, complying with AS 1428.1- 2009 'Design for access and mobility';
 - b) An accessible stairway lift must be installed as shown on the landscape plan Drawing Ref. No 13530_LSK_001_B dated 31 January 2014 prepared by Context. The stairway lift must be capable of transporting a wheelchair and designed in accordance with AS1735.7 'Lifts, escalators and moving walks, Part 7: Stairway Lifts' as a minimum requirement;
 - c) The lift design must comply with AS 1735.12 -1999 'Lifts, escalators and moving walkways Part 12: Facilities for persons with disabilities' as a minimum requirement;
 - d) All 50 adaptable dwellings indicated on the plans listed in Part B condition 1 must comply with AS 4299-1995 "Adaptable Housing"; and
 - e) A minimum of 64 carparking spaces must be provided for people with a disability that are directly accessible to the entrance to the building. The car parking must be designed to comply with AS 1428.1 - 2009 'Design for access and mobility - General requirements for access - buildings' and AS 2890.1 1 'Off-street carparking'.

Reason: To ensure that the premises provide equitable access to all persons.

79. Before the issue of a Construction Certificate a detailed street tree plan generally consistent with the Landscape Concept Plan Drawing Reference No. 13530_LSK_001_B prepared by Context Landscape Architects must be prepared and submitted to Council's satisfaction detailing:
- a) Trees species selection consistent with the Draft Street Tree Masterplan;
 - b) Location and spacing of all street plantings;
 - c) Identification of minimum 200L container size for all street tree plantings;
 - d) Tree supply and installation is to be carried out in accordance with Appendix 6.4 of the Draft Street Tree Masterplan; and
 - e) Tree planting details including dimensions for tree pits and details of structural soil with a minimum of 10m³ for each tree as shown in Appendix 6.6 (Detail 5) of Council's Street Tree Masterplan.

Reason: To ensure appropriate planting measures are taken to promote the establishment of replacement trees aimed at improving local amenity and contributing to the urban forest canopy.

80. Before the issue of a Construction Certificate a detailed street tree plan generally consistent with the Verge Planting Plan Drawing Reference No. 13530 LSK 001 dated March 2014 prepared by Context Landscape Architects must be prepared and submitted to Council's satisfaction detailing:
- a) Location and spacing of all street plantings;
 - b) Tree supply and installation is to be carried out in accordance with Appendix 6.4 of the Draft Street Tree Masterplan; and
 - c) Tree planting details including dimensions for tree pits and details of structural soil with a minimum of 10m³ for each tree as shown in Appendix 6.6 (Detail 5) of Council's Street Tree Masterplan.

Reason: To ensure appropriate planting measures are undertaken to promote the establishment of replacement trees aimed at improving local amenity and contributing to the urban forest canopy.

81. Before the issue of a Construction Certificate a street tree maintenance plan covering a minimum 12 month period, to commence from the date that a final occupation certificate is issued, covering all street trees and other public domain plantings must be prepared by a Landscape Architect or qualified Landscape Designer and must be submitted to Council's satisfaction.

Reason: To ensure appropriate planting measures are taken to promote the establishment of replacement trees aimed at improving local amenity and contributing to the urban forest canopy.

82. Before the issue of a Construction Certificate the person acting on this consent must submit and have approved a detailed landscaping plan that is generally consistent with the Drawing Ref. No. 13530_LSK_001B dated 31 January 2014 prepared by Context. The detail plan must be updated to reflect the following requirements:

- a) The pathway running parallel to the western boundary along the Greenway Corridor must be increased to a minimum of 2.5 metres over its full extent. The increased dimension must occur along its eastern edge to ensure that a suitable width for deep soil planting is retained;
- b) The location of the compost area must be relocated to a position within proximity of the community gardens and away from the external boundaries of the site;
- c) A detailed planting schedule for that portion of land along the western boundary must be provided. The planting schedule must ensure a complex habitat structure is achieved with a clearly definable under, mid and upper vegetation storey. Species selected and planted should be sourced from community or wholesale nurseries that stock Sydney region native species;
- d) GreenWay Revegetation and Bushcare Management Plan (notably Section 7: Planning for Revegetation and Bushcare Works and the tree, shrub and groundcover plants species from Sydney Turpentine Ironbark Forest and Sandstone Vegetation Communities outlined in Appendix A, available on the website at <http://www.greenway.org.au/index.php/biodiversity/biodiversity-strategy>); and
- e) The groundcover layer must be dense (6 plants per sqm) to provide habitat for the Long-nosed bandicoot, which is a ground-dwelling mammal.

Reason: To provide for the protection of the endangered Long-nosed Bandicoot population (NSW Threatened Species Conservation Act 1995) through the provision of increased foraging habitat and refugia.

83. A proposed maintenance schedule over a minimum 12 month period, to commence on the date that a final Occupation Certificate is issued, relating to site landscaping works (including the greenway corridor) must be submitted to Council's satisfaction before the issue of a Construction Certificate. The schedule must be prepared by a Landscape Architect or qualified Landscape Designer.
Reason: To ensure the proper establishment of site landscaping elements.
84. Before the issue of a Construction Certificate, the person acting on this consent must provide detail design of the western boundary fencing to the Certifying Authority's satisfaction. The design must ensure that the maximum height of the fence is no more than 1.8 metres above any point of existing ground level. The fence must be of palisade design and dark recessive tone with spacing between posts a minimum of 150mm wide combined with 100mm high openings at ground level spaced at 6 metre intervals to allow for the free movement of fauna.
Reason: The site forms part of the habitat and corridor of the local Bandicoot population. Provision of suitably designed fencing will allow movement and migration through the site.
85. Detailed design of waste storage rooms must be submitted to Council's satisfaction demonstrating compliance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management before the issue of a Construction Certificate.
Reason: To ensure the appropriate management, disposal and reuse of waste generated on the site.
86. A plan detailing the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes, and proposed site levels must be submitted to the Council's satisfaction before the issue of a Construction Certificate.
Reason: To assess the adequacy of the proposed/existing site drainage where the increase of the impervious area resulting from the proposed development is less than 40sqm.
87. Before the issue of a Construction Certificate the person acting on this consent must sign a written undertaking that they will be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.
88. A Flood Emergency Response Plan for the site in accordance with Part 2.22 of Marrickville Development Control Plan 2011 – Flood Management must be submitted to Council's satisfaction before the issue of a Construction Certificate.
Reason: To protect the occupants of the site during extreme flood events.
89. The vehicular ramp access to the basement carpark and all vehicular entries and exits must be checked using the method at Appendix C of AS2890.1-2004. Plans detailing compliance with the above requirements including long sections and ground clearance templates must be submitted for the approval of Council before the issue of a Construction Certificate.
Reason: To ensure the vehicular access is satisfactory and not dangerously steep.
90. In order to prevent vehicles from parking up against the proposed entry/exit driveway to North Lane off Grove Street, thereby restricting sight lines for residents exiting the driveway, the applicant must incorporate kerb blisters (approximately 4 metres in length) on either side of the driveway access. The kerb blisters must be designed in accordance with RMS and Council Standards and must be approved by Council's Pedestrian, Cyclist and Traffic

Calming Advisory Committee. Detailed plans and specification must be submitted to Council's satisfaction before the issue of the Construction Certificate.

Reason: To provide for adequate sight distance at the main egress from the development.

91. Detailed construction plans and specifications of the site stormwater drainage, detention, and Bio- filtration and re-use system must be submitted to Council's satisfaction before the issue of a Construction Certificate. The stormwater drainage system must include the following elements:

- a) Stormwater treatment and re-use measures as detailed in the MUSIC model submitted to Council by Aurecon;
- b) Submission of a WSUD Strategy Report and WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken;
- c) 4 x 10,000 Litre Rainwater tanks as detailed in the Music Model accompanied with an expected daily demand required for irrigation; and
- d) The BASIX Certificate must be amended to be consistent with the above water re-use requirements.

Reason: To ensure that the site use of potable water is minimised and that the quality of stormwater discharged off site is improved as per the requirements of Part 2.17 of Marrickville Development Control Plan 2011 – Water Sensitive Urban Design.

92. Detailed construction plans of the overland flow paths providing detailed level information and control which will be incorporated in to the design of the development must be submitted to Council's satisfaction before the issue of a Construction Certificate. The details to be submitted must include:

- a) Long section of the overland flow paths and cross sections at a minimum of every 20 metre and at all control points;
- b) Details of hydraulic capacities with a Manning's check at changes in cross section and VxD checks. Allowances must be made for proposed landscaping;
- c) The design of the overland flow path must be consistent with the approved landscaped plans and where necessary any changes shall be noted on the plan; and
- d) Details of the design and geometry of proposed overland flow path beneath the proposed deck of the Plaza with appropriate blockage factors to be included in the hydraulic check.

Reason: To ensure that the overland flow path design contains suitable detailed information to provide for a quality controlled design.

93. In order to provide satisfactory vehicular and pedestrian access and drainage adjacent to the site, the following road and footpath works must be carried out in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#1-“Development Specifications”, at no cost to Council prior to the occupation of the building. The works must include and not be limited to the following:

- a) Reconstruction of the existing footpaths in Constitution Road from the site to its intersection with Grove Street inclusive of landscaping kerb blisters and nature strips;
- b) Reconstruction of the existing footpaths on the western and eastern side of Grove Street from Constitution Road to Hill Street inclusive of landscaping, rain gardens and nature strips;
- c) Construction of a drainage pipe designed for a 1 in 10 year storm event generally in accordance with plan CIV-041 (Rev3) subject to the following amendments:

- (i) All kerb inlets detailed on the plan being 2.4 metres long (inside opening);
 - (ii) The 90 degree bend at the northern road being reduced to 45 degrees; and
 - (iii) The installation of 2 additional 2.4 metres extended kerb inlet pits either side of the kerb inlet pit at the low point on the western side of Grove Street.
- d) Replacement of the existing gutter on the western side of Grove Street with a concrete gutter generally 50mm higher than the existing invert to achieve a 150 kerb height and to improve the existing road cross fall. Any existing sandstone gutter stones recovered during these works must be delivered to Council;
- e) The construction of heavy duty concrete vehicular crossings at the proposed vehicular access locations;
- f) Provision of kerb returns and pram ramps at intersections;
- g) The removal of all redundant vehicular crossings to the site of the proposed development and replacement with kerb, gutter and footpath paving; and
- h) All adjustments to public utilities required by these works including additional lighting.

Full detailed construction plans and specifications must be submitted to and accepted by Council before to issue of a Construction Certificate. No Road and drainage works must commence until approved plans and specifications are issued for construction by Council.

Reason: To provide means of public road vehicle and pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.

94. In order to provide satisfactory vehicular and pedestrian access to Constitution Road from its intersection with Grove Street the person acting on this consent must construct a “Shared Zone” and/or other traffic management works to be approved by Council’s Pedestrian, Cyclist and Traffic Calming Advisory Committee. Detailed construction plans and specifications must be submitted to Council’s satisfaction before commencement of the traffic management road works and must include the following details:

- a) The road pavement within the “Shared Zone” must be paved in a contrasting materials and colour;
- b) Details of the installation of the “Shared Zone” and 10kph speed limit signage;
- c) Installation of raised a suitable thresholds and associated line marking and signage at the entrance to Constitution Road;
- d) Maintenance of the drainage regime approved on the Transport for NSW plan prepared by Cardno and the construction any new drainage made necessary by the “Shared Zone” works;
- e) Lighting of the “Shared Zone” must comply with AS1158.3.1:2005; and
- f) In the event that the RTA does not approve the “Shared Zone” the “Shared Zone” signage and 10kph speed limit signage outlined above must not be installed as part of the works.

The works must be completed to Council’s satisfaction before the issue of the Occupation Certificate.

Reason: To provide satisfactory and safe vehicular and pedestrian access to Constitution Road and the site.

95. The person acting on this consent must before the issue of a Construction Certificate provide a submission to the RMS and Council’s Pedestrian, Cyclist and Traffic Calming Advisory Committee for consideration of a “Shared Zone” for Constitution Road from the light rail stop to its intersection with Grove Street. The submission must include a report detailing the proposal, all necessary resident consultation, provision of detailed concept plans, and signage and to meet RMS guidelines and technical directions. Please note that the proposed

“Shared Zone” design and public consultation is required to be undertaken to a level and manner that is acceptable to Council's Traffic Engineer before referral to the RMS and Council's Pedestrian, Cyclist and Traffic Calming Advisory Committee is undertaken.

Reason: To provide satisfactory and safe vehicular and pedestrian access to the site.

96. Payment of a Bond to Council, in the sum of \$180,000 for the proper performance of Road/Drainage works before the issue of a Construction Certificate. The security may be provided in one of the following methods:

- a) in full in the form of a cash bond; or
- b) by provision of a Bank Guarantee by an Australian Bank in the following terms:
 - (i) the bank must unconditionally pay the guaranteed sum to the Council if the Council so demands in writing.
 - (ii) the bank must pay the guaranteed sum within 7 days of demand without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to consent or the carrying out of development in accordance with the consent;
 - (iii) the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when the Council notifies the bank in writing that the guarantee is no longer required.

Reason: To ensure all Road/Drainage works are completed within a reasonable time.

97. Compliance with all of the requirements of Sydney Water with regard the diversion of their stormwater drainage culverts. A copy of Sydney Water approved construction plans must be submitted to Council for its information before to issue of a Construction Certificate.

Reason: To ensure that all of Sydney Water's requirements are complied with.

98. The alignment levels for the site at the boundaries must match the adjacent “top of kerb” height plus 3%. This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the above issued alignment levels. Amended plans detailing the alignment levels (at 20 metre intervals) must be submitted to and approved by Council before the issue of a Construction Certificate.

Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design.

99. A detailed street tree plan demonstrating detailing tree species, locations, container size of trees, tree planting details, dimensions for tree pits and details of structural soil for all street trees is to be submitted to and approved by Council before the issue of a Construction Certificate.

This plans must include *structural soil design, imported soil specification and tree planting details (including plan and section views)* are to be provided to Council's Tree Management Coordinator for approval before the issue of a Construction Certificate. All imported soil is to comply with AS4454-2012 and AS4419-2003.

A proposed maintenance schedule (minimum 12 months) relating to the street trees and other public domain planting must also be submitted to Council's satisfaction. The Street Tree Planting Plan must be prepared by a Landscape Architect or qualified Landscape Designer.

Reason: To ensure appropriate planting measures are taken to promote the establishment of replacement trees aimed at improving local amenity and contributing to the urban forest canopy.

100. A Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Urban Design Planner, detailing all works outside the site including hard and soft landscape elements. The plan and specifications must be approved by Council before the issue of a Construction Certificate.

The Public Domain Plan must be prepared in consultation with Marrickville Council and any relevant Public Domain Strategy (draft or final). The plan must include the following items as a minimum:

- a) Proposed footpath paving locations and details proposed materials, treatments and finishes;
- b) Proposed location and type of public domain elements, including furniture, traffic signage, lighting, street trees, landscaping and the like;
- c) Construction details and specifications for all public domain elements; and
- d) Clearly show the interface between public and publicly accessible, privately owned footpaths and landscaped areas.

If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

Reason: To ensure appropriate public domain works are consistent with Council's desired future character for the area and of a satisfactory quality.

101. The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

Reason: To ensure the safety of the general public.

102. A design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To comply with the requirements under State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

103. This condition is imposed in accordance with Section 94 of the Environmental Planning & Assessment Act 1979.

- a) Prior to the commencement of works, the Council must be paid a monetary contribution of \$3,638,299.10 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP") from the date of this Notice of Determination until the date of payment.
- b) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Community Facilities	\$463,882.40
Plan Administration	\$71,332.03
Recreation Facilities	\$3,067,589.24
Traffic Facilities	\$35,495.43

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

Reason: To ensure provision is made for the increase in demand for public amenities and services required as a consequence of the development being carried out.

104. Public domain works to the eastern side of Grove Street between Hill Street and Constitution Road as shown on Drawing Ref. No. 13530 LSK 001 Dated March 2014 prepared by Context, to include the removal of existing trees and footpath, planting of new street tree and ground cover, new footpath construction and bundled power cables as detailed in the schedule of costs prepared by AtlasPageKirkland under cover of letter 28 March 2013 must be undertaken at the cost of the person acting on this consent.

Reason: To promote a cohesive and elevated streetscape amenity.

105. The following requirements for bicycle storage is required:

- a) The sub level basement must accommodate 152 bicycle parking spaces;
- b) The open terrace adjacent to Building A must accommodate a minimum of 5 bicycle parking spaces;
- c) A minimum of 5 bicycle parking spaces must be provided adjacent to the pedestrian path between Buildings E and B; and
- d) A minimum of 8 spaces must be provided at the western end of Constitution Road within the public domain adjacent to the Arlington Light Rail station.

The provision of the above must be in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure sufficient bicycle storage facilities are provided on the site.

106. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure adequate mail collection facilities are provided.

107. Adequate outdoor clothes drying areas/facilities must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. Where such areas/facilities are provided on street facing balconies, the areas/facilities are to be appropriately screened from view from the street.

Reason: To ensure adequate outdoor clothes drying facilities are provided.

108. All exterior lighting must comply with Australian Standard AS 4282 'Control of the obtrusive effects of outdoor lighting' to avoid nuisance for surrounding land uses. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure appropriate lighting is provided to create a safe living environment.

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

NOTE: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate (Refer to Clause 6A of Schedule 1 to the Regulation).

Reason: To ensure that the BASIX commitments are incorporated into the development.

110. Reticulated gas infrastructure, with a separate meter for each dwelling must be provided to each dwelling in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To provide the potential to reduce greenhouse emissions.

111. Each dwelling must contain a hot water system with a minimum 3.5 energy star Greenhouse rating in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure that the dwellings incorporate energy and water efficient measures.

112. Details of an anti graffiti treatment to all exposed elevations of the development must be submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To ensure the proposed development remains free of graffiti.

113. Noise attenuation measures must be incorporated into the development complying with the recommendations contained in Section 5.17 and 6.0 of the Noise Impact Assessment undertaken by Inhabit Australasia Pty Ltd dated Friday, 9 August 2013 with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the relevant requirements.

Reason: To ensure residential amenity for future occupants.

114. A project Arborist with a minimum Level 5 Arboricultural Qualification (AQF) must be engaged for the term of the project. Evidence of and notice of the project Arborist being engaged must be submitted to Council with documents registered for as part of the Construction Certificate. If the project Arborist is replaced, Council will be notified immediately of the details of the new project Arborist.

Reason: To ensure the appropriate management of trees identified for preservation and retention both on the site and on adjacent properties.

115. An amended BASIX Certificate and annotated architectural plans must be submitted to the the Certifying Authority's satisfaction before the issue of a Construction Certificate, demonstrating that the development is capable of complying with the reduction targets of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

Reason: To ensure that the development achieves suitable environmental design targets.

116. Details of all Plant material and machinery to be used during demolition, excavation and Construction must be submitted to RailCorp for review and endorsement before the issue of a Construction Certificate.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.

117. Before the issue of a Construction Certificate the person acting on this consent must contact RailCorp and confirm the need for a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.
118. Before the issue of a Construction Certificate the person acting on this consent must engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. All measures recommended by the expert control that risk and reflect in the report must be incorporated into the development. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
Reason: To mitigate potential risk of development within proximity to a rail corridor and confirm the terms RailCorp's concurrence.
119. Before the issue of a Construction Certificate an acoustic assessment must be submitted to RailCorp demonstrating that the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The person acting on this consent, must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
Reason: To ensure suitable residential amenity of development on land adjacent to a rail corridor and confirm the terms RailCorp's concurrence.
120. Before the issue of a Construction Certificate, the person acting on this consent must contact RailCorp and confirm the need for and submit as necessary a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) to RailCorp. Evidence of contact with RailCorp together with any necessary and endorsed report must be submitted to the Principal Certifying Authority. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from RailCorp advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.
121. Before the issue of a Construction Certificate, the person acting on this consent must hold current public liability insurance cover for a sum to be determined by RailCorp. This insurance must not contain any exclusion in relation to works on or near the rail corridor. The person acting on this consent must contact RailCorp's Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing a Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with RailCorp's written advice to the person acting on this consent on the level of insurance required.
Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.
122. If required by RailCorp, before the issue of a Construction Certificate, the person acting on this consent is to submit a Derailment Risk Assessment Report. The Principal Certifying Authority is not to issue a Construction Certificate until it has received written confirmation from RailCorp that it has received this report and the Principal Certifying Authority has also

confirmed that the measures recommended in engineers report have been indicated on the Construction Drawings.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.

123. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

Reason: To confirm the terms of RailCorp's concurrence.

124. Before the issue of a Construction Certificate, the person acting on this consent must submit to RailCorp the demolition, excavation and construction methodology and staging for review and endorsement. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.

125. Before the issue of a Construction Certificate, the person acting on this consent must submit to RailCorp a plan showing all craneage and other aerial operations for the development complying with all RailCorp requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.

Reason: To ensure safe operation of the site throughout the development and confirm the terms of RailCorp's concurrence.

126. Before the issue of a Construction Certificate a car parking management plan is to be prepared to address how the use of the car share spaces will be managed and identify suitable opportunities to increase the percentage of car share spaces if required to meet demand once the development becomes operational. Identified future car share spaces, must remain in common property and be from the oversupply parking and not affect the minimum allocation requirements.

Reason: To ensure suitable management of the designated off-street car parking spaces for car share use and allow for future growth of the scheme to meet demand.

SITE WORKS

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

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

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

128. Notwithstanding the above condition, all remediation works must be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays with no works being carried out on Sundays and Public Holidays or any Saturday that falls adjacent to a Public Holiday.

Reason: To ensure that the remediation works are only carried out during the hours of operation permitted under Part 2.24 of Marrickville Development Control Plan 2011 – Contaminated Land.

129. During any construction works and activities, no injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

Reason: To ensure the construction of the development does not affect the amenity of the neighbourhood.

130. The area surrounding the building work being reinstated to Council's satisfaction upon completion of the work.

Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

131. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'. Enquiries are to be made with Council's Infrastructure Services Division.

Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

- 132 All demolition work must be carried out in accordance with the following:

- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
- c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
- e) the generation of dust and noise on the site must be controlled;
- f) the site must be secured to prohibit unauthorised entry;
- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, only having access to the site during work hours nominated by Council and all loads must be covered;
- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;

- j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

133. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:

- a) At the commencement of the building work;
- b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
- c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the Building Code of Australia.

134. Any contaminated soil excavated from the site must be classified in accordance with the NSW Department of Environment, Climate Change and Water (2009) *Waste Classification Guidelines* and must be carried out in accordance with the requirements of the NSW Office of Environment and Heritage.

Reason: To provide for correct disposal of wastes.

135. Any soils to be imported onto the site for the purpose of back-filling excavated areas must have validation testing undertaken in accordance with the NSW Department of Environment, Climate Change and Water/Office of Environment and Heritage regulatory guidelines.

Reason: To confirm soil suitability for the proposed land use.

136. Throughout all phases of the development from site preparation works to completion the person acting on this consent and any person under their direction must ensure the recommendations on page 5 of the Long Nose Bandicoot Assessment of Significance Report by Ecological Australia dated 12 August 2013 as list in Part B, Condition 1 of this consent are implemented on site.

Reason: To ensure adequate protection and mitigation of impacts on local fauna is managed throughout the construction process.

137. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:

- a) protect and support the adjoining premises from possible damage from the excavation, and

- b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents shall be obtained prior to the required works commencing; and
- c) at least 7 days notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent shall be responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received shall be forwarded to the PCA before work commences.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

138. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

139. Satisfactory methods and/or devices must be employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.

Reason: To prevent soil particles from being tracked and deposited onto the streets surrounding the site.

140. The disposal of contaminated soil must be carried out in accordance with the requirements of the New South Wales Department of Environment, Climate Change and Water.

Reason: To provide for correct disposal of wastes.

141. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.

Reason: To ensure all works are contained within the boundaries of the allotment.

BEFORE OCCUPATION OF THE BUILDING

142. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:

- a) A copy of the determination;
- b) Copies of any documents that were lodged with the Occupation Certificate application;
- c) A copy of Occupation Certificate, if it was issued;
- d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
- e) A copy of any missed inspections; and

- f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

Reason: To comply with the provisions of the Environmental Planning and Assessment Regulations.

143. Occupation of the building must not be permitted until such time as:

- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
- b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
- c) An Occupation Certificate has been issued.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

144. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

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

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

145. Upon the completion of any remediation works stated in the RAP the person acting on this consent must submit to Council a Validation and Monitoring Report. The report is to be conducted in accordance with the NSW Environment Protection Authority's *"Guidelines for Consultants Reporting on Contaminated Sites 1998"*.

Reason: To ensure that the remediated site complies with the objectives of the RAP.

146. A Section 73 Compliance Certificate from Sydney Water must be submitted to Council before occupation of the premises.

Reason: To comply with the requirements of that Act.

147. A design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development must be submitted to Council's satisfaction before the issue of an Occupation Certificate.

Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

148. The landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved details and must be maintained at all times to Council's satisfaction.

Reason: To ensure adequate landscaping is maintained.

149. Before the issue of a Final Occupation Certificate, the Certifying Authority must be satisfied that all landscape works including the planting of street trees have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

150. Before the issue of an Occupation Certificate the person acting on this consent must notify Council's Manager, Environmental Services that the landscaping has been completed, and for inspection to be carried out by a biodiversity team member in Environmental Services.

Reason: To ensure that the landscape works are consistent with the development consent.

151. The project Arborist must confirm in writing to the Certifying Authority's satisfaction that the conditions relating to the removal, protection, management and planting of trees have been fully complied with. Any departure from or breach of the conditions must be reported to Marrickville Council.

Reason: To ensure that conditions of consent are complied with and that trees are appropriately managed.

152. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and prior to the occupation of the development a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets standards identified in the Inhabit Australasia Pty Ltd Acoustic Impacts Assessment Report; and

- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To ensure that the noise attenuation measures incorporated into the development satisfactorily comply with the recommendations of the Acoustic Consultant.

153. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).

Reason: To ensure that all of the BASIX commitments have been fulfilled and to comply with the requirements under Section 154B of the Environmental Planning and Assessment Regulations 2000.

154. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.

Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.

155. Street numbers must be placed at the entries to the site in a readily visible location, (numbers having a height of not less than 75mm) before the issue of a final Occupation Certificate.
Reason: To ensure that the building to be easily identifiable.
156. Before the issue of an Occupation Certificate or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.
Reason: To ensure that suitable waste management facilities and management practices relating to use of the site has been arranged.
157. All works required to be carried out in connection with drainage (including Sydney Water drainage works), crossings, alterations to kerb and guttering, footpaths and roads resulting from the development must be completed before the issue of a Occupation Certificate. Works must be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
Reason: To ensure that the person acting on this consent completes all required work.
158. Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council and undertaken before the issue of an Occupation Certificate.
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.
159. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever are permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
Reason: To ensure there is no encroachment onto Council's road.
160. The existing stone kerb adjacent to the site is of local heritage value and must be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of an Occupation Certificate. Any sandstone kerb and guttering approved for removal must be carefully stacked and delivered to Council's materials storage yard in Bellevue Street, St Peters before the issue of an Occupation Certificate and at no cost to Council. Council's Overseer, Mr Joe Borg can be contacted on 0412 645 115 to arrange for delivery.
Reason: To ensure that items of local heritage value are preserved.
161. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" must be constructed at the vehicular access locations before the issue of an Occupation Certificate and at no cost to Council.
Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.
162. All redundant vehicular crossings to the site must be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of an Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the

redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone.

Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.

163. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site must be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of an Occupation Certificate.

Reason: To provide suitable means of public road vehicle and pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.

164. All works required to be undertaken on public roads must be designed and constructed in accordance with Council's standard plans and specifications. The works must be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and must state that the works have been constructed in accordance with the approved plans and specifications before the issue of an Occupation Certificate. In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, must be submitted to Council upon completion of the works.

Reason: To ensure that works are carried out to a proper standard.

165. Before the issue of the Occupation Certificate written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work (including rainwater tanks, water re-use and Bio-filtration systems) have been constructed in accordance with the approved plans must be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, must be submitted to Council. Those plans must include levels for all drainage structures, on-site detention volumes, Bio -filtration areas, overland flow paths and buildings (including floor levels), finished ground levels and pavement surface levels. In addition Council's newly constructed stormwater drainage lines must be inspected by Closed Circuit Television (CCTV) and a video copy provided to Council.

Reason: To ensure drainage works are constructed in accordance with approved plans.

166. With the regard to the Stormwater Treatment Facilities a Positive Covenant must be placed on the Title in favour of Council before issue of the Occupation Certificate. The Positive Covenant must include the following:

- a) The proprietor of the property is responsible for maintaining the stormwater treatment facility as outlined in the approved WSUD Strategy Report;
- b) The Proprietor must have the stormwater quality treatment facilities inspected by a competent person in accordance with the requirements of the approved WSUD maintenance plan and must keep a record all of the inspections;
- c) The Council must have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all elements of the stormwater quality treatment facilities to ensure that the water quality targets provided in the design of the system are achieved and recover the costs of any such works from the proprietor.

Reason: To ensure that the integrity of the stormwater quality treatment facilities are maintained.

167. With the regard to the On Site Detention System (OSD) and overland flow paths through the site, “restrictions as to user” and Positive Covenants in accordance with supplement 7 of Marrickville Council Stormwater and On Site Detention Code must be placed on the Title in favour of Council before the issue of an Occupation Certificate.
Reason: To ensure that the integrity of the OSD system is maintained and to comply with Marrickville Council Stormwater and On Site Detention Code.
168. A public right-of-way for vehicular access must be created over the whole length of the proposed South Lane before the issue of any Occupation Certificate (interim or final) so as to allow alternative access to Constitution Road.
Reason: To provide for pedestrian safety by providing alternative access to Constitution Road that does not require vehicles to perform a reverse manoeuvre to exit Constitution Road.
169. A public right-of-way for pedestrian and bicycles must be created over the whole length of the shared pedestrian/cycleway along the western boundaries of the site adjacent to the rail corridor providing connection to Constitution Road/Arlington Square and the Hill Street and Grove Street must be provided and registered on the certificate of title before the issue of any Occupation Certificate (interim or final) so as to allow access through the site for the general public.
Reason: To provide for public access through the site.
170. A right-of-way for future vehicular access must be created in accordance with the Survey Plans prepared by Mark John Andrew through the Basement and Basement Level 1 listed in Part B Condition 1 before the issue of any Occupation Certificate (interim or final) so as to allow access through the site(s) to Nos. 2 – 4 Grove Street.
Reason: To provide for future development and access of the adjacent sites.
171. All instruments under Section 88B of the Conveyancing Act 1919 used to create easements or right-of-ways must include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.
Reason: To ensure Council's interests are protected.
172. The person acting on this consent must provide security, in a manner satisfactory to Council for the proper maintenance of the road/drainage works in an amount of \$18,000 for a period of 12 months from the date of completion of the Road/Drainage works as surety for the proper maintenance of the Road/Drainage works. The Bond must be paid to Council before the issue of an Occupation Certificate.
Reason: To provide security for the maintenance of Road/Drainage works for a 12 month maintenance period.
173. Before the issue of an Occupation Certificate the person acting on this consent must obtain from Council a compliance Certificate(s) stating that all Road, Drainage, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.
Reason: To ensure that all Road, Footpath, Drainage and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.
174. Before the issue of an Occupation Certificate, the person acting on this consent must contact RailCorp and confirm the requirement for and if necessary undertake a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the person acting on this consent. Those dilapidation surveys will establish the extent of any existing damage and enable any deterioration during

construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of concurrence.

175. Before the issue of an Occupation Certificate, the person acting on this consent must provide as-built drawings and survey locating the development with respect to any rail boundary, RailCorp easement and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative. The as-built survey is to confirm that there has been no encroachment into any RailCorp land or easement area.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of concurrence.

176. The developer must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan must be submitted to RailCorp before the issue of an Occupation Certificate. The Principal Certifying Authority must not issue an Occupation Certificate until written confirmation has been received from RailCorp advising that the maintenance plan has been prepared to its satisfaction.

Reason: To confirm the terms of RailCorp's concurrence.

177. Where a condition of consent requires RailCorp's endorsement the Principal Certifying Authority must not issue an Occupation Certificate, as the case may be, until written confirmation has been received from RailCorp that the particular condition has been complied with.

Reason: To confirm the terms of RailCorp's concurrence.

178. Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery to arrange the following number of bins in relation to the residential component of the approved development:

- 33 x 660L bins for general waste streams;
- 33 x 660L bins for recycling waste streams; and
- 124 x 240L green waste bins.

Reason: To confirm the operation and servicing of the site meets Council's requirements prior to occupation or use of the building.

179. Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery and confirm the key lock system to be installed on the residential common waste storage areas accessible from the North Lane.

Reason: To confirm the operation and servicing of the site meets Council's requirements prior to occupation or use of the building.

180. The use and operation of the required car share spaces must be managed by the owner or contracted by the owner to a car share operator to the satisfaction of Council. The use and operation of the car share spaces must be accommodated in the titling and management of the development, including covenants, building or strata management statement, by laws and other instruments before the issue of an Occupation Certificate, and must provide for:

- a) Free use of the car share spaces;
- b) Public access at all times to the building, allowing the operator and users of the car share scheme, including non-occupants of the buildings, access to car share vehicles;
- c) Provision of access cards, keys and the like, for no fee, to the car share operator and

- users of the scheme, and
d) Insurances, including public liability.

Reason: To ensure the provision of and legal access to the designated off-street car parking spaces for car share use.

181. Before the issue of an Occupation Certificate, the person acting on this consent must demonstrate that the car share scheme is operational.

Reason: To ensure that the car share vehicles are made available in accordance with this consent.

182. The works to the public domain are to be completed in accordance with the approved plan and any relevant Public Domain Code (draft or final) before the issue of an Occupation Certificate.

Reason: To ensure that the necessary and agreed works to the Public Domain are completed.

ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- Buildings built or painted before 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 before occupation of the room or building.

Further information and brochures on how to reduce exposure to lead based paints is available from Council's Planning and Environmental Services Division, ☎ 9335-2222.

- Contact "Dial Before You Dig" before commencing any building activity on the site.

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

- Useful Contacts

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

Department of Fair Trading ☎ 13 32 20
www.fairtrading.nsw.gov.au
Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Before You Dig ☎ 1100
www.dialbeforeyoudig.com.au

Landcom ☎ 9841 8660
To purchase copies of Volume One of "Soils and Construction"

Long Service Payments Corporation ☎ 131441
www.lspc.nsw.gov.au

Marrickville Council ☎ 9335 2222
www.marrickville.nsw.gov.au
Copies of all Council documents and application forms can be found on the web site.

NSW Food Authority ☎ 1300 552 406
www.foodnotify.nsw.gov.au

NSW Government
www.nsw.gov.au/fibro
www.diysafe.nsw.gov.au
Information on asbestos and safe work practices.

NSW Office of Environment and Heritage ☎ 131 555
www.environment.nsw.gov.au

Sydney Water ☎ 13 20 92
www.sydneywater.com.au

Waste Service - SITA ☎ 1300 651 116
www.wasteservice.nsw.gov.au

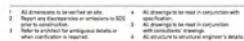
Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW ☎ 13 10 50
www.workcover.nsw.gov.au
Enquiries relating to work safety and asbestos removal and disposal.

- B. THAT** those persons and the head petitioner who lodged submissions in respect to the proposal be advised of the Council's determination of the application.
- C. THAT** NSW Planning and Infrastructure be advised, as part of the quarterly review of the monitoring of Clause 4.6 of Marrickville Local Environmental Plan 2011 – Exceptions to Development Standards, that the Sydney East Joint Regional Planning Panel has agreed to the variation of the following development standard:

<u>Premises:</u>	6-26 Grove Street and 60-64 Constitution Road, Dulwich Hill
<u>Applicant:</u>	Stamford Property Services
<u>Proposal:</u>	To consolidate 16 lots, demolish all existing improvements and remediation of land followed by comprehensive redevelopment of the site to contain 249 dwellings and 1 ground floor retail premises within 4 buildings of heights varying from 3 to 8 storeys over 2 levels of basement for 262 vehicles combined with ancillary development works to include civil works, internal road construction, tree removal and landscaping.
<u>Determination:</u>	Deferred Commencement Consent
<u>DA No:</u>	201300375
<u>Lot and DP:</u>	Lot 1 DP804112; Lots 1 & 2 DP81275; Lot 2 DP104552; Lot 1 DP104551; Lot 2 DP774830; Lot 3 DP512916; Lot 1 DP587480; Lot 1 DP797072; Lots A, B & C DP443420; Lot 1 DP633309; Part Lot 11 DP563564; Lot 1 DP715815; and Part Lot 1 DP774830
<u>Category of Development:</u>	9.Mixed
<u>Environmental Planning Instrument:</u>	Marrickville Local Environmental Plan 2011
<u>Zoning of Land:</u>	R1 General Residential
<u>Development Standard(s) varied:</u>	Clause 4.4 – Floor space ratio
<u>Justification of variation:</u>	Strict compliance with the FSR development standard is unnecessary; The development complies with the height of building development standard applying to the land; The development is generally consistent with the objectives of the Masterplan for urban renewal of the land; and The additional FSR does not contribute to additional adverse impacts on adjacent development.
<u>Extent of variation:</u>	17.6%
<u>Concurring Authority:</u>	Council under assumed concurrence of the Director General of NSW Planning and Infrastructure
<u>Date of Determination:</u>	

ATTACHMENT 1: Site Plan and Elevations

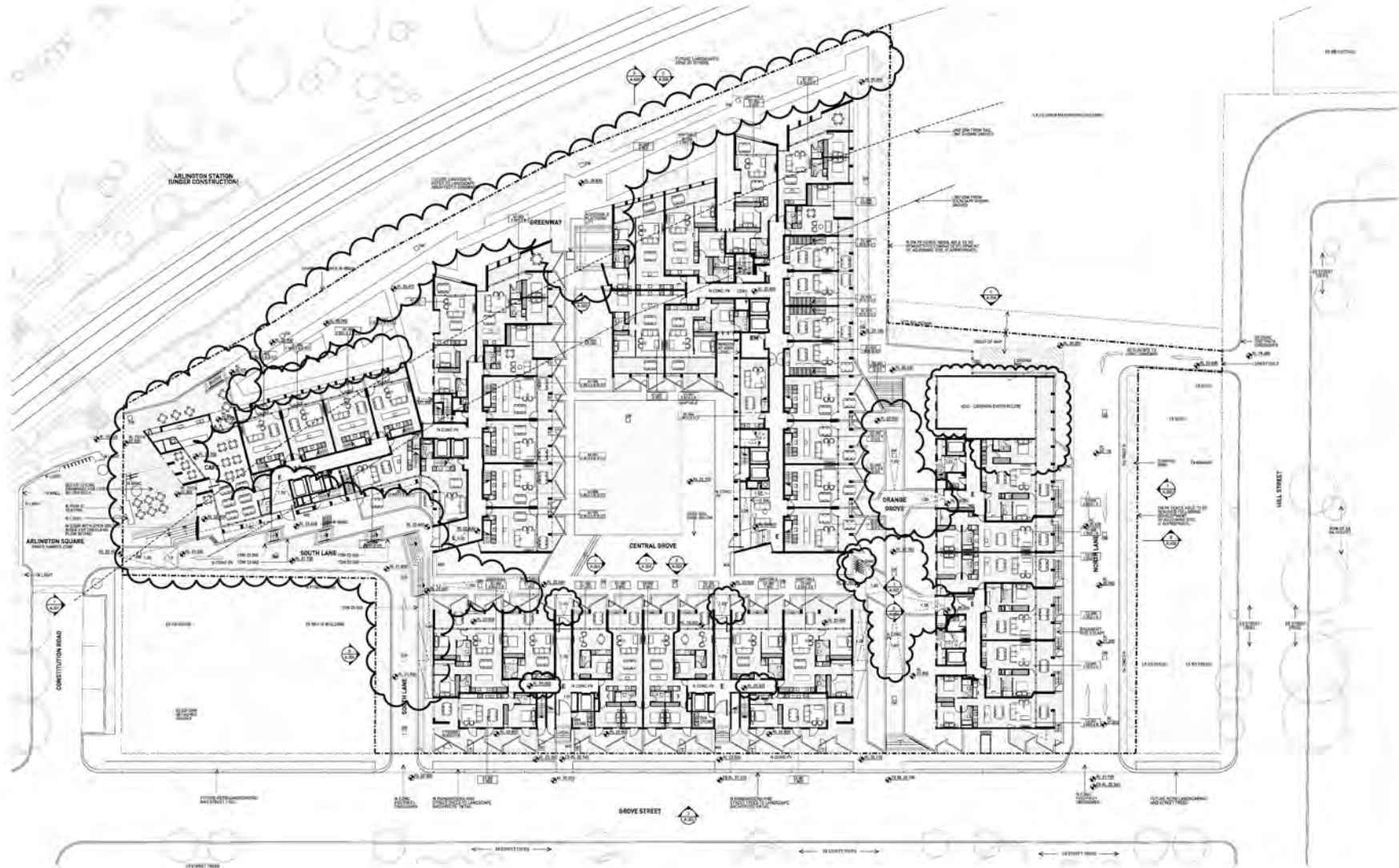








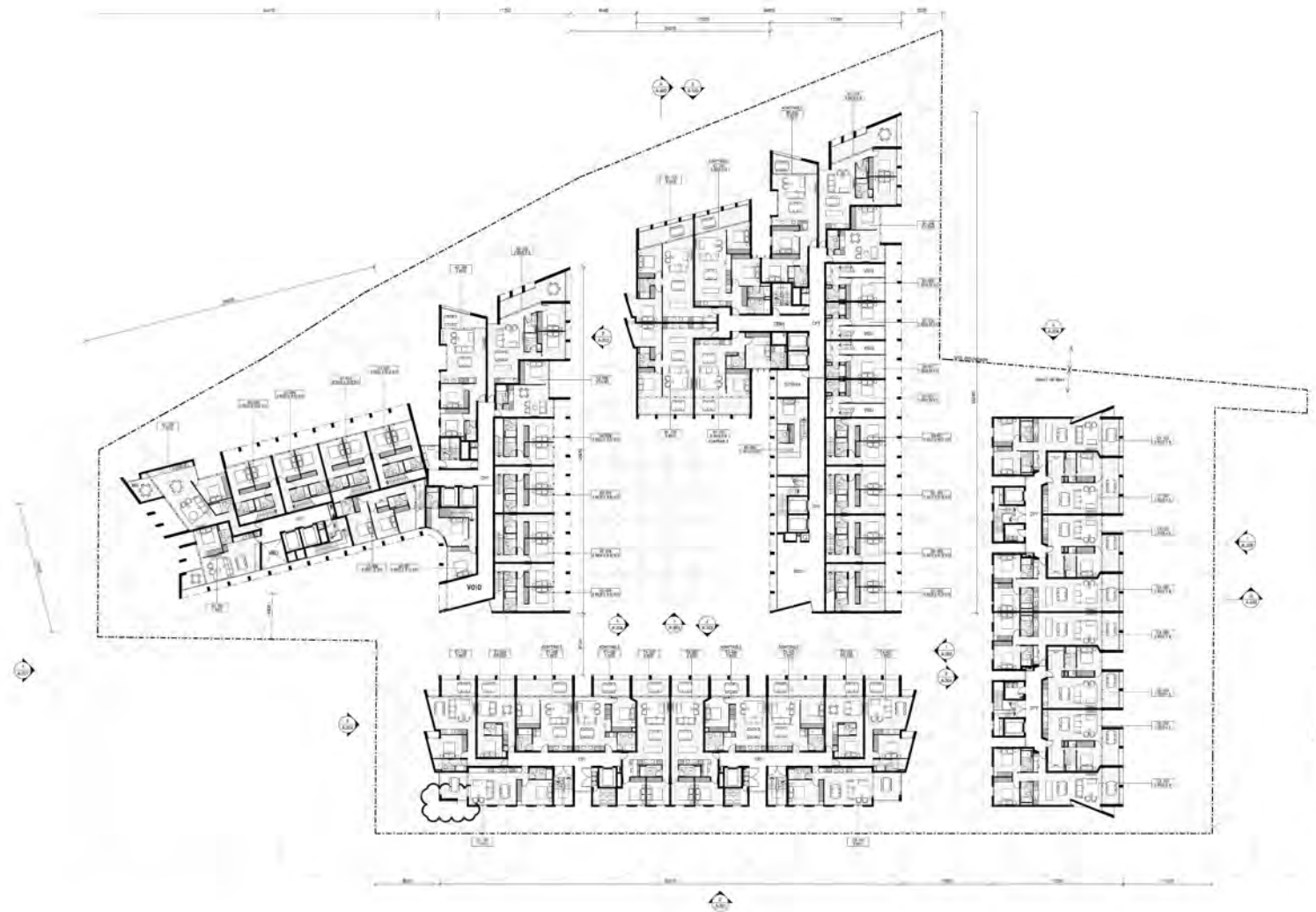
6-26 GROVE STREET AND 60-64 CONSTITUTION ROAD, DULWICH HILL



1 GROUND FLOOR PLAN

- PROJECT: 1302 DULWICH HILL, 6-26 GROVE ST & 60-64 CONSTITUTION RD, DULWICH HILL
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6-26 GROVE STREET AND 60-64 CONSTITUTION ROAD, DULWICH HILL



LEVEL 3 FLOOR PLAN

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smart design studio



1:2500 3000 1:2000 1:1500 @ A1, 1:500 @ A3

STAMFORD PROPERTY SERVICES
6-22 GROVE ST &
60-64 CONSTITUTION RD, DULWICH HILL

ISSUE: 1362
DATE: 13/01/2023
BY: AA
FOR: WS

ISSUE: 1362
DATE: 13/01/2023
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LEVEL 1 FLOOR PLAN



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| 2. What are the minimum requirements in \$/hr? | 2. Is drawing to be used in a contract with a consultant or not? |
| 3. How is it used for drawings or details in other situations? | 3. Is drawing to be used in a contract with a consultant or not? |

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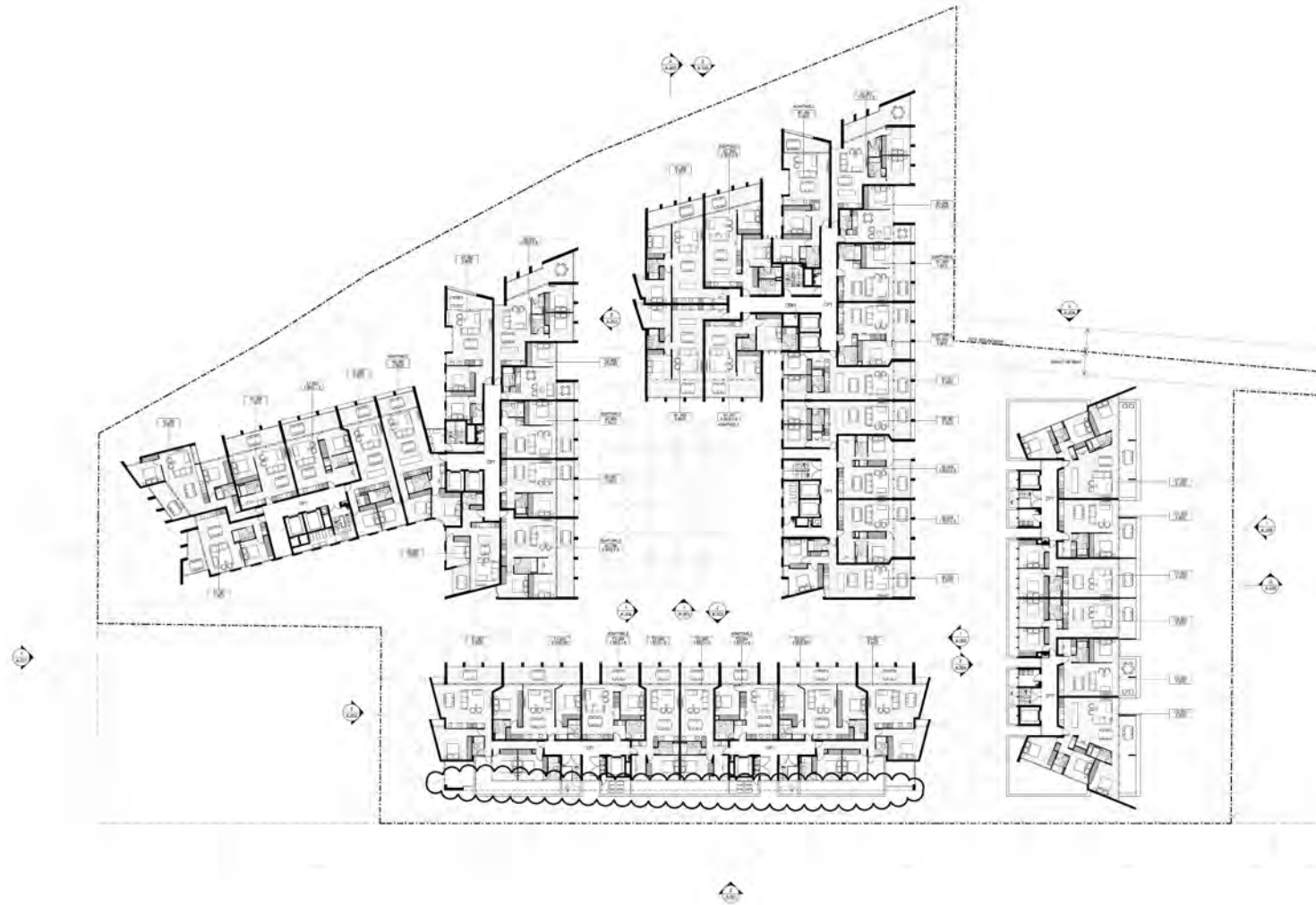
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LEVEL 2 FLOOR PLAN

**6-26 GROVE STREET AND 60-64 CONSTITUTION ROAD,
DULWICH HILL**



LEVEL 3 FLOOR PLAN

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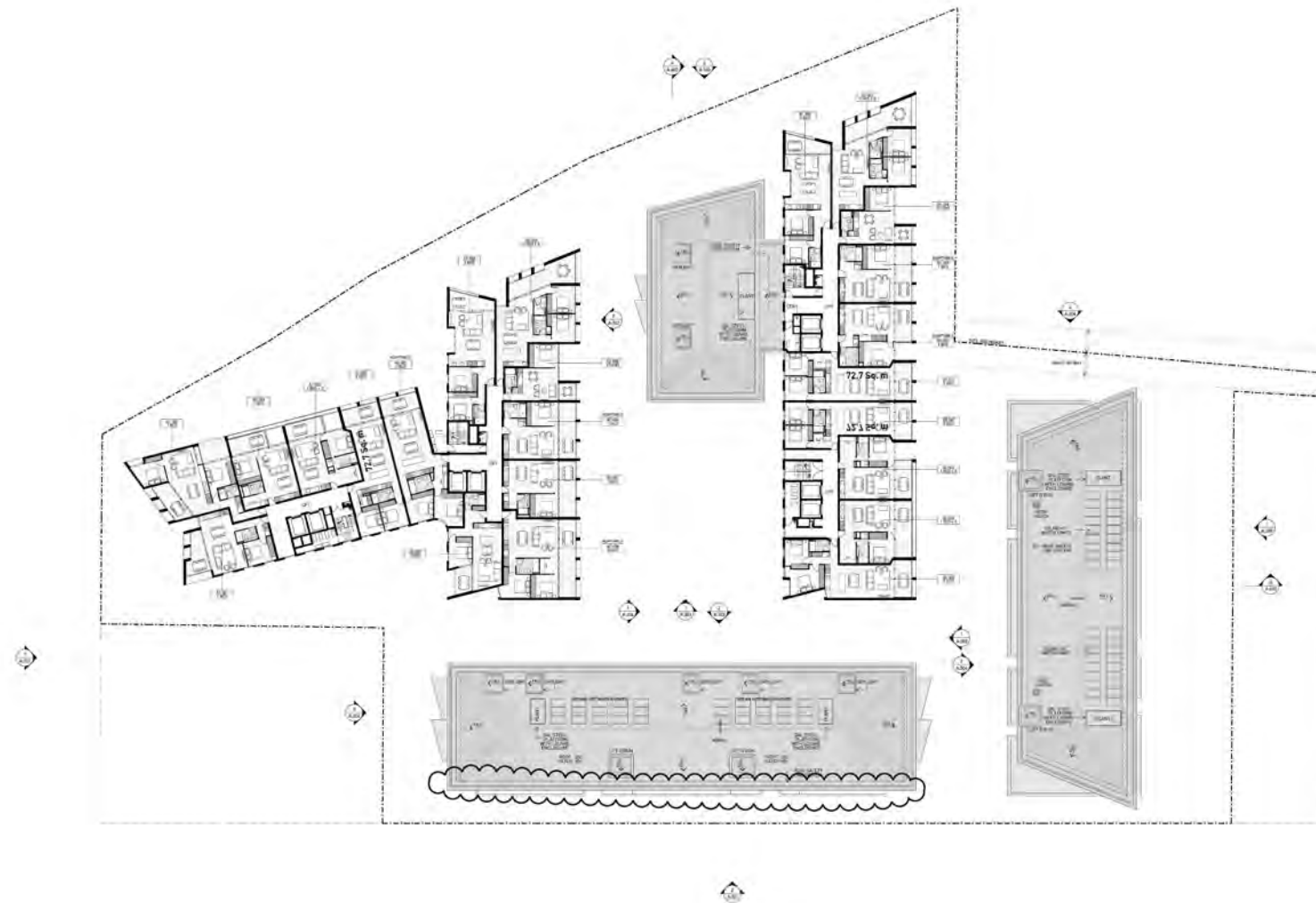
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LEVEL 3 FLOOR PLAN
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**6-26 GROVE STREET AND 60-64 CONSTITUTION ROAD,
DULWICH HILL**



1 LEVEL 9 FLOOR PLAN

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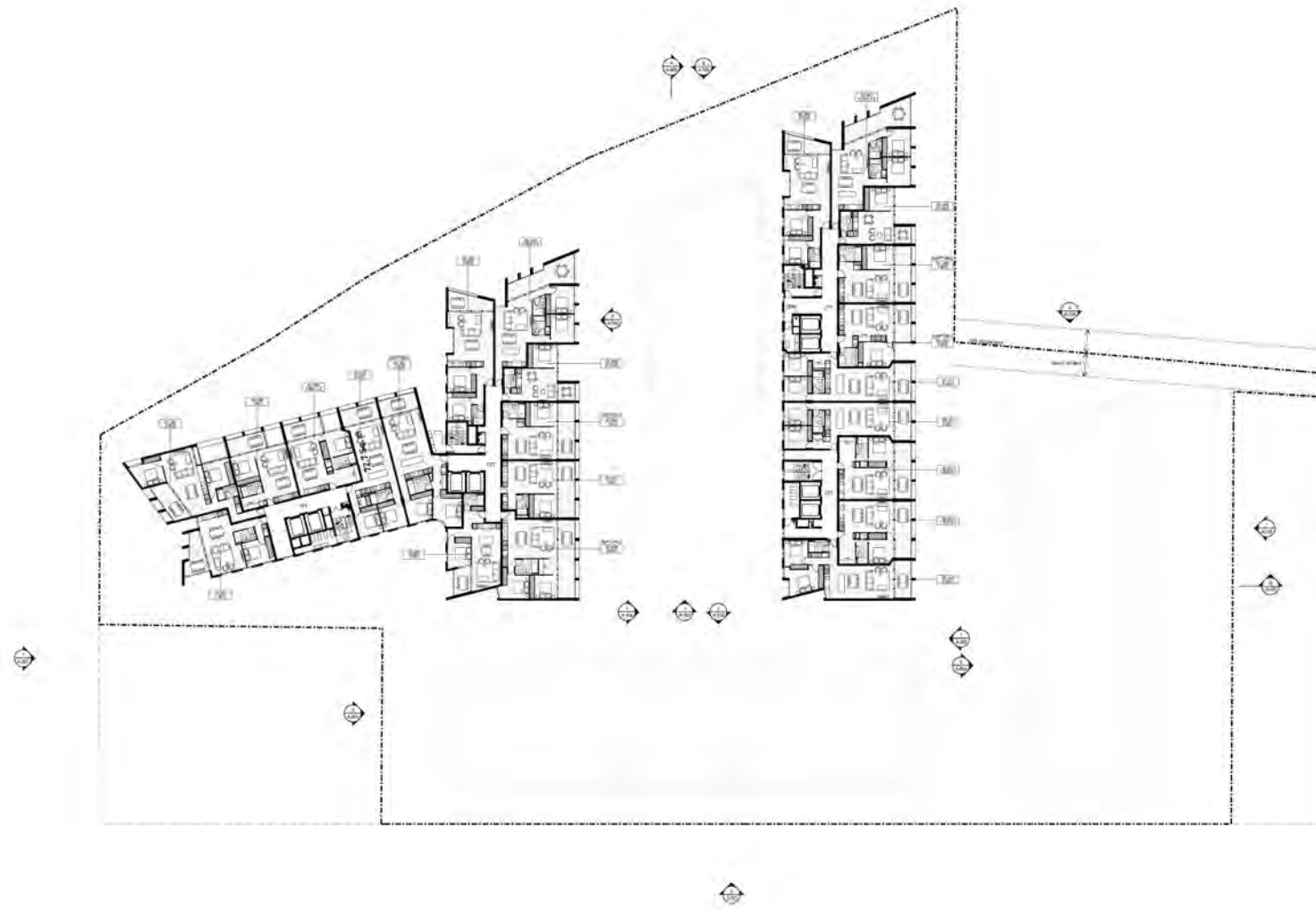
STAMFORD PROPERTY SERVICES
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LEVEL 9 FLOOR PLAN
DA-104 M

**6-26 GROVE STREET AND 60-64 CONSTITUTION ROAD,
DULWICH HILL**



LEVEL 1 FLOOR PLAN

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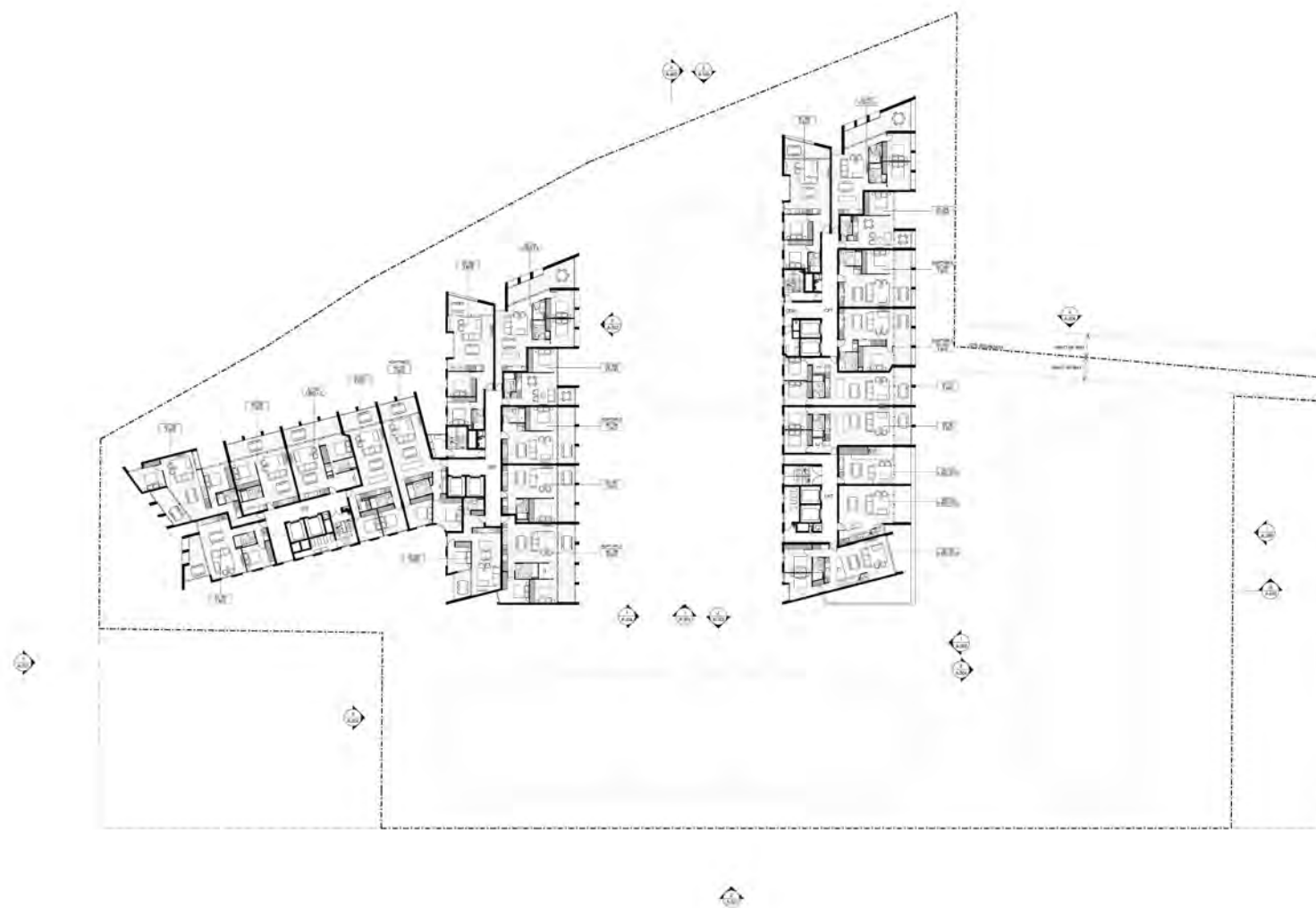


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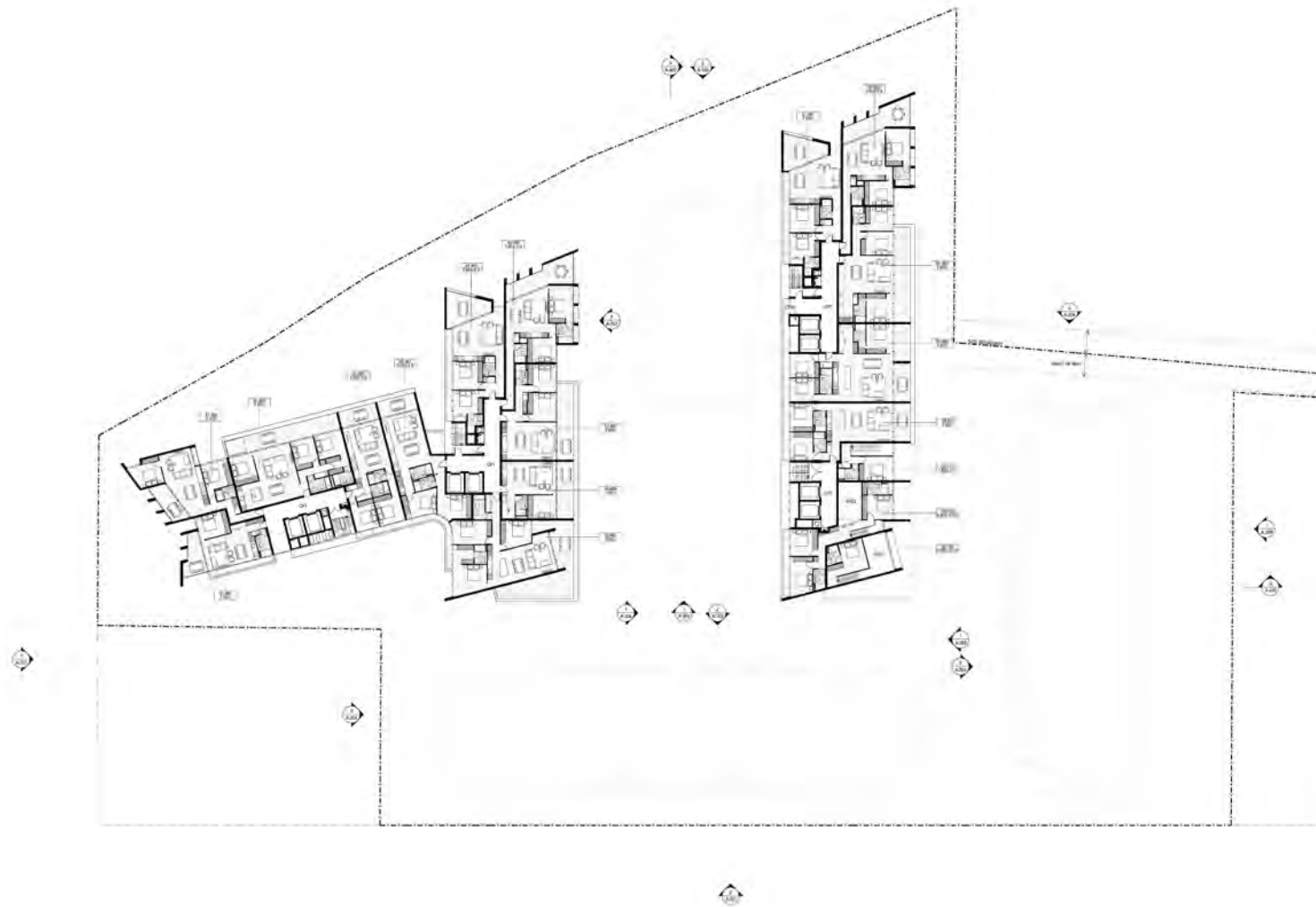
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LEVEL 1 FLOOR PLAN
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**6-26 GROVE STREET AND 60-64 CONSTITUTION ROAD,
DULWICH HILL**



LEVEL 8 FLOOR PLAN

1. All dimensions are in metres unless otherwise stated.
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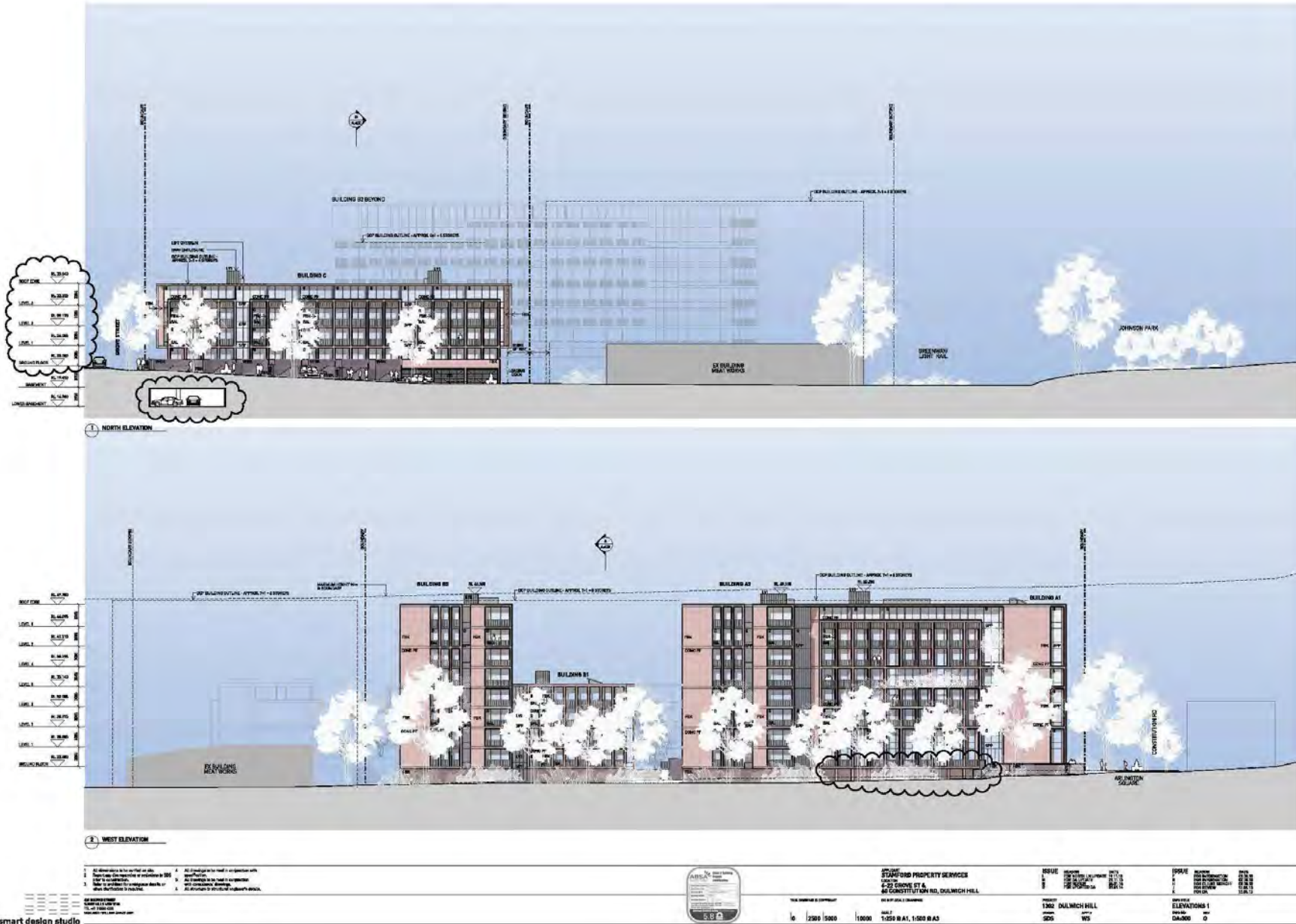
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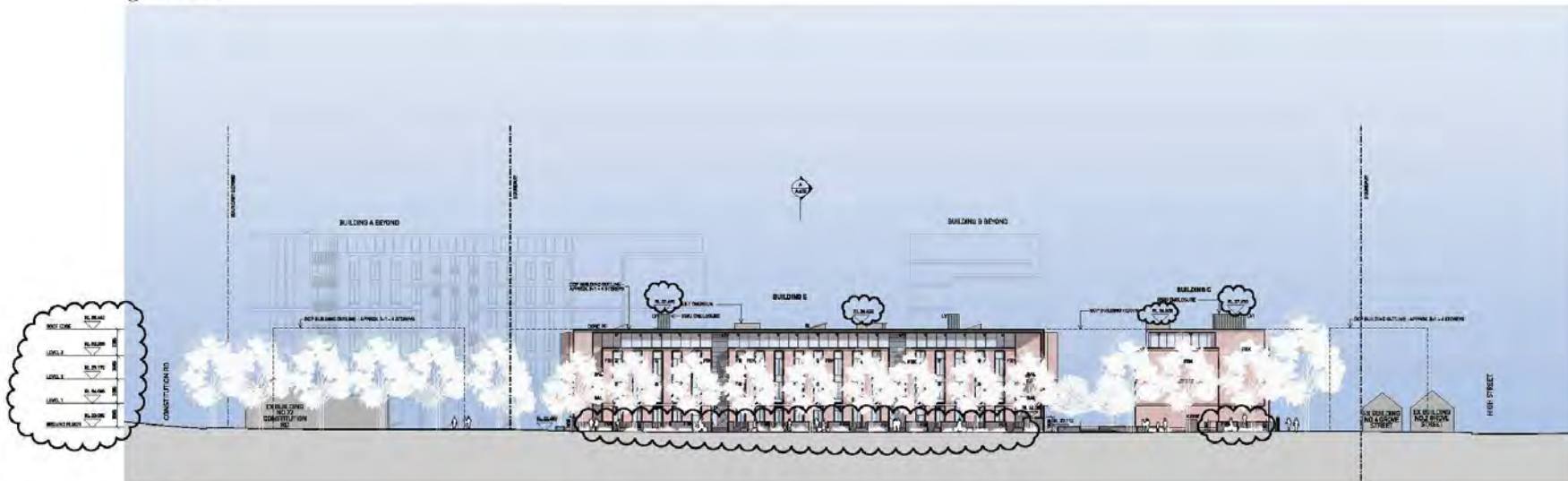
**6-26 GROVE STREET AND 60-64 CONSTITUTION ROAD,
DULWICH HILL**



6-26 GROVE STREET AND 60-64 CONSTITUTION ROAD, DULWICH HILL



1 SOUTH ELEVATION



2 EAST ELEVATION

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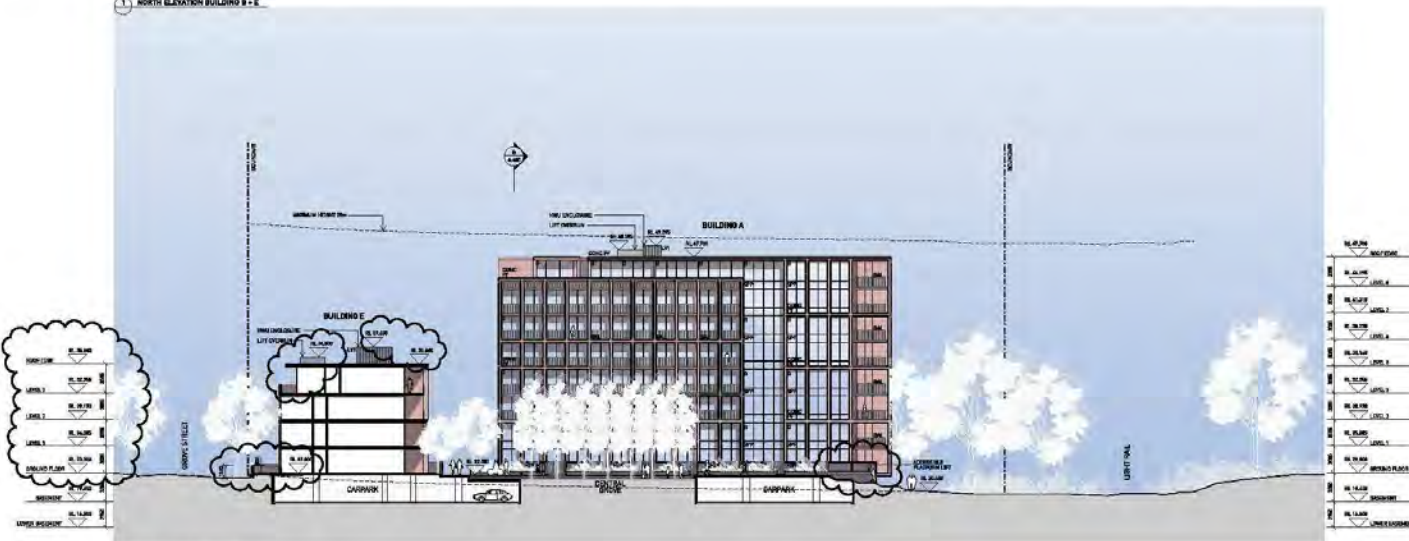
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**6-26 GROVE STREET AND 60-64 CONSTITUTION ROAD,
DULWICH HILL**



1 NORTH ELEVATION BUILDING B - E



2 NORTH ELEVATION BUILDING A

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4. All dimensions to be verified on site.



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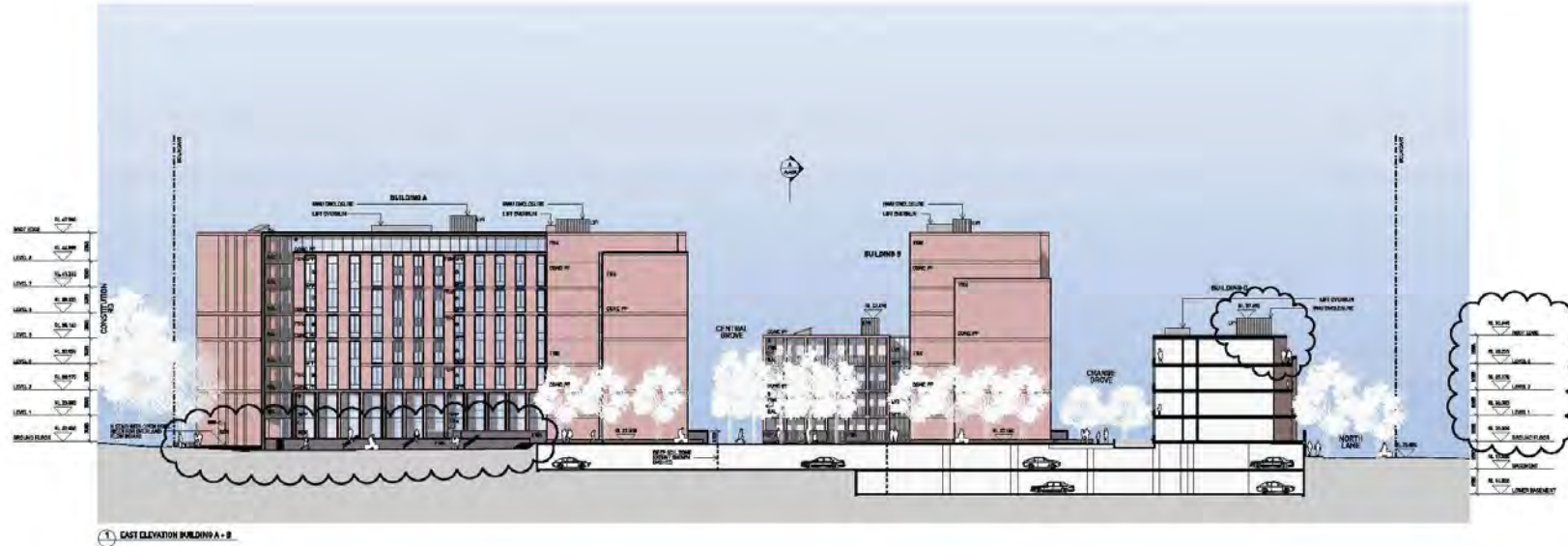
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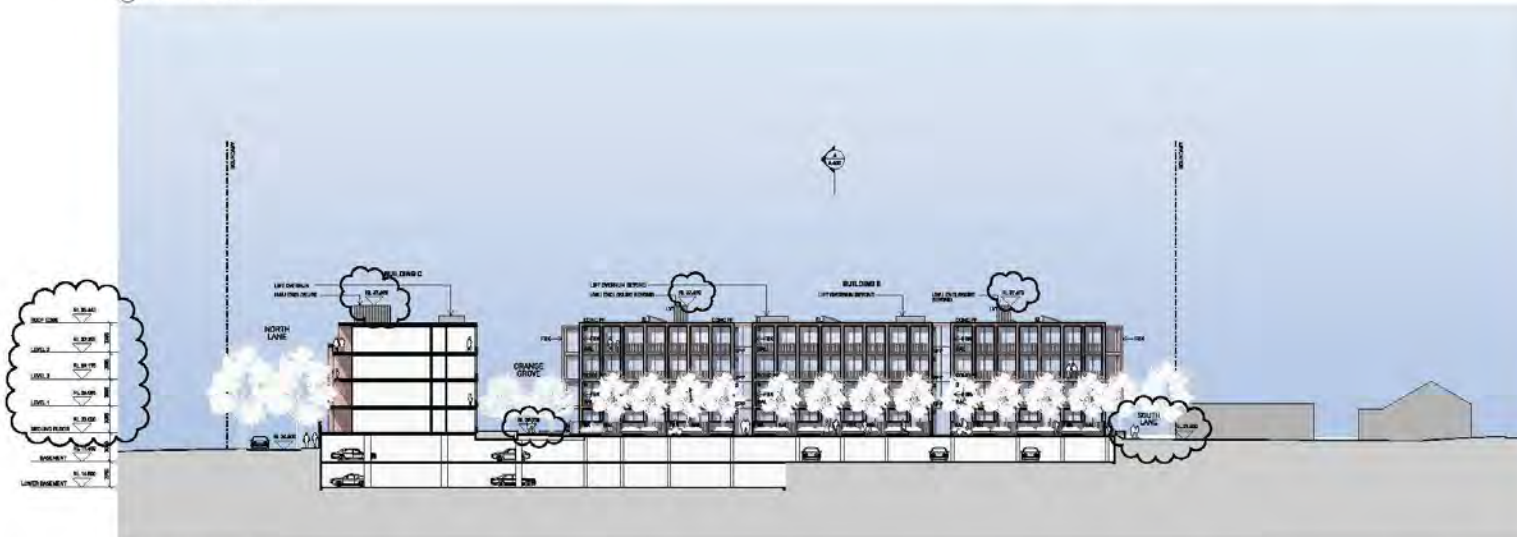
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6-26 GROVE STREET AND 60-64 CONSTITUTION ROAD,
DULWICH HILL



1 EAST ELEVATION BUILDING A + B



2 WEST ELEVATION BUILDING B





**ATTACHMENT 2: SEPP 65: Residential Flat Design Code: Rule of
Thumb Assessment**

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
Part 1: Local Context			
Primary Development Controls			
Building Height			
Test existing Floor Space Ratio against the height controls:	MLEP 2011 permits a maximum building height of 29 metres and a maximum FSR of 1.7:1.	The proposal seeks consideration of an alternate masterplan based on an increased FSR. The development alternative varies between 4 to 8 storeys of habitable space and complies with the 29 metre height of building development standard under MLEP 2011. The building height is overly generous when tested against the allowable FSR. The applicants further claim that the Masterplan controls do not facilitate the development density envisaged by the MLEP 2011 development standards.	Refer to report discussion.
Test Height Controls against number of storeys permitted	The MDCP strategic context controls permit a variable storey height ranging from 4 to 8 storeys.		
Building Depth	In general, an apartment building depth of 10 metres – 18 metres is appropriate.	Balcony edge to balcony edge maximum building depth is equal to 24.5 metres. However the intent of the control is to ensure solar access and natural ventilation and so relates to depth of apartments (as opposed to the building as a whole). The maximum apartment depth is 18 metres.	Acceptable
Building Separation Suggested separation between adjoining sites and buildings. The separation extent increases exponentially to the height of the building in	4 storey/12 metres high development are as follows: <ul style="list-style-type: none"> 12 metres between habitable rooms/balconies 9 metres between habitable rooms/balconies and non 	The following separations are provided: <ul style="list-style-type: none"> 12 metres (min) between the eastern façade and dwellings on the eastern side of Grove Street; 12 metres between the northern end of Buildings E and B and the southern façade of 	Detailed consideration of building separation requirements is provided in the assessment report.

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
storeys.	<ul style="list-style-type: none"> habitable rooms ▪ 9 metres between non habitable rooms 	Building C; <ul style="list-style-type: none"> • 10 metres between the northern façade of Building C and the boundary line to future Site 3 (corner of Hill Street and Grove Street); • 8 metres between the western façade of Building E and the western elevations of Buildings A and B; • Between 8 metres and 26 metres between the northern elevation of Building A and southern elevation of Building B; • Between 6.5 metres (min) and 12 metres between Building A and the boundary of future Site 4 at levels 1 – 3. 	
	5 to 8 storeys/up to 25 metres <ul style="list-style-type: none"> ▪ 18 metres between habitable rooms/balconies; ▪ 13 metres between habitable rooms/balconies and non-habitable rooms; and ▪ 9 metres between non-habitable rooms 	<ul style="list-style-type: none"> ▪ 40.5 metres between the northern elevation of Building B and the boundary of future Site 3; ▪ 6 metres between the balcony edge within the northern elevation of Building B and the boundary of future Site 2 (Andrews Meats); ▪ 26 metres between the northern elevation of Building A and the southern elevation of Building B; ▪ Between 6.5 metres (min) and 12 metres between Building A and the boundary of future Site 4 at levels 1 – 3. 	Refer to report discussion.
	9 storeys and above/over 25 metres: <ul style="list-style-type: none"> ▪ 24 metres between habitable rooms/balconies; ▪ 18 metres between 	<ul style="list-style-type: none"> ▪ Internal separation between the north facing balconies of Building A and the south facing windows of Building B is 26 metres. 	No. Refer to discussion under strategic controls.

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
	<p>habitable rooms/balconies and non-habitable rooms; and</p> <ul style="list-style-type: none"> 12 metres between non-habitable rooms 	<ul style="list-style-type: none"> North facing balconies of Building B to future Site 2 provides a 5 metre separation. 	
	The RFDC also allows a 0 metre building separation in appropriate contexts such as party walls.	No building has adopted a nil boundary or 0 metre setback.	N/A
Street Setbacks	<p>Defined by the Masterplan adopted by MDCP 2011. Part 9.11, Figure 11.1b adopts the following setbacks:</p> <ul style="list-style-type: none"> 3.5 metre setback to Grove Street; and 6 metres from Constitution Road. 	<p>The following are proposed:</p> <ul style="list-style-type: none"> 3.5 metres to Grove Street; and Building setback to Constitution Road boundary varies from 1.2 metres – 5.4 metres. However the open forecourt of the retail premises abuts the boundary to form a connection with the pedestrian plaza to the Arlington light rail station. 	Refer to report discussion.
Side and Rear Setbacks	<p>Defined by the Masterplan adopted by MDCP 2011. Part 9.11, Figure 11.1b adopts a combination of side setbacks and separation distances. Setbacks to boundaries of adjacent blocks are as follows:</p> <ul style="list-style-type: none"> 6 metres to Site 4; 9 metres to Site 2; Building C setback from boundary to Site 3 by 8.4 metres; Building E setback from boundary to site 3 by 3 metres; and 	<p>Side setbacks to boundaries are generally consistent with those envisaged except with regards to the setbacks/separation of Building B2 from its common boundary with Site 2 (Andrews Meats). Setbacks are as follows:</p> <ul style="list-style-type: none"> 6 metres – 8 metres between the southern end of Building E and the side boundary to Site 4; 6 metres between the proposed northern elevation of Building B2 and the side boundary of Site 2; 10.5 metres between the northern end of Building C and the side boundary to Site 3; and 	The required setbacks and separation distances between buildings and boundaries has been considered in the context of the alternative masterplan. Those matters are detailed in full in the assessment report.

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
	<ul style="list-style-type: none"> 11 metres – 11.5 metres from the rear boundary; 	<ul style="list-style-type: none"> 10.7 metres (weighted average) setback to the rear boundary (adjoining the rail corridor). 	
Floor Space Ratio		A FSR of 2.0:1 is proposed.	No. Refer to report discussion.
Part 2: Site Design			
Site Configuration			
Deep Soil Zones	Minimum of 25% of open space area of a site should be a deep soil zone. Exceptions may be made in urban areas where sites are built out, in which case stormwater treatment measures must be integrated with the design of the residential flat building.	Council's controls have no minimum deep soil requirement relating to high density residential development. The proposal provides 7.8% of the site as deep soil planting.	The site is located within a urban context. Other recent high density residential developments within the immediate context of the site, in particular "The Denison" are supported by nominal amounts of deep soil landscaping. Opportunity to provide deep soil have been maximised whilst ensuring the provision of reasonable parking to meet demand.
Fences and Walls	<ul style="list-style-type: none"> No fencing detail has been provided for the western boundary adjacent to the train line. 1.35 metres wall to Grove Street, reflecting a mix of solid and open style elements. 	<ul style="list-style-type: none"> Western boundary fence will need to ensure safety whilst not being visually intrusive. Fencing to Grove Street is consistent with the architecture of the buildings, providing a suitable balance of open and solid elements to activate the street while providing reasonable levels of privacy. . <p>In this instance, as the ground floor of the units is set higher than the adjacent footpath, the additional fence heights is considered reasonable.</p>	Acceptable. Refer to assessment in Attachment 3.
Landscape Design		The application was supported by a detailed landscape design	Refer to landscaping discussion in assessment report.

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
		justification. Approximately 2,380m ² of landscaping is provided across areas of common open space. Reflecting 23.5% of the total site area. Of this 3% is provided as deep soil planting.	
Open Space	25% - 30% of site area should be devoted to communal open space.	Based on a site area of 10,131m ² between 2,532.7m ² - 3,039.3m ² is required to be provided.	Refer to assessment of open space in assessment report.
	Ground level apartments should contain a minimum of 25m ² of open space, with a minimum dimension in one direction of 4 metres.	Council's development controls override the provisions of SEPP 65.	Refer to assessment report. The majority of ground floor units benefit from 2 areas of open space and ground level separated entries.
Orientation	Maximise solar access and amenity.	<p>The alternate masterplan improves the orientation of the individual buildings providing for an increased residential amenity within the units.</p> <p>However, the height of Building B2 causes increase overshadowing of common open space located within the central grove.</p>	Acceptable
Planting on Structures	<p>The applicable guidelines with regard to soil provision is provided below:</p> <ul style="list-style-type: none"> Small trees (4 metre canopy diameter at maturity) minimum soil volume 9 cubic metres minimum soil depth 800mm approximate soil area 3.5 metres x 3.5 metres or equivalent 	<p>A sublevel car park would occupy the majority of the site, with substantial plantings proposed over.</p> <p>Plantings on structures are shown in section nominate soil depths of approximately 1 metre. The depths and allocated planting spaces should be sufficient to support future establishment of the landscaping works proposed.</p>	Suitable conditions regarding soil and planting conditions are recommended to ensure the establishment of landscaping works.

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
Stormwater Management	Compliance with Council's stormwater management guidelines.	Council's Development Engineer has reviewed the plans and imposed necessary conditions to ensure the appropriate management and disposal of stormwater.	Acceptable
Site Amenity			
Safety	Residential developments of more than 20 new dwellings require a formal crime risk assessment	<p>Undertaken as part of the Social Impact Statement. The SIS in relation to crime indicates that crimes related to theft from dwellings and fraud have increased in the Marrickville LGA over the past 24 months.</p> <p>The development has considered the nature of crimes occurring across the LGA as part of the design process.</p> <p>The development has been designed to provide for controlled access into the buildings and car park.</p> <p>The inclusion of a retail space and public access connections through the site will promote active uses. This combined with casual surveillance of the open space by ground and upper floor apartments are positive design features consistent with the principles of CPTED aimed at designing out crime.</p>	Acceptable
Visual Privacy	Relates to building separation, site layout and design	<p>Where building separation requirements have not been met, the architectural design and configuration of building elements has overcome the potential for overlooking between residential apartments.</p> <p>The development achieves suitable levels of visual privacy within the</p>	Acceptable

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
		<p>development site.</p> <p>Setbacks of the building from boundaries to adjoining low density residential properties exceeds the setbacks requirements specified in the Masterplan. Short to medium term transition impacts may be experienced however future redevelopment of adjacent sites will overcome this.</p>	
Site Access			
Building Entry	Building entrances define the threshold between the public street and private areas within the building.	<p>The building edges have been used to define public/private space of the site. With the exception of Building E (orientated to and connecting with Grove Street frontage) the building entries are within the site.</p> <p>Entries are pronounced and legible to pedestrians by changes in architectural treatment, slightly recessed from the building edge guiding people around corners and into the buildings.</p>	Acceptable
	Building entries provide a public presence and interface within the public domain thereby contributing to the identity of a residential development.	Building entries are marked by changes in architectural treatment. Each Building has been designed to interface and activate with a different common areas.	Acceptable
Parking	Provision of on site parking to relate to the size of the development and respond to the local context.	<p>A detailed parking assessment is included in the assessment report. The parking complies with Councils requirements.</p> <p>Subject to the reallocation/redistribution of parking numbers to ensure the equitable distribution and suitable provision for</p>	Acceptable

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
		residential visitors, the proposal is considered acceptable.	
Pedestrian Access	Suitable access from parking areas and/or street entrances to Buildings.	Parking areas are connected to the upper levels via lifts.	Acceptable
	Access to buildings to comply with AS1428 (Parts 1 and 2) as a minimum	This is a matter for detailed design. The DA plans show suitable footpath connections and concept design to enable accessibility throughout the site and buildings.	Acceptable. Conditions to be imposed to confirm compliance
	Provide barrier free access to at least 20% of dwellings	50 of 249 apartments are designed to be adaptable and have barrier free entry throughout the site.	Acceptable
Vehicle Access	Generally limit driveways to no more than 6 metres	Car park entry from proposed North Lane is approximately 7.5 metres wide. Allows for the car park entry to include an island to control the flow of traffic and appropriately located access control elements.	Acceptable
	Locate vehicle entries away from main pedestrian entries and on secondary streets.	<p>The development involves the construction of 2 new access roads as follows:</p> <p>The North Lane – is the main vehicle entry to the site and is separated from pedestrian entries.</p> <p>The South Lane – serves as a “kiss and ride” for the Arlington light rail station and the development site. It has been designed as a shared way.</p> <p>Council's traffic engineers have reviewed the proposal and raised no objection to the siting and design of the vehicular access points.</p>	Acceptable
Part 3 Building Design			
Building Configuration			
Apartment Layout	Single aspect apartments should be limited in depth to 8 metres from a	Single aspect apartments are ≤8 metres deep.	Acceptable

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
	window.		
	The back of a kitchen should be no more than 8 metres from a window.	Kitchens are within 8 metres of windows.	Acceptable
	The width of cross through apartments over 15 metres deep should be more than 4 metres	<p>The internal depth of cross through apartments (i.e. excluding balconies) is less than or equal to 15 metres.</p> <p>Living/active habitable space areas of the cross through units are no more than 4 metres.</p> <p>Suitable access to direct light and ventilation to habitable rooms is achieved through proper planning of internal layout and space that has placed sleep and living areas to the external face of apartments and non-habitable rooms such as bathrooms to the middle of the floor plate.</p>	Acceptable
	<p>Minimum Apartment size of:</p> <ul style="list-style-type: none"> 50m² for 1 bedroom; 70m² for 2 bedroom apartments; and 95m² for 3 bedroom apartments 	<ul style="list-style-type: none"> 5 of the 97, 1 bedroom apartments (unit 7 of building A2 from Level 2 – 7) do not comply with the 50m² minimum having an internal floor area of 49.5m² reflecting a 1% variation from the requirement. The floor layout of Unit 7 is similar to the adjoining 1 bedroom Unit, Unit 6. When compared it is evident that the difference in floor area results in a smaller bathroom for unit 7 only with living spaces still being designed to provide maximum use, flexibility and utility. All 2 bedroom apartments comply or exceed the minimum floor space 	<p>A total of 11 units out of 249 do not meet the minimum recommended floor area of the RFDC. Reflecting a 4.4 per cent variation.</p> <p>All identified units are served by areas of private open space and have access to storage areas.</p> <p>Those units with smaller floor plates could be viewed as contributing to the range of apartment types and offering a more affordable option to some buyers.</p>

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
		<p>requirements;</p> <ul style="list-style-type: none"> 5 of the 6 three bedroom apartments comply with the minimum floor area requirements. 1 proposes a floor area of 92.8m², which is 2.3% variation on minimum floor area. 	
Apartment Mix	Provide a variety of apartment types for housing choice and equitable housing access.	<p>The development provides a range of floor layout options and apartment types. The unit mix is reasonable and generally consistent with Council's controls.</p> <p>The unit mix responds to broad market trends for demand in 1 and 2 bedroom apartments catering to new home buyers and an aging demographic looking to downsize within their existing community.</p> <p>The proposal does not meet the requirement for 3 bedroom apartments. While the ABS reports growth in the demand of apartment living by families there is still a strong preference for single dwellings, only 20 per cent of people living in units are families with children compared to 52 per cent of people who live alone or as a couple.</p>	Acceptable
Balconies	Primary balconies should have a minimum depth of 2 metres.	<p>Due to the architecture of the buildings along the western elevation and façade, Unit 2 at each level of Building A2 and Unit 6 at each level of Building B1 reduces the balcony depth at the northern end to 1 metre.</p> <p>Notably the plans and supporting documents indicate that those</p>	Acceptable

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
		balconies exceed the minimum area required by MDCP 2011 each being supported by an area of 11m ² and that each space is capable of supporting outdoor furniture demonstrating the capability and usability of the space, consistent with the RFDC guidelines.	
Ceiling Heights	2.7 metres minimum for habitable rooms and 2.4 metres minimum for non habitable rooms.	2.8 metres floor to ceiling heights for all habitable areas of the residential component.	Acceptable
Flexibility	Apartments must be designed to afford flexible living arrangements and satisfactory working arrangements.	Apartment sizes and layouts are suitable, allowing future residents flexible living. Where floor areas are below recommendations of the RFDC, the architects have ensured that living rooms and bedrooms are still of suitable size and dimension.	Acceptable
Ground Floor Apartments	Optimise the number of ground floor apartments with separate entries and provide ground floor apartments with access to private open space, preferably as a terrace or garden.	With the exception of Building A1 (located at the southern end of the site) all buildings at the ground level have been designed to allow for direct access from common areas to ground floor units with suitably designed terraces and gardens.	Acceptable
Internal Circulation	The number of dwellings accessible from a single core/corridor should be limited to 8.	The maximum number of units served by lift core or corridor is 8.	Acceptable
Mixed use	R1 General Residential zoning applies to the site. The Masterplan applying envisages predominantly (if not all) residential development for the site.	The redevelopment is predominantly residential, with the exception of a retail component placed at the southern end of the site adjacent to the Arlington light rail station.	<p>The layout of the site including predominantly residential use is considered suitable for the area and consistent with the controls.</p> <p>The small retail component is considered consistent with the adjacent light rail stop and will promote a suitable</p>

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
			active use at this point.
Storage	<p>The following storage requirements:</p> <ul style="list-style-type: none"> ▪ 1 bedroom dwellings require 6m³ of storage area ▪ 2 bedroom dwellings require 8m³ of storage area. ▪ 3 bedroom dwellings require 10m³ of storage area. 	<p>A suitable number of storage cages are provided within the basement level. The plan detail has not allocated storage cages to apartments, the plans have identified storage types based on apartment size including Storage types 1 – 3 with the following areas:</p> <ul style="list-style-type: none"> ▪ S1 – 0.6m³; ▪ S2 – 1.9m³; and ▪ S3 - >3m³ <p>The plans also indicate that each storage cage is an average of 2.4 metres high.</p>	Acceptable, subject to condition.
	<p>The applicable section within the rules of thumb stipulates that 50% of the required storage is to be provided within each apartment for better design practice.</p>	<p>Each unit has an area within or adjacent to the nominated laundry cupboard shown as being for the purpose of storage.</p>	Acceptable
Building Amenity			
Acoustic Privacy	<p>Suitable location and separation of buildings.</p>	<p>Building design and internal layout of units will provide suitable acoustic privacy between dwellings.</p>	Acceptable
	<p>Internal layout of spaces within apartments placing active habitable spaces away from passive space (i.e. bedrooms not sharing common walls with living rooms of adjoining apartments).</p>	<p>A minimal number of apartments have internal layouts that place active use rooms immediately adjacent to sleeping areas of adjoining apartments.</p> <p>Any potential impacts associated with the transference of noise between units, is managed by the construction standards of the BCA/NCC in relation to attenuation measures to mitigate impacts.</p>	Acceptable
	<p>Suitable attenuation measures between apartments to ensure acoustic privacy.</p>	<p>Subject to the requirements of the BCA and NCC.</p>	<p>Matters to be considered and approved by the Certifying Authority at Construction Certificate</p>

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
			stage.
Daylight Access	<ul style="list-style-type: none"> 70% of the living rooms and private open space of apartments should receive a minimum of two hours direct sunlight. 	80% of apartments receive a minimum of 2 hours direct solar access at the winter solstice.	Acceptable
	<ul style="list-style-type: none"> No more than 10 single aspect south facing apartments. 	A maximum of 9 single aspect south facing apartments.	Acceptable
Natural ventilation	<ul style="list-style-type: none"> Building depths, which support natural ventilation typically range from 10 metres to 18 metres. 	Maximum apartment depth is 18 metres.	Acceptable
	<ul style="list-style-type: none"> 60% of residential units should be naturally cross ventilated. 	64% (160) apartments have been designed as cross through, cross over and corner apartments which promote cross ventilation of the apartments.	Acceptable
	<ul style="list-style-type: none"> 25% of kitchens within a development should have access to natural ventilation. 	Kitchens have been placed within 8 metres of windows. Based on the number of units designed to promote positive cross ventilation (based on the RFDC) at least 25% of apartments have the capability to naturally ventilate the kitchens.	Acceptable
	<ul style="list-style-type: none"> Developments, which seek to vary from the minimum standards, must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms. 	Refer above.	N/A
Building Form			
Awnings and Signage	To provide shelter for public streets	The plans submitted with the Development	N/A

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
		Application do not include any awnings or signage at street level.	
Facades	<ul style="list-style-type: none"> To promote high architectural quality in residential flat buildings. To ensure that new developments have facades which define and enhance the public domain and desired street character. To ensure that building elements are integrated into the overall building form and facade design. 	<p>The development is considered to reflect high quality architectural design that defines the street edge with suitable integration of landscaping elements to enhance the public domain and common open spaces.</p> <p>The immediate character of the area is defined by predominant low density single dwellings houses constructed during the federation period. Consequently the design will alter the visual character of the streetscape and contribute to the architectural evolution of the area.</p> <p>Building E orientated to Grove Street will be the most visually prominent element within the immediate residential streetscape, with taller building elements visible from further away.</p> <p>At street level, the development seeks to establish positive design elements to include active outdoor living space and pedestrian entries to foster an active streetscape.</p>	Acceptable
Roof Design	To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings.	<p>A flat roof form is proposed punctuated by lift shafts and plant material. The latter is suitably obscured by screening devices constructed on materials that complement the main building elements.</p> <p>In this instance the roof form proposed is</p>	Acceptable

	Guidelines/Rule of Thumb	Proposed	Comment/Consistency
		considered acceptable. A recessive and functional roof will not detract from the main architecture of the building forms and elements of the lower levels or contribute unnecessarily to the height of the building.	
Building Performance			
Energy Efficiency	Residential flat development to optimise thermal performance, comfort and access to daylight so as to reduce reliance on artificial heating, cooling and lighting.	The submitted BASIX Certificate demonstrates compliance with the required BASIX Commitments.	Acceptable
Maintenance	Detailed design and material selection support long-term maintenance of residential flat development.	The design and layout of the site and buildings does not raise significant issues with relation to access for maintenance.	Yes
Waste Management	Application to be supported by waste management plans.	This matter has been addressed in detail within the body of the report, in relation to the Part 2.21 of MDCP 2011.	Yes. Conditions imposed to ensure suitable detailed design and management.
Water Conservation	Rainwater is not to be collected from roofs coated with lead – or bitumen based paints, or from asbestos – cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	The development will not utilise materials discouraged by the RFDC. Positive water management devices have been incorporated into the development include rain water storage and reuse tanks and WSUD elements.	Acceptable

Attachment 3: Marrickville Development Control Plan Compliance Assessment

Part 2.5 – Equity of Access and Mobility			
Standard	Requirement	Proposal	Complies
C7 – adaptable dwellings	1 dwelling for every 5 or part there of (where the total exceeds 5 apartments).	50 adaptable dwellings provided.	Yes
C8 – Car parking	1 per adaptable dwelling; and 1 per 4 adaptable dwellings for visitors.	Refer to assessment of car parking	Yes
C11 – Access	Appropriate access through principle entrance and access to any common facilities.	Building capable of compliance. DA plans generally demonstrate that buildings, carpark and common areas will be accessible.	Yes
Part 2.6 Acoustic and Visual Privacy			
Standard	Requirement	Proposal	Complies
C2 – High noise sources/Acoustic privacy	Residential development to locate bedrooms away from high noise sources such as road and/or rail.	The development adjoins a rail corridor. Units orientated west towards the light rail have located bedrooms at the eastern end of apartments away from rail noise source. Grove Street does not and is not expected to carry traffic volumes likely to cause adverse residential amenity impacts associated with high volume road networks.	Yes
C3 – Visual Privacy	Building design to protect visual privacy of residents. Where siting and design cannot overcome potential privacy incursions suitable treatment methods are to be used.	Visual privacy has been considered in the context of separation distances between buildings and their siting and orientation.	Refer to the report.
C5 – Rail Noise	Impacts of noise and vibration of rail corridor to be considered on new residential development.	The site adjoins a light rail corridor. A noise impact assessment was submitted with the application to address potential impacts. This is considered in the main body of the report.	Refer to the report.
Part 2.7 – Solar Access and Overshadowing			
Standard	Requirement	Proposal	Complies
Part 2.7.3 Solar Access for surrounding buildings			
C2 Overshadowing	Not reduce solar access to less than 2 hours or where there is currently less than 2 hours, access not be reduced further.	These matters are considered in detail in the body of the report.	Refer to discussion.
Part 2.7.5.1 Solar access for new development – other forms of residential accommodation			
C9 – Solar Access	65% of new dwellings must be positioned within 30 degrees east and 20 degrees west of north allowing for direct sunlight to 50% of glazed surfaces for 2 hours on 21 June between 9.00am and 3.00pm.	Refer to the main report.	Yes.
C10	50 per cent of <u>common landscaped area</u> within residential flat building development are required to receive 2 hours of sunlight to its finished	A total of 2,380.785m ² landscaped area is provided across the site. The portion of landscaping along the western	Yes

	surface at the winter solstice between 9am and 3pm.	boundary will receive a total of 3 hours hours sunlight over its surface at the winter solstice. This area of common open space accounts for 66 per cent of the 2 main areas of landscaped area within the site.	
Part 2.8 - Social Impact Assessment			
C2 & 3— social impact statement	A social impact statement is to be done by an appropriately qualified person and include verification of qualifications.	An SIS completed by Urbis (Social) was submitted with the application.	Yes
C4 – Baseline data	The SIS must include suitable baseline data and demonstrate effective community engagement to determine impacts.	The SIS included information gathered from known sources for trend series data and social demographics. The report includes evidence of community engagement to inform the planning process and identification of social impacts that may arise.	Yes
C5 – Mitigation of impacts	Consideration is to be given to the social impacts raised in the SIS.	The SIS indicates social impacts will arise as a result of changes in traffic flow and volume, combined with visual amenity.	Refer to discussion.
Part 2.9.5 Community Safety			
C1 – CPTED principles	Demonstrate consistency with the four principles of CPTED.	Addressed in the main body of the report	Yes
C2 & C5 Legibility	Entrances to buildings must be clear and legible.	Building entrances are defined and clear.	Yes
C3 Sightlines	Pathways should be straight and clear limiting opportunity for concealment.	The design and layout of the site utilises straight pedestrian connection pathway overcoming the potential for concealment around blind corners.	Yes
C5 - Casual Surveillance	Building designed to overlook the street.	The buildings throughout the site are designed to overlook adjacent streets and areas of open space.	Yes
Part 2.11 Fencing			
Standard	Requirement	Proposal	Complies
Part 2.11.2 General Controls			
C1 - CPTED	Fencing is compliant with the provisions of 'Crime Prevention Through Environmental Design' (CPTED).	Boundary fencing to Grove Street would be consistent with the principles of CPTED allowing for casual surveillance, providing territorial reinforcement, access control and space management. Internal fences are indicated to be no more than 1.25 metres high – notably Council does not have a control for these elements. Given the internal fences protect private open space of ground floor apartments the heights are	Yes

		considered reasonable. Upper level balconies promote casual surveillance of common areas and the design and layout of the site promotes movement through the site connecting to the retail space and train station promoting activation.	
C2 – Tree removal	Fencing does not require the removal of trees.	Tree removal has been considered elsewhere in the report.	Refer to part 7 of this report and Tree Protection matters.
C3 – Public reserve	Fencing that adjoins public reserves may attract additional controls.	The site adjoins the rail corridor, fencing along the western boundary will need to be suitable to provide safety.	Yes, on condition.
Part 2.11.4.1 to 2.11.4.2 - Residential fencing			
C13 – Surveillance	High solid walls and fences are not used as they impede passive surveillance.	The boundary fence to Grove Street has been reduced from 1.8 metres to 1.35 metres in height.	No, refer to discussion.
C14 - Reflectivity	New fences are finished in dark or recessive materials/surfaces. Aluminium is avoided.	Grove Street fencing uses dark toned bricks mixed with open form element to break the mass of allow for casual surveillance.	Yes
C15 – Height & proportions	New fence work matches height proportions of existing fences and rhythm, colour and transparency.	Existing street defined by low front boundary fencing.	No. Refer to variation discussion below at C19.
C16 – Contemporary fencing	Fence is in contemporary style for houses which are modern or significantly altered.	The front boundary fence is of a modern design consistent with and reflecting elements of the buildings architecture.	Yes
C17 – Restriction on materials used	These materials are not used: <ul style="list-style-type: none"> • Cement block • Galvanised sheeting • Aluminium sheeting • Fibro • Brushwood • Barbed wire • Aluminium swimming-pool style fences on boundaries 	The main material for boundary fencing is facebrick	Yes
C18 - Height	Front and side fences are no more than 1.2 metre high, unless a lower height is characteristic of the street.	Street facing fence 1.35 metres. Strategic controls promote 600mm – 800mm. Applicant requested to amend as part of assessment. Seeks consideration of an the alternative.	No. Refer to strategic context controls.
C19 – Variation to height	<ul style="list-style-type: none"> • Council may waive the above where there is a dual street frontage and a higher fence would achieve acoustic or visual privacy. 	The site characteristics do not provide a reasonable justification to vary the fence height limit.	N/A

	<p>Maximum height: 1.8 metres with open design above 1.2 metres.</p> <ul style="list-style-type: none"> Height restriction may be waived for a heritage item/property where a larger fence is consistent with the scale or heritage value of the property. Height restriction may be waived where property adjoins high traffic. Maximum height: 1.8 metres. 	These matters are discussed in greater detail in the context of the precinct specific controls later in the report.	
C19 – Variation to height	<ul style="list-style-type: none"> Side fences are not higher than 1.8 metres. Side fences taper down to match the height of the front fence. 	The development does not incorporate side boundary fencing.	Yes
C23 & C24– Open style fencing	<ul style="list-style-type: none"> Public views are retained by open style fencing. High blank walls are not permitted. 	<p>The current industrial buildings and 3 metre high boundary fence block public views and vistas through the site.</p> <p>The proposal offers an improved visual amenity outcome through a well designed active residential building with high quality landscaping replacing industrial buildings and low quality landscaped elements.</p>	Yes

Part 2.21 – Site Facilities and Waste Management

Part 2.21.2 – Clothes Drying Facilities

C1 & C2 – Provision & Location	<p>Adequate, accessible clothes drying facilities are provided, screened from street and adjoining premises.</p> <p>External clothes drying areas are provided at the rate of 3.75m²/dwelling and contain min of 6m clothes line for each dwelling.</p>	<p>Each dwelling is provided with an internal laundry area.</p> <p>Details of the location of clothes drying facilities are not detailed on the plans. It is however feasible that this matter be resolved through conditions requiring clothes to be detailed on plans prior to CC.</p>	Yes, on condition.
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Part 2.21.3 – Public Utilities

C3 – Performance measures	Design and provision of public utilities conforms to cost-effective performance measures of performance authority.	The application was referred to AusGrid who have confirmed that the development will require an upgrade. Conditions have been included at their request. The design location of the substation is at the discretion Ausgrid.	Acceptable
C4 – Design for utility location	Relevant authorities are contacted early in the design phase to determine appropriate locations for utilities.		
C5 – Undergrounding of utilities	Compatible public utility services are coordinated in common underground trenching.		

Part 2.21.4 – Mail Boxes

C6 – Visual	Mail boxes enhance visual	As above.	Yes
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presentation	presentation of the building.		
C7 – Location	Mail boxes are located close to the ground floor dwelling entry or close to the pedestrian entry to the site.	Mailboxes have been designed to integrate with the architecture of the development	Yes
C8 - Streetscape	Mail boxes do not dominate street elevation.	Mailboxes have been designed to integrate with the architecture of the development.	Yes
Part 2.21.5 Building Identification and numbering			
C9 – Signage	Appropriate and adequate signage and numbering.	Details of signage and street numbering has not been provided in the DA documentation. However these matters may be resolved through the imposition of suitable conditions.	Yes, subject to conditions.
Part 2.21.6 – Telecommunication Facilities			
C45 Requirements	<p>Satellite dishes/TV telecommunication antennae are:</p> <ul style="list-style-type: none"> • Located away from street frontage and adjacent properties. • Suitably proportioned in size to the building. • Installed so they do not encroach upon easements, right of ways, vehicular access or parking spaces. • (For satellite dishes in rear yards) Be less than 1.8 metres above ground and not visible above any fence. • Restricted to only one/building. 	1 aerial shown atop each building. Aerials setback from the edge of buildings so as to not be visually dominant.	Yes
Part 2.21.11 – Waste Management (Ongoing)			
Development type	Bins required per waste stream	Proposed	
<i>Residential component</i>	<p><i>Recycling bins - 1 x 360 Litres per 5 dwellings or part thereof – four (4) x 360L or six (6) x 240L required.</i></p> <p><i>General waste - 1 x 360 Litres per 5 dwellings or part thereof – four (4) x 360L or six (6) x 240L required.</i></p> <p><i>Green Waste - 1 x 140 Litres or 1 x 240 Litres (optional) per 2 dwellings or part thereof – seven (7) 140L required.</i></p>	<p>The development is supported by waste chute system to Buildings A and B connecting to 4 lower level storage rooms.</p> <p>Buildings C and E are supported by suitably designed and located waste storage rooms at each level of the respective buildings. The RWMP submitted utilises 660L bins (accepted by council's waste services).</p>	Suitable.
<i>Non-Residential</i>	Generation rates are subject to future application for specific use types.	A separated waste storage area has been provided, capable of being serviced by the South Lane.	Suitable.

Part 4.2 Residential Flat Building Development			
Standard	Requirement	Proposal	Complies
Part 4.2.3 – General Controls			

Part 4.2 Residential Flat Building Development			
Standard	Requirement	Proposal	Complies
C1 – Dwelling mix	Developments of 6 or more dwellings provide the following mix:		
	Studio: 5-20%	8% (20 apartments)	Yes
	1 Bedroom: 10-40%	38.9% (97 apartments)	Yes
	2 Bedroom: 40-75%	50% (126 apartments)	Yes
	3 bedroom or bigger: 10-45%	2.4% (6 apartments)	No
C2 - Spaces	Indoor and outdoor spaces are flexible and meet the needs of different age groups.	<p>An open plan layout has been adopted for the majority of the dwellings. Allowing for flexible use of active living areas to suit the needs of residents.</p> <p>Internal plan layouts, particularly for smaller studio apartments incorporate sliding doors to optimise floor space.</p> <p>Private open space is well located adjacent to active indoor living areas and overlooks common areas providing visual amenity.</p>	Yes
C3 – Kerb and guttering	Development respects and maintains existing sandstone kerb and guttering.	No sandstone kerb.	N/A
C4 – Footpath	Brick footpaths laid in the depression era are protected/maintained.	Standard concrete footpaths as existing.	N/A
C5 – Subdivision character	Buildings are designed to reinforce the characteristic subdivision pattern in the locality.	The development generally accords with the amalgamation pattern envisaged by part 9.11 of MDCP 2011. The site is currently used for the industrial purposes and so does not conform to the surrounding residential subdivision pattern.	No, but consistent with intent of the strategic controls.
C6 – Adaptable housing	Adaptable housing components are integrated in the development.	50 adaptable units have been provided with suitable support parking.	Yes
C7 – FSR	FSR is consistent with the FSR standards prescribed by the MLEP 2011 Floor Space Ratio Map.	Variation to FSR is proposed.	No
C8 – Site Coverage	Residential Flat Building > 3 Storey 30 per cent site cover.	38% site cover (3,896m ²) a variation of 856.7m ² or 28 per cent.	No
Part 4.2.4.2 – Building Heights			
C9 & C10 – Height of buildings	29 metres and 8 storeys.	Maximum building height of 28.95 metres.	Yes

Part 4.2 Residential Flat Building Development			
Standard	Requirement	Proposal	Complies
		Due to the elevation of Parking level 1 above the existing ground level, the building has a maximum of 9 storeys	No
Part 4.2.4.3 – Building Setbacks			
Building setbacks are determined by Figure 11.1b of Part 9.11 Strategic Context Controls of the MDCP 2011.			
Part 4.2.5.1 – Façade and Streetscape Design			
C15 – Design	Designs are sensitive to site characteristics and locality.	<p>Those building elements that connecting with the street frontages are designed to promote activation through ground level active spaces including the retail component and residential courtyards.</p> <p>The buildings and associated terraces are designed to define space and reinforce street edges.</p> <p>The broader site layout has optimised on the rail corridor and adjacent park to locate mass and height away from adjacent low density residential areas.</p>	Yes
C16 – Materials & Finishes	External building materials and finishes blend with street character.	Detailed materials board was submitted with the application. The predominant building material is face brick and is considered to complement the streetscape character.	Yes
C17 - Amenity	Pedestrians have access and a sense of 'place' is encouraged.	The development is supported by a pedestrian network linking the public and private domain. Spaces throughout the site are enhanced and defined by a thoughtful landscape setting that will contribute to a sense of place and identity. The inclusion of a "community garden" will promote a sense of community and ownership furthering developing the identity of the public areas turning space into place.	Yes
C18 – Pattern of Development	Designs are oriented to complement the existing pattern of development in the street.	The development is orientated parallel to the street consistent with the masterplan applying to the site. This is not consistent with the orientation of single	No. Refer to discussions.

Part 4.2 Residential Flat Building Development			
Standard	Requirement	Proposal	Complies
		dwelling along the eastern side of Grove Street that are perpendicular to the street edge.	
C19 Façade Design	Principal street frontage is addressed and façade is attractive from street.	As detailed through the following sections and main report. The street facing facades (predominantly those of Buildings A and E) are well designed and attractive buildings that address the street frontage and provide activation at street level.	
C20– Street frontage & Façade Designs	Façade design enhances existing built character, considering: i. Massing, bulk and arrangement; ii. Roof shape, pitch and overhang; iii. Verandas, balconies and porches; and iv. Window shape, textures, patterns, colours and decorative details.	The development reflects a radical change in built form and character for the area. Detailed consideration of the site layout and building design has been undertaken. In general the bulk and massing of the development is considered suitable for the context. The site layout has sought to place the tallest buildings away from street frontages and towards open space and the rail corridor so as to avoid appearing over bearing to adjacent residents in Hill and Grove Street. The development utilises a flat roof form that complements the modern design of the buildings.	
C21 - Street frontage & Façade Designs	Facades are appropriately scaled and proportioned		
	i. Bays/units are appropriate in scale to the building and adjoining development.	Building E is broken into 3 distinct bays, modulated by the 2 building entry points. The central bay is 21 metres in wide with the 2 side bays each 13 metres. The balanced rhythm of the bays is appropriate for the scale which is consistent with the 4 storey development envisaged for the site.	Yes
	ii. Vertical control lines are used to establish bays.	The street front façade within each bay and between utilises strong vertical lines to overcome the potential for adverse impact often	Yes

Part 4.2 Residential Flat Building Development			
Standard	Requirement	Proposal	Complies
		associated with long wall lengths.	
	iii. Bay width is similar to that of adjoining buildings.	Adjacent development is single dwelling houses. The development reflects a radical change in building form for the area.	No, but acceptable.
	iv. Horizontal control lines are used to align elements of new buildings with their neighbours.	<p>The site is first to develop in the precinct. Due to change in scale between existing single storey dwellings and the proposed development, the maintenance and continuation of horizontal building elements is not considered desirable.</p> <p>The development site forms part of a strategic development site, identified as being suitable for high density development up to 8 storeys. The development whilst a variation of the masterplan is generally consistent with the envisaged height and density increase.</p>	No, but acceptable.
	v. Building entries are 'articulated'.	Building entries are recessed from the building and street edge providing articulation of the building form and making them easily identifiable.	Yes
	vi. Balcony type is contextual in the street.	Balconies are not prevalent within the immediate context as the prevailing form of development is single dwelling houses.	Yes
	vii. Long straight walls are avoided.	<p>As noted above, the Grove Street building is broken into 3 distinct bays, measuring between 13 metres and 21 metres.</p> <p>The wall lengths are broken up by the use of strong vertical design elements reinforced through the balanced use of solid masonry brick work with equal proportioned fenestration.</p>	Yes
	viii. Regular modulation/division of massing and façade is provided.	The façade is appropriate modulated, as not above.	Yes
	ix. There is an acceptable ratio of façade openings to wall areas.	The front facades of Buildings E and A are well	Yes

Part 4.2 Residential Flat Building Development			
Standard	Requirement	Proposal	Complies
		<p>articulated and balanced through an effective use of glazed openings.</p> <p>Solid massing elements are mirrored by equal and proportionate glazing elements within facades immediately adjacent to streets.</p> <p>Building ends do not contain fenestration detail to ensure privacy between dwellings. However, the mass of these elements is moderated through the use of angled walls and stepped building forms. Further use is made of variation in building materials to introduce horizontal elements to vertical planes aimed at breaking any wall mass.</p> <p>Notably with the exception of the eastern end of Building C, these building elements are recessed into the site and will only be visible from a distance. As such while these built elements, will from certain vantage points be visually evident they are not considered to be dominant within the adjacent streetscapes or from within the site itself.</p> <p>In relation to the streetscape elevation of Building C and its presentation to Grove Street this elevation like those of Buildings A and B has staggered form through its lengths and stepped heights transition. Combined with street level plantings to the front setback and within the street verge to soften the appearance of the building.</p>	
	x. Balcony proportions/orientations are varied.	Balconies are located to optimise solar access. The proportion and orientation of balconies vary with the building forms.	Yes
Part 4.2.5.2 – Bulk and Scale Relationship			

Part 4.2 Residential Flat Building Development			
Standard	Requirement	Proposal	Complies
C24 - Transition	New development provides sympathetic transition between old and new, particularly in regards to building mass, roof form and façade.	<p>The development presents to Grove Street and Constitution Road.</p> <p>The Grove Street building is setback 3.5 metres from the street alignment and rises 3 storeys before stepping back 2 metres to the fourth storey.</p> <p>Taller building elements are recessed into the site and setback from street edges by 28.5 metres.</p> <p>Building A is orientated to Constitution Road, with an open plan forecourt areas at street level opening to the future Arlington station and proposed public domain. Buildings A and a portion of Building B rises to 8 storeys in height.</p>	Acceptable.
C25 – Roof top structures	For development where the HOB standard is equal to or greater than 14 metres, and the proposed development involves roof top structures within the topmost 3 metres of the maximum height control:		
	i. The top 3 metres must not contain a dwelling or part of a dwelling.	The top 3 metres of each building contains a dwelling or part of a dwelling.	No
	Where any structure is greater than 1.5 metres above the roof level directly below:		
	(a) The perimeter of this area is not greater than 20% of the roof level below.	Roof top structures are limited to lift shafts and plant material <20 per cent than the floor area of the storey below.	Yes
	(b) The roof structure is not visible when viewed from 1.8 metres above the footpath pavement on the edge of road reserve on the opposite side of the street to the building.	Roof top structures will not be visible from the opposite side of Grove Street or Constitution Road.	Yes
	(c) The roof structure is not visible when viewed from 1.8 metres above the lane pavement or natural ground level of an adjoining property, 6 metres out from the rear boundary.	<p>Due to the 3 storey street wall height roof top structures atop Building E facing Grove Street will not be visible from the adjacent street front.</p> <p>It is likely that from a distance including from the public space of Johnson Park that roof top structures will be visible. Notwithstanding this they will</p>	Acceptable


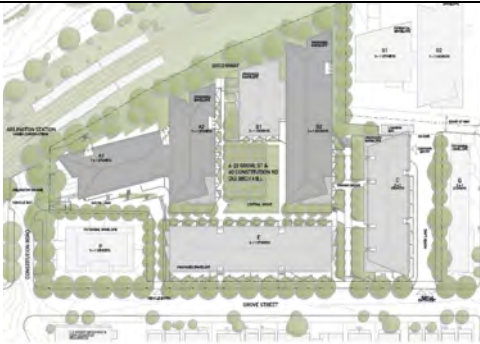
Part 4.2 Residential Flat Building Development			
Standard	Requirement	Proposal	Complies
		be diminutive in comparison to the building form and treated in a manner to complement the materials of the buildings.	
	(d) If the roof top structure is visible from oblique views, it must be setback 3 metres from the side edge of the building.	Roof top structures are unlikely to be visible on oblique angles.	Yes
	(e) Parapets or balustrades are a maximum 1 metre above the roof level below.	Plans do not indicate parapet elements.	N/A
C26 & C27- Balconies	Continuous balconies which wrap around and add to the bulk of the building are not proposed.	Balconies have been integrated with the design of the buildings and used to provide articulation of the building form. They are not continuous or designed to wrap around the building.	Yes
	Balconies/verandas are not enclosed	Balconies are not enclosed.	Yes
Part 4.2.5.3 – Materials, finishes, textures and colours			
C29 & 32 - Brickwork	<ul style="list-style-type: none"> Face brickwork is of uniform colour and only used if this is common in the vicinity. Contrasting or coloured bricks are limited to building elements (sills, windows/framing details etc). 	<p>The development is primarily constructed using a single red toned custom colour face brick.</p> <p>A contrast brick of a dark toned brown is proposed for the Grove Street walls.</p> <p>The dark toned bricks will create a visual link between the new and old development.</p>	Yes
C30 – Walls, Glazing, Roof & Colour	<ul style="list-style-type: none"> Large expanses of glass and reflective wall cladding is avoided. Roof cladding conforms with neighbouring development. Colour schemes reflect the locality; building does not stand out. 	<p>Glass elements punctuate and compliment the development and provide visual relief of the massing.</p> <p>Roof will be constructed f concrete and due to its flat form not visible.</p> <p>The colour scheme is considered suitable for the locality. Use of red toned bricks are clearly distinguishable from the existing/established dwellings surrounding the development site however the use of dark tone bricks within street facing elements establishes a visual and tangible connection.</p>	Yes
C31 – prohibited	These materials are not used:	The development is	Yes

Part 4.2 Residential Flat Building Development			
Standard	Requirement	Proposal	Complies
materials	<ul style="list-style-type: none"> Rough textured bagged finish Extensive glass sheeting Circular pattern render 	constructed using facebrick. None of those materials discouraged by C31 are proposed to be used.	
C32 – Restriction on use of contrasting bricks	Contrasting bricks should only be used to highlight elements of the building such as sills, window heads, string courses and breaking the building mass.	Use of contrasting materials is limited to storey courses that mark the increasing storey height of the building and use of dark toned bricks for Grove Street fencing detail.	Yes
Part 4.2.6 – Parking and Access			
C33 – Building Line	Parking structures/garages are not located in front of the building line.	Parking is submerged below the buildings.	Yes
C34 - Entrance	Vehicle entrance to communal parking is inconspicuous on the streetscape	Vehicle entrance off new road, the North Lane, away from existing road frontages.	Yes
C35 - Access	Vehicle access is (min) 6m from the intersection of two streets. Crossings have splay corners.	7.5 metre vehicle access point to parking from newly constructed roadway.	Yes
C36 – Traffic Report	Major development proposals are supported by a traffic report	A traffic report was submitted and has been considered by the traffic engineers and the local traffic committee.	Yes

Part 5: Commercial and Mixed Use Development			
Control	Requirement	Proposal	Complies
5.1.4.2 Active street frontage uses and shopfront design			
C41 – Width of occupancy	Maximum 12 metres (street front boundary)	>12 metres	No
C42 – Shopfront design	Shopfronts to be consistent with width and height of existing shopfronts in streetscape	No existing shop fronts within the area. Predominantly residential.	No
C43 – Design	<p>The active frontage component must:</p> <ul style="list-style-type: none"> be built to the front and side boundaries (where appropriate) Contain more than 80% glazing with sill heights 700mm above footpath level; Provide clear pedestrian entry; and Provide pedestrian awning, <p>Active frontages shall not contain residential uses at street level – except for access areas to upper floor residential areas.</p>	<p>The active frontage is:</p> <ul style="list-style-type: none"> Setback from the boundary edge; Contains appropriate levels of glazing; Provides clear and legible entries; Recess under the storey above to create an outdoor forecourt. <p>The development does not strictly adhere to the “mixed use” controls of Part 5 of MDCP 2011. However given its context and location within a predominantly suburban and residential context it is considered appropriate.</p>	No, but acceptable.

C44 – Visual Connectivity	Shop fronts to be visually transparent and allow direct access between street and store front.	Shop front designed to promote visual transparency between public domain and store front.	Yes
C45 – Active Frontage control	Floor levels to relate visually and physically to footpath level (ramps incorporated where necessary).	Building A1 at the southern end of the site, has been elevated above ground level to provide a suitable interface and level transition to the public domain areas around the western end of constitution and Arlington station.	Yes
C46 – Floor layout utility	The active use component of a building must allow for: <ul style="list-style-type: none"> • public accessibility; • storage; • loading facilities; • waste and recycling; • sanitary facilities; and • employee amenities. 	The retail/commercial portion of the development has been designed to provide all necessary servicing and support facilities. The south lane will provide opportunity for deliveries and waste servicing of the site. Due to the relative small scale of the premises and limited number it is not anticipated that its use would compromise amenity of residential properties within the site or adjacent.	Yes
C47 – Entries (access) to residential levels	Location <ul style="list-style-type: none"> • Provided from rear lane where street frontage is <12 metres; • Provided directly from street where site is 12 metres or more; • Where access is directly from street, total width of entries 3 metres, or exceed 20% of street frontage, whichever the lesser. 	Residential entries are separated from the retail tenancy via a terraced pedestrian forecourt to the north of the retail premises. The residential entry to the Building A1 is adjacent to the south lane and recessed away from the street front. As the proposed development is not within an established retail precinct, it does not strictly comply however compliance in this instance would not achieve a better or equal outcome.	No. But acceptable.
C48 - Security Shutters	Must be 75% visually permeable & compliment building style – open grill shutter types preferable.	Retail component has glazed frontage. Conditions will be imposed to manage the use of undesired building materials including shutters and grills	Yes. Conditions imposed.
C49 – Residential Use	Must: <ul style="list-style-type: none"> • Be clearly identified as being residential entrance, and separate to commercial entry; • Sheltered, well lit, contain mail facilities; and • Adequate size for movement of residential goods (furniture etc). 	These matters are considered elsewhere in the report as part of the compliance assessment for Parts 4 and 9.	Yes

Control	Required	Proposed	Complies
Part 9.11.4 – Precinct Specific Character			
C1 – Streetscape	Front yards are not to be used for off street parking.	Parking is located beneath the building footprint.	Yes
C2 – Front fence	Must maintain a height of 600mm – 800mm.	Fence height is 1.35 metres.	No, refer to discussion
C3 – Greenway	New development to promote an active frontage to the greenway and include: <ul style="list-style-type: none"> substantial visual and environmental benefits; and an active transport corridor with opportunity for street activation and/or public art. 	The development locates a retail premises with elevated terrace adjacent to and overlooking the greenway providing surveillance and activation. A shared pedestrian/cycle way is proposed that will be publicly accessible connecting the greenway and the train station.	Yes
C4 – Accessibility	New or enhanced links to be provided to the Greenway and new stations supporting pedestrian and bicycle access.	As indicated above, the development provides for an active link through the site utilising the greenway corridor and connecting to Arlington light rail station.	Yes
C5 – Permeability	Ensure safe and permanent public access to the greenway corridor.	The greenway corridor will be made publicly accessible with a covenant placed on title to ensure access is maintained.	Yes
C6 – Open Space	Site design and layout should link open space and the greenway corridor.	The siting design and layout has provided for direct links between the central plaza and greenway.	Yes
C7 – Interface	New development should avoid creation of a “tunnel effect”. Buildings should step back to ensure human scale to enhance open space.	Buildings located to and along the western boundary are staggered and stepped to overcome the potential for a tunnel affect. Landscaping and seating along the greenway will provide for human scale to the adjacent buildings. Balconies orientated towards the space further articulate the building form.	
C8 – Native vegetation	Provision of a 3 metre wide native vegetation buffer between the greenway and any new development.	The proposal does not provide a 3 metre wide vegetative buffer between the greenway and new buildings.	No. Refer to discussion.
Part 9.11.5 Site-specific planning controls			
Part 9.11.5.2 Masterplan Area (MA11.1).			
C12 – Defining the masterplan area	Sites identified in figure 11.1a are subject to controls of the masterplan area of the strategic precinct.	The land subject of the development application is identified as Site 1 in Figure 11.1a of the Part 9.11 of the DCP. The controls of Part 9.11.5.2 apply to the development.	Yes.
C13 – Site amalgamation	Redevelopment of sites identified in Figure 11.1a should conform to the amalgamation pattern in Figure 11.1b.	The development amalgamates that land identified as comprising Site 1 in Figure 11.1b and seeks consideration of an alternate masterplan layout, as shown below.	No. Refer to discussion

			
C14 – Avoid lot isolation	Amalgamation should not result in the isolation of land to the extent that redevelopment in accordance with the masterplan could not occur.	The alternate masterplan and resultant development would not isolate lots so as to undermine the attainment of the masterplan or prohibit future redevelopment.	Yes
C15 Building Heights	<p>Conform to the building heights provided in figure 11.1b, as follows:</p> <ul style="list-style-type: none"> Building A – 7 storeys, stepping to 8 storeys Building B – 7 storeys, stepping to 8 storeys Building C - 5 storeys, stepping to 6 storeys Building E – 3 storeys stepping to 4 storeys; and Building F - 3 storeys stepping to 4 storeys. 	<p>The proposal generally conforms to the storey height limit applying to the land. However as noted above an alternate layout scheme has been proposed (refer to image above). In general the buildings are as follows:</p> <ul style="list-style-type: none"> Building A – 7 storeys, stepping to 8; Building B1 – 4 storeys; Buildings B2 – 7 storeys, stepping to 8; Building C – 3 storeys, stepping to 4; and Building E - 3 storeys, stepping to 4. 	No. refer to discussion
C16 Boundary setbacks	– To conform to those within figure 11.1a, 11.1b and 11.1c.		
	11.1a – contains no control setbacks.	N/A	N/A
	<p>11.1b provides the following setbacks:</p> <ul style="list-style-type: none"> 8 metre wide greenway corridor; 3.5 metre wide setback between greenway corridor and building setback; 3.5 metre setback to Grove Street; 6 metre wide setback between Building F (southeast corner) and site 4 (cnr of Grove St and Constitution); 7 metre setback between western edge of Building A and Site 4; 6 metre setback between Building A and Constitution Road; 9 metre side setback between the northern end of Building B and Site G (Andrews meats) boundary; and 12 metre (minimum) setback 	<p>The proposal provides the following setbacks:</p> <ul style="list-style-type: none"> Average 10.7 metre setback between the western boundary and new buildings; 3.5 metre setback from Building E to Grove Street; 6 metre setback between Building B and the Andrews meats (Site G) boundary; 8 metre setback between the southern end of Building E and the Site 4; 10.5 metre setback between Building C and Site 3; Variable setback of Building A to Constitution Road from 3 metres widening to 10 metres. 	No. Refer to discussion.

	<p>between Building C and Building Q (located on consolidated Site 3 – corner of Hill and Grove Streets).</p>		
	<p>11.1c provides the following separation requirements within the site:</p> <ul style="list-style-type: none"> • 18 metres between Buildings B and C on Site 1; • 18 metres between Building B on Site 1 and Building G on Site 2; and • 18 metres from the upper floor of Building c on Site 1 and the southern wall of Building Q on Site 3. 	<p>Building separations have been addressed in depth as part of the assessment undertaken for SEPP 65 and Part 4 of the MDCP.</p> <p>Due to the alternate masterplan the separation distances as envisaged by the plan are not achieved. The merit of the alternative development scheme is considered in detail in the merits assessment contained in the main body of the report.</p>	No. Refer to discussion
C17 Amenity	<p>Siting, orientation, depth and separation of buildings to conform to control diagrams.</p>	<p>As shown above, the development seeks consideration of an alternate masterplan layout.</p> <p>As detailed throughout the assessment report the proposal achieves compliance with SEPP 65 in relation to the Rule of Thumb guides relating to building depth and orientation.</p> <p>The alternate layout improves the amenity of individual units when compared to the layout of the DCP masterplan.</p>	No. Refer to discussion
C18 – Upper floor and roof setbacks.	<p>Upper levels setback in accordance with Figures 11.1c requiring upper most level of each building to be recessed from the storey below by 3 metre with an overhang of 900mm.</p>	<p>Buildings have been designed to step back at the upper levels. However these are not uniform around the perimeter of the building as required by the masterplan.</p> <p>The step backs are aimed at ensuring separation distances and solar access/amenity. In the context of the alternate masterplan the necessity for this type of built form response has been reconsidered.</p> <p>From most vantage points, within the site, the upper levels of the taller 8 storey buildings will not be visible. From a distance, the architecture of the buildings, their connections and use of angled wall lines and staggered/broken wall lengths will provide visual relief at all levels.</p>	No. Refer to discussion
C19 & 20 – Articulation zone	<p>Building Articulation zones around the perimeter of each building, incorporating balconies and courtyards at all levels and along all façades of the buildings.</p>	<p>Balconies and courtyards have been sited and orientated to optimise solar access to dwellings.</p> <p>Articulation of the building forms has been provided through a mix of balconies, staggered/broken wall</p>	No. Refer to discussion

		lengths, change in materials, landscaped elements and strong vertical lines and fenestration detail.	
C21 Domain Interface	–	Development must conform to the following:	
		Location of active uses and land uses at ground level.	The development provides for active ground level uses; Yes
		Location of vehicle entries.	The development has relocated vehicular access points, however these improve access and allow for one way traffic movement through the site as well as accommodating future development of adjacent sites; No
		Location of publicly accessible pedestrian links.	The plans do not provide indicate the location of future accessible pedestrian links. A pathway is provided through the greenway setback; N/A
		Location and extent of public domain infrastructure.	No public domain infrastructure is indicated in the control plans as being required for the masterplan site; N/A
		Location and extent of road widening dedication.	The plans do not indicate road widening or dedication works. N/A