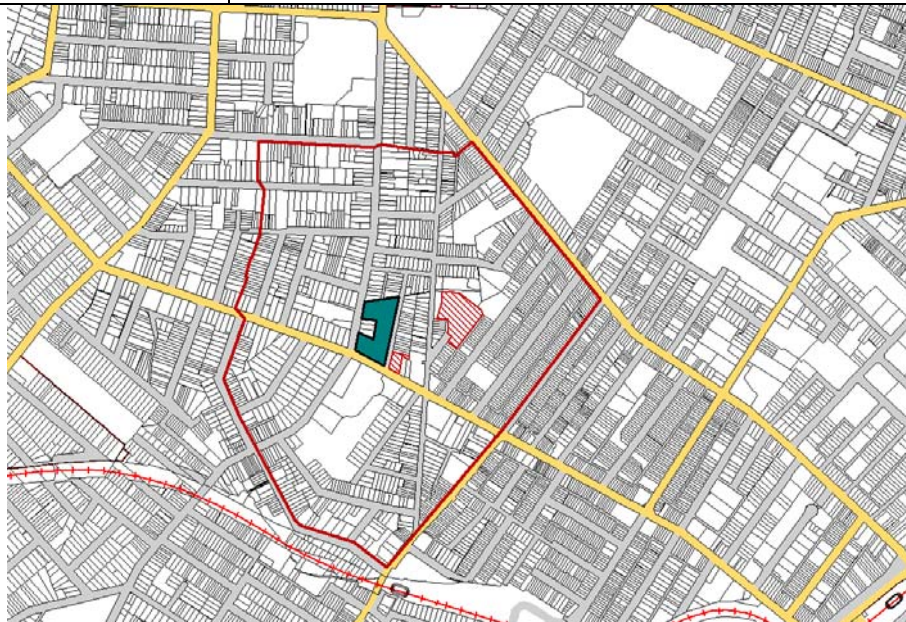









INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201600434.05
Address	313-319 Marrickville Road, Marrickville
Proposal	To modify Modified Determination No. 201600434.04, dated 4 June 2018, to include a reference to a Public Domain Staging Plan in condition 1 and correct the wording of conditions 64, 79, 121 and 124; and to modify conditions 59, 64, 79, 121, 124, 133, 137, 140, 141, 145, 148, 149 and 151 with regards to the requirements for when each condition is to be considered discharged.
Date of Lodgement	8 August 2018
Applicant	Mirvac Projects Pty Ltd
Owner	Mirvac Projects Pty Ltd and Inner West Council
Number of Submissions	Three (3) submissions from two (2) individuals
Value of works	Nil
Reason for determination at Planning Panel	Council as part landowner
Main Issues	To ensure that the modified wording of each condition will provide a clear and understandable activation point to determine when each condition is considered to be discharged.
Recommendation	Approval
Attachment A	Recommended conditions of consent
Attachment B	Proposed Staging Plan
Attachment C	Last Modified Consent



LOCALITY MAP

Subject Site		Objectors		 N
Notified Area		Supporters		

1. Executive Summary

This report concerns an application under Section 4.55 of the Environmental Planning and Assessment Act to modify Determination No. 201600434.04 dated 4 June 2018 to;

1. Correct conditions **64, 79, 121 and 124** under s. 4.55(1) to return the wording of each condition to that approved by Modification 1 (DA201600434.01) dated 12 March 2018.
2. Modify the wording of conditions **59, 64, 133, 137, 140, 141, 145, 148, 149 and 151** under s.4.55 (1A) to amend the description of when each condition is to be discharged.

The application is accompanied by a Public Domain Staging Plan, which is to be referenced in the proposed modified conditions.

The application was notified in accordance with Council's notification policy for 14 days until 18 September 2018 and three (3) submissions from two (2) individuals were received.

The application relates to a Council asset, being the former Marrickville Hospital Site, and accordingly the application was referred to Planning Urban Earth Pty Ltd (town planning consultants) to carry out an independent assessment of the application.

The original development application was determined by the (Former) Sydney Central Planning Panel (Panel Ref: 2016SYE108 DA) on 18 August 2017. This modification application has not been referred to the Regional Panel for determination as clause 123BA - *Functions exercisable by council on behalf of regional panel* of the Environmental Planning and Assessment Regulation 2000, prescribes Council as the authority to exercise the powers of a panel to modify a development consent under s. 4.55 (1) and s. 4.55 (1A) of the Act.

The application is considered suitable for approval subject to the imposition of appropriate modified conditions. The Inner West Planning Panel has recently delegated s4.55 modification applications of this scope back to Council, however, as Council is the owner of the site, the application is still required to be determined by the Local Planning Panel.

2. Proposal

This application seeks approval to modify Modified Determination No. 201600434.04, dated 4 June 2018. The application as amended on 16 January 2019, seeks to modify the consent as follows:

1. Correct the following conditions under s. 4.55(1) (*Modifications involving minor error, misdescription or miscalculation*) to return the wording of each condition to that approved by Modification 1 (DA201600434.01) dated 12 March 2018 as the modified wording has not carried through in subsequent modifications by error:

Condition	Summary Description
64	Landscaping works and improvements to the public domain
79	Drainage works to be carried out to Council's stormwater system
121	Upgrade to street lighting and overhead cabling
124	Restoration of the road pavement in Lilydale Street

2. Modify the wording of the following conditions under s.4.55(1A) (*Modifications involving minimal environmental impact*) to modify the description of when each condition is to be discharged:

Condition	Summary Description
59	Preparation of an interpretation plan (heritage) for the site
64	Landscaping works and improvements to the public domain
133	Notification to Council of landscaping works for the Community Hub
137	Compliance certificate for road, footpath and civil works for the Community Hub
140	Planting of trees associated with the Residential Development
141	Verification that stormwater drainage, re-use and quality measures for the Residential Development
145	Compliance certificate for road, footpath and civil works for the Residential Development
148	Fulfilment of BASIX commitments for the Residential Development
149	Application to the Director-general for a BASIX Completion Receipt
151	Submission of evidence to Council of the dedication of the affordable housing apartments

Note: The modification application has been amended since the date of lodgement. The original application proposed modifications to Part ii of Condition 121 and Condition 134. These modifications have now been withdrawn by the Applicant.

The proposed modification application, as amended, is considered to be of minimal environmental impact, and has been assessed in accordance with the provisions of Section 4.55(1) and 4.55(1A) of the Act. Under clause 123BA - *Functions exercisable by council on behalf of regional panel* of the Environmental Planning and Assessment Regulation 2000, Council is prescribed as the authority to exercise the powers of a panel to modify a development consent under s. 4.55 (1) and s. 4.55 (1A) of the Act.

3. Site Description

The site is located on the north eastern corner of the intersection of Marrickville Road and Livingstone Road, Marrickville (refer to **Figure 1**). The previously approved development is currently under construction.



Figure 1: Location Map (Site shown in black)

4. Background

4(a) Site history

Prior Determinations:

- **Determination No. 201600434**, dated 18 August 2017, was approved by the (Former) Sydney Central Planning Panel (Panel Ref: 2016SYE108 DA) for the redevelopment of the former Marrickville Hospital site including alterations and adaptive reuse of the 2 former *Old Nurses' Quarters'* buildings to include 4 new apartments, the adaptive reuse of the former *Main Ward Block* to accommodate a new '*community hub*' incorporating a public library and pavilion, the provision of a 255m² leased area in the northern end of the former *Main Ward* to be retained by the Council and leased for a future commercial use, a café and children's play area within the *Community Hub* area, construction of 3 new residential flat buildings with 9 affordable and 212 private dwellings comprising:
 - **Building A1:** 84 apartments within a new 10 storey building fronting Livingstone Road and the Community Hub to the south
 - **Building A2:** 82 apartments within a new 11 storey building fronting Livingstone Road and adjoining Building A1,
 - **Building B:** 55 apartments within a new 9 storey building fronting Lilydale Street.

Approval also included:

- the construction of 2 separate basements for the Community Hub and residential component incorporating car parking spaces for the Community Hub over one basement level, car parking spaces and storage for the residential buildings over 3 levels, 2 car share pods for public use, loading and servicing facilities within each basement;
 - associated landscaping works including the construction of a new public park at the corner of Livingstone Road and Marrickville Roads, children's playground, retention of Hospital Lane to create a north-south thoroughfare and communal and private open space within and around the proposed buildings.
- **Determination No. 201600434.01**, dated 12 March 2018 was approved by the Sydney Eastern City Planning Panel (Panel Ref: 2017SCL059 DA) which reduced the extent of public domain works required by condition 64 and deleted conditions 79, 121 and 124 requiring the carrying out of drainage works to Council's stormwater system, undergrounding power lines and the repair of road pavement in Lilydale Street.
 - **Determination No. 201600434.02**, dated 16 October 2017, was approved by Council to delete condition 71a relating to stormwater drainage.
 - **Determination No. 201600434.03**, dated 5 February 2018, was approved by Council to modify conditions relating to hot water systems, bicycle parking, car parking, waste collection, stormwater downpipes and timing of construction drawings.

- **Determination No. 201600434.04**, dated 4 June 2018, was approved by the Sydney Eastern City Planning Panel (Panel Ref: 2018SCL032 DA) modified Determination No. 201600434.03 by modifying the dwelling mix of Lilydale House, reducing the number of apartments from 4 to 2, deleting the approved additions to the western end of Lilydale House, modifying the dwelling mix of Building A1, increasing a portion of the parapet height of Building A1 and modifying the northern egress to Building B.

4(b) Application history

The following table outlines the relevant history of the current modification application (DA201600434.05).

Date	Action
8 August 2018	<p>Application lodged with Council</p> <p>The proposed modifications sought were to:</p> <ol style="list-style-type: none"> 1. Delete Part ii of Condition 121 relating to aerial bundling of the existing overhead power cables. This amendment was sought due to the inability to obtain the required private land owners consents from 10 registered proprietors affected by these works. 2. Modify Conditions: 59, 64, 133, 134, 137, 140, 141, 145, 148, 149 and 151 to suit the new Occupation Certificate naming conventions following the recent EP&A Act changes.
18 September 2018	<p>Notification period closed</p> <p>Council received three (3) submissions from two (2) individuals. A summary of the issues raised is as follows:</p> <ul style="list-style-type: none"> • <i>It is council's duty to make ensure that developers conform to all aspects of building/development legislation without exemption.</i>
19 September 2018	<p>Landowner's consent from Council required</p> <p>Council advised the Applicant that the form lodged with the modification application did not contain owner's consent from Council.</p>
8 October 2018	<p>Amendment to the application</p> <p>The Applicant notified Council by email that all consents had been obtained from the affected private landowners on Lilydale St for the Aerial Bundled Cabling works required under Condition 121. Accordingly, that part of the modification request was withdrawn.</p>
9 October 2018	<p>Further amendment to the application</p> <p>The Applicant formally withdrew the first proposed modification to the consent to delete Part ii of Condition 121 relating to aerial bundling of the existing overhead power cables.</p> <p>The Applicant took the opportunity to request another minor modification to Condition 64 to enable the onsite landscape works for the Community Hub to commence from the end of October 2018.</p>
10 October 2018	<p>Council's consent as landowner provided</p> <p>The Applicant submitted an '<i>Application to Modify Development Consent</i>'</p>

	<p>form with the owner’s consent section completed by Council’s Project Director- Major Projects.</p>
<p>25 October 2018</p>	<p>Further amendment to the application</p> <p>The Applicant formally confirmed the following:</p> <ul style="list-style-type: none"> • Condition 121 should be reinstated per DA201600434.01. • Condition 124 should be reinstated per DA201600434.01. • Conditions 59, 133, 134, 137, 140, 141, 145, 148, 149 and 151 are requested to be modified as set out in our letter dated 6 August 2018. • Condition 64 should be reinstated per DA201600434.01. Subsequent to the reinstatement per DA201600434.01, the final paragraph of Condition 64 is requested to be modified as follows: <p><i>Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before commencement of the works the issue of a Construction Certificate for the landscape works for the Community Hub with all works completed prior to the issue the relevant Occupation Certificate.</i></p> <p>The justification for this change by the Applicant is as follows;</p> <p>“The reason for the above modification to Condition 64 is to enable the landscape works for the Community Hub (onsite works) to proceed without the pre - requirement for the public domain works (offsite works) design to be approved. At this stage we are working towards resolving the design with Council and other stakeholders and it is expected this may take some time. Commencement of landscape works for the Community Hub is planned to commence shortly and the above proposed amendment to Condition 64 will enable this”.</p> <p>Council wrote to the Applicant</p> <p>With regards the Applicant’s request to include “<i>relevant</i>” before “<i>Occupation Certificate</i>” in various conditions, Council advised the Applicant that that the use of the word “<i>relevant</i>” needs to be made clear in each of the conditions that it is proposed to be included.</p> <p>Council also advised that recent amendments to the EP & A Act introduces the possibility for an OC relating to the completion of ‘<i>part</i>’ of a new building and removed any reference to ‘<i>interim</i>’ OCs. The reference to ‘<i>part</i>’ implies the issue of an OC that is similar to an interim OC (i.e. in that an OC can be issued for a partly completed building, serving the same purpose as a previously issued ‘<i>interim</i>’ OC). Accordingly, Council suggested that the modification application be amended to avoid confusion arising from use of the word “<i>relevant</i>” and suggested that it would be sensible to use the following amended wording or similar:</p> <p><i>“...prior to the issue of an the relevant Occupation Certificate for any part of (name of the new building or part of the development).”</i></p>

	<p>The Applicant was requested to review each of the conditions that were sought to be changed in this way to include wording that describes that part of the building or the development to which the “<i>relevant</i>” OC will apply.</p>
<p>26 October 2018</p>	<p>The Applicant responded to Council by email</p> <p>The Applicant’s opinion was that it may be more appropriate to reference a Staging Plan given the possibility that portions of the site are intended to be ‘<i>linked</i>’ to various OC’s. For example, the path fronting the residential building facing Lilydale St (“The Lilydale”) may be linked to the OC of “<i>The Lilydale</i>” building while the path fronting the residential building facing Livingstone Rd (“The Livingstone”) may be linked to the OC of “<i>The Livingstone</i>” building.</p> <p>The Applicant advised that a meeting was to be held with Council (as landowner) to discuss a Staging Plan and it was intended to put a revised proposal forward to Council following this meeting.</p>
<p>9 November 2018</p>	<p>Further amendment to the application</p> <p>The Applicant submitted an amended application proposing wording to Conditions 59, 64, 133, 134, 137, 140, 141, 145, 148, 149 and 151 in light of Council’s email of 25 October 2018.</p> <p>In addition, the application was amended to request a correction to Conditions 79, 121 and 124. These conditions were modified by DA201600434.01 but the modified wording had not carried through into the subsequent modified determination DA201600434.04.</p> <p>The Applicant also submitted a proposed Public Domain Works Staging Plan which is the applicant proposed to be referenced within a number of the DA Conditions as part of the current modification application.</p>
<p>20 December 2018</p>	<p>Council correspondence to the Applicant</p> <p>Council advised the Applicant that to finalise this application the Applicant was required to address the question raised in an earlier email to do with the use of the words “<i>the relevant Occupation Certificate</i>” in each of the conditions sought to be modified.</p>
<p>15 January 2019</p>	<p>Meeting with the Applicant</p> <p>Issues Discussed:</p> <ul style="list-style-type: none"> • The applicant is to ensure consistency between the wording of proposed modified conditions, proposed staging plan and the approved site plan. • The use of the word “<i>relevant</i>” is acceptable to Council if it can relate to the clear definition of proposed Lots, construction stages &/or buildings (or parts of the site) on the proposed staging plan. • Council’s objective is to ensure that any modified wording of conditions does not confuse or complicate the timing when each condition can be said to be discharged. <p>Further action:</p> <ul style="list-style-type: none"> • Applicant to revise the proposed wording of conditions sought to be modified and to revise the proposed staging plan in light of the proposed modified wording of conditions and the approved site plan to ensure

	consistency between all documents.
16 January 2019	<p>Further amendment to the application</p> <p>The Applicant submitted proposed amended wording of conditions and clarification of which conditions are now sought to be modified. A revised Public Domain Staging Plan was also submitted to provide clear reference to support the proposed modification to the wording of various conditions.</p> <p><u>Note</u>: The proposed modification to Condition 134 is now withdrawn.</p>

5. Assessment

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

(i) Zoning

The proposal is permissible under the B2 – Local Centre and R4 – High Density Residential zoning applying to the site.

(ii) Development Standards (Statutory Requirements):

FSR

The approved development has a FSR of 2.031:1, which is less than the applicable development standard for the site which is 2.05:1. The proposed modifications do not alter the approved FSR and the development as modified continues to comply with the development standard.

Building Height

This modification application (as amended) does not seek to modify the height of any building. As such there is no change at all to the compliant and non-compliant elements of the approved development.

(iii) Departures from Development Control Plan:

The proposed modifications do not involve any changes to the approved building heights, building setbacks or the building footprints. The proposed modifications do not result in any departures from the applicable controls within the Marrickville Development Control Plan 2011.

(iv) Community Consultation:

The application was notified in accordance with Council's notification policy for 14 days until 18 September 2018 and three (3) submissions were received.

The proposed modifications will not alter the intensity or likely impact of the approved development in accordance with the provisions of Section 1.2.3 of Part 1 of the MDCP 2011.

(v) Section 4.55 of the Environmental Planning and Assessment Act

Under Section 4.55 (1A) of the Environmental Planning and Assessment Act, 1979, Council, when considering a request to modify a Determination (except under s. 4.55 (1)), must:

- (a) Be satisfied that the proposed modification is of minimal environmental impact

- (b) Be satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)
- (c) Notify the application in accordance with the regulations
- (d) Consider any submissions made
- (e) Take into consideration the matters referred to in Section 4.15 that are relevant to the development the subject of the modification application.

The development being modified is of minimal environmental impact and is substantially the same development as the development for which consent was originally granted. The application was notified in accordance with the regulations and Council's policy. The submissions received have been considered above.

Amendments to this modification application were submitted during the assessment process. The amendments were considered to have a reduced or similar impact on the adjoining properties and as such, in accordance with Council's notification policy, were not required to be re-notified.

The heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application.

The following table lists each condition as it currently stands and the proposed modified wording. Comments are provided with regard to each proposed modification.

Condition as approved	Proposed modified condition (changes by the applicant are in bold &/or strikethrough)	Comments (further changes required by Council are in red)
Prior to the Issue of any Construction Certificate		
<p>Condition 59</p> <p>An interpretation plan for the site is to be prepared by a suitably qualified heritage consultant. The plan is to set out recommendations for introduced material and presentation of the fabric which will help to convey the heritage [historical / aesthetic / etc.] significance of the item to users and visitors. The introduced material may comprise written and graphic historical displays, signage, public art, audio material, moving images, and interactive features. Presentation of the fabric may involve lighting, barriers and protective devices. The interpretation plan is to be submitted to and approved by Council's Heritage Officer prior to the issue of any Construction Certificate for above ground structures and implemented to the satisfaction of the Principal Certifying Authority prior to the issue of an Occupation Certificate for the Community Hub and an Occupation Certificate for the residential development involving the Old Nurses Home building.</p> <p><u>Reason:</u> To ensure that the heritage significance of the heritage item is appropriately conveyed to future users and visitors.</p>	<p>Condition 59</p> <p>An interpretation plan for the site is to be prepared by a suitably qualified heritage consultant. The plan is to set out recommendations for introduced material and presentation of the fabric which will help to convey the heritage [historical / aesthetic / etc.] significance of the item to users and visitors. The introduced material may comprise written and graphic historical displays, signage, public art, audio material, moving images, and interactive features. Presentation of the fabric may involve lighting, barriers and protective devices. The interpretation plan is to be submitted to and approved by Council's Heritage Officer prior to the issue of any Construction Certificate for above ground structures.</p> <p>The portion of works prescribed within the approved interpretation plan that are located on the Community Hub Lot (as identified on the Public Domain Staging Plan dated 15/01/2019) are to be and implemented to the satisfaction of the Principal Certifying Authority prior to the issue of an the Occupation Certificate for any part of the Library and Community Hub (as identified on the Public Domain Staging Plan dated 15/01/2019).</p> <p>The portion of works prescribed within the approved interpretation plan that are located on the Residential Lot (as identified on the Public Domain Staging Plan dated 15/01/2019) are to be implemented to the satisfaction of the Principal Certifying Authority prior to the issue of an Occupation Certificate for 'Lilydale House' Residential Building C (as identified on the Public Domain Staging Plan dated 15/01/2019). the Community Hub and an Occupation Certificate for the residential development involving the Old Nurses Home</p>	<p>The purpose of the proposed modification to this condition is to clearly separate the works between the Community Hub Lot and the Residential Lot. It is considered that the proposed modification does provide improved clarity as to when these separate works are to be implemented.</p> <p>It is further considered that the proposed modified condition is not in conflict with the current approved condition and the proposed modification is supported, subject to references to:</p> <ul style="list-style-type: none"> • the approved interpretation plan (in red) • the Public Domain Staging Plan dated 15/01/2019 (in red) <p>being included.</p>

	<p>building.</p> <p><u>Reason:</u> To ensure that the heritage significance of the heritage item is appropriately conveyed to future users and visitors.</p>	
<p>Condition 64</p> <p>In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:</p> <p>(a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, street lighting etc shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide;</p> <p>(b) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site; and</p> <p>(c) New kerb and gutter along the frontage of the site as required by Council. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Roads and Stormwater, Assets and Environment Group on 9335 2000.</p> <p>Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate for the landscape works for the Community Hub with all works completed prior to the issue the Occupation Certificate.</p> <p><u>Reason:</u> To provide for essential improvement works to the public domain consistent with Council's desired future character for the area.</p>	<p>Condition 64</p> <p>In order to provide satisfactory vehicular and pedestrian access, landscaping and improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:</p> <p>(a) The public domain along all frontages of the site inclusive of footpath, kerb, street trees, landscaping etc shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide.</p> <p>(b) A Street Tree Planting/Landscape Plan outlining street tree planting details must be submitted to the Council's Urban Forest Manager's satisfaction before the issue of a Construction Certificate for the Landscape works for the Community Hub, with all works completed prior to the issue of the Occupation Certificate. The Street Tree Planting/Landscape Plan shall include the following:</p> <p>i) 4 x new trees to be provided on Marrickville Road to replace the existing trees on this frontage. The tree species shall be <i>Liriodendron tulipifera</i> at a minimum container size of 400L and planted in accordance with Detail 5 of the Marrickville Street Tree Master Plan. A consistent spacing of seven (7) metres shall be applied where possible however, this may need to be adjusted so as to avoid conflict with the existing inground services. The first of the four street trees shall be setback a minimum of 7m from Livingstone Road kerb line where possible however, this may need to be adjusted so as to avoid conflict with the existing inground services.</p> <p>ii) 7 x new trees to be provided on Livingstone Road to</p>	<p>This condition was amended by the approval of the first modification application – DA201600434.01 dated 12 March 2018.</p> <p>The approved modification to this condition was not carried through in Modified Determination No. 201600434.04, dated 4 June 2018 by error.</p> <p>Condition 64 is now to be corrected but with further proposed modifications to address the different timing for completion of the Community Hub and the Residential Lot as contemplated in the Project Delivery Agreement (dated 13/10/2015) with Inner West Council (landowner) and as related to the Public Domain Staging Plan dated 15 January 2019.</p> <p>No objection is raised against the correction of this condition plus the further amendments, subject to an additional reference to the Public Domain Staging Plan dated 15/01/2019 (in red) being included.</p>

	<p>replace the existing 6 street trees in Livingstone Road approved for removal. The tree species shall be <i>Lophostemon confertus</i> at a minimum container size of 400L and planted in accordance with Detail 9 of the Marrickville Street Tree Master Plan. A consistent spacing of ten (10) metres shall be applied.</p> <p>iii) Dimensions for tree pits and details of a vault style structural soil to allow for a total soil volume of at least 20m³ for each tree to demonstrate that adequate soil volume is provided for all trees.</p> <p>(c) The new street trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 and the planting stock shall comply with Australian Standard Tree stock for landscape use AS 2303—2015.</p> <p>(d) The new street trees shall be maintained in a healthy and vigorous condition during an establishment period of 12 months. If any tree dies or is removed during the establishment period, it shall be replaced with the same species tree in accordance with these conditions at the expense of the applicant.</p> <p>(e) Upon completion of planting the street trees, the applicant shall arrange an inspection by Council's Public Tree Coordinator (call 8595 2432) to approve the installation. If trees are unsatisfactory and not in accordance with these conditions they will be rejected and replaced at the expense of the applicant.</p> <p>(f) The footpath in Marrickville Road must be constructed in accordance with the Village Palette (P1-A1). The Village Palette footpath treatment shall extend for 6m into Lilydale Street and to the vehicular crossing in Livingstone Road. The remainder of the footpaths in Livingstone Road and in Lilydale Street shall be constructed as concrete footpaths in accordance with the Local Palette footpath treatment and all landscaping</p>	
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	<p>unless otherwise approved by this consent shall be maintained.</p> <p>(g) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site.</p> <p>(h) New 150mm high sandstone kerb on Marrickville Road and for missing or damaged section in Livingstone Road and Lilydale Street. The existing sandstone kerb and gutter in Livingstone Road and Lilydale Street where it is in good condition shall be maintained and protected. An inspection by Council's Development Engineer, to identify the condition of the existing sandstone kerb and gutter, was undertaken on 28 February 2018. The existing condition of the kerb and gutter was determined as follows:</p> <ul style="list-style-type: none"> • Lilydale Street – generally good condition. Minor chips/cracks which are created by the applicant and or developer during the construction works are to be rectified by the applicant and or developer. • Livingstone Rd – generally good condition. Concrete sections of kerb along immediate frontage to be replaced with sandstone kerb and portion of kerb between the existing bus stop and the corner of Marrickville Road and Livingstone Road to be reset and realigned. <p>Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate for the Landscape works for the Community Hub Lot (as identified on the Public Domain Staging Plan dated 15/01/2019) with all works completed in accordance with the Public Domain Staging Plan dated 15/01/2019 and prior to the issue the relevant Occupation Certificate as indicated in the Public Domain Staging Plan dated 15/01/2019.</p> <p><u>Reason:</u> To ensure the public domain is upgraded to a level</p>	
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	<p>that is safe and suitable to accommodate the increased intensity of use resulting from the development, to ensure adequate replacement street trees are provided and to respond to and be consistent with the public and community infrastructure works being undertaken at the site.”</p>	
<p>Prior to the Issue of any Construction Certificate for the Residential Buildings</p>		
<p>Condition 79</p> <p>In order to reduce flooding at the adjacent low points in Livingstone Road and Hospital Lane, and to ensure that the risk of flooding to the site and 172 Livingstone Road is reduced the following drainage works shall be undertaken to Council's stormwater system adjacent to the site:</p> <p>(a) The installation of 2 additional kerb inlet pits (2.4m in length) either side the Council's existing pit in Livingstone Road adjacent to 172 Livingstone Road;</p> <p>(b) The 2 existing grated pits in Hospital Lane shall be replaced by 2 kerb inlet pits;</p> <p>(c) Stormwater pit details (including structural details), layout and dimensions including connection, bedding and benching details;</p> <p>(d) Details of road restoration and road pavement adjustment works required as a result of the stormwater works;</p> <p>(e) Details of all adjustments to public utilities required by these works.</p> <p>Detailed construction plans shall be submitted for the approval of Council before the issue of a Construction Certificate for landscaping works. No road or drainage works shall commence until approved plans and specifications have been issued for construction by Council under Section 138 of the Roads Act.</p> <p><u>Reason:</u> To the reduce flooding at the adjacent low points in</p>	<p>Condition 79</p> <p>In order to reduce the incidence of flooding at the adjacent low points in Livingstone Road and Hospital Lane the following drainage works shall be undertaken to Council's stormwater system adjacent to the site:</p> <p>(a) The kerb inlet (lintel) at Council's existing pit in Livingstone Road (adjacent to 172 Livingstone Road) shall be increased to 3m (internal dimension). For the avoidance of doubt, only the lintel is to be replaced.</p> <p>(b) The 2 existing grated pits in Hospital Lane shall be adjusted to include kerb inlets (lintels, minimum 1.2m internal);</p> <p>(c) Detailed construction plans shall be submitted for the approval of Council before the issue of a Construction Certificate for the Landscape works. No road or drainage works shall commence until approved plans and specifications have been issued for construction by Council under Section 138 of the Roads Act.</p> <p><u>Reason:</u> To the reduce flooding at the adjacent low points in Livingstone Road and Hospital Lane and to ensure that the risk of flooding is to a suitable level of flood protection appropriate to the intensification of use resulting from the development.</p>	<p>This condition was amended by the approval of the first modification application – DA201600434.01, dated 12 March 2018.</p> <p>The approved modification to this condition was not carried through in Modified Determination No. 201600434.04, dated 4 June 2018 by error.</p> <p>Condition 79 is to be corrected without any further amendment.</p>

<p>Livingstone Road and Hospital Lane and to ensure that the risk of flooding to the site and 172 Livingstone Road is reduced.</p>		
<p>Prior to the Issue of the relevant Occupation Certificate</p>		
<p>Condition 121</p> <p>The existing overhead power cables adjacent to the site frontages must be relocated underground with appropriate street lighting and new steel poles being installed at no cost to Council and before the issue of the relevant Occupation Certificate. The street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid. Plans shall be submitted to and approved by Council before submission to Ausgrid for implementation.</p> <p><u>Reason:</u> To ensure appropriate lighting is provided to create a safe environment and to protect the amenity of the surrounding neighbourhood from the emission of light.</p>	<p>Condition 121</p> <p>The existing street lighting and overhead cabling adjacent to the site shall be upgraded as follows at no cost to Council:</p> <ul style="list-style-type: none"> i. The existing overhead power cables adjacent to the Livingstone Road frontage must be relocated underground; ii. The existing overhead power cables adjacent to the Lilydale Street site frontage shall be converted to Aerial Bundled Cabling; and iii. The existing overhead power cables adjacent to the Marrickville Road site frontage are to be relocated underground and the light poles along the immediate Marrickville Road frontage (site side only), shall be replaced by new steel standard poles to match the existing steel light poles in the Marrickville Road shopping centre. <p>The street lighting, referred to in part iii above, shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid. Plans shall be submitted to and approved by Council before submission to Ausgrid for implementation.</p> <p><u>Reason:</u> To ensure appropriate lighting is provided to create a safe environment, to protect the amenity of the surrounding neighbourhood and the development from adverse light spill, to enhance the heritage streetscape and to minimise conflict with vegetation.</p>	<p>This condition was amended by the approval of the first modification application – DA201600434.01, dated 12 March 2018.</p> <p>The approved modification to this condition was not carried through in Modified Determination No. 201600434.04, dated 4 June 2018 by error.</p> <p>Condition 121 is to be corrected without any further amendment.</p>

<p>Condition 124</p> <p>The existing unsatisfactory road pavement in Lilydale Street (full road width) shall be repaired before the issue of the final Occupation Certificate using a 40mm Mill and Fill treatment for the full frontage of the site in Lilydale Street. All failed section of the road pavement shall be boxed out and replaced with deep lift asphalt before the Mill and Fill treatment.</p> <p><u>Reason:</u> To provide suitable means of public road vehicle access to the development, to make the road safe for all users post the undertaking of works within the road reserve resulting from the development, and to ensure that the amenity of the area is in keeping with the standard of the development.</p>	<p>Condition 124</p> <p>The road pavement in Lilydale Street (full road width) damaged by the installation of utility services related to the development (or otherwise resulting from the development works as determined by reference to the Dilapidation Report prepared by Tyrells Property Inspections Pty Limited, dated 25 August 2016, Report No.97398) shall be restored before the issue of the final Occupation Certificate using a 40mm Mill and Fill treatment. As at 28 February 2018, this work has been completed. Any further utility services installed after 28 February 2018 must comply with this requirement.</p> <p>All failed section of the road pavement (which has failed due to the construction works as determined by reference to Dilapidation Report prepared by Tyrells Property Inspections Pty Limited, dated 25 August 2016) shall be boxed out and replaced with deep lift asphalt before the Mill and Fill treatment is undertaken. As at 28 February 2018, this work has been completed. Any damage to the road pavement caused by the applicant and or the developer (after 28 February 2018) during the construction of the development must be rectified in accordance with this requirement.</p> <p><u>Reason:</u> To provide suitable means of public road vehicle access to the development, to make the road safe for all users post the undertaking of works within the road reserve resulting from the development, and to ensure that the amenity of the area is in keeping with the standard of the development.</p>	<p>This condition was amended by the approval of the first modification application – DA201600434.01, dated 12 March 2018.</p> <p>The approved modification to this condition was not carried through in Modified Determination No. 201600434.04, dated 4 June 2018 by error.</p> <p>Condition 124 is to be corrected without any further amendment.</p>
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Prior to the Issue of an Occupation Certificate for the Community Hub		
<p>Condition 133</p> <p>Prior to the issue of an Occupation Certificate, council shall be notified in writing that all new trees for the Community Hub and associated Public Domain landscaping works (including all public parks, children’s playground and the footpath areas in front of all sides of the Community Hub) have been planted in accordance with these conditions and an inspection of the new trees shall be facilitated at any future date thereafter if council wishes to inspect the new trees.</p> <p><u>Reason:</u> To ensure that new trees are properly planted and that they comply with the conditions of consent.</p>	<p>Condition 133</p> <p>Prior to the issue of an the relevant Occupation Certificate for the Community Hub Lot (as identified on the Public Domain Staging Plan dated 15/01/2019), council shall be notified in writing that all new trees for the Community Hub and associated Public Domain landscaping works (including all the Community Hub public parks, the children’s playground and the footpath areas in front of all sides of the Community Hub Lot and the shared carpark driveway (as identified on the Public Domain Staging Plan dated 15/01/2019)) have been planted in accordance with these conditions and an inspection of the new trees shall be facilitated at any future date thereafter if council wishes to inspect the new trees.</p> <p><u>Reason:</u> To ensure that new trees are properly planted and that they comply with the conditions of consent.</p>	<p>Although Condition 133 is placed under the heading ‘Prior to the Issue of an Occupation Certificate for the Community Hub’ the wording of the condition does not specify that it does actually relate to the Community Hub.</p> <p>Subject to the references to the Public Domain Staging Plan dated 15/01/2019 (in red) being included, the proposed modification to this condition is supported.</p>
<p>Condition 137</p> <p>Prior to issue of an Occupation Certificate the person acting on this consent shall obtain from Council a Compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.</p> <p><u>Reason:</u> To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.</p>	<p>Condition 137</p> <p>Prior to issue of an the relevant Occupation Certificate for the Library and Community Hub (IOC 1), as indicated in the Public Domain Staging Plan dated 15/01/2019, the person acting on this consent shall obtain from Council a Compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications. For the purpose of this Condition, the Road, Footpath and Civil Works associated with IOC1 are those indicated as ‘Stage 1’ in the Public Domain Works Staging Plan dated 15/01/2019).</p>	<p>Similar to Condition 133, this condition is placed under the heading ‘Prior to the Issue of an Occupation Certificate for the Community Hub’ but the approved wording of the condition does not make this clear.</p> <p>No objection is raised against the modification of this condition as proposed.</p>

	<p><u>Reason:</u> To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.</p>	
<p>Prior to the Issue of an Occupation Certificate for the Residential Buildings</p>		
<p>Condition 140</p> <p>Prior to the issue of an occupation certificate, council shall be notified in writing that all new trees for the landscaping works associated with the Residential Development have been planted in accordance with these conditions and an inspection of the new trees shall be facilitated at any future date thereafter if council wishes to inspect the new trees.</p> <p><u>Reason:</u> To ensure that new trees are properly planted and that they comply with the conditions of consent.</p>	<p>Condition 140</p> <p>Prior to the issue of an the relevant occupation certificate for any part of ‘Lilydale House’ Residential Building C (as identified on the Public Domain Staging Plan dated 15/01/2019), council shall be notified in writing that all new trees for the landscaping works associated with the Residential Development Lot Residential Development Lot (as identified on the Public Domain Staging Plan dated 15/01/2019) have been planted in accordance with these conditions and an inspection of the new trees shall be facilitated at any future date thereafter if council wishes to inspect the new trees.</p> <p><u>Reason:</u> To ensure that new trees are properly planted and that they comply with the conditions of consent.</p>	<p>Although Condition 140 is placed under the heading ‘Prior to the Issue of an Occupation Certificate for the Residential Buildings’ the wording of the condition does not make this clear.</p> <p>The proposed modified wording of this condition links the planting of the required trees to the issue of the Occupation Certificate (OC) for ‘Lilydale House’, being the forecasted latest OC to be sought for the Residential Lot.</p> <p>Subject to the reference to the Public Domain Staging Plan dated 15/01/2019 (in red) being included along with the amended reference to the Residential Lot (in red), the proposed modification to this condition is supported.</p>
<p>Condition 141</p> <p>Before the issue of the Occupation Certificate for the Residential Development, written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans and the Integrated Water Cycle Management Report by AJ Whipps Consulting Group shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.</p>	<p>Condition 141</p> <p>Before the issue of the relevant Occupation Certificate for any part of ‘Lilydale House’ Residential Building C as identified on the Public Domain Staging Plan dated 15/01/2019, the Residential Development, written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans and the Integrated Water Cycle Management Report by AJ Whipps Consulting Group shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels),</p>	<p>Similar to Condition 140, this condition is placed under the heading ‘Prior to the Issue of an Occupation Certificate for the Residential Buildings’ but the wording of the condition does not make this clear.</p> <p>Subject to the reference to the Public Domain Staging Plan dated 15/01/2019 (in red) being included, the proposed modification to this condition is supported.</p>

<p><u>Reason:</u> To ensure drainage works are constructed in accordance with approved plans.</p>	<p>finished ground levels and pavement surface levels.</p> <p><u>Reason:</u> To ensure drainage works are constructed in accordance with approved plans.</p>	
<p>Condition 145</p> <p>Prior to issue of an Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property relating to the Residential Development required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.</p> <p><u>Reason:</u> To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.</p>	<p>Condition 145</p> <p>Prior to issue of an the relevant Occupation Certificate for Residential Buildings (IOC 3 and IOC 4) as indicated in the Public Domain Staging Plan dated 15/01/2019, the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property relating to the Residential Development required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications. For the purpose of this Condition, the Road, Footpath and Civil Works associated with IOC3 are those indicated as ‘Stage 2’ in the Public Domain Works Staging Plan dated 15/01/2019. The Road, Footpath and Civil Works associated with IOC4 are those indicated as ‘Stage 3’ in the Public Domain Works Staging Plan dated 15/01/2019).</p> <p><u>Reason:</u> To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.</p>	<p>Similar to Condition 140, this condition is placed under the heading ‘<i>Prior to the Issue of an Occupation Certificate for the Residential Buildings</i>’ but the wording of the condition does not make this clear.</p> <p>No objection is raised against the modification of this condition as proposed.</p>
<p>Condition 148</p> <p>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) for the Residential Development.</p> <p><u>Reason:</u> 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.</p>	<p>Condition 148</p> <p>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 the relevant Occupation Certificate for any part of ‘Lilydale House’ Residential Building C (as identified on the Public Domain Staging Plan dated 15/01/2019), (whether an interim or final Occupation Certificate) for the Residential Development.</p> <p><u>Reason:</u> To ensure that all of the BASIX commitments have been fulfilled and to comply with the requirements under</p>	<p>The purpose of the proposed modification to this condition is to clearly separate the ‘Lilydale House’ Residential Building C and the Residential Lot as a whole. The condition reads as though ALL of the BASIX commitments have to be completed but just refers to one resi building – is this deliberate – what were we looking for here? Why can’t they just have separate CCs and OCs for each resi building – do they just have a unified BASIX (in which case they have used the wrong method I think)</p>

	<p>Section 154B of the Environmental Planning and Assessment Regulations 2000.</p>	<p>The proposed modified wording of this condition links the discharge of the condition to the issue of the Occupation Certificate for 'Lilydale House', being the forecasted latest OC to be sought for the Residential Lot.</p> <p>Subject to the reference to the Public Domain Staging Plan dated 15/01/2019 (in red) being included, the proposed modification to this condition is supported.</p>
<p>Condition 149</p> <p>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.</p> <p><u>Reason:</u> To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.</p>	<p>Condition 149</p> <p>The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final the relevant Occupation Certificate for any part of 'Lilydale House' Residential Building C (as identified on the Public Domain Staging Plan dated 15/01/2019). Completion Receipts can be applied for at www.basix.nsw.gov.au.</p> <p><u>Reason:</u> To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.</p>	<p>The proposed modified wording of this condition links the discharge of the condition to the issue of the Occupation Certificate for 'Lilydale House', being the forecasted latest (I don't like the word "latest" in this context – it could be taken to mean "most recent", Are we saying last/ ultimate? It doesn't matter too much because it's not actually in the condition) OC to be sought for the Residential Lot.</p> <p>Subject to the reference to the Public Domain Staging Plan dated 15/01/2019 (in red) being included, the proposed modification to this condition is supported</p>
<p>Condition 151</p> <p>Before the issue of an Occupation Certificate for the Residential Development, the applicant is to provide written evidence to the satisfaction of Council's Group Manager Development Assessment and Regulatory Services that the nine (9) affordable housing apartments have been dedicated to the Inner West Council.</p> <p><u>Reason:</u> To provide affordable housing apartments as outlined in the Development Application.</p>	<p>Condition 151</p> <p>(i) Before the issue of an the relevant Occupation Certificate for the Residential Building B (as identified on the Public Domain Staging Plan dated 15/01/2019) Development, the applicant is to provide written evidence to the satisfaction of Council's Group Manager Development Assessment and Regulatory Services that the two (2) nine (9) affordable housing apartments have been dedicated to the Inner West Council.</p> <p>(ii) Before the issue of the relevant Occupation Certificate for Residential Building A1 or Residential Building A2, (as identified on the Public Domain Staging Plan dated 15/01/2019) the applicant is to</p>	<p>The purpose of the proposed modification to this condition is to clearly separate the required provision of affordable housing apartments between the different buildings on the Residential Lot.</p> <p>Subject to the references to the Public Domain Staging Plan dated 15/01/2019 (in red) being included, the proposed modification to this condition is supported</p>

	<p>provide written evidence to the satisfaction of Council’s Group Manager Development Assessment and Regulatory Services that the seven (7) affordable housing apartments have been dedicated to the Inner West Council.</p> <p><i>Reason:</i> To provide affordable housing apartments as outlined in the Development Application.</p>	
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5(f) Any submissions

4. Referrals

The application has been reviewed by Council's Development Engineer and Tree Assessment Officer and both have no objection to the proposed modified conditions or staging plan.

The application was advertised, and 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. Three (3) submissions were received raising the following concerns:

- *It is Council's duty to ensure that developers conform to all aspects of building/development legislation without exemption.*

Comment:

The proposed modifications seek to correct the wording of various conditions and to amend the wording of other conditions to better clarify when those conditions are said to be discharged.

The proposed modifications are considered to improve the legislative operation of these conditions.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

The application has been reviewed by Council's Development Engineer and Tree Assessment Officer and both have no objection to the proposed modified conditions or staging plan.

6(b) External

None relevant to this application.

7. Section 7.11 Contributions

The proposed modifications do not trigger any review of Section 7.11 contributions for this site.

8. Conclusion

The application is considered suitable for approval subject to the recommended modification of conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 **APPROVE** the application under Section 4.55 of the Environmental Planning and Assessment Act 1979 to modify Modified Determination No. 201600434.04, dated 4 June 2018 and a modified Determination be issued with conditions 1, 59, 64, 79, 121, 124, 133, 137, 140, 141, 145, 148, 149 and 151 being modified as per Attachment A:

Attachment A – Recommended conditions of consent

Attachment A – Recommended modified conditions of consent

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

Architectural

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared By	Date Submitted
Detail Survey Ref No.: 078-12G T01 [8] Sheets 1 to 4 inclusive	Detail Survey Over Lot 2 D.P. 872693, Lot 36 & 37 D.P.3164, Lot 2 D.P. 103507	02/05/2016	Craig and Rhodes	19/09/2016
Sheet 01 of 23 to Sheet 23 of 23 Revision 6	Gross Floor Area	15/12/2017	Linker Surveying	22/12/2017
DA01 REV 5	Site Plan & Site Analysis	19/12/2017	Mirvac Design, TZG	22/12/2017
DA02 REV 5	Landscape Plan	19/12/2017	Site Image, Aspect Studios	22/12/2017
DA03 REV 7	Landscaped Open Space Analysis	24/01/2018	Mirvac Design, TZG, BVN	06/02/2018
DA-R07 REV 7	Basement 02	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R08 REV 7	Basement 01	24/01/2018	Mirvac Design, TZG	06/02/2018

DA-R09 REV 8	Level 00 Plan	06/03/2018	Mirvac Design, TZG	07/03/2018
DA-R10 REV 8	Level 01 Plan	06/03/2018	Mirvac Design, TZG	07/03/2018
DA-R11 REV 7	Level 02 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R12 REV 7	Level 03 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R13 REV 7	Level 04 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R14 REV 7	Level 05 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R15 REV 7	Level 06 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R16 REV 7	Level 07 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R17 REV 7	Level 08 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R18 REV 7	Level 9 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R19 REV 7	Level 10 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R20 REV 7	Roof Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R21 REV 7	Sections 1	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R22 REV 8	Sections 2	06/03/2018	Mirvac Design, TZG	07/03/2018
DA-R23 REV 7	Sections 3	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R24 REV 7	Sections 4	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R25 REV 7	North & South Elevations	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R26 REV 7	East & West Elevations	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R27 REV 5	Detail Elevations and Finishes Schedule	19/12/2017	Mirvac Design, TZG	22/12/2017
DA-R29 REV 5	Boundary Sections	20/10/2017	Mirvac Design, TZG	23/10/2017
DA-R30 REV 3	Building B Context Section with Lilydale Street Neighbours	10/07/2017	Mirvac Design, TZG	
A1880 Revision 1	Building B Privacy Screens	7/4/2017	Mirvac Design, TZG	
A1974 Revision E	Building B Landscape Sections	20/10/2017	Mirvac Design, TZG	23/10/2017
SK0022 Revision A	Building A Internal Corners Screening	22/12/2016	Mirvac Design, TZG	
SK0027	Public Domain	20/10/2017	Mirvac Design, TZG	23/10/2017

Revision C	Levels			
00 Annexure 1u Revision A	Entry Lobby Plan		Aspect Studios	
Lighting Plan	Lighting Plan			
AR-DA-C07 ISSUE 3	Community Hub Basement	23/12/2016	BVN	13/01/17
AR-DA-C08 ISSUE 3	Community Hub L00 PLAN	23/12/2016	BVN	13/01/17
AR-DA-C09 ISSUE 3	Community Hub L01 PLAN	23/12/2016	BVN	13/01/17
AR-DA-C10 ISSUE 3	Community Hub L02	23/12/2016	BVN	13/01/17
AR-DA-C11 ISSUE 3	Community Hub Roof Plan	23/12/2016	BVN	13/01/17
AR-DA-C12 ISSUE 3	Community Hub Sections	23/12/2016	BVN	13/01/17
AR-DA-C13 ISSUE 3	Community Hub Elevations	23/12/2016	BVN	13/01/17

Landscape

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared By	Date Submitted
DA0000 REV G	Landscape Coversheet	06/07/2017	Site Image	
DA0001 REV F	Landscape Masterplan	21/04/2017	Site Image	
DA1011 REV H	Landscape Plan – Ground Floor	15/12/2017	Site Image	22/12/2017
DA1012 REV G	Landscape Plan – Ground Floor	06/07/2017	Site Image	
DA1013 REV G	Landscape Plan – Ground Floor	06/07/2017	Site Image	
DA1014 REV H	Landscape Plan – Ground Floor	10/01/2018	Site Image	17/01/2018
DA1091 REV F	Landscape Plan – Level 9	21/04/2017	Site Image	
DA1092 REV F	Landscape Plan – Rooftop	21/04/2017	Site Image	
DA0501 REV E	Landscape Details	06/07/2017	Site Image	
DA0601 REV D	Landscape Sections	18/08/2016	Site Image	
DA0901 REV B	Landscape Plan – Building B	09/01/2017	Site Image	
DA0902 REV B	Landscape Sections – Building B North and East Boundary	09/01/2017	Site Image	

DA00 Revision 08	Contents	19/08/2016	Aspect Studios	
DA01 Revision 08	Site Plan	19/08/2016	Aspect Studios	
DA02 Revision 08	Landscape Master Plan	19/08/2016	Aspect Studios	
DA03 Revision 08	Park & Library Lawn Plan	19/08/2016	Aspect Studios	
DA04 Revision 08	Park & Library Lawn Sections	19/08/2016	Aspect Studios	
DA05 Revision 08	Children's Garden	19/08/2016	Aspect Studios	
DA06 Revision 08	Park & Library Lawn Indicative Planting Strategy	19/08/2016	Aspect Studios	
DA07 Revision 08	Children's Garden Indicative Planting Strategy	19/08/2016	Aspect Studios	
	Community Hub – Planting Palette		Aspect Studios	10/01/2017
00 Annexure 1b	Arbour Perspective 2	16/12/2016	Aspect Studios	

Documents

Document Name / Title	Revision/Ref No.	Date Issued	Prepared by	Date Submitted
Public Art Locations – Marrickville Community Hub				13/01/2017
SEPP 65 Design Verification Statement		August 2016	Tim Greer (TZG) & Kim Bazeley (Mirvac Design)	
Thermal Comfort & BASIX Assessment Report	Issue C File ref: 9952	22/08/2016	Efficient Living	
BASIX Certificate	Certificate number: 720665M_02	14/12/2017	Efficient Living	22/12/2017
BASIX Certificate	Certificate number: A257097_03	19/12/2017	Efficient Living	22/12/2017
Waste Management Plan – Community Hub	Revision E	18/08/2016	Elephants Foot	
Waste Management Plan – Residential	Revision F	19/08/2016	Elephants Foot	

The following are information documents which have informed the above mentioned plans and details:

Document Name / Title	Revision/Ref No.	Date Issued	Prepared by	Date Submitted
Vertical Transportation Design Statement – Marrickville Community Hub Development		11/04/2017	ARUP	
Letter from AJ Whipps Consulting Group (Re: Community Hub Roof Design)		30/11/2016	AJ Whipps Consulting Group	
Letter from McKenzie Group (Re: Marrickville Residential Building – Fire Separation to Car Parking Compartment)		1/12/2016	McKenzie Group	
Marrickville Community Hub Development – Integrated Water Cycle Management Report - 313-319 Marrickville Road, Marrickville, NSW		August 2016	Taylor Thomson Whitting	
Geotechnical Certificate for Proposed Mixed Use Development	Ref No 26279Vlet	9/05/2016	JK Geotechnics	
Geotechnical Investigation for Proposed Mixed Use Development at Marrickville Hospital Site, Corner of Marrickville and Livingston Roads, and Lilydale Street, Marrickville, NSW	Ref: 26279VTrpt Marrickville Rev 1	12/06/2013	JK Geotechnics	
Marrickville Community Hub Development, Traffic and Parking Assessment	Issue 6	22/08/2016	Parking & Traffic Consultants	
Marrickville Community Hub Acoustic Survey and Criteria	Issue F	18/08/2016	ARUP	
Marrickville Hospital Site Redevelopment, Acoustic Assessment for Development	TH812-01F02 Acoustic Report for DA (r1).docx	01/03/2016	Renzo Tonin & Associates	

Application				
Building Code of Australia 2016 Final Draft Capability Statement for DA Submission Marrickville Community Hub and Library	Revision R06 16-206403_Marrickville Library&Hub_FinalDraftBCACapStatReportR06_18082016.docx	18/08/2016	Philip Chun Building Compliance	
Building Code of Australia 2016 Final Draft Capability Statement for DA Submission Old Marrickville Hospital - Proposed Residential Development	Revision R04 16-206403_MarrickvilleHospitalResidentialDevelopment_FinalDraftCapStatReport_R04_19082016	19/08/2016	Philip Chun Building Compliance	
Access Review	FINAL v4	19/08/2016	Morris Goding Accessibility Consulting	
Letter Re: Marrickville Hospital Site Redevelopment, Sydney Fire Engineering approach in support of the Development Application submission	Ref: 249346-00	10/08/2016	ARUP	
Marrickville Community Hub Development Flood Risk Assessment	Ref: BGE-FS-RPT-C-820 REV / 1 DATE / 18/08/2016	18/08/2016	BG&E	
Natural Cross Ventilation Memo	Ref: WD634-01F01(rev3)- NV Memo	04/05/2017	Windtech	
Aster Services Response - Marrickville proposed garbage collection strategy		29/03/2017	Aster Services	

and details submitted on 19 September 2016, 13 January 2017, 11 April 2017, 10 July 2017, 11 July 2017 with the application for development consent and as amended by the plans and details listed below:

Plan Name	Date Issued	Prepared By	Date Submitted
Public Domain Staging Plan	15/01/2019	N/A	16/01/2019

and details submitted to the Council on 16 January 2019 with the application under Section 4.55 of the Environmental Planning and Assessment Act and the following conditions.

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

59. An interpretation plan for the site is to be prepared by a suitably qualified heritage consultant. The plan is to set out recommendations for introduced material and presentation of the fabric which will help to convey the heritage [historical / aesthetic / etc.] significance of the item to users and visitors. The introduced material may comprise written and graphic historical displays, signage, public art, audio material, moving images, and interactive features. Presentation of the fabric may involve lighting, barriers and protective devices. The interpretation plan is to be submitted to and approved by Council's Heritage Officer prior to the issue of any Construction Certificate for above ground structures.

The portion of works prescribed within the approved interpretation plan that are located on the Community Hub Lot (as identified on the Public Domain Staging Plan dated 15/01/2019) are to be implemented to the satisfaction of the Principal Certifying Authority prior to the issue of the Occupation Certificate for any part of the Library and Community Hub (as identified on the Public Domain Staging Plan dated 15/01/2019).

The portion of works prescribed within the approved interpretation plan that are located on the Residential Lot (as identified on the Public Domain Staging Plan dated 15/01/2019) are to be implemented to the satisfaction of the Principal Certifying Authority prior to the issue of an Occupation Certificate for 'Lilydale House' Residential Building C (as identified on the Public Domain Staging Plan dated 15/01/2019).

Reason: To ensure that the heritage significance of the heritage item is appropriately conveyed to future users and visitors.

64. In order to provide satisfactory vehicular and pedestrian access, landscaping and improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:
- (a) The public domain along all frontages of the site inclusive of footpath, kerb, street trees, landscaping etc shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide.
 - (b) A Street Tree Planting/Landscape Plan outlining street tree planting details must be submitted to the Council's Urban Forest Manager's satisfaction before the issue of a Construction Certificate for the Landscape works for the Community Hub, with all works completed prior to the issue of the Occupation Certificate. The Street Tree Planting/Landscape Plan shall include the following:
 - i) 4 x new trees to be provided on Marrickville Road to replace the existing trees on this frontage. The tree species shall be *Liriodendron tulipifera* at a minimum container size of 400L and planted in accordance with Detail 5 of the Marrickville Street Tree Master Plan. A consistent spacing of seven (7) metres shall be applied where possible however, this may need to be adjusted so as to avoid conflict with the existing inground services. The first of the four street trees shall be setback a minimum of 7m from Livingstone Road kerb line where possible however, this may need to be adjusted so as to avoid conflict with the existing inground services.
 - ii) 7 x new trees to be provided on Livingstone Road to replace the existing 6 street trees in Livingstone Road approved for removal. The tree species shall be *Lophostemon confertus* at a minimum container size of 400L and planted in accordance with Detail 9 of the Marrickville Street Tree Master Plan. A consistent spacing of ten (10) metres shall be applied.
 - iii) Dimensions for tree pits and details of a vault style structural soil to allow for a total soil volume of at least 20m³ for each tree to demonstrate that adequate soil volume is provided for all trees.

- (c) The new street trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 and the planting stock shall comply with Australian Standard Tree stock for landscape use AS 2303—2015.
- (d) The new street trees shall be maintained in a healthy and vigorous condition during an establishment period of 12 months. If any tree dies or is removed during the establishment period, it shall be replaced with the same species tree in accordance with these conditions at the expense of the applicant.
- (e) Upon completion of planting the street trees, the applicant shall arrange an inspection by Council's Public Tree Coordinator (call 8595 2432) to approve the installation. If trees are unsatisfactory and not in accordance with these conditions they will be rejected and replaced at the expense of the applicant.
- (f) The footpath in Marrickville Road must be constructed in accordance with the Village Palette (P1-A1). The Village Palette footpath treatment shall extend for 6m into Lilydale Street and to the vehicular crossing in Livingstone Road. The remainder of the footpaths in Livingstone Road and in Lilydale Street shall be constructed as concrete footpaths in accordance with the Local Palette footpath treatment and all landscaping unless otherwise approved by this consent shall be maintained.
- (g) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site.
- (h) New 150mm high sandstone kerb on Marrickville Road and for missing or damaged section in Livingstone Road and Lilydale Street. The existing sandstone kerb and gutter in Livingstone Road and Lilydale Street where it is in good condition shall be maintained and protected. An inspection by Council's Development Engineer, to identify the condition of the existing sandstone kerb and gutter, was undertaken on 28 February 2018. The existing condition of the kerb and gutter was determined as follows:
 - Lilydale Street – generally good condition. Minor chips/cracks which are created by the applicant and or developer during the construction works are to be rectified by the applicant and or developer.
 - Livingstone Rd – generally good condition. Concrete sections of kerb along immediate frontage to be replaced with sandstone kerb and portion of kerb between the existing bus stop and the corner of Marrickville Road and Livingstone Road to be reset and realigned.

Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate for the Landscape works for the Community Hub Lot (as identified on the Public Domain Staging Plan dated 15/01/2019) with all works completed in accordance with the Public Domain Staging Plan dated 15/01/2019 and prior to the issue the relevant Occupation Certificate as indicated in the Public Domain Staging Plan dated 15/01/2019.

Reason: To ensure the public domain is upgraded to a level that is safe and suitable to accommodate the increased intensity of use resulting from the development, to ensure adequate replacement street trees are provided and to respond to and be consistent with the public and community infrastructure works being undertaken at the site.

79. In order to reduce the incidence of flooding at the adjacent low points in Livingstone Road and Hospital Lane the following drainage works shall be undertaken to Council's stormwater system adjacent to the site:
- (a) The kerb inlet (lintel) at Council's existing pit in Livingstone Road (adjacent to 172 Livingstone Road) shall be increased to 3m (internal dimension). For the avoidance of doubt, only the lintel is to be replaced.

- (b) The 2 existing grated pits in Hospital Lane shall be adjusted to include kerb inlets (lintels, minimum 1.2m internal);
- (c) Detailed construction plans shall be submitted for the approval of Council before the issue of a Construction Certificate for the Landscape works. No road or drainage works shall commence until approved plans and specifications have been issued for construction by Council under Section 138 of the Roads Act.

Reason: To reduce flooding at the adjacent low points in Livingstone Road and Hospital Lane and to ensure that the risk of flooding is to a suitable level of flood protection appropriate to the intensification of use resulting from the development.

121. The existing street lighting and overhead cabling adjacent to the site shall be upgraded as follows at no cost to Council:
- i. The existing overhead power cables adjacent to the Livingstone Road frontage must be relocated underground
 - ii. The existing overhead power cables adjacent to the Lilydale Street site frontage shall be converted to Aerial Bundled Cabling; and
 - iii. The existing overhead power cables adjacent to the Marrickville Road site frontage are to be relocated underground and the light poles along the immediate Marrickville Road frontage (site side only), shall be replaced by new steel standard poles to match the existing steel light poles in the Marrickville Road shopping centre.

The street lighting, referred to in part iii above, shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid. Plans shall be submitted to and approved by Council before submission to Ausgrid for implementation.

Reason: To ensure appropriate lighting is provided to create a safe environment, to protect the amenity of the surrounding neighbourhood and the development from adverse light spill, to enhance the heritage streetscape and to minimise conflict with vegetation.

124. The road pavement in Lilydale Street (full road width) damaged by the installation of utility services related to the development (or otherwise resulting from the development works as determined by reference to the Dilapidation Report prepared by Tyrells Property Inspections Pty Limited, dated 25 August 2016, Report No.97398) shall be restored before the issue of the final Occupation Certificate using a 40mm Mill and Fill treatment. As at 28 February 2018, this work has been completed. Any further utility services installed after 28 February 2018 must comply with this requirement.

All failed section of the road pavement (which has failed due to the construction works as determined by reference to Dilapidation Report prepared by Tyrells Property Inspections Pty Limited, dated 25 August 2016) shall be boxed out and replaced with deep lift asphalt before the Mill and Fill treatment is undertaken. As at 28 February 2018, this work has been completed. Any damage to the road pavement caused by the applicant and or the developer (after 28 February 2018) during the construction of the development must be rectified in accordance with this requirement.

Reason: To provide suitable means of public road vehicle access to the development, to make the road safe for all users post the undertaking of works within the road reserve resulting from the development, and to ensure that the amenity of the area is in keeping with the standard of the development.

133. Prior to the issue of the relevant Occupation Certificate for the Community Hub Lot (as identified on the Public Domain Staging Plan dated 15/01/2019), council shall be notified in

writing that all new trees for the Community Hub and associated Public Domain landscaping works (including all the Community Hub public parks, the children's playground and the footpath areas in front of all sides of the Community Hub Lot and the shared carpark driveway (as identified on the Public Domain Staging Plan dated 15/01/2019)) have been planted in accordance with these conditions and an inspection of the new trees shall be facilitated at any future date thereafter if council wishes to inspect the new trees.

Reason: To ensure that new trees are properly planted and that they comply with the conditions of consent.

137. Prior to issue of the relevant Occupation Certificate for the Library and Community Hub (IOC 1), as indicated in the Public Domain Staging Plan dated 15/01/2019, the person acting on this consent shall obtain from Council a Compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications. For the purpose of this Condition, the Road, Footpath and Civil Works associated with IOC1 are those indicated as 'Stage 1' in the Public Domain Works Staging Plan dated 15/01/2019).

Reason: To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

140. Prior to the issue of the relevant occupation certificate for any part of 'Lilydale House' Residential Building C (as identified on the Public Domain Staging Plan dated 15/01/2019), council shall be notified in writing that all new trees for the landscaping works associated with the Residential Lot (as identified on the Public Domain Staging Plan dated 15/01/2019) have been planted in accordance with these conditions and an inspection of the new trees shall be facilitated at any future date thereafter if council wishes to inspect the new trees.

Reason: To ensure that new trees are properly planted and that they comply with the conditions of consent.

141. Before the issue of the relevant Occupation Certificate for any part of 'Lilydale House' Residential Building C as identified on the Public Domain Staging Plan dated 15/01/2019, written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans and the Integrated Water Cycle Management Report by AJ Whipps Consulting Group shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.

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

145. Prior to issue of the relevant Occupation Certificate for Residential Buildings (IOC 3 and IOC 4) as indicated in the Public Domain Staging Plan dated 15/01/2019, the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property relating to the Residential Development required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications. For the purpose of this Condition, the Road, Footpath and Civil Works associated with IOC3 are those indicated as 'Stage 2' in the Public Domain Works Staging Plan dated 15/01/2019. The Road, Footpath and Civil Works associated with IOC4 are those indicated as 'Stage 3' in the Public Domain Works Staging Plan dated 15/01/2019).

Reason: To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

148. 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 the relevant Occupation Certificate for any part of 'Lilydale House' Residential Building C (as identified on the Public Domain Staging Plan dated 15/01/2019).

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.

149. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of the relevant Occupation Certificate for any part of 'Lilydale House' Residential Building C (as identified on the Public Domain Staging Plan dated 15/01/2019).- Completion Receipts can be applied for at www.basix.nsw.gov.au.

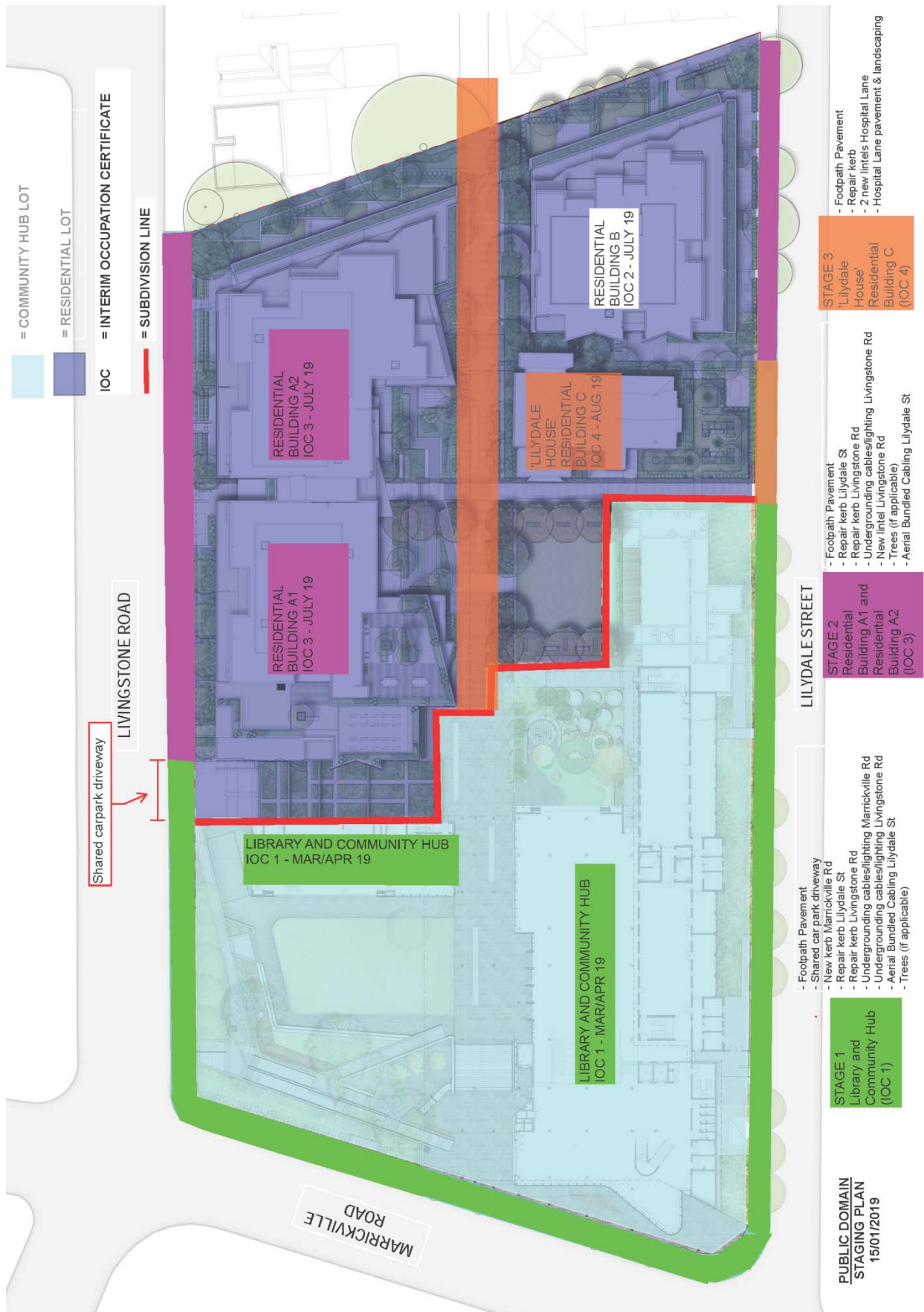
Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.

151. (i) Before the issue of the relevant Occupation Certificate for Residential Building B (as identified on the Public Domain Staging Plan dated 15/01/2019) the Development, the applicant is to provide written evidence to the satisfaction of Council's Group Manager Development Assessment and Regulatory Services that the two (2) affordable housing apartments have been dedicated to the Inner West Council.

- (ii) Before the issue of the relevant Occupation Certificate for Residential Building A1 or Residential Building A2, (as identified on the Public Domain Staging Plan dated 15/01/2019) the applicant is to provide written evidence to the satisfaction of Council's Group Manager Development Assessment and Regulatory Services that the seven (7) affordable housing apartments have been dedicated to the Inner West Council.

Reason: To provide affordable housing apartments as outlined in the Development Application.

Attachment B – Staging Plan



Attachment C – Last modified consent- DA201600434.04

DA201600434 CLEN1

MODIFIED DETERMINATION NO. 201600434

04 June 2018

MIRVAC PROJECTS PTY LTD
Level 28 200 George Street
SYDNEY NSW 2000

Dear Sir/Madam

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ("THE ACT")
NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Pursuant to Section 4.18 of the Act, notice is hereby given of the determination by Sydney Eastern City Planning Panel of **Development Application No. 201600434** to carry out the redevelopment of the former Marrickville Hospital site including alterations and adaptive reuse of the Old Nurses' Quarters' building to contain 2 dwellings, the adaptive reuse of the former Main Ward Block to accommodate a new 'community hub' incorporating a public library and pavilion, the provision of a 255sqm leased area in the northern end of the former Main Ward to be retained by the Council and leased for a future commercial use, a café and children's play area within the Community Hub area, construction of 3 new residential flat buildings with 9 affordable and 214 private dwellings comprising Building A1: 86 apartments within a new 10 storey building fronting Livingstone Road and the Community Hub to the south, Building A2: 82 apartments within a new 11 storey building fronting Livingstone Road and adjoining Building A1, Building B: 55 apartments within a new 9 storey building fronting Lilydale Street. The application also includes the construction of 2 separate basements for the Community Hub and residential component incorporating car parking spaces for the Community Hub over one basement level, car parking spaces and storage for the residential buildings over 3 levels, 2 car share pods for public use, loading and servicing facilities within each basement; associated landscaping works including the construction of a new public park at the corner of Livingstone Road and Marrickville Roads, children's playground, retention of Hospital Lane to create a north-south thoroughfare and communal and private open space within and around the proposed buildings relating to property situated at relating to property situated at:

313-319 MARRICKVILLE ROAD, MARRICKVILLE

In determining this application, the Council considered all matters listed under Section 4.15 of the Act that are relevant to the Development Application.

P.O. Box 14 Petersham 2049 | P (02) 9392 5000 | E council@innerwest.nsw.gov.au

Customer Service Centres | Petersham 2-14 Fisher Street | Leichhardt 7-15 Wetherill Street | Ashfield 260 Liverpool Road

The Development Application was determined on 18 August 2017 by the granting of **CONSENT** subject to the following conditions:

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

Architectural

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared By	Date Submitted
Detail Survey Ref No.: 078-12G T01 [8] Sheets 1 to 4 inclusive	Detail Survey Over Lot 2 D.P. 872693, Lot 36 & 37 D.P.3164, Lot 2 D.P. 103507	02/05/2016	Craig and Rhodes	19/09/2016
Sheet 01 of 23 to Sheet 23 of 23 Revision 6	Gross Floor Area	15/12/2017	Linker Surveying	22/12/2017
DA01 REV 5	Site Plan & Site Analysis	19/12/2017	Mirvac Design, TZG	22/12/2017
DA02 REV 5	Landscape Plan	19/12/2017	Site Image, Aspect Studios	22/12/2017
DA03 REV 7	Landscaped Open Space Analysis	24/01/2018	Mirvac Design, TZG, BVN	06/02/2018
DA-R07 REV 7	Basement 02	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R08 REV 7	Basement 01	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R09 REV 8	Level 00 Plan	06/03/2018	Mirvac Design, TZG	07/03/2018
DA-R10 REV 8	Level 01 Plan	06/03/2018	Mirvac Design, TZG	07/03/2018
DA-R11 REV 7	Level 02 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R12 REV 7	Level 03 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018

DA-R13 REV 7	Level 04 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R14 REV 7	Level 05 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R15 REV 7	Level 06 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R16 REV 7	Level 07 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R17 REV 7	Level 08 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R18 REV 7	Level 9 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R19 REV 7	Level 10 Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R20 REV 7	Roof Plan	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R21 REV 7	Sections 1	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R22 REV 8	Sections 2	06/03/2018	Mirvac Design, TZG	07/03/2018
DA-R23 REV 7	Sections 3	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R24 REV 7	Sections 4	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R25 REV 7	North & South Elevations	24/01/2018	Mirvac Design, TZG	06/02/2018
DA-R26 REV 7	East & West Elevations	24/01/2018	Mirvac Design, TZG	06/02/2018

DA-R27 REV 5	Detail Elevations and Finishes Schedule	19/12/2017	Mirvac Design, TZG	22/12/2017
DA-R29 REV 5	Boundary Sections	20/10/2017	Mirvac Design, TZG	23/10/2017
DA-R30 REV 3	Building B Context Section with Lilydale Street Neighbours	10/07/2017	Mirvac Design, TZG	
A1880 Revision 1	Building B Privacy Screens	7/4/2017	Mirvac Design, TZG	
A1974 Revision E	Building B Landscape Sections	20/10/2017	Mirvac Design, TZG	23/10/2017
SK0022 Revision A	Building A Internal Corners Screening	22/12/2016	Mirvac Design, TZG	
SK0027 Revision C	Public Domain Levels	20/10/2017	Mirvac Design, TZG	23/10/2017
00 Annexure 1u Revision A	Entry Lobby Plan		Aspect Studios	
Lighting Plan	Lighting Plan			
AR-DA-C07 ISSUE 3	Community Hub Basement	23/12/2016	BVN	13/01/17
AR-DA-C08 ISSUE 3	Community Hub L00 PLAN	23/12/2016	BVN	13/01/17
AR-DA-C09 ISSUE 3	Community Hub L01 PLAN	23/12/2016	BVN	13/01/17
AR-DA-C10 ISSUE 3	Community Hub L02	23/12/2016	BVN	13/01/17
AR-DA-C11 ISSUE 3	Community Hub Roof Plan	23/12/2016	BVN	13/01/17
AR-DA-C12 ISSUE 3	Community Hub Sections	23/12/2016	BVN	13/01/17
AR-DA-C13 ISSUE 3	Community Hub Elevations	23/12/2016	BVN	13/01/17

Landscape

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared By	Date Submitted
DA0000 REV G	Landscape Coversheet	06/07/2017	Site Image	
DA0001 REV F	Landscape Masterplan	21/04/2017	Site Image	
DA1011 REV H	Landscape Plan – Ground Floor	15/12/2017	Site Image	22/12/2017
DA1012 REV G	Landscape Plan – Ground Floor	06/07/2017	Site Image	
DA1013 REV G	Landscape Plan – Ground Floor	06/07/2017	Site Image	
DA1014 REV H	Landscape Plan – Ground Floor	10/01/2018	Site Image	17/01/2018
DA1091 REV F	Landscape Plan – Level 9	21/04/2017	Site Image	
DA1092 REV F	Landscape Plan – Rooftop	21/04/2017	Site Image	
DA0501 REV E	Landscape Details	06/07/2017	Site Image	
DA0601 REV D	Landscape Sections	18/08/2016	Site Image	
DA0901 REV B	Landscape Plan – Building B	09/01/2017	Site Image	
DA0902 REV B	Landscape Sections – Building B North and East Boundary	09/01/2017	Site Image	
DA00 Revision 08	Contents	19/08/2016	Aspect Studios	
DA01 Revision 08	Site Plan	19/08/2016	Aspect Studios	
DA02 Revision 08	Landscape Master Plan	19/08/2016	Aspect Studios	
DA03 Revision 08	Park & Library Lawn Plan	19/08/2016	Aspect Studios	
DA04 Revision 08	Park & Library Lawn Sections	19/08/2016	Aspect Studios	
DA05 Revision 08	Children's Garden	19/08/2016	Aspect Studios	
DA06 Revision 08	Park & Library Lawn Indicative Planting Strategy	19/08/2016	Aspect Studios	
DA07 Revision 08	Children's Garden Indicative Planting Strategy	19/08/2016	Aspect Studios	

	Community Hub – Planting Palette		Aspect Studios	10/01/2017
00 Annexure 1b	Arbour Perspective 2	16/12/2016	Aspect Studios	

Documents

Document Name / Title	Revision/Ref No.	Date Issued	Prepared by	Date Submitted
Public Art Locations – Marrickville Community Hub				13/01/2017
SEPP 65 Design Verification Statement		August 2016	Tim Greer (TZG) & Kim Bazeley (Mirvac Design)	
Thermal Comfort & BASIX Assessment Report	Issue C File ref: 9952	22/08/2016	Efficient Living	
BASIX Certificate	Certificate number: 720665M_02	14/12/2017	Efficient Living	22/12/2017
BASIX Certificate	Certificate number: A257097_03	19/12/2017	Efficient Living	22/12/2017
Waste Management Plan – Community Hub	Revision E	18/08/2016	Elephants Foot	
Waste Management Plan – Residential	Revision F	19/08/2016	Elephants Foot	

The following are information documents which have informed the above mentioned plans and details:

Document Name / Title	Revision/Ref No.	Date Issued	Prepared by	Date Submitted
Vertical Transportation Design Statement – Marrickville Community Hub Development		11/04/2017	ARUP	
Letter from AJ Whipps Consulting Group (Re: Community Hub		30/11/2016	AJ Whipps Consulting Group	

Roof Design)				
Letter from McKenzie Group (Re: Marrickville Residential Building – Fire Separation to Car Parking Compartment)		1/12/2016	McKenzie Group	
Marrickville Community Hub Development – Integrated Water Cycle Management Report - 313-319 Marrickville Road, Marrickville, NSW		August 2016	Taylor Thomson Whitting	
Geotechnical Certificate for Proposed Mixed Use Development	Ref No 26279Vlet	9/05/2016	JK Geotechnics	
Geotechnical Investigation for Proposed Mixed Use Development at Marrickville Hospital Site, Corner of Marrickville and Livingston Roads, and Lilydale Street, Marrickville, NSW	Ref: 26279VTrpt Marrickville Rev 1	12/06/2013	JK Geotechnics	
Marrickville Community Hub Development, Traffic and Parking Assessment	Issue 6	22/08/2016	Parking & Traffic Consultants	
Marrickville Community Hub Acoustic Survey and Criteria	Issue F	18/08/2016	ARUP	
Marrickville Hospital Site Redevelopment, Acoustic Assessment for Development Application	TH812-01F02 Acoustic Report for DA (r1).docx	01/03/2016	Renzo Tonin & Associates	
Building Code of Australia 2016 Final Draft	Revision R06 16-206403_Marrickvil	18/08/2016	Philip Chun Building Compliance	

Capability Statement for DA Submission Marrickville Community Hub and Library	le Library&Hub_FinalDraftBCACapStatReportR06_18082016.docx			
Building Code of Australia 2016 Final Draft Capability Statement for DA Submission Old Marrickville Hospital - Proposed Residential Development	Revision R04 16-206403_MarrickvilleHospitalResidentialDevelopment_FinalDraftCapStatReport_R04_19082016	19/08/2016	Philip Chun Building Compliance	
Access Review	FINAL v4	19/08/2016	Morris Goding Accessibility Consulting	
Letter Re: Marrickville Hospital Site Redevelopment, Sydney Fire Engineering approach in support of the Development Application submission	Ref: 249346-00	10/08/2016	ARUP	
Marrickville Community Hub Development Flood Risk Assessment	Ref: BGE-FS-RPT-C-820 REV / 1 DATE / 18/08/2016	18/08/2016	BG&E	
Natural Cross Ventilation Memo	Ref: WD634-01F01(rev3)- NV Memo	04/05/2017	Windtech	
Aster Services Response - Marrickville proposed garbage collection strategy		29/03/2017	Aster Services	

and details submitted on 19 September 2016, 13 January 2017, 11 April 2017, 10 July 2017 and 11 July 2017 with the application for development consent and as amended by the following conditions.

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

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

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

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

Reason: To ensure the development is carried out in accordance with this Determination.

3. In order to ensure the architectural and urban design excellence of the development is retained:
 - (a) The design architects are to have direct involvement in the design documentation, contract documentation and construction strategies of the project;
 - (b) The design architects are to have full access to the site and are to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - (c) Evidence of the design architect's commission is to be provided to the Council prior to the release of the relevant construction certificate.

The design architects of the project are not to be changed without prior notice and approval of the Council's Group Manager Development Assessment and Regulatory Services.

Reason: To ensure design excellence is maintained.

4. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes identified on Drawing AR-DA-C13 Issue 3 prepared by BVN (for the Community Hub) dated 23 December 2016 and Drawing DA-R27, Issue Rev 4, dated 7 April 2017, prepared by TZG and Mirvac Design. No changes may be made to these drawings except by way of an application under Section 96 of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure the final built development has an appearance that accords with the approved materials and finishes.

5. Site remediation works approved in accordance with DA201600430 are to be completed, and a validation report is to be submitted to Council, prepared in accordance with the requirements of the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites to Council's satisfaction prior to the issue of any Construction Certificate for above ground structures.

Reason: To ensure that the site is suitable for the intended use.

6. Where units or dwellings within Lilydale House are to be provided with separate individual hot water systems and must be located in the position shown, and in accordance with the particulars notated, on the drawing titled "Lilydale House Hot Water Unit Location" which includes a "Detail Plan" and a "Section A" drawing, submitted to Council on 17 January 2018. The hot water units to be installed are to be surface mounted rather than semi-recessed into the brickwork, to conserve significant brickwork, with the face of the units painted to reduce visual impacts.

The installation of the hot water systems to Lilydale House must be overseen by the qualified conservation architect engaged to advise on any heritage issues arising during construction as required by Condition 59 of this consent.

The location of the central hot water systems for Buildings A1, A2 and B shall be on the rooftop of those buildings or alternatively, located within the residential basement, in locations identified for plant on the approved drawings.

All hot water systems must not be visible from the surrounding streets and must be in accordance with the building heights shown on the approved drawings.

Reason: To ensure the aesthetics of the building and architecture are maintained.

7. Separate Development Consent or Complying Development Certificate must be obtained for the use of the commercial premises identified as the "Lease Area RM10" on the ground floor at the northern end of the Community Hub precinct (refer to Drawing AR-DA-C08, Community Hub L00 Plan, prepared by BVN, dated 23 December 2016) prior to the occupation of that part of the premises.

Reason: To advise the applicant of the necessity of obtaining Council approval for the use of the shops/commercial suites prior to their occupation.

8. The ongoing use of the café and the commercial premises identified as "Lease Area RM10" within the Community Hub is to comply with the following requirements at all times:

- (a) The hours of operation are restricted to between the hours of 7:00am to 7:00pm Monday to Sundays, and not at any time on public holidays;
- (b) All loading and unloading in connection with the use must be carried out wholly within the property from the dedicated loading space in the basement car park, during the approved hours of operation, and in such a manner so as to not cause an inconvenience to the public;
- (c) No storage of goods or equipment external to any building on the site is permitted; and
- (d) 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 ensure that the commercial uses are confined to the ground floor shop areas, to preserve the streetscape and character of the area, and to ensure that the operation of the premises does not interfere with the amenity of the locality.

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

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

10. A minimum of 45 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.

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

11. 125 bicycle parking spaces, including a mix of residential storage cages suitable to accommodate bicycles, as well as separate racks, must be provided for the residential component of the development. 23 additional visitor bicycle spaces are to be provided, both within the visitor accessible portion of the residential basement and at ground level. At least 15 of the 23 visitor spaces are to be located on ground level within the residential portion of the development site.

A secure commercial cage suitable to accommodate 8 bicycles must be provided for staff of the Community Hub and 20 racks, to accommodate up to 40 bicycles, are to be provided at ground level for visitors to the Community Hub.

Reason: To ensure practical on-site bicycle parking is available for the use of the Community Hub and the residential development.

12. 296 off-street car parking spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011- Parking. The parking must be allocated as follows:

- (a) A minimum of 60 spaces to be provided within the Community Hub basement car park (including six (6) accessible);
- (b) A minimum of 236 spaces to be provided within the residential basement carpark. With 209 to be allocated to the residential dwellings (including 45 accessible, being one (1) space per adaptable dwelling), 23 allocated as visitor spaces (including five (5) accessible) and four (4) allocated as service vehicle spaces.

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

Reason: To ensure practical off-street car parking is available for the use of the premises.

13. 12 off-street motorcycle spaces in the residential car park, and three (3) motorcycle spaces in the Community Hub car park must be provided, paved, linemarked, and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.

Reason: To ensure practical off-street car parking is available for the use of the premises.

14. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
Reason: To ensure adequate manoeuvrability to all car parking spaces and that the spaces are used exclusively for parking.
15. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.
16. The use of the premises, including any plant and equipment, must not give rise to:
- (a) Transmission of unacceptable vibration to any place of different occupancy;
 - (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The *Protection of the Environment Operations Act 1997* (NSW).
- Reason: To prevent loss of amenity to the area.
17. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to 'offensive noise' as defined by The *Protection of the Environment Operations Act 1997* (NSW).
Reason: To protect the amenity of the surrounding neighbourhood.
18. Deleted.
19. The proposed awning/roof structure over the Marrickville Road footpath shall be of cantilever type, and must be set back at least 600mm from the kerb line. The awning/roof shall include pedestrian Category P3 lighting in accordance with AS1158.3.1:2005.
Reason: To ensure the awning complies with Council requirements.
20. Owners and occupants of the proposed buildings shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition. In addition the by-laws of any future residential strata plans created for the property shall reflect this restriction.
Reason: To ensure the development does not reduce the amount of "on street" parking currently available.

21. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
Reason: To provide for adequate site drainage.
22. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
Reason: To provide for the existing and potential electrical power distribution for this development and for the area.
23. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the water may be stored separately on site and reused for the watering of landscaped areas.
Reason: To ensure that there are no dry-weather flows of any seepage water directed to the kerb.
24. The existing heritage post box on the Marrickville Road footpath shall be protected and maintained in place.
Reason: To ensure the existing heritage post box is maintained.
25. Should any relics as defined by the *Heritage Act 1977* be discovered during excavation, the requirements of the Act are to be complied with.
Reason: To ensure that the *Heritage Act 1977* is complied with.
26. The species of trees, planting stock size, and planting method shall be as detailed in the approved landscape plans (refer to Condition 1).
- (a) The planting stock shall comply with Australian Standard Tree stock for landscape use AS 2303—2015.
 - (b) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
 - (c) The replacement tree shall be maintained in a healthy and vigorous condition during a minimum establishment period of 12 months.
 - (d) If any tree dies or is removed during this period it shall be replaced with the same species tree in accordance with these conditions at the expense of the applicant.
- Reason: To compensate for the tree being removed to maintain a sustainable urban forest canopy.
27. Tree removal for trees approved to be removed shall be removed by a practicing arborist who has a minimum qualification of Certificate 3 in Arboriculture, in compliance with WorkCover NSW Code of Practice: Amenity Tree Industry 1998.

- Reason: To ensure trees are removed in a safe and environmentally responsible manner.
28. Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any advertisements or advertising structures. The café windows must not be painted with advertisements and no flashing lights are to be installed on the premises.
Reason: To confirm the terms of Council's approval.
29. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL, and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
Reason: To ensure that the development is adequately serviced.
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. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).
32. 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.
- 32a. Soft and hard landscaping shall be maintained.
Reason: To ensure adequate permanent landscaping for the site.
33. Compliance with the following General Terms of Approval of Water NSW is required and in the event that the construction of the development is staged with more than one (1) Construction Certificate, then the General Terms of Approval will apply to all stages:
- General:
- (a) An access licence is required for the take of groundwater by the below-ground structure proposed as part of the development application and it is to be obtained by the applicant and a copy of the certificate provided to Council and the relevant approval body within six (6) months of the commencement of excavation at the subject property.
 - (b) A copy of the written permission from the relevant controlling authority for the disposal of any pumped groundwater is to be obtained by the applicant and a copy of the certificate provided to Council and the relevant approval body before excavation commences at the subject property.
 - (c) Unless authorised by an access licence purchased by the applicant for the long-term take of groundwater from the appropriate water source(s) identified in the relevant water sharing plan, the substructure of the building must be made fully watertight across its entire subsurface extent for the anticipated occupational life of the development.

- (d) The access licence purchased by the applicant for the long-term take of groundwater from the appropriate water source(s) identified in the relevant water sharing plan must:
 - i. Identify sufficient entitlement to account for the maximum possible annual extraction volume to ensure compliance with water management legislation; and
 - ii. Be retained by the applicant and attached to the completed building to account for the ongoing take of groundwater for its occupational life.
- (e) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure where an access licence has not been obtained to ensure that natural groundwater flow is not impeded and:
 - i. Any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - ii. Any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - iii. Where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- (f) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- (g) Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when a significant change in activities occurs (intermediate report); and at the completion of construction (completion report). Reports need to be submitted in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation:

- (h) The following shall be included in the initial report:
 - i. Measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - ii. A map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - iii. Details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.

- iv. A schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.]
 - (i) The applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
 - (j) Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
 - (k) Groundwater quality testing generally in accordance with the above clause, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
 - (l) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
 - (m) A copy of a valid consent for the development shall be provided in the initial report.
 - (n) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be included in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
 - (o) Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- (p) Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
- (q) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- (r) Measurement and monitoring arrangements to the satisfaction of the approval body are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
- (s) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
- (t) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- (u) The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
- (v) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the approval body under appropriate safety procedures.

Following excavation:

- (w) Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:
 - i. Detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - ii. A water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - iii. A detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
 - iv. Details of the ongoing monitoring program to be implemented by the applicant, for the purposes of demonstrating compliance with the requirements of the authorisation and the NSW Aquifer Interference Policy.
- (x) The completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.

- (y) Monitoring (measurement and recording) of discharge volumes arising from ongoing dewatering groundwater take must be carried out on a monthly basis for the life of the building using a method compliant with the NSW Water Extraction Monitoring Policy (e.g. pumping diary, pump revolution meter, operating hour meter, electricity meter or flow meter). The design of the drainage system to isolate groundwater inflows from other sources of water is the responsibility of the applicant.
- (z) All monitoring records are to be maintained by the applicant for the life of the development to demonstrate the actual take of groundwater is consistent with the volumes anticipated during the design of the project. Where sump pumps have not been operated during the calendar month this must nevertheless be identified in the monitoring record (e.g. as a 'nil' entry).
- (aa) Reports (including all monitoring data and interpretations of the groundwater-related impacts of the ongoing take) shall be prepared by a suitably qualified and experienced hydrogeological consultant on behalf of the applicant when required by Council or the relevant approval body.

Reason: To comply with the requirements of Water NSW.

34. Section 7.11 Contributions

- (a) This condition is imposed in accordance with Section 7.11 of the *Environmental Planning and Assessment Act 1979*.
- (b) Before the issue of any Construction Certificate relating to any above ground structure the Council must be paid a monetary contribution of \$2,593,153.81 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 07 August 2017.

*NB Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan). The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC001984)

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

Recreation Facilities	\$2,252,353.87
Community Facilities	\$331,563.79
Traffic Facilities	-\$22,228.76
Plan Administration	\$51,234.10
- (d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.

- (e) The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*.

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

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.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

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

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

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

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

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

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

Reason: To secure the site and to maintain public safety

37. A detailed Construction Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works relating to any Construction Certificate issued. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc. In addition, the Construction Traffic Management Plan shall include the following measures/information:

- (a) No access must be permitted for construction vehicles into Lilydale Street without prior approval from Council;
- (b) Access to Hospital Lane shall be restricted to light vehicles only and the route shall be restricted to Stanley Street and Livingstone Road only;
- (c) Submission of detailed construction access plans (scale 1 to 100) for each proposed construction entry detailing all utilities (poles and service pits), trees and landscaping that will be affected by the proposed entries. The construction entries shall not to be installed until such time as a S138 approval has been issued for each entry; and
- (d) No lane closures directly at the intersection of Marrickville and Livingstone Road shall be undertaken during morning and afternoon peak periods without prior approval.

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

38. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works relating to any Construction Certificate issued.

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

39. No work must commence until:

- (a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall be notified within 2 days of the appointment; and
- (b) A minimum of 2 days written notice given to Council of the intention to commence work.

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

40. 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*.

41. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences. Facilities must be located so that they will not cause a nuisance.
Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.
42. 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 must 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.
43. Where any loading, unloading or construction is to occur from a public place, Council's Roads and Stormwater, Assets and Environment Group 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.
44. All services in the building 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.
45. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
Reason: To ensure the appropriate disposal and reuse of waste generated on the site.
46. 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 Roads and Stormwater, Assets and Environment Group.
Reason: To secure the area of the site works maintaining public safety.

47. 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.

48. 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.
 - (e) 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.

49. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining properties at 28 Lilydale Street and 172 Livingstone Road, Marrickville 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.

50. 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. If more than one Construction Certificate is issued, then a contact number for a designated person for each stage of the construction is to be provided and be available during demolition and construction for that stage.

Reason: To provide a person that residents can contact.

51. The community hub component of the development shall be known as 313-319 Marrickville Road, Marrickville. The residential component of the development shall comply with the Marrickville Apartment Numbering Schedule Rev 2 and associated plan emailed to Mirvac's Development Manager, Residential Development on 19 October 2016. If a new street number or a change to the street number is required, a separate application must be made to and approved by Council prior to that street number being displayed.
Reason: To ensure that the building is easily identifiable.
52. A project arborist with a minimum AQF level 5 qualification in arboriculture and who does not remove or prune trees in the Inner West local government area shall be engaged before work commences at any part of the site for the duration of site preparation, demolition, construction and landscaping.
Reason: The project arborist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained are not compromised.
53. The contact details of the project arborist shall be advised to Council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.
Reason: Council requires details of the project arborist to facilitate communication if required.
54. The tree protection measures detailed in the Council approved Arboricultural Impact Assessment April 2016 (prepared by Urban Forestry Australia) shall be established before work commences.
Reason: To ensure that the stability and ongoing viability of trees being retained are not compromised.
55. The project arborist shall inspect tree protection measures, including the location of tree protection fencing and signage, and certify in writing to the Principal Certifying Authority the measures comply with the council-approved tree protection plan before work commences.
Reason: The project arborist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained are not compromised.
56. Tree protection measures detailed in the council-approved tree protection plan and in Section 4 of Australian Standard Protection of Trees on Development Sites AS 4970—2009 shall be implemented and complied with for the duration of works including site preparation, demolition, construction and landscaping.
Reason: To ensure trees being retained are effectively protected and managed and their stability and ongoing viability are not compromised.

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 the Construction Certificate.

Prior to the Issue of any Construction Certificate

57. A statement of the method to be used for protecting the Old Nurses' Home and the Main Ward Block during excavation and construction is to be submitted to and approved by Council's Heritage Officer prior to the issue of a Construction Certificate, in order to ensure that significant fabric is not damaged. The work is to be executed in accordance with the approved method to the satisfaction of the Principal Certifying Authority before the issue of the relevant Occupation Certificate.
Reason: To ensure that the heritage items to be retained at the site are adequately protected during excavation and construction.
58. A suitably qualified conservation architect is to be engaged to advise the person acting on this consent on any heritage issues arising during construction. Evidence that this person has been appointed is to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The conservation architect's recommendations are to be implemented to the satisfaction of the Principal Certifying Authority prior to the issue of a relevant Occupation Certificate.
Reason: To ensure that the heritage items to be retained at the site are adequately protected during excavation and construction and that the works to be carried out relevant to the heritage items are carried out in accordance with the approved Conservation Management Plan.
59. An interpretation plan for the site is to be prepared by a suitably qualified heritage consultant. The plan is to set out recommendations for introduced material and presentation of the fabric which will help to convey the heritage [historical / aesthetic / etc.] significance of the item to users and visitors. The introduced material may comprise written and graphic historical displays, signage, public art, audio material, moving images, and interactive features. Presentation of the fabric may involve lighting, barriers and protective devices. The interpretation plan is to be submitted to and approved by Council's Heritage Officer prior to the issue of any Construction Certificate for above ground structures and implemented to the satisfaction of the Principal Certifying Authority prior to the issue of an Occupation Certificate for the Community Hub and an Occupation Certificate for the residential development involving the Old Nurses Home building.
Reason: To ensure that the heritage significance of the heritage item is appropriately conveyed to future users and visitors.
60. A photographic archival record of the subject property is to be prepared in accordance with "Photographic Recording of Heritage Items using Film or Digital Capture," (former) Heritage Office, 2006. The record is to be submitted to and approved by Council's Heritage Officer prior to the issue of a Construction Certificate.
Reason: To ensure that a photographic archival record of the subject property and its heritage significance is prepared and recorded for perpetuity.

61. The person acting on this consent shall pay Section 138 (*Roads Act*) inspection fees in the amount of \$824.00 (GST inclusive) to Council before the issue of a Construction Certificate to allow for inspections by Council of the footpath, vehicular crossing and/or other public domain works required as a result of this development.

Reason: To allow for inspections by Council.

62. Before the issue of each Construction Certificate the relevant owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

64. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:

- (a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, street lighting etc shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide;
- (b) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site; and
- (c) New kerb and gutter along the frontage of the site as required by Council. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Roads and Stormwater, Assets and Environment Group on 9335 2000.

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

Reason: To provide for essential improvement works to the public domain consistent with Council's desired future character for the area.

- 64A. Alignment levels for the site at all pedestrian and vehicular access locations and at a minimum distance of every 10m along each street frontage shall be submitted to and approved by Council before the issue of a Construction Certificate for above ground works. The alignment levels at the boundary shall generally be set by the existing top of kerb heights in Lilydale Street and Livingstone Road respectively plus a 2.5% grade to the boundary. The alignment levels at Marrickville Road shall be set by a new kerb (150mm high) plus a 2.5% grade to the boundary. A plan(s) shall be submitted detailing existing and proposed levels including cross sections detailing existing and proposed invert level, top of kerb levels and boundary levels. In addition the plans shall clearly detail the level at both sides of all pedestrian and vehicular access locations.

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 or existing road and footpath levels.

65. 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). Where construction is staged, the payment of the building and construction industry Long Service Leave Scheme is to reflect the stage of construction that the Construction Certificate relates to. Details of the cost of building and construction work is to be prepared by a qualified Quantity Surveyor and provided to the Certifying Authority for each Construction Certificate.

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

Note: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work. For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation. <http://www.lspc.nsw.gov.au>.

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

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

- Quick Check agents details - see Plumbing, building and developing then Quick Check agents and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Plumbing, building and developing then Plan submissions or telephone 13 20 92.
- The stamped plans must be submitted to the Certifying Authority's satisfaction before the issue of the relevant Construction Certificate.

Reason: To ensure compliance with Sydney Water requirements.

Prior to the Issue of any Construction Certificate for the Community Hub

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate, the following conditions must be satisfied prior to the issue of a Construction Certificate relating to the construction and building works for the Community Hub.

67. Payment of a Bond, in the sum of \$142,000.00 for the proper performance of the Public Domain works before the issue of any Construction Certificate for the Community Hub. 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 with no termination date 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 seven (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 Public Domain works are completed within a reasonable time.

68. In order to protect the site from flooding during a 1 in 100 year storm event the Flood Planning Levels recommended in the Flood Risk Assessment prepared by BG&E Pty Ltd shall be adopted to protect floor levels for the Community Hub development. Before the issue of a Construction Certificate for the Community Hub confirmation shall be provided by BG&E Pty Ltd that the flood protection measures have been incorporated into the design of the Community Hub.

Reason: To protect the site and occupants from rising flood waters during a major storm events.

69. Before the issue of a Construction Certificate for the Community Hub, an amended plan must be submitted to the Certifying Authority's satisfaction indicating compliance with the recommendations of the Access Review, prepared by Morris Goding Accessibility Consulting, dated 19 August 2016.

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

Prior to the Issue of a Construction Certificate for Excavation for the Community Hub

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of any Construction Certificate for the Community Hub, the following conditions must be satisfied prior to the issue of a Construction Certificate prior to excavation for the Community Hub

70. Detailed excavation plans fully reflecting the commitments listed in the Community Hub architectural plans prepared by BVN referred to in Condition 1 submitted with the application for development consent must be submitted to the PCA's satisfaction before the issue of a Construction Certificate for the excavation works for the Community Hub.

Reason: To ensure that excavation is carried out in accordance with the approved architectural plans.

Prior to the Issue of a Construction Certificate for the Construction of the Basement (including structure, services/finishes to ground level) for the Community Hub

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of any Construction Certificate for the Community Hub, the following conditions must be satisfied prior to the issue of a Construction Certificate prior to for the construction of the basement for the Community Hub.

71. Detailed construction plans and calculations of the proposed stormwater drainage, treatment and re-use system, generally in accordance with the Integrated Water Cycle Management Report and stormwater concept plans SKC100-P6 and SKC101-P5 by Taylor Thomson Whitting P/L must be submitted to and accepted by Council before the issue of a Construction Certificate for the Community Hub. The details and plans to be submitted must include:

- (a) deleted;
- (b) Details and procedures for the maintenance of the stormwater treatment system including maintenance schedules and recording procedures;
- (c) Details of the proposed water re-use system including a detailed schematic of connection of the rainwater tank to all toilets and external taps for irrigation; and
- (d) A detailed surface drainage design and construction plans including details of the 1 in 100 year overflow routes in case of failure\blockage of the drainage system.

Reason: To ensure the development does not increase the stormwater runoff from the site, the site use of potable water is minimised and that the quality of stormwater discharged off site is improved.

72. The recommendations in the acoustic report titled "Marrickville Community Hub, Acoustic Survey and Criteria" prepared by ARUP and dated 18 August 2016 must be incorporated into the Community Hub development and a further acoustic report, together with certification by a suitably qualified acoustical engineer, are to be provided to the Certifying Authority's satisfaction before the issue of a Construction Certificate for the Community Hub which lists the sound insulation measures to be included in the construction of the Community Hub and confirm that it will satisfy the acoustic criteria set out in the ARUP report.
- Reason: To reduce noise levels within the development from aircraft and road noise.

Prior to the Issue of a Construction Certificate for the Construction of above ground structure (i.e. slabs, columns, cores, risers, walls, wall linings, services, finishes, façade etc).

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of any Construction Certificate for the Community Hub, the following conditions must be satisfied prior to the issue of a Construction Certificate for the construction of above ground structure for the Community Hub.

73. Lighting details of the public open spaces, pedestrian areas, parking areas and all entrances to the Community Hub and the Residential buildings must be submitted to the Certifying Authority's satisfaction before the issue of a relevant Construction Certificate. The lighting details for the Community Hub should be generally in accordance with the Lighting Plan, prepared by Aspect Studios and submitted to Council on 13 January 2017.
- Reason: To ensure appropriate lighting is provided to create a safe living environment.
74. Details of an anti graffiti treatment to the elevations of the development must be submitted to and approved by Council before the issue of a relevant Construction Certificate.
- Reason: To ensure the proposed development remains free of graffiti.

Prior to the Issue of a Construction Certificate for the Fitout of the Community Hub

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of any Construction Certificate for the Community Hub, the following conditions must be satisfied prior to the issue of a Construction Certificate relating to the construction and building works for the fit out of the Community Hub.

75. Detailed internal fitout plans fully reflecting the commitments listed in the Community Hub architectural plans prepared by BVN and referred to in Condition 1 (i.e. AR-DA-C07, AR-DA-C08, AR-DA-C09, AR-DA-C10, AR-DA-C12, and AR-DA-C13 all prepared by BVN) submitted with the application for development consent must be submitted to the satisfaction of Council's Group Manager Development Assessment and Regulatory Services before the issue of a Construction Certificate for the internal fitout of all Community Hub buildings.

Reason: To ensure the fit out of the Community Hub buildings are consistent with the submitted plans and DCP requirements.

Prior to the Issue of a Construction Certificate for the Landscaping Works for the Community Hub

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of any Construction Certificate for the Community Hub, the following conditions must be satisfied prior to the issue of a Construction Certificate for the landscaping works of the Community Hub.

76. Detailed landscape construction plans fully reflecting the commitments listed in the Community Hub Landscape Plans prepared by Aspect Studios and referred to in Condition 1 (i.e. DA00, DA01, DA02, DA03, DA05, DA06, DA08 and the Community Hub Planting Palette all prepared by Aspect Studios) submitted with the application for development consent must be submitted to the Council's Landscape Officer's satisfaction before the issue of a Construction Certificate for the landscaping works for the Community Hub.

Reason: To ensure the Public Domain landscaping works are consistent with the submitted landscape plans and DCP requirements.

Prior to the Issue of any Construction Certificate for the Residential Buildings

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate, the following conditions must be satisfied prior to the issue of a Construction Certificate relating to the construction and building works for the residential buildings.

77. Payment of a Bond, in the sum of \$105,000.00 for the proper performance of the Public Domain works before the issue of a Construction Certificate for the Residential Development. 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 with no termination date 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 seven (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 Public Domain works are completed within a reasonable time.

78. In order to protect the site from flooding during a 1 in 100 year storm event the Flood Planning Levels recommended in the Flood Risk Assessment, Plan No. C-0210 (Rev B), colour mark –ups of Plans A1005 (Rev H) and A1004 (Rev L) prepared by BG&E Pty Ltd and as reflected in Plans DA-R09 and DA-R10 (Rev) shall be adopted to protect habitable floor levels and the underground carpark of the development. In addition the following additional information shall be submitted to and accepted by Council before the issue of a Construction Certificate for the Residential Development;
- (a) A structural engineer's certificate shall be submitted stating that the proposed building/walls has been designed to withstand the forces of flood water, debris and buoyancy up to the 1 in 100 year flood level; and
 - (b) The landscaped area/land between the northern boundary and the proposed buildings of the residential development shall be designed to act as an overland flow path. All fencing within this overland flow path shall be of open type so as to allow for the free flow of water throughout the site.

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

Reason: To protect the site and occupants from rising flood waters during a major storm events.

79. In order to reduce flooding at the adjacent low points in Livingstone Road and Hospital Lane, and to ensure that the risk of flooding to the site and 172 Livingstone Road is reduced the following drainage works shall be undertaken to Council's stormwater system adjacent to the site:
- (a) The installation of 2 additional kerb inlet pits (2.4m in length) either side the Council's existing pit in Livingstone Road adjacent to 172 Livingstone Road;
 - (b) The 2 existing grated pits in Hospital Lane shall be replaced by 2 kerb inlet pits;
 - (c) Stormwater pit details (including structural details), layout and dimensions including connection, bedding and benching details;
 - (d) Details of road restoration and road pavement adjustment works required as a result of the stormwater works;
 - (e) Details of all adjustments to public utilities required by these works.

Detailed construction plans shall be submitted for the approval of Council before the issue of a Construction Certificate for landscaping works. No road or drainage works shall commence until approved plans and specifications have been issued for construction by Council under Section 138 of the Roads Act.

Reason: To the reduce flooding at the adjacent low points in Livingstone Road and Hospital Lane and to ensure that the risk of flooding to the site and 172 Livingstone Road is reduced.

80. All footings adjacent to Council's stormwater pipe shall be taken to a depth 500mm below a line of influence measured at 45o from a point 1m from the invert of the stormwater pipe in the direction of the footing. Plans, and supportive documents, detailing the proposed foundations adjacent to Council's drainage system, shall be submitted to and accepted by Council before the issue of a Construction Certificate for the Residential Development;

Reason: To protect Council's drainage system.

81. Council's stormwater drainage line adjacent to the northern boundary of the site being inspected by Closed Circuit Television (CCTV) and a CD copy provided to Council before the issue of a Construction Certificate for the Residential Development to determine the condition of the pipe before commencement of works. The stormwater line shall be reinspected upon completion of the works and a copy provided to Council before the issue of an Occupation Certificate.

Reason: To ensure the pipeline is not damaged during construction.

82. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate for the Residential Development.

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

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

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

Note: The application for the Construction Certificate for the Residential Development 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).

84. Before the issue of a Construction Certificate for the Residential Development, an amended plan must be submitted to the Certifying Authority's satisfaction indicating compliance with:

- AS 1428.1- 2009 'Design for access and mobility' Part 1: General requirements for access – New Building Work
- *The Disability Discrimination Act* – Access to Premises Standard
- AS4299-1995: Adaptable Housing
- AS1735.12 -1999: Lifts, escalators and moving walks - Facilities for persons with disabilities-
- AS2890.6:2009: Parking Facilities Part 6: Off-street parking for people with disabilities

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

Prior to Excavation for the Residential Development

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of any Construction Certificate for the Residential Buildings, the following conditions must be satisfied prior to the issue of a Construction Certificate prior to excavation for the residential buildings.

85. Detailed excavation plans fully reflecting the commitments listed in the architectural plans for the residential buildings prepared by Mirvac Design and TZG referred to in Condition 1 submitted with the application for development consent must be submitted to the PCA's satisfaction before the issue of a Construction Certificate for the excavation works for the residential buildings.

Reason: To ensure that excavation is carried out in accordance with the approved architectural plans.

Prior to the Issue of a Construction Certificate for the Construction of the Basement (including structure, services/finishes to ground level) for the Residential Development

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of any Construction Certificate for the Residential Buildings, the following conditions must be satisfied prior to the issue of a Construction Certificate for the basement of the residential buildings.

86. Detailed construction plans and calculations of the proposed stormwater drainage, treatment and re-use system, generally in accordance with by DA-H-5030/3, DA-H-5102/4, DA-H-5103/4 and DA-H-5201/3 and the Integrated Water Cycle Management Report by AJ Whipps Consulting Group must be submitted to and accepted by Council before the issue of a Construction Certificate for the Residential Development. The details and plans to be submitted shall include:

- (a) Detailed calculations for sizing of the OSD system to be provided for assessment;
- (b) A detailed surface drainage design and construction plans including details of the 1 in 100 year overflow route in case of failure\blockage of the drainage system;
- (c) Details of the proposed water re-use system including a detailed schematic of connection of the rainwater tank to all toilets and external taps for irrigation;
- (d) Detailed construction plans and specification for the construction of the water treatment facilities; and
- (e) Details and procedures for the maintenance of the stormwater treatment system including maintenance schedules and recording procedures.

Reason: To ensure the development does not increase the stormwater runoff from the site, the site use of potable water is minimised and that the quality of stormwater discharged off site is improved.

Prior to the Issue of a Construction Certificate for the Construction of above ground structure (i.e. slabs, columns, cores, risers, walls, wall linings, services, finishes, façade etc) for the Residential Development

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the of any Construction Certificate for the Residential Buildings, the following conditions must be satisfied prior to the issue of a Construction Certificate for the above ground structures of the residential buildings.

87. All plumbing and ductwork including stormwater downpipes must be integrated into the architectural design of the approved buildings. Plans and elevations detailing the design must be submitted before the issue of a Construction Certificate for the above ground structure. The detailed plans and elevations are to be generally in accordance with the five (5) sheets of drawings titled "S96(1A) DA201600434.03 Downpipe Details SK0070 REV A" received by Council on 25 January 2018.
Reason: To ensure the aesthetics of the building and architecture are maintained
88. 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 relevant Construction Certificate.
Reason: To ensure adequate mail collection facilities are provided.
89. Adequate clothes drying 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 for the Residential development. Where such facilities are provided on street facing balconies, the areas/facilities must be appropriately screened from view from the street.
Reason: To ensure adequate clothes drying facilities are provided.
90. Reticulated gas infrastructure 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 for the Residential Development.
Reason: To provide the potential to reduce greenhouse emissions.

- 91 A hot water system with a minimum 3.5 energy star Greenhouse rating must be provided for each dwelling in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate for the Residential Development.
Reason: To ensure that the dwellings incorporate energy and water efficient measures.
- 92 Details of an anti graffiti treatment to the elevations of the development must be submitted to and approved by Council before the issue of a relevant Construction Certificate.
Reason: To ensure the proposed development remains free of graffiti.
- 93 All the recommendations and noise attenuation measures outlined in Section 5, "Recommendations" of the Acoustic Assessment prepared by Renzo Tonin and Associate, dated 1 March 2016 must be incorporated into the Residential Development. Details are to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate for the Residential Development together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard AS2107 & AS2021 and EPA Industrial Noise Policy.
Reason: To reduce noise levels within the development from aircraft and road noise.

Prior to the Issue of a Construction Certificate for the Landscaping Works for the Residential Development

In addition to the conditions of consent that must be satisfied prior to the issue of any Construction Certificate and prior to the issue of any Construction Certificate for the Residential Buildings, the following conditions must be satisfied prior to the issue of a Construction Certificate for the landscaping works for the residential buildings.

- 94 Detailed landscape construction plans fully reflecting the commitments listed in the residential Landscape Plans prepared by Site Image and referred to in Condition 1 (i.e. DA0000, DA0001, DA1011 DA1012 DA1013 DA1014 DA1091 DA1092 DA0501 DA0601 DA0901 DA0902 all prepared by Site Image) submitted with the application for development consent must be submitted to Council's satisfaction before the issue of a Construction Certificate for the landscaping works for the residential buildings.
Reason: To ensure the landscape works are consistent with the submitted landscape plans and DCP requirements.

SITE WORKS

- 95 All roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.
Reason: To provide for adequate site drainage.
- 96 The applicant shall, within fourteen (14) days of notification by Council execute any and all maintenance works required by Council in relation to the Public Domain Works. In the event that the applicant 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 applicant.
Reason: To ensure all Public Domain are maintained within a reasonable time limit during a 12 month maintenance period.
- 97 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 must 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.
- 98 The applicant must make all reasonable endeavours and put in place any reasonable measures to seek to ensure 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.
- 99 The area surrounding the building work for each stage of construction must be reinstated to Council's satisfaction upon completion of the work for that stage.
Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

- 100 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.

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

- (a) Compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- (b) All works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
- (c) All building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
- (d) Sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
- (e) The generation of dust and noise on the site must be controlled;
- (f) The site must be secured to prohibit unauthorised entry;
- (g) Suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- (h) All trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
- (i) All vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- (j) No waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- (k) The person acting on this consent must ensure that all contractors and subcontractors 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.

- 102 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 relevant to each Construction Certificate 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 the relevant 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 National Construction Code (Building Code of Australia).

- 103 If it is necessary to excavate below the level of the base of the footings of a building on the adjoining allotments, including a public place such as footways and roadways, the person acting on this consent must ensure:

- (a) At least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work; and
- (b) That any building is preserved and protected from damage.

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

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.

- 104 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.

- 105 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.
- 106 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 for the basements for the residential buildings and the basement for the Community Hub stages of the construction 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.
- 107 Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals must have a minimum 3 Star WELS rating.
Reason: To conserve water.
Note: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
- 108 New or replacement toilets must have a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient.
Reason: To conserve water.
Note: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
- 109 No activities, storage or disposal of materials must take place beneath the canopy of any tree protected under Part 2.20 of Marrickville Development Control Plan 2011 – Tree Management at any time.
Reason: To protect existing trees.
- 110 All builders' refuse, spoil and/or material unsuitable for use in landscape areas must be removed from the site on completion of the building works for each stage of the construction.
Reason: To protect the environment.
- 111 If tree roots are required to be severed for the purposes of constructing the approved works, they must be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate.
Reason: To protect existing trees.

BEFORE OCCUPATION OF THE BUILDING**Prior to the Issue of the relevant Occupation Certificate**

112 The project arborist shall certify in writing to the Principal Certifying Authority (PCA) before the issue of the relevant Occupation Certificate that the conditions of consent relating to tree removal, tree protection and tree planting have been complied with and that the protected trees have not been damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure from the conditions. The Principal Certifying Authority shall report breaches of the conditions to Inner West Council. Specifically, the project arborist shall certify in writing that all conditions of consent relating to tree removal, tree protection and tree planting within the Community Hub precinct have been complied with prior to the issue of an Occupation Certificate for the Community Hub, and the project arborist shall certify in writing that all conditions of consent relating to tree removal, tree protection and tree planting within the residential precinct have been complied with prior to the issue of an Occupation Certificate for the residential buildings.

Reason: To ensure that conditions that aim to ensure the sustainability of Inner West urban forest are complied with.

113 You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of the relevant Occupation Certificate. Specifically any public utility services required to be adjusted or augmented for the Community Hub shall be undertaken at no cost to Council prior to the issue of an Occupation Certificate for the Community Hub and any public utility services required to be adjusted or augmented for the residential buildings shall be undertaken at no cost to Council prior to the issue of an Occupation Certificate for the residential buildings.

Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.

114 All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the relevant Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

Reason: To ensure person acting on this consent completes all required work.

115 No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the relevant Occupation Certificate.

Reason: To ensure there is no encroachment onto Council's Road.

- 116 Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of an Occupation Certificate and at no cost to Council.
Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.
- 117 All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the relevant 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 Development Engineer) the replacement kerb shall also be in stone.
Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.
- 118 The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the relevant Occupation Certificate. Any sandstone kerbs and gutters that are approved for removal shall be removed carefully and stored on site. An inventory of the removed sandstone shall be provided to Council with any excess being delivered to Council's storage depot at St Peters. Any repairs or resetting of sandstone kerbs shall be undertaken using a reputable stonemason.
Reason: To ensure that items of local heritage value are preserved.
- 119 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 an Occupation Certificate.
Reason: To protect the occupants of the site during extreme flood events.
- 120 All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's Standard Plans, AUS-SPEC#2-"Roadworks Specifications" and Council's Stormwater and On Site Detention Code. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the above requirements before the issue of the relevant Occupation Certificate. In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works. Where the works include the installation of stormwater drainage pipes, a CCTV inspection of the completed new pipework shall be undertaken and a CD copy provided to Council.
Reason: To ensure that works are carried out to a satisfactory standard.

- 121 The existing overhead power cables adjacent to the site frontages must be relocated underground with appropriate street lighting and new steel poles being installed at no cost to Council and before the issue of the relevant Occupation Certificate. The street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid. Plans shall be submitted to and approved by Council before submission to Ausgrid for implementation.
Reason: To ensure appropriate lighting is provided to create a safe environment and to protect the amenity of the surrounding neighbourhood from the emission of light.
- 122 All instruments under Section 88B of the Conveyancing Act used to create positive covenant easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of the Inner West Council.
Reason: To ensure Council's interests are protected.
- 123 The applicant shall provide security, in a manner satisfactory to Council, for the proper maintenance of the Public Domain works in an amount of \$25,000.00 for a period of twelve (12) months from the date of completion of the Public Domain works as surety for the proper maintenance of these works.
Reason: To provide security for the maintenance of Public Domain works for a 12 month maintenance period.
- 124 The existing unsatisfactory road pavement in Lilydale Street (full road width) shall be repaired before the issue of the final Occupation Certificate using a 40mm Mill and Fill treatment for the full frontage of the site in Lilydale Street. All failed section of the road pavement shall be boxed out and replaced with deep lift asphalt before the Mill and Fill treatment.
Reason: To provide suitable means of public road vehicle access to the development, to make the road safe for all users post the undertaking of works within the road reserve resulting from the development, and to ensure that the amenity of the area is in keeping with the standard of the development.
- 125 Before the issue of any Occupation Certificate the applicant shall submit an application to Council's Traffic Committee to extend the existing "No Parking" restriction on Livingstone Road to improve sight lines at the driveway as recommended in the Road Traffic and Parking Assessment Report. Any approved changes by the Traffic Committee shall be implemented before the issue of the Occupation Certificate.
Reason: To provide for improved site lines at the driveway.
- 126 Before the issue of any Occupation Certificate all stormwater works approved by previous DA201600430 and by plans C11 (Rev D), C12 (Rev D) and C13 (Rev E) submitted by TTW P/L shall be completed to Council's satisfaction.
Reason: To ensure provide for satisfactory stormwater drainage to the site.
- 127 Before the issue of any Occupation Certificate the subdivision of the land as approved by DA201600533 must be registered at the Land and Property Information Office. Evidence of registration shall be submitted to Council.
Reason: To ensure the approved subdivision has been undertaken.

128 A 3m x 3m splay corner shall be created at the intersection of Marrickville Road and Livingstone Road and dedicated to the public for road widening purposes before the issue of any Occupation Certificate.

Reason: To improve the amenity of pedestrians at the intersection and to provide for suitable sight-distance for vehicles and pedestrians.

129 You must obtain a relevant Occupation Certificate from your PCA before you occupy or use a 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.

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

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
- (b) Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.

Reason: To ensure compliance with Sydney Water requirements.

131 The landscaping of the site must be carried out prior to the relevant occupation or use of the premises in accordance with the approved details and must be maintained at all times to Council's satisfaction. Specifically, all landscaping works per the approved Landscape Plans for the Community Hub precinct must be complied with prior to the issue of an Occupation Certificate for the Community Hub, and all landscaping works per the approved Landscape Plans within the residential precinct must be complied with prior to the issue of an Occupation Certificate for the residential buildings.

Reason: To ensure adequate landscaping is provided and maintained.

- 132 Prior to issue of any Occupation Certificate the existing substation/substation vents on Livingstone Road shall be removed from the Livingstone Road footpath.

Reason: To ensure the existing substation/substation vents on Livingstone Road have been removed.

Prior to the Issue of an Occupation Certificate for the Community Hub

- 133 Prior to the issue of an Occupation Certificate, council shall be notified in writing that all new trees for the Community Hub and associated Public Domain landscaping works (including all public parks, children's playground and the footpath areas in front of all sides of the Community Hub) have been planted in accordance with these conditions and an inspection of the new trees shall be facilitated at any future date thereafter if council wishes to inspect the new trees.

Reason: To ensure that new trees are properly planted and that they comply with the conditions of consent.

- 134 Before the issue of the Occupation Certificate for the Community Hub written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans and the Integrated Water Cycle Management Report by Taylor Thomson Whitting P/L shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.

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

- 135 With the regard to the Stormwater Treatment Facilities for the Community Hub a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate for the Community Hub. The Positive Covenant shall include the following:

- (a) The proprietor of the property shall be responsible for maintaining the stormwater treatment facility as outlined in the approved plans and the Integrated Water Cycle Management Report by Taylor Thomson Whitting P/L;
- (b) The Proprietor shall have the stormwater quality treatment facilities inspected annually by a competent person and must provide the WSUD maintenance plan approved under this Consent to competent person to record the annual inspections.
- (c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all elements of the stormwater quality treatment facilities to ensure that the water quality targets provided in the design of the system are achieved; and recover the costs of any such works from the proprietor.

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

136 With the regard to the On Site Detention System (OSD) for the Community Hub 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 for the Community Hub.

Reason: To ensure that the integrity of the OSD system is maintained and to comply with Inner West Council Stormwater and On Site Detention Code.

137 Prior to issue of an Occupation Certificate the person acting on this consent shall obtain from Council a Compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

Reason: To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

138 Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies must be clearly displayed in a readily visible location (building numbers having a height of not less than 75mm).

Reason: To ensure that the building is easily identifiable.

139 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 Community Hub component of the approved development:

- 10 x 240 litre (or equivalent 660 litre) bins for general waste streams; and
- 3 x 240 litre (or equivalent 660 litre) for recycling waste streams.

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

Prior to the Issue of an Occupation Certificate for the Residential Buildings

140 Prior to the issue of an occupation certificate, council shall be notified in writing that all new trees for the landscaping works associated with the Residential Development have been planted in accordance with these conditions and an inspection of the new trees shall be facilitated at any future date thereafter if council wishes to inspect the new trees.

Reason: To ensure that new trees are properly planted and that they comply with the conditions of consent.

141 Before the issue of the Occupation Certificate for the Residential Development, written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans and the Integrated Water Cycle Management Report by AJ Whipps Consulting Group shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.

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

142 With the regard to the Stormwater Treatment Facilities for the Residential Development a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate for the Residential Development. The Positive Covenant shall include the following:

- (a) The proprietor of the property shall be responsible for maintaining the stormwater treatment facility as outlined in the approved plans and the Integrated Water Cycle Management Report by AJ Whipps Consulting Group;
- (b) The Proprietor shall have the stormwater quality treatment facilities inspected annually by a competent person and must provide the WSUD maintenance plan approved under this Consent to competent person to record the annual inspections.
- (c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all elements of the stormwater quality treatment facilities to ensure that the water quality targets provided in the design of the system are achieved; and recover the costs of any such works from the proprietor.

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

143 With the regard to the On Site Detention System (OSD) for the Residential Development and overland flow paths through the site, "restrictions as to user" and Positive Covenants in accordance with supplement 7 of Inner West (formerly 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 for the Residential Development.

Reason: To ensure that the integrity of the OSD system is maintained and to comply with Inner West Council Stormwater and On Site Detention Code.

144 The use and operation of the 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 space must be accommodated in the titling and management of the Residential 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 space;
- (b) The car share vehicle shall be a small car as defined by AS2890.1:2004;
- (c) Public access at all times to the car share vehicle; and
- (d) Insurances, including public liability.

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

145 Prior to issue of an Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property relating to the Residential Development 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 and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

146 Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies must be clearly displayed in a readily visible location (building numbers having a height of not less than 75mm).

Reason: To ensure that the building is easily identifiable

147 A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of an Occupation Certificate for the Residential Development.

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

148 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) for the Residential Development.

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.

149 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.

150 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:

- 27 x 660 litre bins for general waste streams;
- 51 x 660 litre for recycling waste streams; and
- 1 x 240 litre for green waste.

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

151 Before the issue of an Occupation Certificate for the Residential Development, the applicant is to provide written evidence to the satisfaction of Council's Group Manager Development Assessment and Regulatory Services that the nine (9) affordable housing apartments have been dedicated to the Inner West Council.

Reason: To provide affordable housing apartments as outlined in the Development Application.

ADVISORY NOTES

- 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.

Reason: To ensure the civil works are constructed to Council's specifications.

- *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 National Construction Code (Building Code of Australia) has not been carried out.
- The *approved* plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.

- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- Any natural light or ventilation gained by windows within 900mm of the boundary will not be taken into consideration in the event that the adjoining property owner makes application to Council to carry out building works on their property. The window has been consented to on the basis that alternative sources of light and ventilation are available to the room.
- 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.
- 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

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 Environmental Solutions
1300 651 116
www.wasteservice.nsw.gov.au

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

WorkCover Authority of NSW
13 10 50
www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

- All conditions imposed by the Sydney Central Planning Panel must be observed. Breach of a condition is a breach of the Act and may also constitute an offence.

This consent is effective and operates from 18 August 2017. The consent will lapse unless the proposed development is commenced in accordance with Section 4.53 of the Act.

Under Section 8.7 of the Act you may, within six (6) months of receipt of this notice, appeal to the Land and Environment Court if you are dissatisfied with the Council's determination.

All conditions imposed by the Council must be observed. Breach of a condition is a breach of the Act and may also constitute an offence.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Jamie Erken', with a long horizontal flourish extending to the right.

Jamie Erken
Manager Development Assessment

Ref: **D1A** TRIM Doc. 47205.18