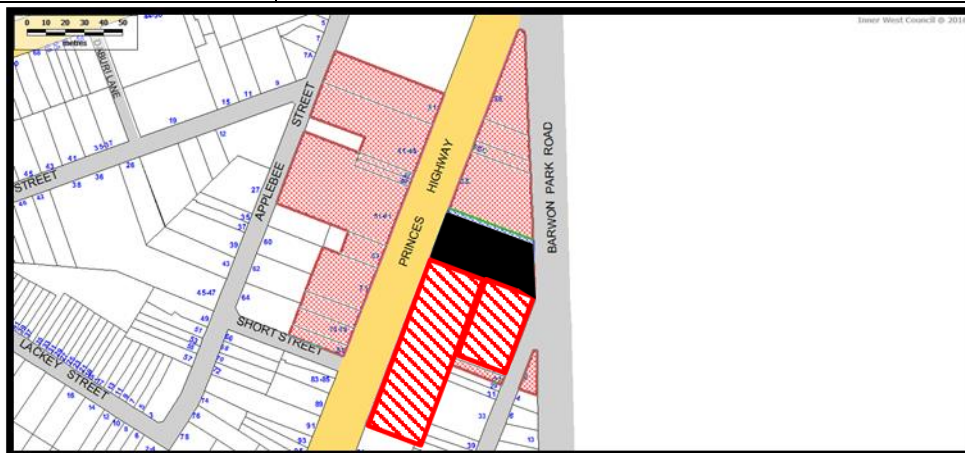






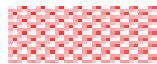

INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA 201700488.03
Address	44 – 46 Princes Highway, St Peters
Proposal	To modify Modified Determination No. 201700488.03, to reduce the extent of Level 4 on Building B - deleting the requirement for condition 1a, relocate the communal space from Level 3 of Building B to the ground floor of Building A and add an apartment to Level 3 of Building B
Date of Lodgement	10 May 2019
Applicant	Antoniades Architects
Owner	Angus Property & Development Pty Ltd
Number of Submissions	Five (5)
Value of works	\$12,248,239.00
Reason for determination at Planning Panel	Application is a 4.55(2) modification and involves modification to development to which SEPP 65 applies.
Main Issues	Nil.
Recommendation	Approved with conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Current conditions of consent



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application under Section 4.55(2) of the Environmental Planning and Assessment Act, 1979 to modify the development consent 201700488 by amending the approved plans to comply with the design change requirements of condition 1a, delete condition 1a from the consent, relocate the communal space from level 3 of Building B to the ground floor of Building A and create a new two bedroom apartment within the space previously utilised as communal space on Level 3 of Building B.

In particular the current modification application involves amendment and deletion of the following conditions:

- Condition 1 – Amended
- Condition 1a – Deleted
- Condition 43 – Amended

The application was notified in accordance with Council's notification policy and five (5) submissions were received. The matters raised within these submissions are addressed below within this report.

The application is referred to the Inner West Local Planning Panel for determination because the development is subject to State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65).

It is considered the proposal is satisfactory having regard to the nine design quality principles of SEPP 65 and the objectives, design criteria and design guidelines of the Apartment Design Guide (ADG).

The potential impacts to the surrounding environment have been considered as part of the assessment process and the proposal is considered acceptable.

Subject to the imposition of recommended conditions of consent, the application is recommended for approval.

2. Proposal

An application pursuant to Section 4.55 (2) of the *Environmental Planning and Assessment Act 1979* seeks approval for the following amendments to DA No. 201700488.02:

- Delete a unit from proposed Level 4 on Building B, in order to comply with the requirements for condition 1a
- Delete condition 1a from the consent
- Relocate the communal space from Level 3 of Building B to the ground floor of Building A
- Create a new two bedroom apartment within the space previously utilised as communal space on Level 3 of Building B

3. Site Description

The site is known as 44-46 Princes Highway and 3 Barwon Park Road and is located on the western side of Princes Highway, between Barwon Park Road and Campbell Road, St Peters. The site contains the lots legally described as Lot 1 in Deposited Plan 181290 and Lot 1 in Deposited Plan 1111834. The combined site has a frontage of 23.51 metres to Princes Highway, a rear frontage of 25.36 metres to Barwon Park Road and has a combined area of approximately 1,187sqm.

The property at No. 44-46 contains a 2 storey warehouse building fronting Princes Highway which has suffered extensive fire damage. Vehicular access to this property is provided by a vehicular crossing to the Princes Highway and a rear access handle to Barwon Park Road. The property at No. 3 Barwon Park Road contains a 4 storey warehouse building which is substantially intact and vehicular access to this site is provided from Barwon Park Road. The area is generally characterised by mixed use commercial/residential development to the north and south of the site, warehouse buildings to the west of the site opposite Princes Highway which are approved for redevelopment and to the east of the site is Sydney Park.

The site is adjoined by No. 38-42 Princes Highway to the north which is currently a site under construction for a mixed use commercial/residential development. The site is adjoined by No. 62-80 Princes Highway which contains a 4 storey mixed use building and No. 19-23 Crown Street which contains a 4 storey residential flat building.

4. Background

4(a) Site history

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

Subject Site

On 10 June 2014 Council received an application to demolish the existing building fronting Princes Highway and demolish part of the building fronting Barwon Park Road to construct a 4 part 7 storey mixed use development containing 2 commercial tenancies and 47 dwellings with car parking and strata subdivide the premises. After a number of significant concerns were raised by Council this application was subsequently refused.

On 6 October 2016 Council received an application to demolish existing structures and construct 2 new mixed use buildings containing 3 commercial tenancies and 47 dwellings with two levels of parking, lot consolidation and strata subdivision. After a number of significant concerns were raised by Council and this application was subsequently refused.

On 12 May 2017 a Pre-DA was submitted seeking advice on a proposal to adaptively reuse the existing warehouse building at No. 3 Barwon Park Road, demolish the remainder of the buildings on the site and construct a 6 storey mixed use building containing 3 ground floor commercial tenancies, 41 dwellings and 27 car spaces. Council provided Pre-DA advice that raised three main concerns, namely the permissibility of the proposal, the extent of the height non-compliance and the existence of a sixth storey.

On 9 October 2017 the original development application (DA201700488) was submitted to Council, the application was granted conditional approval by the Inner West Local Planning Panel on the 18 April 2018.

On 29 June 2018 a s4.55(2) modification application was submitted to Council (DA201700488.01), this application sought consent to delete design change condition 1a from the consent. The application was sent to the Inner West Local Planning Panel for determination on 21 November 2018. The proposed modification was refused by the Inner West Local Planning Panel.

On 7 September 2018 a s4.55 (1a) modification application was submitted to Council (DA201700488.02), this application sought consent to amended the wording to condition 1a of the consent to enable ground works to commence upon the site. The application was approved on the 27 December 2018.

On 10 May 2019 a 4.55 (2) modification application was submitted to Council (DA201700488.03), which is the current modification application.

Surrounding properties

Not applicable

4(b) Application history

Not applicable

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979.

Section 4.55(2) of the *Environmental Planning & Assessment Act 1979* states that “a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:”

S4.55(2)	Provision	Performance	Compliance
(a)	it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The proposed modification seeks approval for the removal of a design change condition, the relocation of communal space and creation of one new 2 bedroom unit. The modification does not alter the nature of the previous approval and ensures that the development remains substantially the same.	Yes
(b)	it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	The concurrence of any other public authority is not required.	N/A
(c)	it has notified the application in accordance with: (i). the regulations, if the regulations	The proposal has been notified as required between 16 May 2019 and 4	Yes

	so require, or (ii). development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	June 2019.	
(d)	it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	Five (5) submissions have been received, matters raised within the submissions have been considered and responded to below.	Yes

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- Marrickville Local Environmental Plan 2011; and
- Marrickville Development Control Plan 2011.

The following provides further discussion of the relevant issues:

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

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

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

The development is acceptable having regard to the nine design quality principles.

Apartment Design Guide

The Apartment Design Guide (ADG) contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP certain requirements contained within MDCP 2011 do not apply. In this regard the objectives, design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The following provides further discussion of the relevant issues:

Communal and Open Space

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

- Communal open space has a minimum area equal to 25% of the site.
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

Comment:

The development now provides a total communal area of 263m² or 22%. A review of the original development application highlights that the site was previously approved with a total communal area of 275m² or 23%. The current modification application therefore results in roughly a 12m² reduction to communal open space.

The proposed communal open space is considered to still be of a sufficient size to promote active use by the residents of the development in addition to that provided by the private open space of each unit. The proposed new communal layout results in the creation of a larger contiguous communal space, than that which was originally approved, and assists to create a more functional space. The current modification application also retains design elements previously outlined as appropriate reasoning to support the proposed variation. This includes:

- Each apartment being provided with private open space generally compliant with the numerical requirements
- Direct, equitable access is provided to the communal space area from common circulation areas, entries and lobbies
- Communal space is consolidated into a well-designed and easily identifiable and usable area.

Solar access provision to the proposed communal open space is not altered by this current modification application and is still in accordance with the prescribed control.

Visual Privacy/Building Separation

The ADG prescribes the following minimum required separation distances from buildings within the same site:

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	12 metres
Habitable Rooms to Non-Habitable Rooms	9 metres
Non-Habitable Rooms to Non-Habitable Rooms	6 metres

Comment:

The proposed new unit located at level 3, within the location of the previously approved communal space is separated approximately 18m from the opposite internal balcony associated with a separate unit. The application is compliant with the separation controls.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

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

Comment:

Under the amended proposal 70% of units achieve cross ventilation and no cross through apartments exceed 10m in accordance with the above controls.

Ceiling Heights

The current modification does not alter the previous compliance with this requirement.

Apartment Size

All apartments comply with the ADG minimum size.

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
 - 3.6 metres for studio and 1 bedroom apartments.
 - 4 metres for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Comment:

The modified development provides apartments that comply with the above requirements.

Private Open Space and Balconies

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

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	4m ²	-
1 Bedroom apartments	8m ²	2 metres
2 Bedroom apartments	10m ²	2 metres
3+ Bedroom apartments	12m ²	2.4 metres

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

The ADG also prescribes for apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3 metres.

Comment: All apartments are provided with primary balconies that comply with the minimum area and minimum depth as per above.

5(a)(i) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements. Appropriate conditions are included in the current consent.

5(a)(ii) Marrickville Local Environment Plan 2011 (MLEP 2011)

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 6.5 - Development in areas subject to aircraft noise

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 17m 20m	19.6m 21.15m	No change from the original approval	No – Variation has already been assessed and approved.
Floor Space Ratio Maximum permissible: 2.7:1	2.7:1	Proposed modification does not alter approved FSR	Yes – as approved

5(c) Development Control Plans

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

MDCP 2011 Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.5 – Equity of Access and Mobility	Not changed by current modification
Part 2.6 – Acoustic and Visual Privacy	Yes

Part 2.10 – Parking	Not changed by current modification
Part 5 – Commercial and Mixed Use Development	Yes
Part 9 – Strategic Context	Not changed by current modification

The following provides discussion of the relevant issues:

Acoustic and Visual Privacy

The proposed modification maintains adequate levels of acoustic and visual privacy for surrounding residential properties and ensures adequate level of acoustic and visual privacy for future occupants of the development.

Construction of the newly created 2 bedroom unit (unit 3.03) will not result in significant privacy impacts for neighbouring residents or future tenants. The unit is compliant with the ADG requirements for internal separation and the unit layout is generally the same as approved on other levels. The proposed unit 3.03 does incorporate a new balcony on the western elevation, however this relates to bedroom 1 (a low trafficable area) and measures only 1m², this balcony also incorporates privacy louvers to obscure sightlines. The relationship of this opening to a bedroom and the small nature of the balcony, results in this space unable to become a highly trafficable area/ entertaining space and maintains reasonable amenity for residents of the neighbouring site.

The applicant has amended the windows to neighbouring unit 3.02 so that they incorporate privacy hoods, with fixed angled louvers and a minimum sill height of 1.6m, ensuring no passive surveillance into the proposed unit 3.03.

The proposed unit (3.03) does not create new privacy impacts and is also protected from any privacy impacts, the amendment is recommended for support.

The amended design also incorporates new windows for unit 4.02, these windows have been treated with privacy window hoods with fixed angled louvers. Analysis of the neighbouring site indicates that these new windows highlights may look onto rooftop secondary private open spaces for the units next door at the Parkside apartments. The proposed new windows for unit 4.02 (which may obtain sightlines) relate directly to the bedroom and bathroom of the amended unit. These spaces are not the primary living areas of the unit and are not highly utilised spaces. The amended unit 4.02 has been designed to face Barwon Park Road, and does not incorporate any potential entertaining spaces within close proximity to the neighbouring Park Side apartments development. The proposed privacy treatments of the new windows of unit 4.02 and relationship to a bedroom and bathroom ensures that the amendments will have negligible privacy impacts for neighbouring sites. As such the proposed modifications are recommended for support.

Parking

Analysis of the approved plans highlights that the development results in a shortfall of 18 parking spaces when compared to the DCP requirements. The current application seeks consent to amend the plans to comply with the design change conditions (removing a 1 bedroom unit) and creating a new two bedroom unit on a level 3. The MDCP 2011 outlines that 1 bedroom units attract a parking provision of 0.5 spaces per unit, while 2 bedroom units attract 1 space per unit. The proposed modification therefore results in the development required to provide an additional 0.5 parking spaces. The ‘parent’ development has already been assessed and approved with the variation of 18 spaces. It is considered that the proposed additional 0.5 space requirement does not alter the merits of the approved 18

space variation and the additional 0.5 space variation is negligible in the context of the site's proximity to St Peters train station and bus services. The proposed modification is therefore recommended for approval.

Removal of Condition 1a

The amended design submitted under this modification application is in direct response to the requirements of the design change condition 1a, which outlines that:

- 1a. *Prior to lodging any Construction Certificate application for any works other than demolition and early works, including remediation, basement construction and ground floor slab amended plans are to be submitted to and approved by Council's Development Assessment Manager indicating the following design changes:*
- (i) *The southern (side) boundary setback of the upper level of Building B being increased with the deletion of the living room and dining room of unit 4.01 and the deletion of the bedroom of unit 4.02.*
 - (ii) *The remainder of dwellings 4.01 and 4.02 being amalgamated to form one dwelling (i.e. the upper level of Building B will contain a total of 2 dwellings).*
 - (iii) *The newly created setback area is to be maintained as a non-trafficable roof or a passive green roof. Any new windows shall have a minimum sill height of 1.6m metres above floor level.*

Plans submitted under the current modification application detail compliance with the above requirements. Unit 4.01 and 4.02 have been amalgamated to form a single one bedroom unit, resulting in the upper level of Building B containing only two dwellings as per the condition.

Maintaining condition 1a is now considered redundant, as the intention of this condition has been fulfilled through the submission of the amended plans under the current modification application. Condition 1a is recommended for deletion from the consent.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with Marrickville Development Control Plan 2011 for a period of 14 days to surrounding properties. A total of five (5) submissions were received.

The submissions raised the following concerns which are discussed under the respective headings below:

Issue: Council did not upload documentation in a timely manner. Documents were not uploaded simultaneously with lodgement

Comment: The proposal was notified in accordance with the DCP. The plans were made available on the website at the time of notification, not lodgement, as per Council's policy.

Issue: What is the point of lodging an application after the building has been demolished?

Comment: The current application is a modification application, to change the approved floor plans and conditions of consent. Consent for demolition was granted under the original approval. The applicant is acting in accordance with relevant planning legislation.

Issue: If citizens agreed between us that no one can ever post a planning application after the fact and were required to reverse the change in a DA that was not pre-approved out of their own funds there'd be far fewer rogue DAs happening.

Comment: The current application is a modification application, to change the approved floor plans and conditions of consent. Consent for demolition was granted under the original approval. The applicant is acting in accordance with relevant planning legislation.

Issue: This part of St Peters is fast becoming like Mascot. More apartments than the infrastructure can handle...There are 7 or 8 developments underway within 200 metres of this site... badly designed, ugly, cheap quality yet expensively priced apartments ... Particularly when the public transport in the area is getting worse by the day... More empty shops at the bottom...

Comment: The current application is a modification application, to change the approved floor plans and conditions of consent. Approval for overall design and configuration of the development has already been granted.

Issue: Developer has consistently made applications to change conditions and the residents are tired and frustrated by this process.

Comment: The applicant is acting in accordance with relevant planning legislation. Under the Environmental Planning and Assessment Act 1979, the applicant is entitled to lodge modification applications. The Act does not outline a limitation on the number of modification applications and as such each application must be assessed on its merits and notified in accordance with the relevant legislative requirements.

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

The nature of the requested changes did not trigger a requirement for internal or external comments to be sought.

7. Section 7.11 Contributions

The proposed modification results in a change to the previously approved unit mix and requires additional section 7.11 contributions to be levied. Council has calculated a new contribution rate based upon the new unit mix and subsequent creation of an additional two bedroom unit. This new contribution amount is outlined under condition 43 of the consent which has been updated to reflect the new unit mix and CPI indexation.

8. Conclusion

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

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

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55 of the *Environmental Planning and Assessment Act 1979*, modify Development Application No. 201700488.03 for the construction of mixed use development at 44-46 Princes Highway subject to the amended conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

- A. **THAT** the application under Section 4.55 of the Environmental Planning and Assessment Act 1979 to modify Determination No.201700488.02 dated 27 December 2018 be **APPROVED** and a modified Determination be issued with conditions 1, 1a and 43 being modified in the following manner:

Condition 1

1. The development being carried out substantially in accordance with plans and details listed below:

Plan No. and Revision No.	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
DA2.01 3	Demolition – Basement	6 October 2017	Antoniades Architects	24 March 2018
DA2.02 2	Demolition – Ground Floor	6 October 2017	Antoniades Architects	24 March 2018
DA2.03 2	Demolition – Level 01	6 October 2017	Antoniades Architects	24 March 2018
DA2.04 2	Demolition – Level 02	6 October 2017	Antoniades Architects	24 March 2018
DA2.05 2	Demolition – Level 03	6 October 2017	Antoniades Architects	24 March 2018
DA 3.01 14	Basement	7 February 2018	Antoniades Architects	24 March 2018
DA 3.01B 4	Lower Ground Floor	7 February 2018	Antoniades Architects	24 March 2018
DA 3.01C 2	Basement/Lower Ground Floor	5 February 2018	Antoniades Architects	24 March 2018
DA 3.02 15	Ground Floor	7 February 2018	Antoniades Architects	24 March 2018
DA 3.03 7	Level 01	6 October 2017	Antoniades Architects	24 March 2018
DA 3.04 7	Level 02	6 October 2017	Antoniades Architects	24 March 2018
DA 3.05 7	Level 03	6 October 2017	Antoniades Architects	24 March 2018
DA 3.06 7	Level 04	6 October	Antoniades	24 March

Plan No. and Revision No.	Plan/ Type	Certificate	Date Issued	Prepared by	Date Submitted
			2017	Architects	2018
DA 3.07 7	Level 05		6 October 2017	Antoniades Architects	24 March 2018
DA 3.08 5	Roof		6 October 2017	Antoniades Architects	24 March 2018
DA 4.01 4	Section A		6 October 2017	Antoniades Architects	24 March 2018
DA 4.02 3	Section B		6 October 2017	Antoniades Architects	24 March 2018
DA 4.03 1	Detail Section		2 February 2018	Antoniades Architects	24 March 2018
DA 5.01 6	Elevations – W & E		2 February 2018	Antoniades Architects	24 March 2018
DA 5.02 5	Elevations – Internal A & B		2 February 2018	Antoniades Architects	24 March 2018

and details submitted to the Council on 9 October 2017 and 24 March 2018 with the application for development consent and as amended by the plans and details listed below:

Plan No. and Issue	Plan/Cert Type	Date Issued	Prepared by	Date Submitted
DA 3.02 22	Ground Floor	10 July 2019	Antoniades Architects	12 July 2019
DA 3.05 13	Level 03	19 March 2019	Antoniades Architects	10 May 2019
DA 3.06 13	Level 04	19 March 2019	Antoniades Architects	10 May 2019
DA 3.07 12	Level 05	19 March 2019	Antoniades Architects	10 May 2019
DA 4.01 87	Section A	19 March 2019	Antoniades Architects	10 May 2019
DA 5.01 10	Elevations – W & E	19 March 2019	Antoniades Architects	10 May 2019
DA 5.02 9	Elevations – Internal A & B	19 March 2019	Antoniades Architects	10 May 2019

and details submitted to the Council on 10 May 2019 and 12 July 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 as submitted by the applicant.

1a. Deleted

43. a) This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

b) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of \$712,312.18 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 15 July 2019.

***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. DC002655)

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

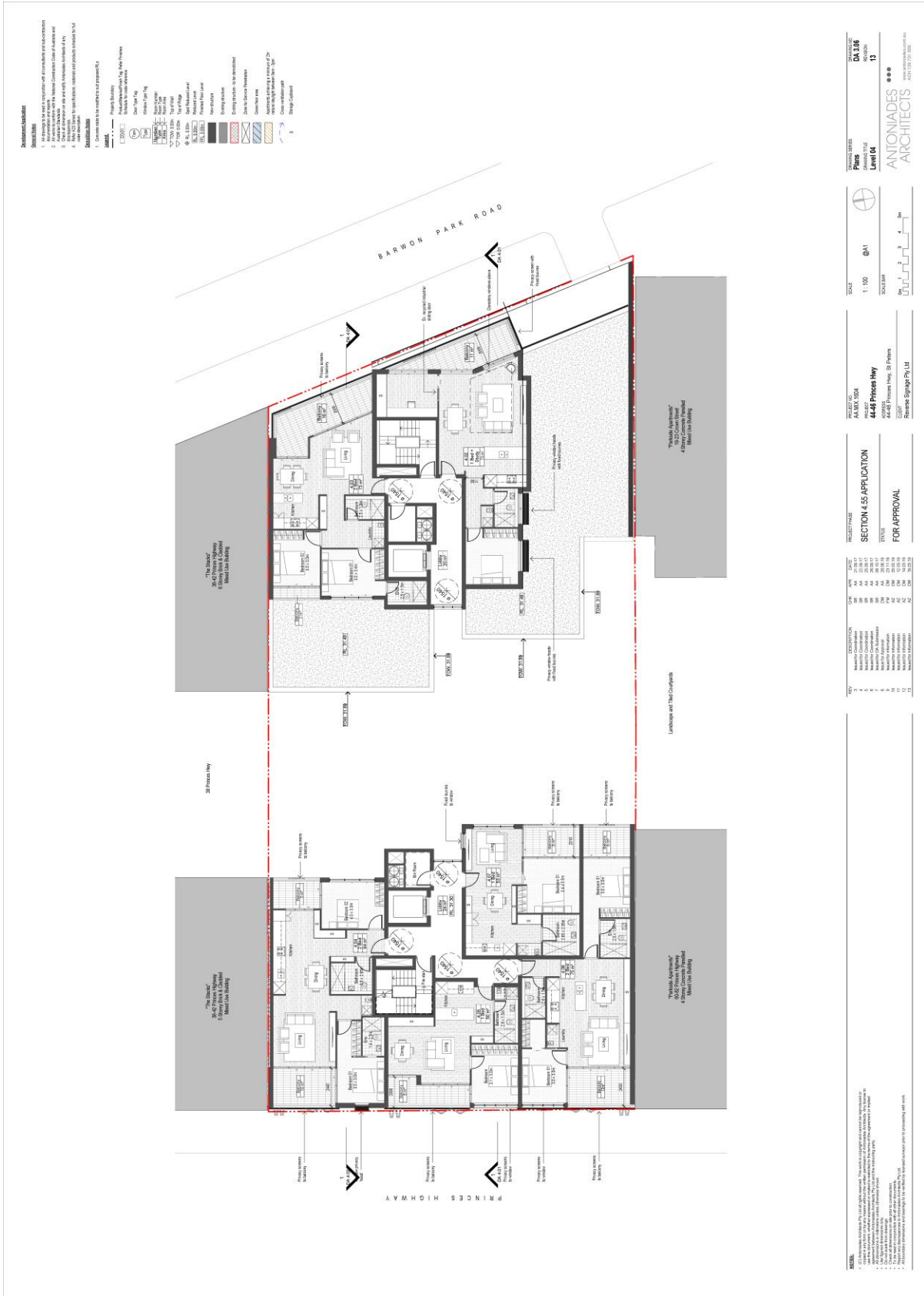
Community Facilities	\$75,010.62
Plan Administration	\$13,966.92
Recreation Facilities	\$607,918.31
Traffic Facilities	\$15,416.34

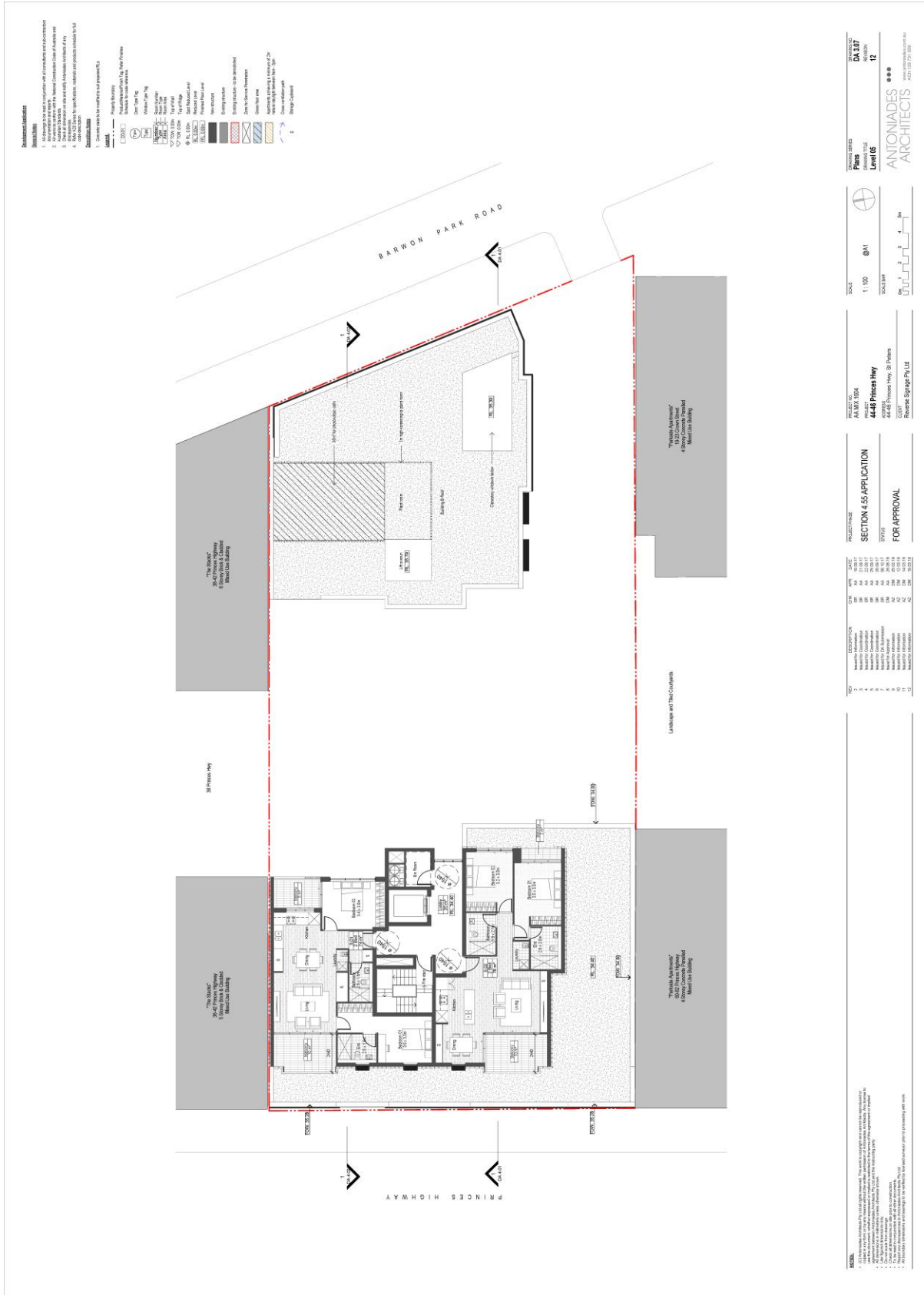
d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.

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

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

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.







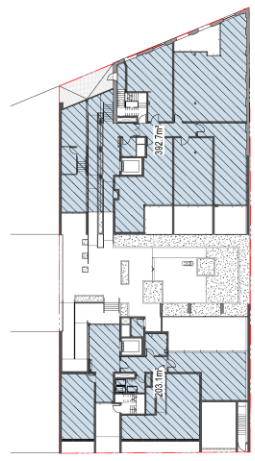


Document Information

1. Approved by the Council on 14/05/2014
2. Approved by the Council on 14/05/2014
3. Approved by the Council on 14/05/2014
4. Approved by the Council on 14/05/2014
5. Approved by the Council on 14/05/2014
6. Approved by the Council on 14/05/2014
7. Approved by the Council on 14/05/2014
8. Approved by the Council on 14/05/2014
9. Approved by the Council on 14/05/2014
10. Approved by the Council on 14/05/2014
11. Approved by the Council on 14/05/2014
12. Approved by the Council on 14/05/2014

GFA Schedule

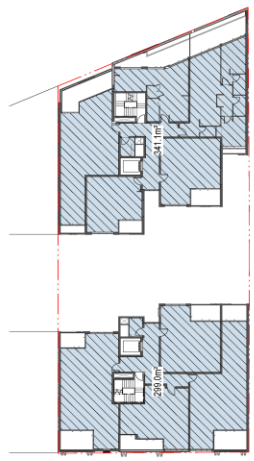
Code	Area (m ²)	Rate	Value	Code	Area (m ²)	Rate	Value
1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
2.00	200.00	2.00	400.00	2.00	200.00	2.00	400.00
3.00	300.00	3.00	900.00	3.00	300.00	3.00	900.00
4.00	400.00	4.00	1600.00	4.00	400.00	4.00	1600.00
5.00	500.00	5.00	2500.00	5.00	500.00	5.00	2500.00
6.00	600.00	6.00	3600.00	6.00	600.00	6.00	3600.00
7.00	700.00	7.00	4900.00	7.00	700.00	7.00	4900.00
8.00	800.00	8.00	6400.00	8.00	800.00	8.00	6400.00
9.00	900.00	9.00	8100.00	9.00	900.00	9.00	8100.00
10.00	1000.00	10.00	10000.00	10.00	1000.00	10.00	10000.00



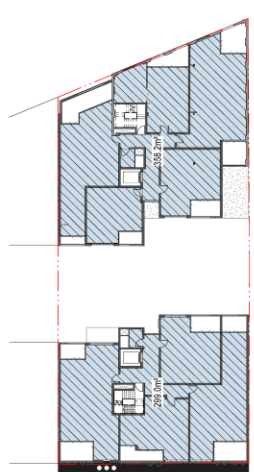
1 Plan Level 01 GFA



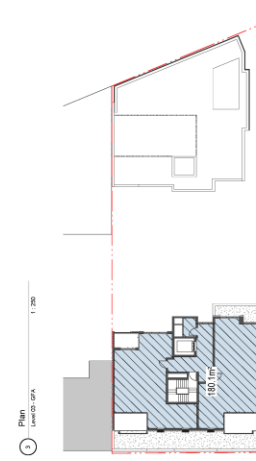
2 Plan Level 02 GFA



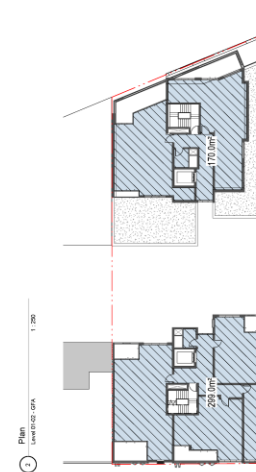
3 Plan Level 03 GFA



4 Plan Level 04 GFA



5 Plan Level 05 GFA



6 Plan Level 06 GFA

- Legend**
- 1. Existing Structure
 - 2. Proposed Structure
 - 3. Proposed Structure to be demolished
 - 4. Proposed Structure to be retained
 - 5. Proposed Structure to be demolished and replaced
 - 6. Proposed Structure to be demolished and replaced with a different structure
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Project Information

Project Name: **44-46 Prince Hwy**

Project Address: **44-46 Prince Hwy, St Peters**

Project Stage: **Advanced @A1**

Scale: **1:200**

Client: **Revere Signature Pty Ltd**

Architect: **ANTONIADIS ARCHITECTS**

Antoniadis Architects
PO Box 12791 8080

SECTION 4.55 APPLICATION FOR APPROVAL

Project Name: **44-46 Prince Hwy**

Project Address: **44-46 Prince Hwy, St Peters**

Project Stage: **Advanced @A1**

Scale: **1:200**

Client: **Revere Signature Pty Ltd**

Architect: **ANTONIADIS ARCHITECTS**

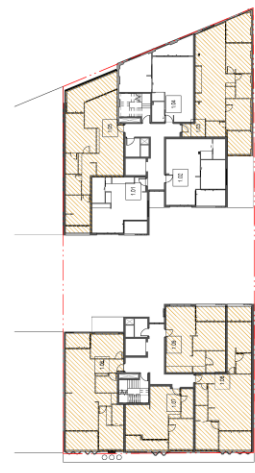
Antoniadis Architects
PO Box 12791 8080

- NOTES:**
1. All dimensions are in millimeters unless otherwise stated.
 2. All dimensions are to the centerline of the structure unless otherwise stated.
 3. All dimensions are to the finished floor level unless otherwise stated.
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Document Information

- REVISIONS**
1. Approved by the project team for presentation to the LPP Panel
 2. Approved by the project team for presentation to the LPP Panel
 3. Approved by the project team for presentation to the LPP Panel
 4. Approved by the project team for presentation to the LPP Panel
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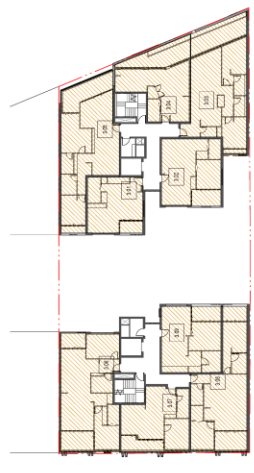
- LEGEND**
- 1. Proposed building footprint
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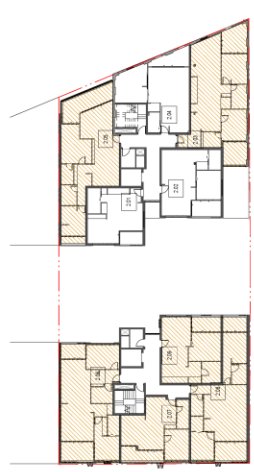
Plan DA-Level 01 - Site Analysis 1:200



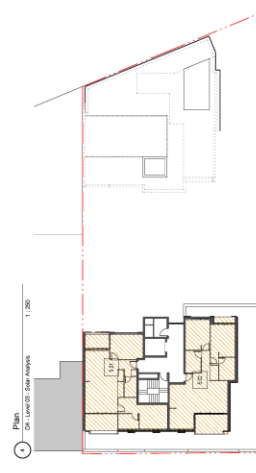
Plan DA-Level 02 - Site Analysis 1:200



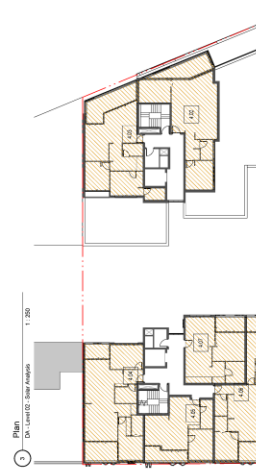
Plan DA-Level 03 - Site Analysis 1:200



Plan DA-Level 04 - Site Analysis 1:200



Plan DA-Level 05 - Site Analysis 1:200



Plan DA-Level 06 - Site Analysis 1:200

LEVEL	AREA (sqm)	PERCENTAGE
01	150	15.0%
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99	150	15.0%
100	150	15.0%

PROJECT INFO

PROJECT NO: DA 217
 DESIGNER: ANTONIADIS ARCHITECTS
 44-46 Prince Hwy, St Peters, NSW 2157
 REVISIONS: 6

SCALE

NTS @ A1
 SCALE BAR

FOR APPROVAL

SECTION 4.55 APPLICATION
 SECTION 4.55 APPLICATION
 SECTION 4.55 APPLICATION

NOTES

1. All dimensions are in millimeters unless otherwise stated.
2. All dimensions are to the centerline of the wall unless otherwise stated.
3. All dimensions are to the finished floor level unless otherwise stated.
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 04/06/2014 - 12:46PM - 13/06/14



3D
 04/06/2014 - 12:46PM - 13/06/14

Project Name
 Sun's Eye - June 21 - 5:11pm
 DRAWN FILE
 6
DATE
 04/06/14
REVISION
 6
ANTONIADES ARCHITECTS
 www.antoniadearchitects.com.au
 02 9550 7313

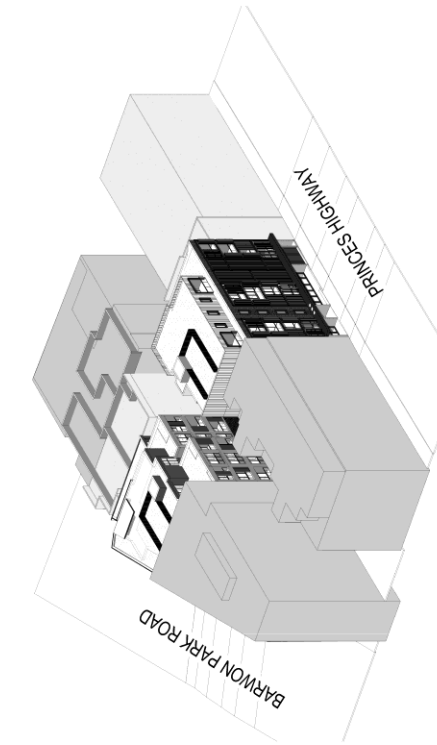
SCALE
 NTS @A1
 SCALE BAR

PROJECT TO
 44-46 Princes Hwy
PROJECT
 44-46 Princes Hwy, 2B Papers
CLIENT
 Phoenix Springs Pty Ltd

PROJECT PHASE
 SECTION 4.55 APPLICATION
FOR APPROVAL

REV	REVISION DESCRIPTION	DATE	BY	CHK
1	Issue for consultation	04/06/14	AK	AK
2	Issue for consultation	04/06/14	AK	AK
3	Issue for consultation	04/06/14	AK	AK
4	Issue for consultation	04/06/14	AK	AK
5	Issue for consultation	04/06/14	AK	AK
6	Issue for consultation	04/06/14	AK	AK

NOTES:
 1. All drawings shall be prepared in accordance with the Australian Standards AS 1100 and AS 1161.
 2. All drawings shall be prepared in accordance with the Australian Standards AS 1100 and AS 1161.
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 5. All drawings shall be prepared in accordance with the Australian Standards AS 1100 and AS 1161.
 6. All drawings shall be prepared in accordance with the Australian Standards AS 1100 and AS 1161.



NOTES:

1. All dimensions are to face unless otherwise stated.
2. All materials are to be as specified in the schedule of materials.
3. All finishes are to be as specified in the schedule of finishes.
4. All construction is to be in accordance with the relevant Australian Standards.
5. All construction is to be in accordance with the relevant Australian Standards.
6. All construction is to be in accordance with the relevant Australian Standards.

PROJECT NAME: SECTION 4.55 APPLICATION FOR APPROVAL

PROJECT NO: 44-46 Princes Hwy, 22 Papers

SCALE: 1:50

DATE: 21 June 2018

DESIGNER: ANTONIADES ARCHITECTS

SCALE: 1:50

DATE: 21 June 2018

DESIGNER: ANTONIADES ARCHITECTS

Attachment C – Current conditions of consent

GENERAL

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

Plan No. and Revision No.	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
DA2.01 3	Demolition – Basement	6 October 2017	Antoniades Architects	24 March 2018
DA2.02 2	Demolition – Ground Floor	6 October 2017	Antoniades Architects	24 March 2018
DA2.03 2	Demolition – Level 01	6 October 2017	Antoniades Architects	24 March 2018
DA2.04 2	Demolition – Level 02	6 October 2017	Antoniades Architects	24 March 2018
DA2.05 2	Demolition – Level 03	6 October 2017	Antoniades Architects	24 March 2018
DA 3.01 14	Basement	7 February 2018	Antoniades Architects	24 March 2018
DA 3.01B 4	Lower Ground Floor	7 February 2018	Antoniades Architects	24 March 2018
DA 3.01C 2	Basement/Lower Ground Floor	5 February 2018	Antoniades Architects	24 March 2018
DA 3.02 15	Ground Floor	7 February 2018	Antoniades Architects	24 March 2018
DA 3.03 7	Level 01	6 October 2017	Antoniades Architects	24 March 2018
DA 3.04 7	Level 02	6 October 2017	Antoniades Architects	24 March 2018
DA 3.05 7	Level 03	6 October 2017	Antoniades Architects	24 March 2018
DA 3.06 7	Level 04	6 October 2017	Antoniades Architects	24 March 2018
DA 3.07 7	Level 05	6 October 2017	Antoniades Architects	24 March 2018
DA 3.08 5	Roof	6 October 2017	Antoniades Architects	24 March 2018
DA 4.01 4	Section A	6 October 2017	Antoniades Architects	24 March 2018
DA 4.02 3	Section B	6 October 2017	Antoniades Architects	24 March 2018
DA 4.03 1	Detail Section	2	Antoniades	24 March

Plan No. and Revision No.	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
		February 2018	Architects	2018
DA 5.01 6	Elevations – W & E	2 February 2018	Antoniades Architects	24 March 2018
DA 5.02 5	Elevations – Internal A & B	2 February 2018	Antoniades Architects	24 March 2018
DA 5.03 1	Detail Elevation	2 February 2018	Antoniades Architects	24 March 2018
DA 5.04 1	Façade Detail Elevation	31 January 2018	Antoniades Architects	24 March 2018
DA 5.05 1	North Elevation	23 March 2018	Antoniades Architects	24 March 2018
DA 5.06 1	South Elevation	23 March 2018	Antoniades Architects	24 March 2018
DA 5.07 1	Detail Window Elevation	23 March 2018	Antoniades Architects	24 March 2018
DA 7.01 3	Sample Board	31 January 2018	Antoniades Architects	24 March 2018
LDA-00 A	Landscape Cover Sheet	13 September 2017	Geoscapes	9 October 2017
LDA-01 A	Ground Floor Landscape Plan & Section AA	13 September 2017	Geoscapes	9 October 2017
LDA-02 A	Section BB & Elevation 1	13 September 2017	Geoscapes	9 October 2017
LDA-03 A	Level 3 Landscape Plan	13 September 2017	Geoscapes	9 October 2017
LDA-04 A	Plant Schedule & Palette	13 September 2017	Geoscapes	9 October 2017
865906M	BASIX Certificate	5 October 2017	Planning & Environment	9 October 2017
29862SMrev1	Geotechnical Assessment	26 September 2017	JK Geotechnics	9 October 2017
17171	Detailed Site Investigation	18 December	ZOIC	23 June 2017

Plan No. and Revision No.	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
		2017		
E26720Khrpt rev2	Preliminary Site Investigation	22 September 2017	EIS	9 October 2017
-	Heritage Impact Statement	September 2017	John Oultram Heritage & Design	9 October 2017
20171354.1/0927A/R1/TT	Acoustic Report	27 September 2017	Acoustic Logic	9 October 2017

And details submitted to Council 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.

- 1a. Prior to lodging a Construction Certificate application for any works other than demolition and early works, including remediation, basement construction and ground floor slab, amended plans are to be submitted to and approved by Council's Development Assessment Manager indicating the following design changes:
- (i) The southern (side) boundary setback of the upper level of Building B being increased with the deletion of the living room and dining room of unit 4.01 and the deletion of the bedroom of unit 4.02.
 - (ii) The remainder of dwellings 4.01 and 4.02 being amalgamated to form one dwelling (i.e. the upper level of Building B will contain a total of 2 dwellings).
 - (iii) The newly created setback area is to be maintained as a non-trafficable roof or a passive green roof. Any new windows shall have a minimum sill height of 1.6m metres above floor level."

The following is a condition imposed by Ausgrid:

a) **Method of Electricity Connection**

The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.

b) **Supply of Electricity**

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

c) **Conduit Installation**

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

d) **Proximity to Existing Network Assets**

Overhead Powerlines

There are existing overhead electricity network assets in the Princes Hwy.

Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Underground Cables

There are existing underground electricity network assets in the Princes Hwy and Barwon Park Rd including transmission cables in Barwon Park Rd.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Substation

There are existing electricity substation assets at 23 Crown St.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment.

The development must comply with both the Reference Levels and the precautionary requirements of the

Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 kHz (ARPANSA, 2006).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

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

The existing industrial warehouse building facing Barwon Park Road is to be retained and restored in accordance with the approved plans. The structural support for the new additions to the building to be retained is to be constructed in accordance with the structural engineering drawings to be prepared by and site instructions from M+G Consulting Engineers to ensure that the industrial warehouse is retained. If damages to any fabric to be retained of the warehouse occur during construction, works shall stop immediately and Council shall be contacted to inspect the site.

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

Antoniades Architects shall be engaged to prepare the drawings for any Construction Certificate.

Reason: To confirm the terms of Council's approval

The development is approved to a maximum height of 38.7 metres above Australian Height Datum (AHD). Should the height be exceeded a new application must be submitted in accordance with the Civil Aviation (Building Control) Regulations 1988.

Reason: To ensure compliance with the approval granted under the Civil Aviation (Building Control) Regulations 1988.

3. Should the height of any temporary structure and/or equipment be greater than 15.24 AEGH metres, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Reason: To ensure compliance with the approval granted under the Civil Aviation (Building Control) Regulations 1988.

Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations; Sydney Airport Corporation Limited advises that approval to operate construction equipment (i.e. Cranes) should be obtained prior to any commitment to construct.

Reason: To ensure compliance with the approval granted under the Civil Aviation (Building Control) Regulations 1988.

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

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

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.

The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes documentation as referenced in Condition 1 of this Determination. No changes may be made to these drawings except by way of an application under section 4.55 of the *Environmental Planning and Assessment Act 1979*. The simplification or diminution of the quality of the architectural resolution, architectural expression and external finishes is not permitted.

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

Where units or dwellings are provided with separate individual hot water systems, these must be located within the internal area of the unit/dwelling and not on any balcony or terrace.

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

A minimum of 8 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.

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

A total of 24 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) 19 spaces being allocated to the residential dwellings;
- b) 4 accessible car parking spaces being allocated to adaptable dwellings;
- c) 1 accessible car parking space allocated to a retail/commercial tenancy;

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.

A minimum of 3 motorcycle parking spaces must be provided and maintained for each of the approved Buildings. The design of require motorcycle parking spaces must be in accordance with the relevant provision of Part 2.10 of Marrickville Development Control Plan 2011 – Parking and be for the exclusive use of residents.

Reason: To confirm the number of motorcycle parking spaces and the terms of Council's approval.

31 off-street bicycle parking spaces must be provided, paved, line marked 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.

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 maneuverability to all car parking spaces and that the spaces are used exclusively for parking.

The resident car parking spaces for the non-adaptable dwellings must be allocated based on unit type in accordance with the rates specified in Table 1: On site car parking requirements for Parking Area 2 under Part 2.10 of Marrickville Development Control Plan 2011 – Parking.

Reason: To ensure the equitable distribution of the required car parking spaces.

A total of 26 storage cages must be maintained in accordance with the plans approved under Part B Condition 1. The distribution of storage cages must ensure that all units are provided with a storage cage consistent with the unit size in accordance with the provisions of the Residential Flat Design Code.

Reason: To ensure the allocation of suitable storage to each unit.

The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.

Reason: To prevent loss of amenity to the area.

The ongoing use of the ground floor commercial tenancies complying with the following requirements at all times:

- a) The shop window display areas must be maintained at all times with no roller shutters being installed across the shop fronts;
- b) The hours of operation are restricted to between the hours of 7.00am to 5:00pm daily.
- d) All loading and unloading in connection with the use must be carried out wholly within the property, during the approved hours of operation and in such a manner so as to not cause an inconvenience to the public;
- e) No storage of goods or equipment external to any building on the site is permitted; and
- f) 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 use is 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.

Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any advertisements or advertising structures. The shop 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.

The following is a waste condition:

- a) The owners of the property appointing a designated person(s) responsible for moving waste bins from their usual storage space in the basement to the place to the collection point for the storage of domestic bins being in accordance with details to be submitted to Council's satisfaction;
- b) Tenants (commercial and residential) shall be advised to anticipate heightened noise levels during garbage collection;
- c) Council is to be provided with key access or similar to the ground floor fronting Barwon Park Road to facilitate on-site garbage collection from the temporary waste holding area.
- d) Should the waste conditions not be met, Council reserves the right to reconsider servicing the site for garbage collection, in accordance with Council's Fees and Charges.
- e) No compaction of waste is permitted within the development in accordance Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management.
- f) The person acting on this consent shall advise any purchaser or prospective tenant of this condition.
- g) To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 9pm and 8am

Reason: To ensure the appropriate collection and disposal of waste generated on the site and to ensure that the use does not interfere with the amenity of the surrounding neighbourhood and does not affect the commercial operation of the building.

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.

The proposed awning shall be of cantilever type and be set back at least 600mm from the kerb line. The proposed awning shall be designed so as to be easily removed if required in future (concrete awnings will not be permitted). The awning shall include pedestrian lighting (Category P3 - AS1158) and shall be maintained by the property owner(s). The owner shall maintain, modify or remove the structure at any time if given notification by Council or RMS to do so. All works shall be at no cost to Council or the RMS.

Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this

condition. In addition the by-laws of any future residential strata plans created for the property shall reflect this restriction.

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.

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.

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 basement or any below ground structure shall be design to be "tanked" preventing the ingress of seepage or groundwater.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

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

An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be prepared for the premises. The Survey is to incorporate appropriate Asbestos removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] and conditions of this consent.

A copy of any WorkCover approval documents is to be included as part of the documentation.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to any works on site commencing or the issue of the Construction Certificate (whichever occurs first).

Reason: To ensure the site is suitable for the proposed use.

No work must commence until:

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

commence work.

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

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.

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

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

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

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.

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

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.

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

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

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

Reason: To prevent soil erosion and sedimentation of the stormwater network. 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 Nos. 38-42 Princes Highway, 60-82 Princes Highway and 19-23 Crown Street 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.

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.

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:

- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
- b) A concrete pump across the roadway/footpath
- c) Mobile crane or any standing plant
- d) Skip bins
- e) Scaffolding/Hoardings (fencing on public land)
- f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- g) Awning or street verandah over footpath
- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.

The person acting on this consent shall ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public

property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required from Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities.

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

BEFORE THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

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

- a) This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.
- b) Before the issue of a Construction Certificate, the Council must be paid a monetary contribution of \$693,480.49 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 24 April 2018.

***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. DC002224)

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

Community Facilities	\$71,565.78
Plan Administration	\$13,597.47
Recreation Facilities	\$593,385.91
Traffic Facilities	\$14,931.33

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

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

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.

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).

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>.

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

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.

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

All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.

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

Before the issue of a Construction Certificate, amended plans shall be submitted to Council's Coordinator Waste Services Operations satisfaction that indicates:

- a) All waste and recycling storage or interim rooms must be in accordance with Figure 1 of Part 2.21 of MDCP 2011 and incorporate an appropriate tap with hose fitting, drain to Sydney Water approved drainage connection, signage showing appropriate content for general, recycling and green waste bins, smooth concrete

floor graded to drain, roller door that is durable; self-closing; able to be opened from inside; wide enough for easy passage of bins;

- b) Doorways that are wide enough to allow a 660L/1100L bin to access all waste rooms in the building and appropriate recycling collection points on each residential level.
- c) Designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management, to facilitate the separation of commercial waste and recycling from residential waste and recycling.
- d) Space for communal composting on site located within the ground floor communal open space area.

Reason: To ensure compliance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management of MDCP 2011.

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

Reason: To ensure adequate mail collection facilities are provided.

Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

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

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

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

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

Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels and in accordance with details being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

Reason: To reduce noise levels within the development from aircraft and rail noise.

Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction addressing the requirements of The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).

Reason: To ensure that the premises are accessible to all persons.

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

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

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

Reason: To comply with the requirements of that Act.

All plant and associated equipment must be located within the approved building envelope and is not be located on the roof. Details on the location of all plant and equipment must be consistent with the approved plans and submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

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

Waste water arising from the use must be directed to the sewers of the Sydney Water under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of Sydney Water prior to discharge to the sewer. Details of the requirements of the Trade Waste Agreement must be obtained prior to the issue of a Construction Certificate. Plans detailing how compliance will be achieved must be prepared and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

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

Before the issue of a Construction Certificate an amended Landscape Plan must be submitted to the consent authority's satisfaction indicating the provision of five (5) advanced street trees in accordance with the following criteria.

- a) Three (3) new trees shall be located within the footpath outside the subject property on Princes Highway. The species of tree selected shall be *Lophostemon confertus*.
- b) Two (2) new trees shall be located within the footpath outside the subject property on Barwon Park Road. The species of tree selected shall be *Angophora floribunda*.
- c) All planting stock size shall be minimum 150 litres.
- d) The planting stock shall comply with Australian Standard Tree stock for landscape use AS 2303—2015.
- e) The new tree shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
- f) The tree pit dimensions and staking detail shall be in accordance with Detail 6 on page 133 of the Marrickville Street Tree Master Plan 2014 (available online).
- g) The new street trees shall be maintained in a healthy and vigorous condition during an establishment period of 12 months.
- h) 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.
- i) Upon completion of planting 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 conditions they will be rejected and replaced at the expense of the applicant
- j) A Street Tree Planting/Landscape Plan outlining tree planting details must be submitted to the Council's Urban Forest Manager's satisfaction before the issue of a Construction Certificate. These must include dimensions for tree pits and details of a vault style structural soil with a minimum of 20-30m³ available soil volume for each tree. It needs to be demonstrated that adequate soil volume can be provided for all trees. Refer to Appendix 6.6 (Detail 5) of the Marrickville Street Tree Master Plan 2014.

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

Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	\$38,700
Inspection fee (FOOTI)	\$225.00

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

The stormwater drainage plans by IGS Integrated Group Services shall be amended and additional information provided as follows;

- i. Details of the 1 in 100 year overflow route in case of failure\blockage of the drainage system shall be provided at all levels;
- ii. 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 basement shall be fully “tanked” so as not to allow the ingress of seepage or groundwater.
- iii. Provision of construction details for a reinforced concrete pipe connecting the site stormwater to Council’s stormwater drainage system in Barwon Park Road or in Crown Street. Details shall include a long section, utility service details, pit details, minimum cover provided, bedding and backfilling details. The pipe size and class shall be in accordance with current Concrete Pipe Association guidelines.
- iv. A WSUD Strategy Report and a MUSIC model (including .sqz file) shall be provided to ensure the treatment measures proposed meet Council’s water quality targets (for sites with a GFA greater than 2000sqm);
- v. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and

The above additional information and amendments to the plans to suit the above requirements shall be submitted to and approved by Council before the issue of a Construction Certificate.

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, etc. shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide; Council’s standard plans and specification in place for Princes Highway at the time the works are undertaken;
- b) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- c) New kerb and gutter along the frontages of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council’s Infrastructure Services Division on 9335 2000; and
- d) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath shall be set at 2.5%. These sections will set the alignment levels at the boundary.

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

The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate.

The long section shall begin from the centreline of the adjacent road to 3 metres past the bottom of the ramp.

The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, and AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities so that

- a) The width of the driveway access shall be increased to 3.6m in width with a minimum of 2.2m provided at the entry/egress. The required widening of the vehicle driveway and roller door should minimise impacts on the appearance of the original brick and concrete lintel and the proportions and rhythm of the heritage facade.
- b) The vehicular access ramp shall be controlled by traffic signals providing priority to ingressing vehicles. Details of the traffic signals and operation thereof shall be submitted to and approved by Council; and
- a) A speed hump, convex mirrors and a stop line (all within the property boundary) shall be provided at the entry/egress and the adjacent doorway shall be constructed as an open type entry so as to improve sightlines to pedestrians.

Details of compliance with the above requirements shall be submitted to and approved by Council before the issue of a Construction Certificate.

SITE WORKS

Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To ensure the site is suitable for the proposed use.

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:

- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

8:00 am to 12:00 pm, Monday to Saturday; and
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

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

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.

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

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

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'.

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.

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

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

- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

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

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

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

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

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

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.

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.

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.

A clear unobstructed path of travel of not less than 1,000mm must be provided to all exits and paths of travel to exits.

Reason: To provide safe egress in case of fire or other emergency.

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.

Reason: To protect the environment.

Landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved plan, and must be maintained at all times to Council's satisfaction.

Reason: To ensure adequate landscaping is maintained.

The applicant shall, within fourteen (14) days of notification by Council, execute any and all maintenance works required by Council. 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 bond and Council may recover any costs in excess of the security from the applicant.

To provide for adequate site drainage 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 stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.

BEFORE OCCUPATION OF THE BUILDING

Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and the Protection of the Environmental Operations Act 1997.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure the site is suitable for the proposed use.

Following completion of construction and prior to the issue of the Occupation Certificate, 10 new trees shall be planted. The new trees shall be planted in accordance with the following criteria:

- a) The new trees shall be located in accordance with the landscape plan (Geoscapes, 15/9/17).
- b) The species of trees shall be as detailed in the landscape plan (Geoscapes, 15/9/17).
- c) The planting stock sizes shall be at least that listed in the landscape plan (Geoscapes, 15/9/17).
- d) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
- e) Adequate soil volumes shall be provided to ensure proper establishment and ongoing good health, vigour and growth.
- f) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
- g) Each replacement tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by MDCP 2011.
- h) If any tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.

Reason: To ensure that the new trees provide adequate and appropriate compensation, are planted in a suitable location and maintained properly.

The project landscape architect shall certify in writing to the Principal Certifying Authority (PCA) before the issue of the Occupation Certificate that the conditions of consent relating to tree planting have been complied with 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

Reason: To ensure adequate landscaping is maintained.

Upon completion of the development, a statement from a qualified Architect, verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, 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.

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

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

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

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.

- a) Upon completion of the required noise attenuation measures referred to in the “Before the Issue of a Construction Certificate” Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled “Development Near Rail Corridors and Busy Roads - Interim Guidelines” as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate must be prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To reduce noise levels within the dwellings from aircraft and rail noise and to ensure that the noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections of Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled “Development Near Rail Corridors and Busy Roads - Interim Guidelines”.

Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.

Reason: To ensure that the building is easily identifiable.

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:

- 5 x 660L bins for general waste streams;
- 9 x 660L for recycling waste streams; and
- Up to 5 x 660L green waste bins.

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

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

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

The terms of the right of carriageway (under sections 88B and E of the Conveyancing Act 1919) shall be made upon the site in the following manner:

- a) Full and free right for the Authority Benefited, its employees, contractors and every person authorised by it, to, at all times:
 - i. Go, pass, repass and stand upon the Lot Burdened for the purpose of the removal of recyclable products, general waste and green waste products with or without vehicles; and
 - ii. Enter upon the Lot Burdened and remain there for a reasonable time for the purpose of the removal of recyclable products, general waste and green waste products.
- b) The owner of the Lot Burdened cannot make any claim against the Authority Benefited, its employees, contractors and every persons authorised by it, for any repair, damage, loss or nuisance caused to the Lot Burdened as a result of the Authority Benefited, its employees, contractors or every persons authorised by it, exercising their right as set out in Clause 1.
- c) The owner of the Lot Burdened indemnifies the Authority Benefited, its employees, contractors and persons authorised by it, against any future claim for repair, damage, loss or nuisance as a result of the Authority Benefited removing recyclable products, general waste and green waste products from the Lot burdened, except to the extent that such damage or loss is a result of the negligence of the Authority Benefited, its employees, contractors or persons authorised by it.
- d) Where a building has secured access, the Authority Benefited, it's employees, contractors and persons authorised by it, must be supplied an unlocking device to enable access to bins containing recyclable products, general waste and green waste products, to be emptied at the time of collection.

Reason: To allow appropriate access to the interim waste storage areas on site. .

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 an Occupation Certificate. Works shall be in accordance

with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" must be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.

All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.

Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.

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

Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans 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.

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

- a) The proprietor of the property shall be responsible for maintaining the stormwater treatment facility in accordance with the approved plans;
- b) The Proprietor shall have the stormwater quality treatment facilities inspected annually (minimum) 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.

With the regard to the On Site Detention System (OSD), a Positive Covenant in accordance with supplement 7 of Marrickville Council Stormwater and On Site Detention Code shall be placed on the Title in favour of Council before the issue of the Occupation Certificate.

All instruments under Section 88B of the Conveyancing Act used to create positive covenants, easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.

All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's standard plans and specifications. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the approved plans and specifications before the issue of the Occupation Certificate.

Video inspection (CCTV) shall be carried out of completed stormwater drainage works that are to revert to Council and a copy provided to Council to support the certification of those works.

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.

The applicant shall provide security, in a manner satisfactory to Council for the proper maintenance of the public domain works in an amount of \$4,000 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.

Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Public Domain 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.

ADVISORY NOTES

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

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