






# INNER WEST

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	MOD/2023/0019
<b>Address</b>	246-248 Wardell Road MARRICKVILLE
<b>Proposal</b>	Section 4.55 (2) application to modify Determination No DA/2021/0855 dated 10 May 2022 to amend the approved shop top housing development with internal and external changes, including but not limited to reduction in the number of parking spaces, increased floor to ceiling heights and overall height of the building and changes to the waste storage areas
<b>Date of Lodgement</b>	1 February 2023
<b>Applicant</b>	Urban Link Pty Ltd
<b>Owner</b>	Wardell 246 Pty Ltd & Fabrizia Sons Pty Ltd
<b>Number of Submissions</b>	Initial: 0
<b>Value of works</b>	\$9,983,812.00
<b>Reason for determination at Planning Panel</b>	SEPP 65
<b>Main Issues</b>	Height of Buildings, Deep Soil Area, Waste Management
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended modifications to conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Determination DA/2021/0855 dated 10 May 2022



### LOCALITY MAP

Subject Site		Objectors		 N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify Determination No. DA/2021/0855 dated 10 May 2022 so as to amend the approved shop top housing development with internal and external changes, including but not limited to the reduction in the number of parking spaces, increased floor to ceiling heights and overall height of the building and changes to the waste storage areas at 246-248 Wardell Road Marrickville.

The application was notified to surrounding properties and no submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- The proposal further increases an approved non-compliance to the Height of Buildings development standard resulting a total variation of 4.5 metres or 22.5%.
- The proposal further reduces deep soil area on the site.
- The modified proposal locates the commercial and bulky waste bin storage area more than 10 metres from the waste collection point which does not comply with Part 2.21 of MDCP 2011.

Despite the non-compliances, the proposal is considered acceptable given the variation to the Height of Building development standard is justified and the development overall remains generally consistent with the relevant objectives and therefore the application is recommended for approval.

## 2. Proposal

The proposal seeks to modify DA/2021/0855 dated 10 May 2022 to amend the approved shop top housing development with internal and external changes, including but not limited to reduction in the number of parking spaces, increased floor to ceiling heights and overall height of the building and changes to the waste storage areas. Specifically, the proposed modifications are as follows:

- Reconfiguration of the basement, ground floor service area including changes to the location of waste areas, storage areas and modifications to the number of car parking and bicycle spaces.
- Relocation of the substation to within the rear setback of the site.
- General minor amendments to wall thickness, risers and service elements across all levels.
- Minor changes in floor area to the commercial tenancies and some apartments.
- Minor reconfiguration of some apartment layouts to include a study nook.
- Amendments to the north-western wall of Unit L4.03 to create a straightened wall.
- Louvres on the rear laneway have been modified to horizontal style and redistributed.

- Reconfiguration of the roof top level including relocating the toilet facilities, air conditioning condensers and providing an awning over the lift entries.
- Increases the floor-to-floor heights at every level and the overall height of the building as follows:
  - Ground level height increased from 4300mm to 4350mm
  - Level 1,2,3,5 increased from 3050mm to 3100mm
  - Level 4 increased from 3050mm to 3150mm
  - Lift overrun changes from RL 41.050 to RL 41.500 as a result of the increased floor to floor described above

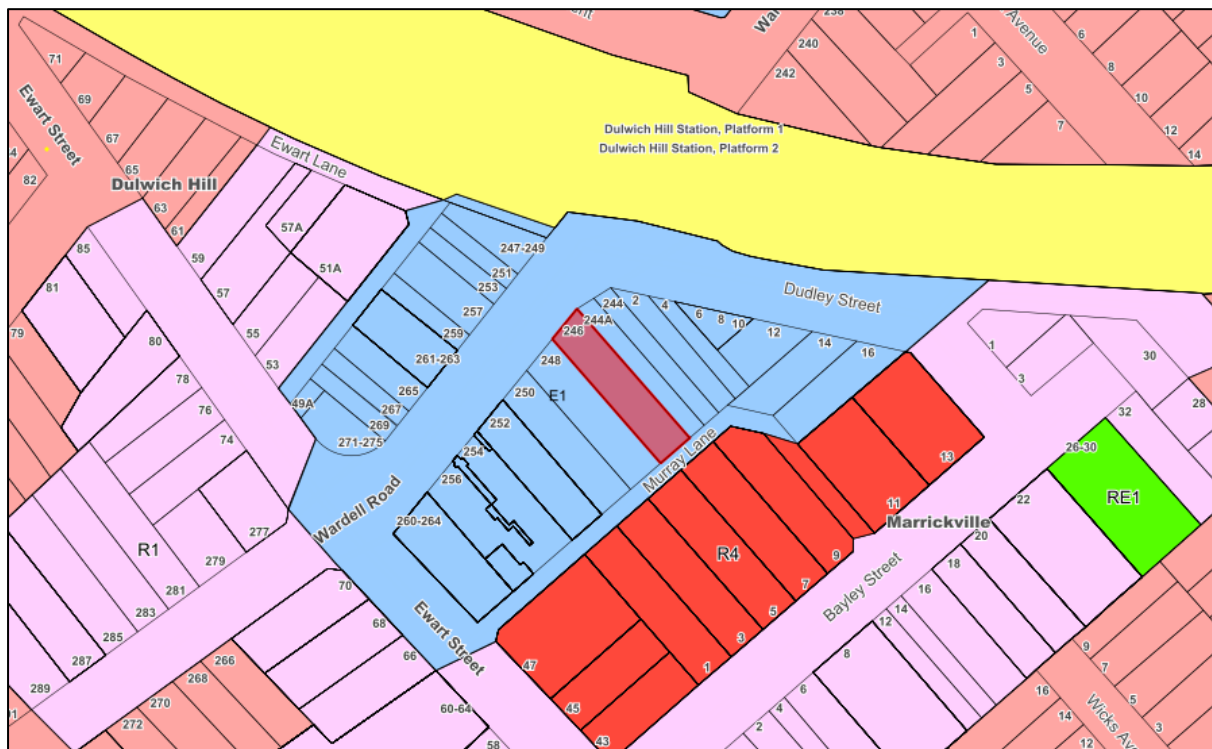
### 3. Site Description

The subject site is located on the south eastern side of Wardell Road, between Dudley Street and Ewart Street. The site consists of 2 lots with a total area of 1,264.5sqm and is legally described as Lot 3 and 4, DP 4119.

The site has a frontage to Wardell Road of 24.77 metres and a secondary frontage of approximately 24.38 metres to Murray Lane.

The site currently contains a dwelling house, retail shops and a laundromat. The adjoining properties contain retail uses with either shop top housing or boarding houses above.

The site is zoned E1 Local Centre under the IWLEP 2022.



## 4. Background

### 4(a) Site history

The following application outlines the relevant development history of the subject site.

Application	Proposal	Decision & Date
DA/2021/0855	Demolition of existing structures and construction of shop top housing development with basement parking and associated works	10 May 2022 – Approved by IWLPP
MOD/2022/0440	Section 4.55(1A) application to modify DA/2021/0855 to amend conditions of the consent relating to basement tanking.	Lodged 1 February 2023 and currently under assessment

## 5. Assessment

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

### 5(a) Section 4.55 Modification Provisions

Section 4.55(2) of the *EPA Act 1979* allows a consent authority to modify a development consent granted by it, if:

- “(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*
- (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*
- (c) *it has notified the application in accordance with—*
  - (i) *the regulations, if the regulations so require, or*
  - (ii) *a 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*
- (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.”*

In considering the above:

- The essence of the development as modified is substantially the same as the original consent.
- The environmental impacts are minimal.



- The relevant approval body/s were consulted, and any response considered.
- The application was notified to persons who made a submission against the original application sought to be modified.
- No submissions received have been received.

### 5(b) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below, as relevant to the proposed modifications:

- *State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development*

The following provides further discussion of the relevant issues:

#### 5(b)(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 original development application verifying that they designed, or directed the design of, the development. The statement also provided 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 proposed modifications are minor and do not result in a substantial change to the bulk and scale of the building, the external appearance, apartment layout and amenity or landscaping. As such, the development continues to be 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 Section 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 relating to the modifications proposed, noting that the modifications are generally minor and result in minimal changes in relation to ADG requirements.

Deep Soil Zones

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

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

**Comment:**

- The approved development provided a deep soil zone at the rear of the site of approximately 76.5 sqm, being 6.05% of the site area.
- The proposal includes a relocation of the substation to the rear eastern corner of the site within the approved deep soil zone which results in a reduction of deep soil area to approximately 60sqm, being 4.7% of the site area.
- It is also noted that area of deep soil adjoining the relocated substation is less than 3 metres in dimension.
- Notwithstanding, the development provides extensive landscaping throughout the proposal and maintains a significant portion of deep soil area. Given the sites location in a commercial zone, the provision of deep soil is difficult, and the development is considered to have provided as much deep soil as possible in the circumstance.
- The proposal is considered acceptable in relation deep soil requirements.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7 metres
Non-Habitable	2.4 metres
For 2 storey apartments	2.7 metres for main living area floor 2.4 metres for second floor, where its area does not exceed 50% of the apartment area
Attic Spaces	1.8 metres edge of room with a 30 degree minimum ceiling slope
If located in mixed used area	3.3 for ground and first floor to promote future flexibility of use

**Comment:**

- The development as approved complied with the above requirements.
- The modified proposal seeks to increase floor to floor heights, in part, to ensure compliance with minimum ceiling heights are maintained and provide for improved amenity and to ensure services such as ducting etc does not erode into the minimum floor to ceiling heights.

- The modified proposal complies with the above given all apartments have a minimum ceiling height of 2.7 metres and the ground floor has a ceiling height more than 3.3 metres to allow for flexibility in future uses.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
Studio apartments	35m <sup>2</sup>
1 Bedroom apartments	50m <sup>2</sup>
2 Bedroom apartments	70m <sup>2</sup>
3 Bedroom apartments	90m <sup>2</sup>

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.

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 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
  - 3.6 metres for studio and 1 bedroom apartments.
  - 4 metres for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

**Comment:**

- While the modified proposal does include some minor changes to apartment layout and some apartment sizes have slightly altered (generally 1-2sqm), the apartments remain compliant with the minimum size requirements and consistent with the prescribed layout provisions.

Storage

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

Apartment Type	Minimum Internal Area
Studio apartments	4m <sup>3</sup>
1 Bedroom apartments	6m <sup>3</sup>
2 Bedroom apartments	8m <sup>3</sup>
3+ Bedroom apartments	10m <sup>3</sup>

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

**Comment:**

- While the modified proposal relocates the approved basement storage areas, the proposal maintains the approved level of storage for apartments.

2. *Inner West Local Environmental Plan 2022 (IWLEP 2022)*

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.7 – Demolition requires development consent
- Section 4.3 – Height of buildings
- Section 4.4 – Floor space ratio
- Section 4.5 – Calculation of floor space ratio and site area
- Section 4.6 – Exceptions to development standards
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater management
- Section 6.8 – Development in areas subject to aircraft noise
- Section 6.9 – Design excellence

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

Standard	Approved	Proposal	Non compliance	Complies
<b>Height of Building</b> Maximum permissible: 20m	23.64 metres	24.5 metres	4.5 metres or 22.5%	No
<b>Floor Space Ratio</b> Maximum permissible: 2.40:1 or 3034.8 sqm	2.30:1 or 2,906sqm	2.27:1 or 2,875sqm	N/A	Yes

Section 2.3 – Land Use Table and Zone Objectives

The site is zoned E1 Local Centre under the *IWLEP 2022*. The *IWLEP 2022* defines the development as:

*“shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.”*

and

*“shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.”*

The development is permitted with consent within the land use table. The development is with the objectives of the E1 zone.

#### Clause 4.6 – Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard:

- Section 4.3 – Height of Buildings

The application seeks a variation to the Height of Buildings development standard under Section 4.3 of the Inner West Local Environmental Plan 2022 by 22.5% (4.5 metres).

The requirement to justify departures to a development standard under clause 4.6 does not apply to section 4.55 applications of the *EP&A Act 1979* (it only applies when development is granted, not when a modification application is made). However, under section 4.55 of the *EP&A Act 1979*, the consent authority, still, must take into consideration the matters referred to in Section 4.15 of the *EP&A Act 1979*, which, in turn, include the provisions of the *IWLEP 2022*.

As such, a merit assessment of the additional variation having regard to the objectives of the E1 zone and Height of Buildings development standards is carried out below;

The original determination considered that the approved breach to the Height of Buildings development standard of 18.2% (3.64 metres) was acceptable on environmental planning grounds and consistent with the objectives of the development standard and zone as follows:

*“The development is considered to provide small-scale business activity with the two shop tenancies which will provide for the needs of people who live and work in the surrounding neighbourhood. The proposal provides for shop top housing that is attached to the permissible non-residential use and is of a size and scale that is compatible with the surrounding neighbourhood. The proposed restaurant use is of a size and configuration that is suitable for land uses that will generate active street frontages. The proposed development is considered to be consistent with the zone objectives for the B1 Zone within the MLEP 2011 ...*

*The proposed building height is consistent with the existing character of the area and the desired future character as expressed by the consents that have been granted to the adjoining properties. The proposed development is not considered to result in significant overshadowing or significant impact exposure to the sky as a result of the non-compliance. The proposal provides a suitable transition to the lower density land uses to the rear.”*

The modified proposal results in an additional 860mm in height as compared to the approved development. This is a minor increase in height, largely to ensure the development provides suitable ceiling height and amenity to the approved apartments. While the modified proposal results in an additional height variation it is considered the development continues to remain consistent with the objectives of the current E1 zoning in that the residential and non-

residential components of the building have not been altered and the proposal continues to provide an appropriate development in the business centre.

Additionally, the proposed additional height would not result in any greater amenity impacts than currently approved. Any additional overshadowing attributed to the height increase is minor and would not impact to the amenity of surrounding properties. The overall height of the building remains commensurate with surrounding development and other approved development in this portion of Wardell Road and would remain consistent with the desired future character of the area. The minor increase in height does not materially alter the transition provided between the development and the lower density zone to the rear. As such, the proposed height is remains consistent with the objectives of the Height of Buildings development standard.

Given the above, the proposed Height of Building is considered acceptable and a further minor variation to the development standard is supportable.

It is noted that that since the time of the original development application the IWLEP 2022 has come into force (replacing the MLEP 2011) and the zoning of the site has changed due to the new Employment Zones introduced earlier this year. Notwithstanding, the Height of Building development standard objectives are the same under the IWLEP 2022 as they were under MLEP 2011. Additionally, while there are some differences between the objectives of the current E1 zoning and the former B2 zoning of the site, the objectives are generally consistent in their focus and aim and as such this is not considered to alter the consistency of the modified development with the objectives of the zone.

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.

Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes
Part 2.6 – Acoustic and Visual Privacy	Yes
Part 2.7 – Solar Access and Overshadowing	Yes
Part 2.8 – Social Impact	Yes
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes – see discussion
Part 2.16 – Energy Efficiency	Yes
Part 2.18 – Landscaping and Open Space	Yes
Part 2.20 – Tree Management	Yes
Part 2.21 – Site Facilities and Waste Management	Yes – subject to condition, see discussion
Part 2.25 – Stormwater Management	Yes
Part 5 – Commercial and Mixed Use Development	No – but no change to variations approved by original DA
Part 9 – Strategic Context	No – but no change to variations approved by original DA



The following provides discussion of the relevant issues:

Part 2.10 – Parking

The following table summarises the car, bicycle and motorcycle parking requirements for the modified development. The site is located in Parking Area 1 under Part 2.10 of MDCP 2011.

Component	Control	Required	Proposed	Complies?
<b>Car Parking</b>				
Resident Car Parking	0.2 car parking spaces per 1 bedroom unit	21 x 1 bed units = 4.2 spaces	25 spaces	Yes
	0.8 car parking spaces per 2 bedroom unit	8 x 2 bed unit = 6.4 spaces		
	1.1 car parking spaces per 3 bedroom unit	1 x 3 bed unit = 1.1 spaces		
	1 car parking space per adaptable unit	8 adaptable units = 8 spaces		
	<b>TOTAL:</b>	<b>20 spaces</b>		
Commercial Car Parking	1 space per 100sqm GFA for customers and staff	206sqm GFA = 2.06 spaces	2 spaces	Yes
	<b>TOTAL:</b>	<b>2 spaces</b>		
<b>Bicycle Parking</b>				
Resident Bicycle Parking	1 bicycle parking space per 2 units + 1 per 10 units for visitors	38 units = 22 spaces	27 spaces	Yes
	Commercial Bicycle Parking - Staff	1 bicycle parking space per 300sqm GFA		
	<b>TOTAL:</b>	<b>23 spaces</b>		
<b>Motorcycle Parking</b>				
Motorcycle Parking	5% of the total car parking requirement	20 car parking spaces required = 1 space	2 spaces	Yes

As detailed above, the modified development as proposed complies with and generally exceeds the prescribed parking requirements under MDCP 2011. As such the proposed quantum of parking provided is acceptable.

It is noted that the original development included a large quantum of parking in excess of that required by the DCP and the modification amends the parking as follows:

- Residential car parking increased from 23 to 25 spaces.
- Commercial car parking unchanged at 2 spaces.
- Residential visitor car parking removed from 8 to no spaces.

- Accessible car parking reduced to 9 spaces.

It is noted that the development continues to provide an accessible space for every adaptable dwelling and 1 accessible commercial space. While the residential visitor spaces have been removed from the proposal, control C2v within Part 2.10 of MDCP 2011 does not require residential visitor parking for shop top housing development in Parking Area 1 and as such visitor parking is not required for the proposal. The proposal maintains a suitable loading bay and car wash area.

Notwithstanding an overall reduction in the number of car parking spaces provided, the modified proposal continues to exceed the prescribed car parking rate and bicycle parking and motorcycle parking remains unchanged as part of the amended scheme.

Given the above, the modified proposal is acceptable having regard to parking and it is recommended to amend condition 17 of the consent to reflect the amended parking provided.

#### Part 2.21 – Site Facilities and Waste Management

The modified proposal maintains the approved waste management area (such as bins and bulky waste storage areas) however does relocate some of these elements within the reconfigured basement and ground floor service area. The original consent raised concerns with the Waste Management Plan (WMP) provided, specifically regarding the transfer route for bin collection.

As such, condition 8 was imposed on the consent granted to ensure an adequate waste management arrangement prior to the issue of a Construction Certificate. It is noted that the modification application does not expressly seek any amendments to or deletion of condition 8.

Notwithstanding, an updated WMP has been provided with the modification application which has been reviewed by Council's Resource Recovery Specialist. It is noted that the WMP does not include all the provisions of condition 8 and appears to include discrepancies with the architectural plans, including but not limited to nominating the incorrect maximum transfer gradient and stating the temporary bin storage area is more than 10 metres from collection point, and is not suitable in this regard. Notwithstanding, the modified plans include the amendments to address some of the requirements of condition 8, including an amended 1:12 transfer gradient and suitable area to manoeuvre bins to the collection point at the laneway.

It is noted that the commercial bin storage area and bulky waste storage area are located at the northern end of the basement and are greater than 10 metres from the collection point. Notwithstanding, the temporary bin storage on the ground floor is within 10 metres (based on the architectural plans) of the collection point at the lane and therefore this is considered acceptable.

Given the above, the development is considered acceptable and generally capable of complying with waste management provisions. As such, it is recommended that condition 8 remains on the consent to ensure a suitable and fully compliant WMP is provided prior to the issue of a Construction Certificate.

#### 5(e) The Likely Impacts

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

### 5(f) 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(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 21 days to surrounding properties. No submissions were received in response to the initial notification.

### 5(h) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above:

- Development Engineering
- Resource Recovery
- Urban Design

### 6(b) External

The application was referred to the following external bodies:

- Water NSW as an integrated development under Section s90(2) of the *Water Management Act 2000*.

A response from Water NSW was provided on 16 August 2023 advising the following:

*“as there are no changes to the de-watering in this modification and so no changes to GTAs are required.*

*The General Terms of Approval (under IDAS1142180) issued on 10 May 2022 are still current and we have no objections to the proposed amendments under MOD/2023/0019.”*

It is noted that another modification application for the site, MOD/2022/0440 is currently under assessment by Council and does seek to alter the approved de-watering arrangements by removing the conditioned requirements for a tanked basement. This application is also being reviewed by Water NSW, however, is separate to the amendments proposed in this application and would have no bearing on the modifications proposed in this application before the Panel.

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions were imposed on the original consent granted and are not required to be altered.

## 8. Conclusion

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

The development will not result in any significant impacts on the amenity of the adjoining premises/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 s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent under s4.55(2) of the *Environmental Planning and Assessment Act 1979* to Modification Application No. MOD/2023/0019 which seeks to modify DA/2021/0855 dated 10 May 2022 to amend the approved shop top housing development with internal and external changes, including but not limited to reduction in the number of parking spaces, increased floor to ceiling heights and overall height of the building and changes to the waste storage areas at 246 Wardell Road Marrickville subject to the recommended modified conditions listed in Attachment A below.

## Attachment A – Recommended amendments to conditions of consent

A. Modify the following Conditions to read as follows:

### 1. Documents related to the consent

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

<b>Plan, Revision and Issue No.</b>	<b>Plan Name</b>	<b>Date Issued</b>	<b>Prepared by</b>
DA-000 Revision <b>2 3</b>	Cover + Data	<b>08.11.2022</b>	<b>Urban Link P/L</b>
<b>DA-003</b> <b>Revision 2</b>	<b>Site Plan</b>	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-101 Revision <b>2 3</b>	Basement 01	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-102 Revision <b>2 3</b>	Ground Floor Plan	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-103 Revision <b>2 3</b>	Level 01	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-104 Revision <b>2 3</b>	Level 02	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-105 Revision <b>2 3</b>	Level 03	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-106 Revision <b>2 3</b>	Level 04	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-107 Revision <b>2 3</b>	Level 05	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-108 Revision <b>2 3</b>	Level 06	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-109 Revision <b>2 3</b>	Roof Plan	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-201 Revision <b>2 3</b>	Elevations - 01	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-202 Revision <b>2 3</b>	Elevations - 02	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-203 Revision <b>2 3</b>	Elevations - 03	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-210 Revision <b>2 3</b>	Streetscape	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-301 Revision 2	SectionAA&CROSS VEN. DETAIL	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-302 Revision 2	SECTION BB & CC	<b>08.11.2022</b>	<b>Urban Link P/L</b>
DA-351 Revision 1	Façade Sections Details		
DA-352 Revision 1	Façade Sections Details		

DA-353 Revision 1	Façade Sections Details		
L-01 <b>C G</b>	Cover Sheet	<del>9/7/21</del> 16.12.2022	Site Design + Studios
L-02.1 <b>C F</b>	Wardell Road	<del>9/7/21</del> 09.11.2022	Site Design + Studios
L-02.2 <b>C G</b>	Murray Lane	<del>9/7/21</del> 16.12.2022	Site Design + Studios
L-03 <b>C H</b>	Level 1 Landscape Plan	<del>9/7/21</del> 09.11.2022	Site Design + Studios
L-04 <b>C F</b>	Level 5 Landscape Plan	<del>9/7/21</del> 09.11.2022	Site Design + Studios
L-05 <b>C F</b>	Level 6 Landscape Plan	<del>9/7/21</del> 09.11.2022	Site Design + Studios
L-06 <b>C G</b>	Planting Details	<del>9/7/21</del> 16.12.2022	Site Design + Studios
L-07 <b>C F</b>	Precedent Images	<del>9/7/21</del> 09.11.2022	Site Design + Studios
L-08 <b>C F</b>	Typical details	<del>9/7/21</del> 09.11.2022	Site Design + Studios
L-09 <b>C F</b>	Existing Tree	<del>9/7/21</del> 09.11.2022	Site Design + Studios
L-10 <b>C F</b>	Notes	<del>9/7/21</del> 09.11.2022	Site Design + Studios
L-11 <b>C F</b>	Specifications	<del>9/7/21</del> 09.11.2022	Site Design + Studios
21/1684/A	Geotechnical Investigation	February 2022	SDS Geotechnical
21079	Waste Management Plan	July 2021	Dickens Solutions
833	Statement of Environmental Effects	15 March 2022	Daintry Associates Pty Ltd
1221792M	BASIX Certificate	23/8/2021	
ES8260 Revision 0	Detailed Site Investigation	10 August 2021	Aargus

As amended by the conditions of consent.

(Amended – MOD/2023/0019 – 14 November 2023)

## 17. Car Parking

The development must provide and maintain within the site:

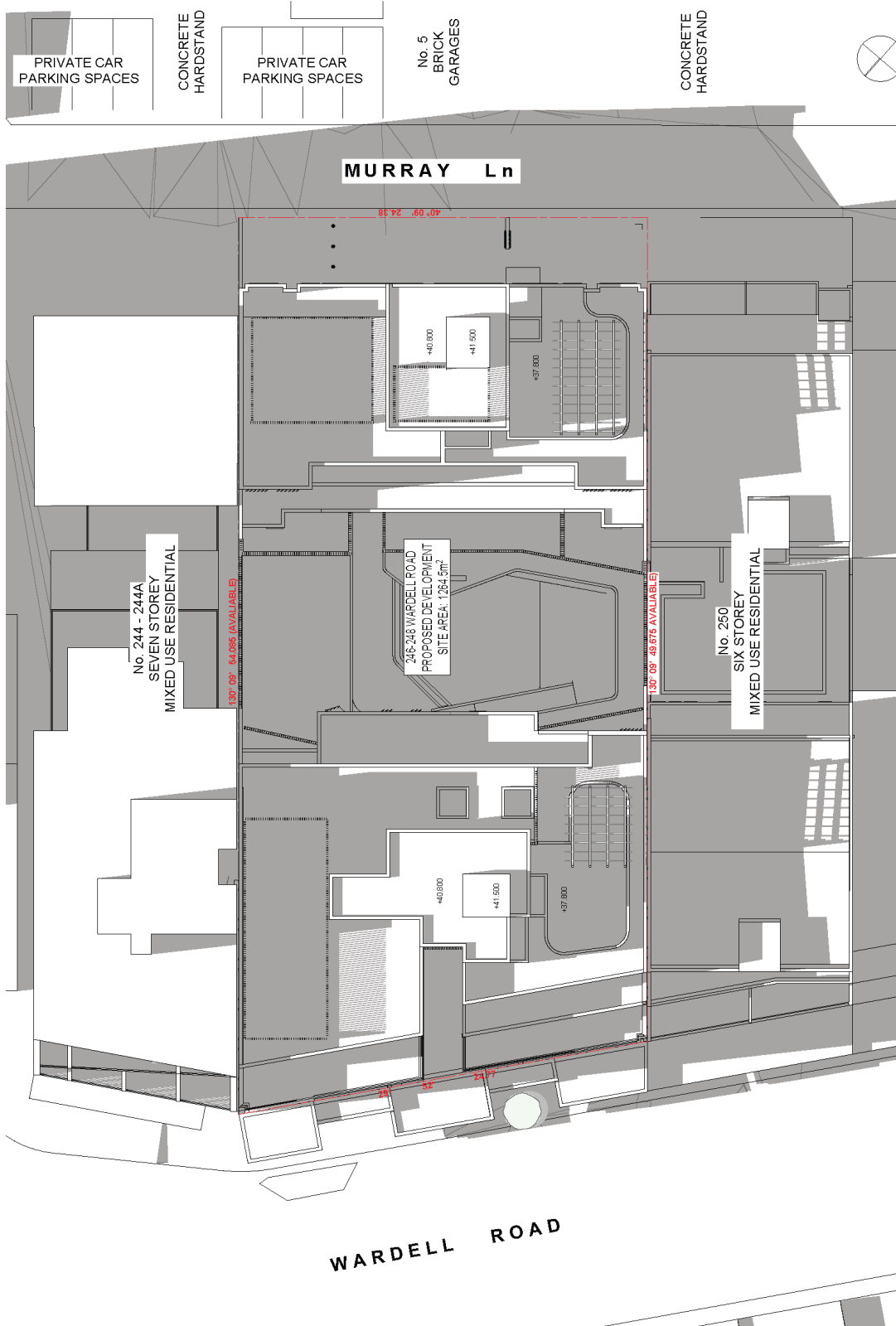
- a. ~~33~~ **25** car parking spaces must be paved and line marked;
- b. ~~40~~ **9** car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces;
- c. ~~8 visitor car parking spaces must be provided and marked as visitor car parking spaces. A sign legible from the street must be permanently displayed to indicate that visitor parking is available on site;~~



- d. 2 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times;
- e. 27 Bicycle storage capacity within the site;
- f. 1 Carwash bays; and
- g. 1 Loading docks/bays.

**(Amended – MOD/2023/0019 – 14 November 2023)**





Revision 02  
 Drawing Number DA-003

Project Number 17-089  
 Scale 1:200 @ A4 sheet size

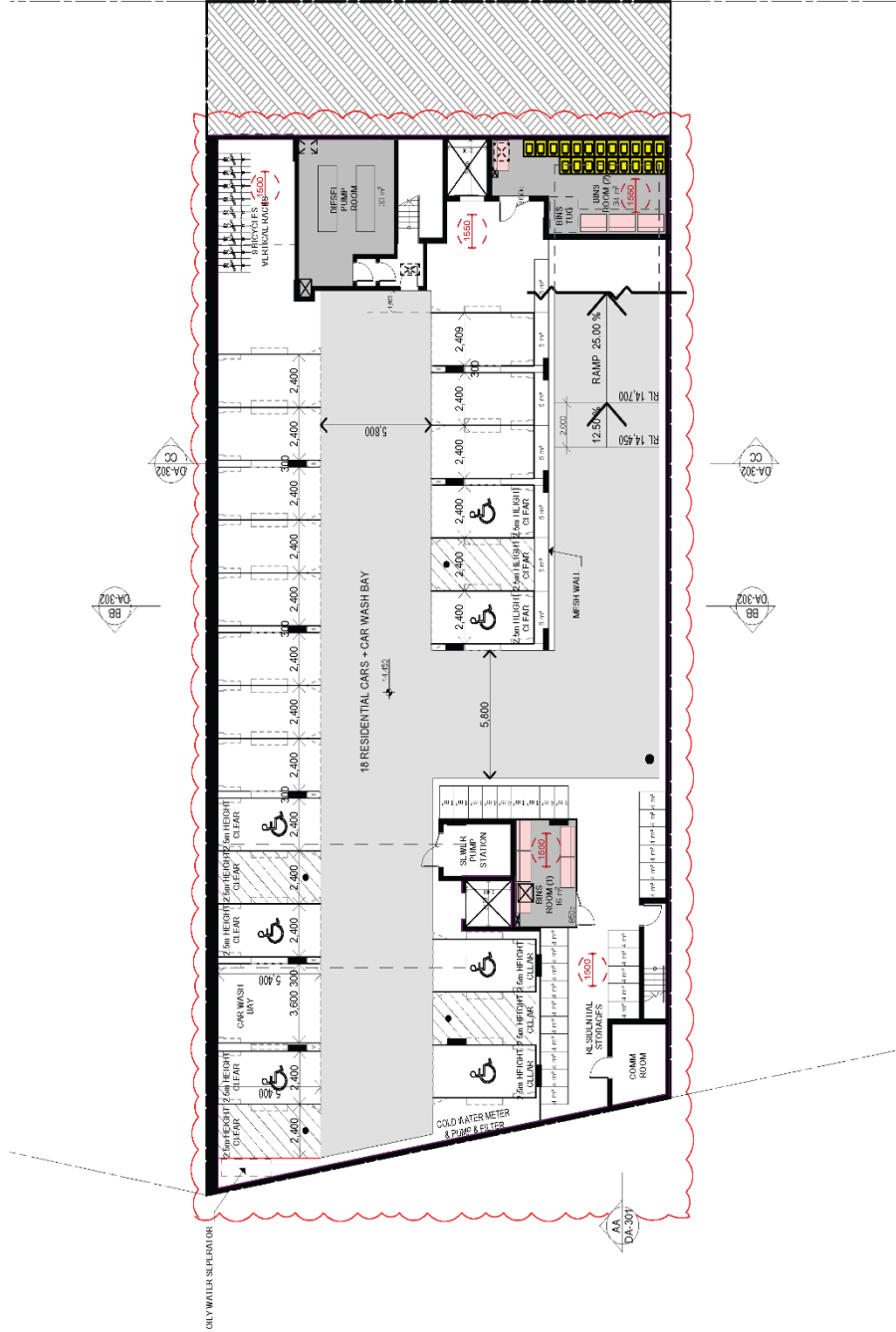
Drawing Title  
**SITE PLAN**

**MIXED USE RESIDENTIAL**  
 246-248 Wardell Road Marrickville NSW

Nominated Architects:  
 Zico Bourmutham Reg no 8006  
 Copyright URBANLINK PTY LTD ©

**URBANLINK**  
 Document Set ID: 382252525  
 Version: 1, Version Date: 18/10/2023

CONTRACT NO. 20/01/00000000/000  
DRAWING NO. 17-089  
DATE: 15/11/2017



**Energy Rating** Certificate Number: 202172922

Energy Rating	5.3
Energy Rating (with solar panels)	39.2
Energy Rating (with solar panels and water saving)	23.7

Minimum energy rating: 1.0  
Minimum energy rating with solar panels: 39.2  
Minimum energy rating with solar panels and water saving: 23.7

Approved energy rating system:  EnergyPlus  Other  
Approved software version:  8.8.0.128  Other  
Approved software version:  8.8.0.128  Other  
Approved software version:  8.8.0.128  Other



Project Number **17-089**  
Drawing Number **DA-101**  
Revision **03**

Scale **1:200**  
© 2017 URS  
Drawing Title **BASEMENT 01**

Drawing Title **BASEMENT 01**

**MIXED USE RESIDENTIAL**  
246-248 Warden Road Murrumbidgee NSW

Maximised Architects  
Ziad Bourneilhem Reg no 6036  
Copyright URBAN LINK P/L D O

**URBAN LINK**

Document Ref ID: 2022000000  
Version: 1, Version Date: 16/10/2023

BASEMENT 01  
SCALE 1:200



CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING SERVICES TO BE MAINTAINED OR RELOCATED TO THE PROPOSED POSITION.



**Energy Rating** Certificate Number: 2020178392

5.3 Green Star rating

26.2 kWh/m<sup>2</sup>/year (including hot water)

23.7 kWh/m<sup>2</sup>/year (excluding hot water)

Minimum energy consumption:  (Not set)

Minimum energy consumption:  (Not set)

Assessment from:  (Not set)

Assessment date: 20/11/2022

- NATURALLY CROSS VENTILATED** (Satisfies all requirements)
- ALTERNATIVE MECHANICAL VENTILATION SYSTEMS ARE TO BE USED
  - ACHIEVES 7+ HOURS OF SUNLIGHT ON 21ST OF JUNE BETWEEN 9AM-3PM TO SATISFY ADO REQUIREMENTS
  - ACHIEVES 7+ HOURS OF SUNLIGHT ON 21ST OF JUNE BETWEEN 9AM-3PM TO SATISFY ADO REQUIREMENTS

Scale: 1:200

Project Number: 17-089

Drawing Number: DA-103

Revision: 03

LEVEL 01

SCALE 1:200

DRAWING TITLE: LEVEL 01

MIXED USE RESIDENTIAL

246-248 Warden Road Murrumbidgee NSW

Urbancity Architects  
Ziad Bourneilhem Reg no 8008

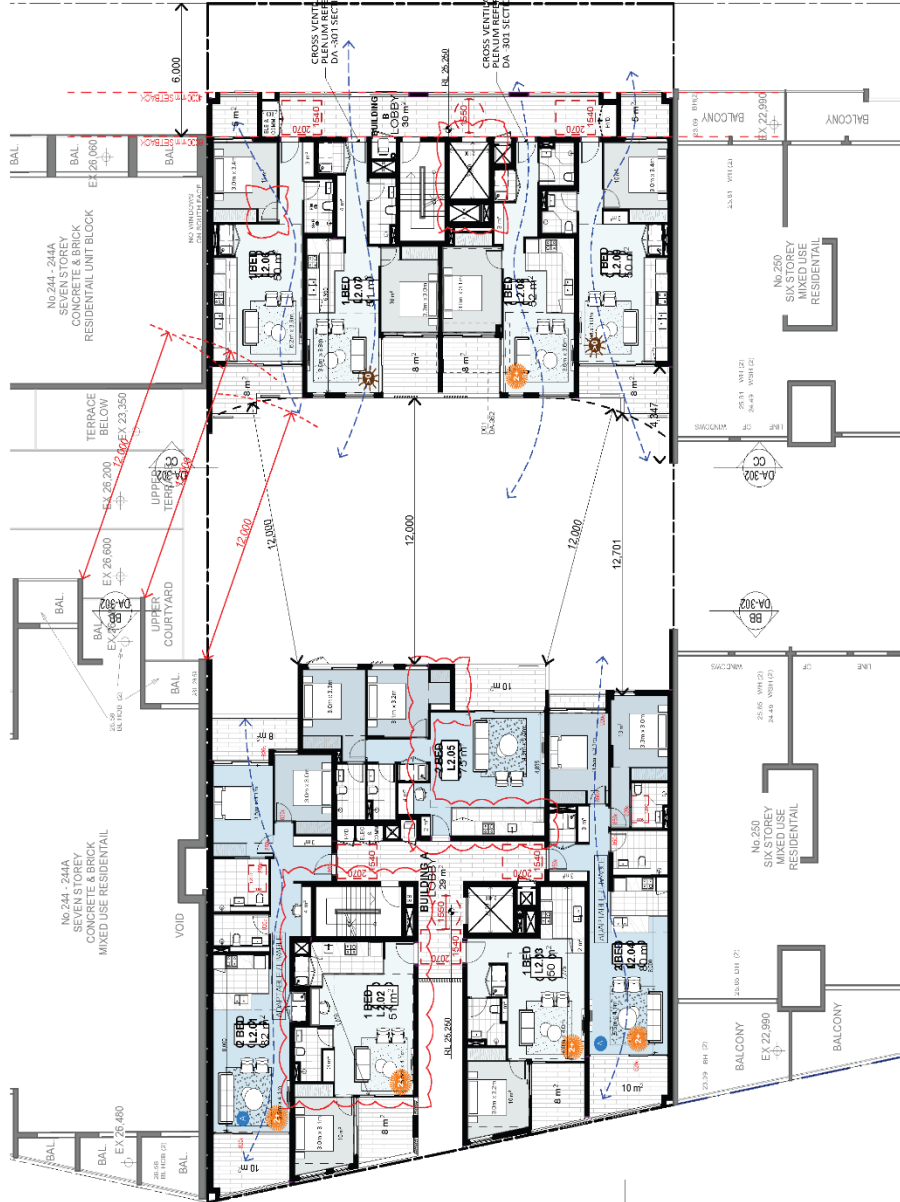
Copyright URBAN LINK PTY LTD ©

Version: 1, Version Date: 16/10/2023





CONTRACTOR TO OBTAIN ALL NECESSARY  
APPROVALS FROM LOCAL GOVERNMENT AND  
STATE DEPARTMENTS PRIOR TO COMMENCEMENT OF WORK.



**Energy Rating** Certificate Number: 2020173192

5.3  
 High-standing rating  
 Multi-level development (each wing of energy)  
 Energy efficiency  
 Natural cross ventilation  
 Natural daylight  
 Natural ventilation  
 Other details

Minimum terms for the rating: 10 years  
 Maximum energy consumption: 23.7 kWh/m<sup>2</sup>/year  
 Maximum energy consumption: 100 kWh/m<sup>2</sup>/year  
 Date: 20/11/2022

- NATURALLY CROSS VENTILATED**  
 SATISFIES ALL REQUIREMENTS
- ALTERNATIVE MECHANICAL VENTILATION SYSTEMS ARE TO BE USED
  - ACHIEVES 7 HOURS OF SUNLIGHT ON 21ST OF JUNE BETWEEN 09:00 AM TO SATISFY ALL REQUIREMENTS
  - ACHIEVES 7 HOURS OF SUNLIGHT ON 21ST OF JUNE BETWEEN 09:00 AM TO SATISFY ALL REQUIREMENTS



Scale 1:200  
Drawing Title LEVEL 02  
Project Number 17-089  
Drawing Number DA-104  
Revision 03

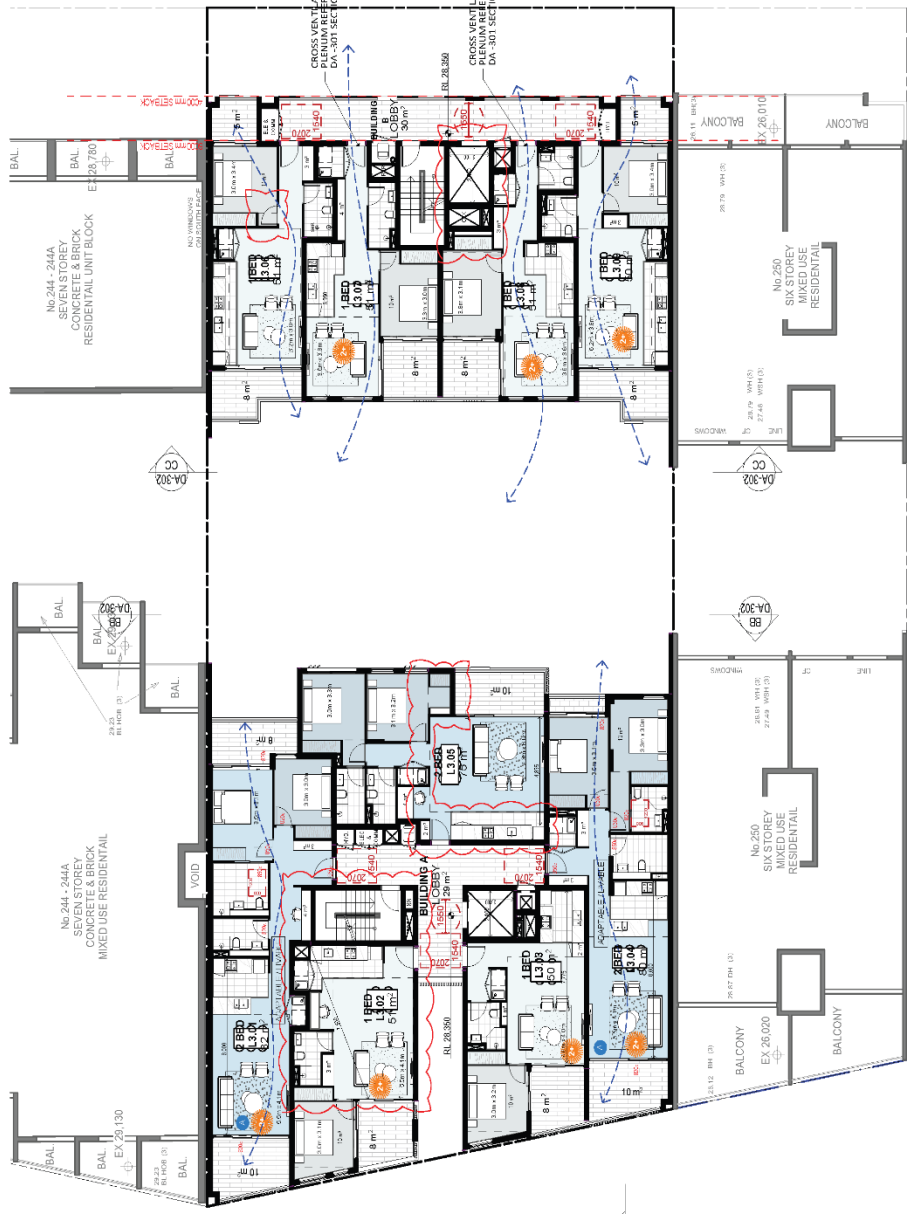
MIXED USE RESIDENTIAL  
246-248 Warden Road Marrickville NSW

Maximised Architects  
Ziad Bourneilhem Reg no 6008  
Copyright URBAN LINK PTY LTD

**URBAN LINK**

Document ID: 32225525  
 Version: 1, Version Date: 10/10/2023

CONTRACTOR TO CONFIRM ALL COORDINATES AND DIMENSIONS FROM SURVEY POINTS TO BE PROVIDED TO THE DESIGNER FOR VERIFICATION.



**Energy Rating** Certificate Number: 2020173302

Energy rating: **5.3** stars

High-level development (such as rating of energy) features: **28.2** stars

Mid-level development (such as rating of energy) features: **23.7** stars

Minimum energy requirements:  (Not met)  (Met)

Assessor Name: Mark H. ... Date: 20/11/2022

**NATURALLY CROSS VENTILATED** SATISFIES ADDITIONAL REQUIREMENTS

ALTERNATIVE MECHANICAL VENTILATION SYSTEMS ARE NOT USED WITH WINDOWS ARE CLOSED

ACHIEVES 7 HOURS OF SUNLIGHT ON 21ST OF JUNE BETWEEN 09:00 AM TO 03:00 PM TO SATISFY ADDITIONAL REQUIREMENTS

ACHIEVES 7 HOURS OF SUNLIGHT ON 21ST OF JUNE BETWEEN 09:00 AM TO 03:00 PM TO SATISFY ADDITIONAL REQUIREMENTS

LEVEL 03  
SCALE 1:200

**URBAN LINK**

Named Architects:  
Ziad Bourneilhem Reg no 8008  
Copyright URBAN LINK PTY LTD ©  
Version: 1, Version Date: 16/10/2023

**MIXED USE RESIDENTIAL**  
246-248 Warden Road Marrickville NSW

Drawing Title: **LEVEL 03**

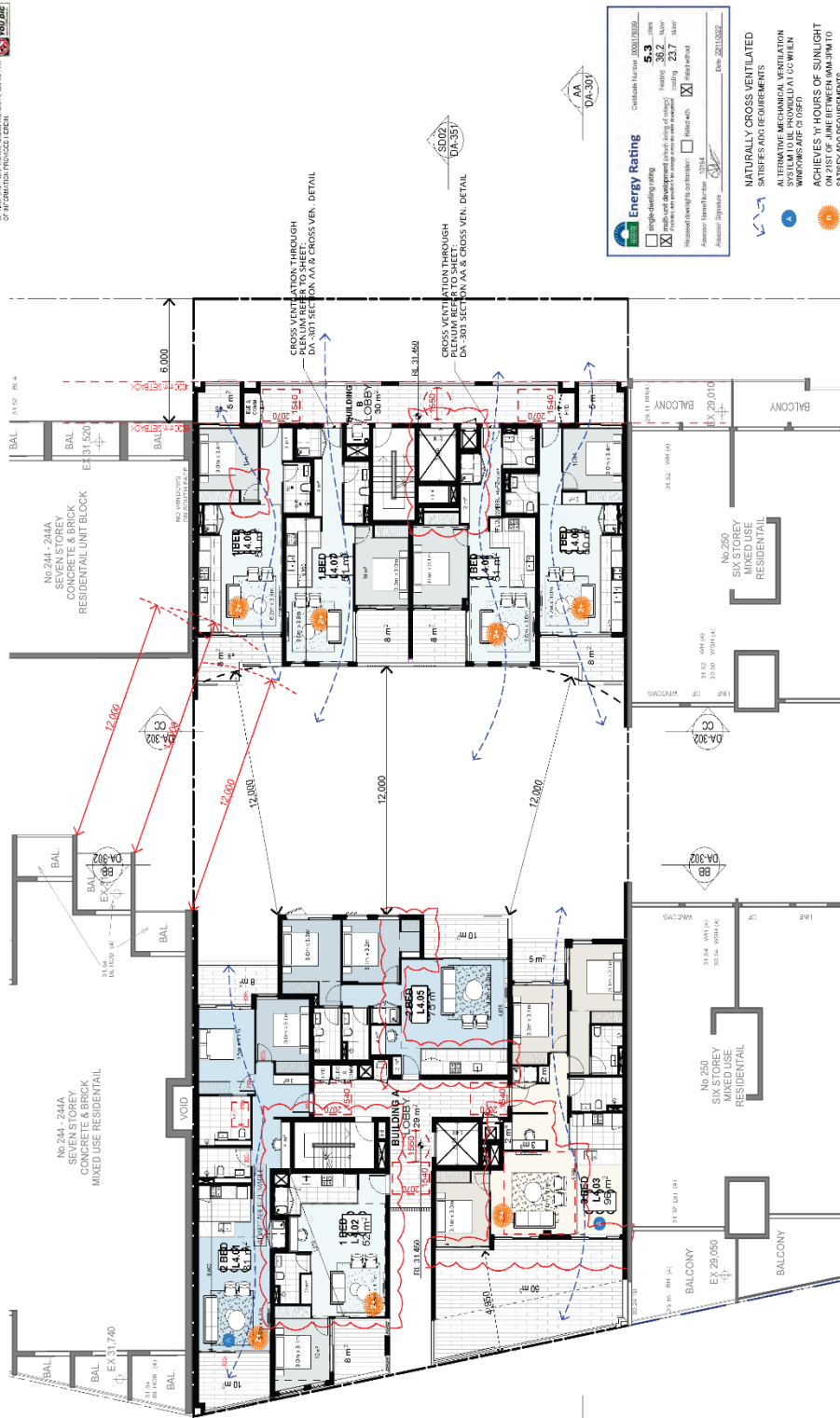
Scale: 1:200

Project Number: **17-089**

Drawing Number: **DA-105**

Revision: **03**

CONTRACTOR TO VERIFY ALL DIMENSIONS AND SPECIFICATIONS PROVIDED ARE CORRECT.



**Energy Rating** Certificate Number: 000373892

Energy Rating: **5.3** stars

High-leakage rating

10% level development (with rating of energy) **7.0** stars

10% level development (with rating of energy) **7.0** stars

10% level development (with rating of energy) **7.0** stars

Minimum energy requirements:  Met  Not met

Assessment firm name: **LINK**

Assessor signature: [Signature]

Date: 20/11/2022

**NATURALLY CROSS VENTILATED**

ALTERNATIVE MECHANICAL VENTILATION SYSTEMS ARE TO BE USED WITH WINDOWS ARE TO BE OPEN

ACHIEVES 7 HOURS OF SUNLIGHT ON 21ST OF JUNE BETWEEN 09:00 AM TO 04:00 PM TO SATISFY ADO REQUIREMENTS

ACHIEVES 7 HOURS OF SUNLIGHT ON 21ST OF JUNE BETWEEN 09:00 AM TO 04:00 PM TO SATISFY ADO REQUIREMENTS

Scale: 1:200

Project Number: 17-089

Drawing Number: DA-106

Revision: 03

Drawing Title: LEVEL 04

MIXED USE RESIDENTIAL  
246-248 Warden Road Murrumbidgee NSW

Maxwell Architects  
23rd Bourke Street Reg no 6008  
Copyright URBAN LINK PTY LTD

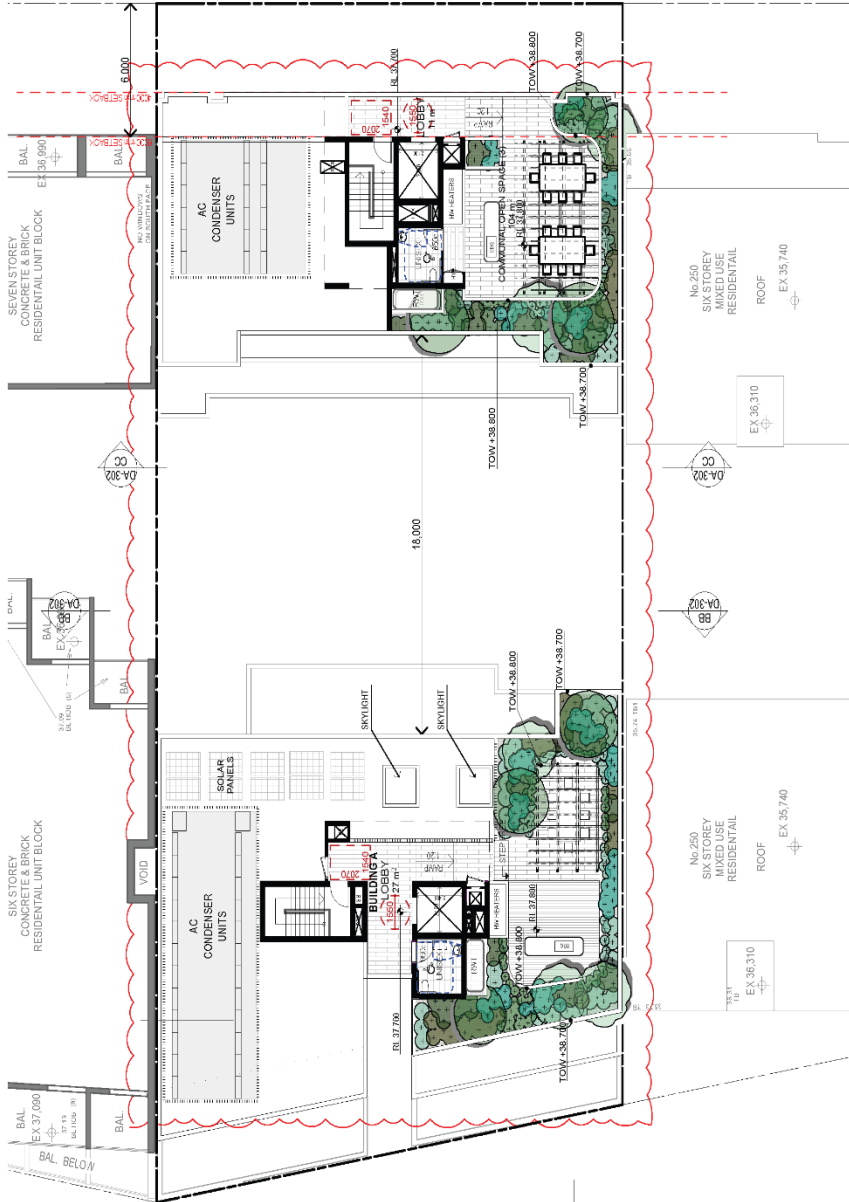


Document Ref: URBAN LINK DA-106  
Version: 1, Version Date: 16/10/2023

LEVEL 04  
SCALE 1:200



CONTRACT NO. 15/01/PT/PA/11/02/000/010  
 DRAWING NO. 15/01/PT/PA/11/02/000/010/001  
 SITE CONDITIONS PROVIDED GREEN



**Energy Rating** Certificate Number: 0000770302

Energy Rating: **5.3** stars

Energy Rating Legend:

- High-level development (such as high energy efficiency)
- Mid-level development (such as mid energy efficiency)
- Low-level development (such as low energy efficiency)

Additional Information:

- Approved energy conservation measures:  (None)
- Approved energy conservation measures:  (None)

Assessor Name: Mr. [Name Redacted] Date: 20/11/2022

LEVEL 06  
 SCALE 1:200

**URBAN LINK**

Named Architects:  
 Ziad Bourneilhem Reg no 8008  
 Copyright URBAN LINK PTY LTD ©  
 Version: 1, Version Date: 16/10/2023

Drawing Title  
**LEVEL 06**

Scale  
 1:200

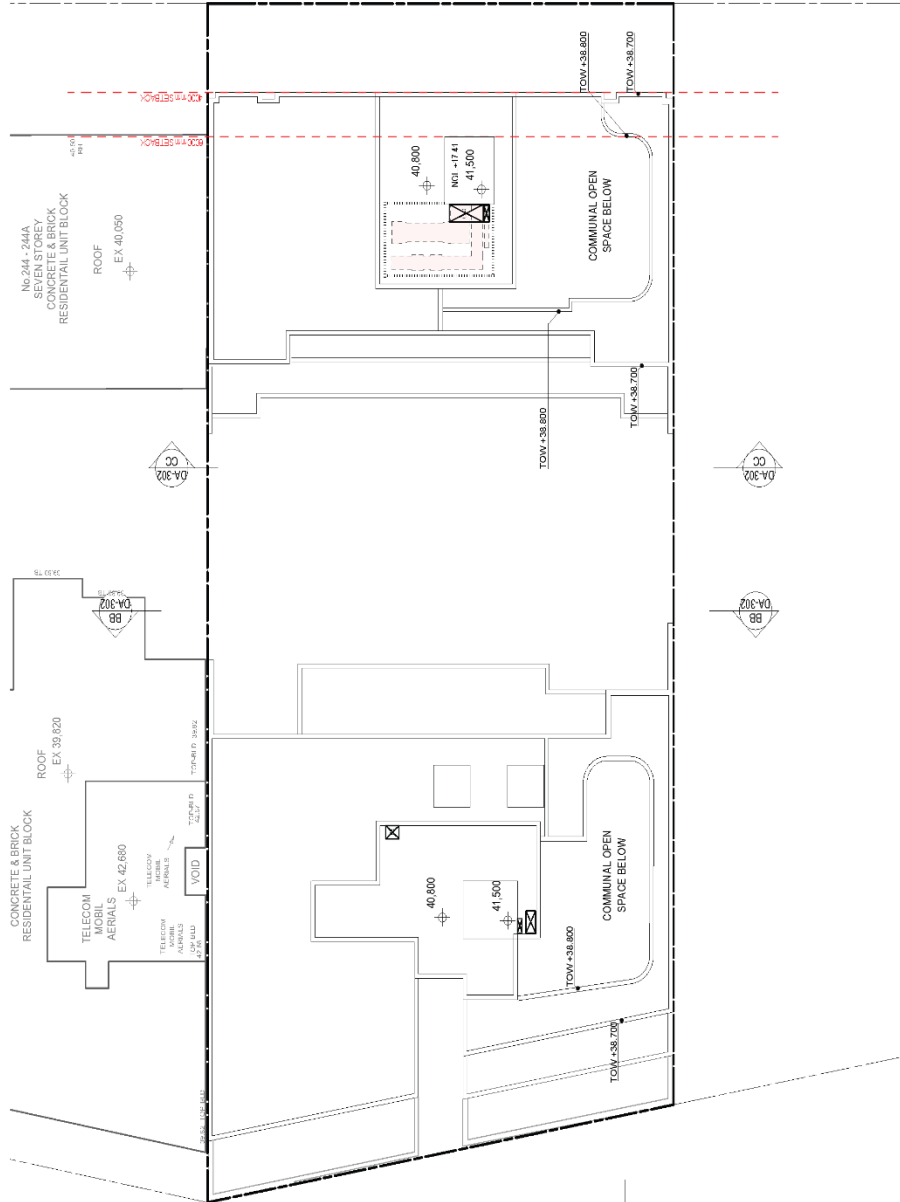
Project Number  
**17-089**

Drawing Number  
**DA-108**

Revision  
**03**



CONTRACT NO. 15/01/PTM ALL WORKS TO BE COMPLETED BY 15/01/2016. ANY DELAYS WILL BE AT THE CONTRACTOR'S RISK.



**Energy Rating** Certificate Number: 000073303

Energy Rating: **5.3** stars

Includes development (such as energy) features: **28.2** stars

Includes energy efficiency features: **23.7** stars

Minimum energy requirements:  (Met)  (Not met)

Assessor Name: Mark H. ...

Assessor Signature: ...

Date: 2011/05/27

ROOF  
SCALE 1:200



Named Architects:  
Ziad Bourneham Reg. no. 6008  
Copyright URBAN LINK PTY LTD ©  
Version: 1, Version Date: 16/10/2023

**MIXED USE RESIDENTIAL**  
246-248 Wardsell Road Murrumbidgee NSW

Drawing Title  
**ROOF PLAN**

Scale  
1:200 @ A3 Sheet Size

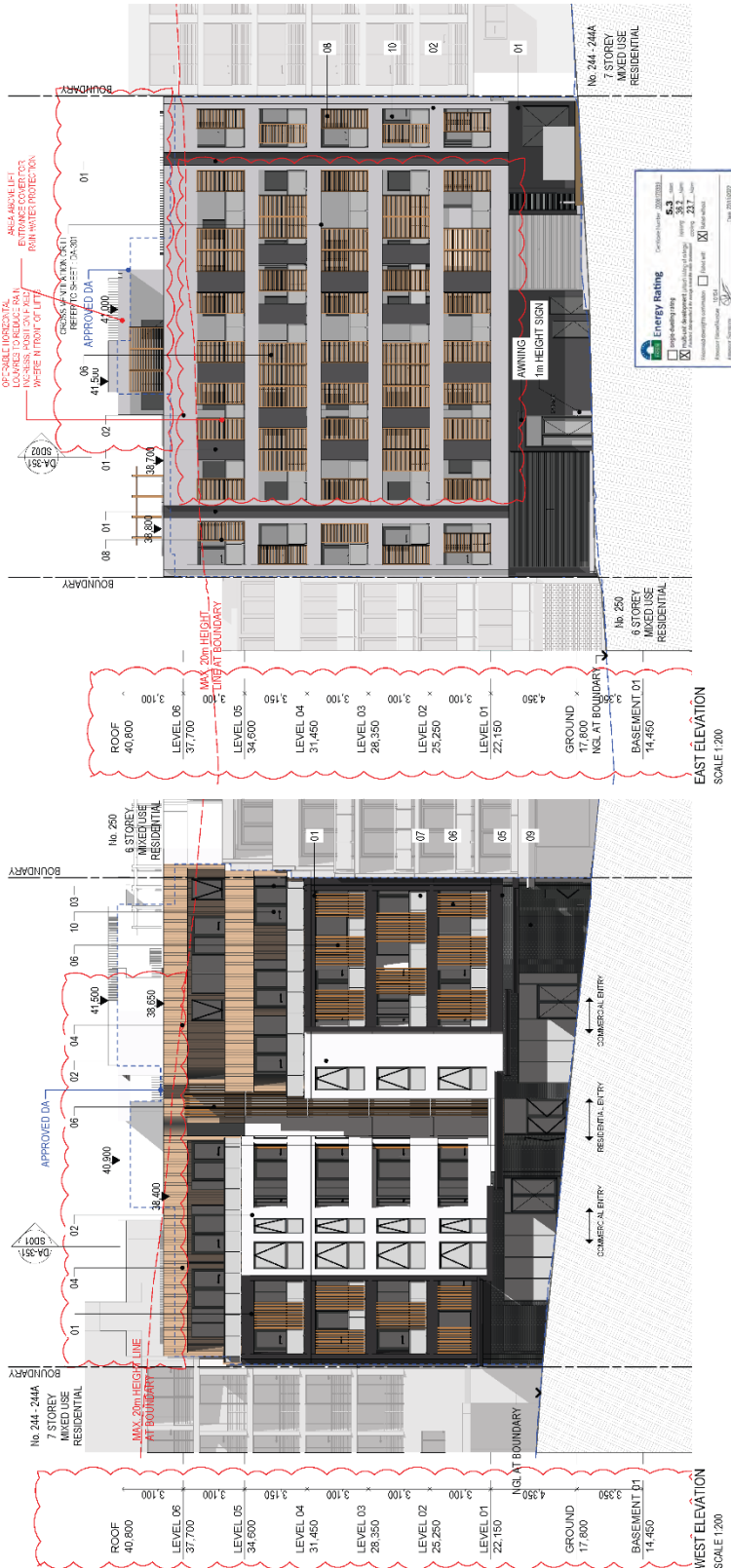
Project Number  
**17-089**

Drawing Number  
**DA-109**

Revision  
**03**



CONCEPTUAL ARCHITECTURAL ELEVATIONS  
 246-248 WARDELL ROAD MARRICKVILLE NSW  
 © HICKMILLER ARCHITECTURE



EXTERNAL FINISHES SCHEDULE

- 1 - DULUX PAINT WITH HAWKAW DARK GREY 'LAVINE' ON CONCRETE / BRICK WALL
- 2 - DULUX PAINT WITH HAWKAW WHITE 'MUD WHITE' ON CONCRETE / BRICK WALL
- 3 - POWDER COATING DULUX 'LAVINE' / 'JULES CHARCOAL' OR SIMILAR
- 4 - JAMES HARDIE AXON CLADDING - TIMBER LOOK WITH HAWKAW COLOUR 'SOUL DUHNI' OR SIMILAR
- 5 - BRICK PORT ALFRESCO 'ESPRESSO'
- 6 - ALUMINUM BATTENS TIMBER LOOK WITH HAWKAW COLOUR 'SOUL DUHNI' OR SIMILAR
- 7 - GLASS BALUSTRADE CLEAR GLASS
- 8 - METAL LOUVER SYSTEM TIMBER LOOK
- 9 - GLASS (COMMERCIAL) G-JAMES - CLEAR GLASS OR SIMILAR
- 10 - GLASS (RESIDENTIAL) GREY GLASS

Nominated Architects  
 Ziad Bourneilhem Reg no 8038  
 Copyright URBAN LINK PTY LTD 6  
 Version: 1.1 Variation Date: 19/10/2023

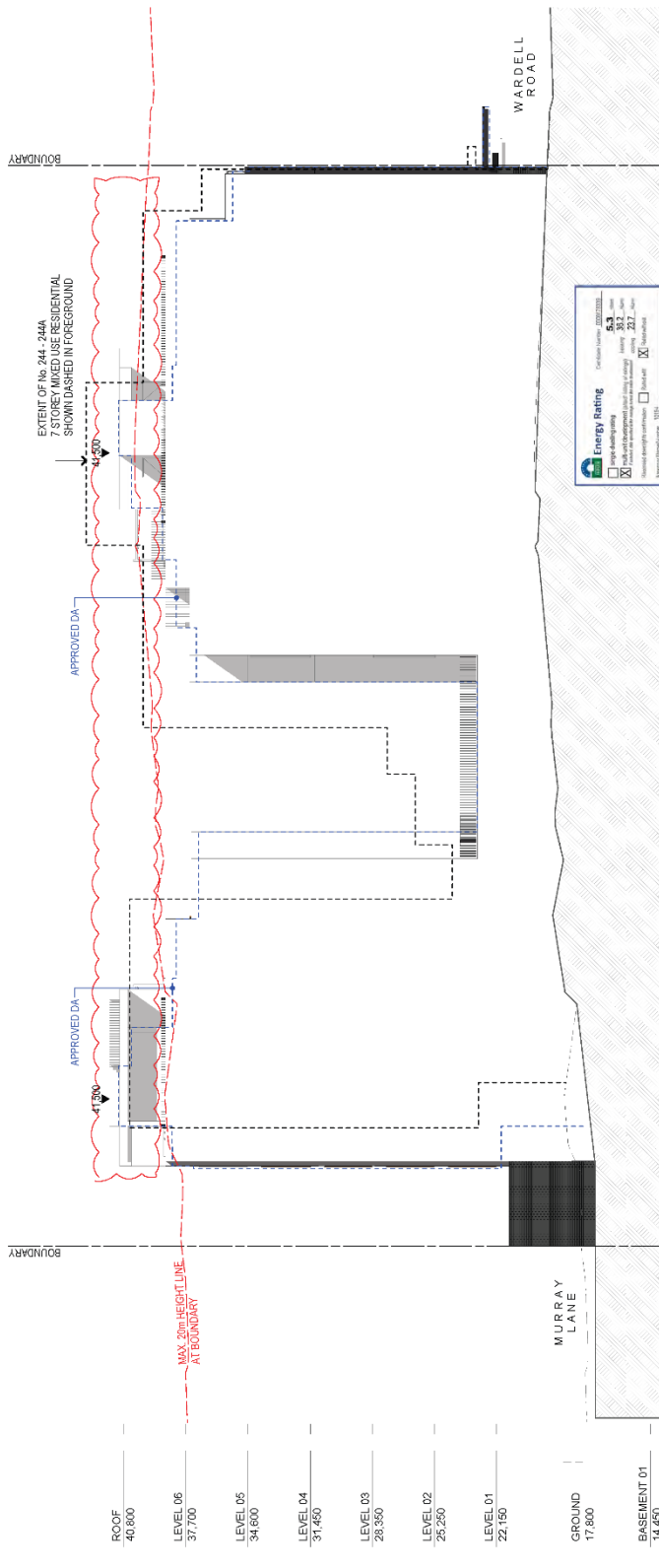
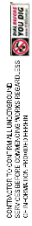
Drawing Title  
**ELEVATIONS - 01**

Scale  
 1:200 (A3) (not size)

Project Number  
**17-089**

Drawing Number  
**DA-201**

Revision  
 03



**EXTERNAL FINISHES SCHEDULE**

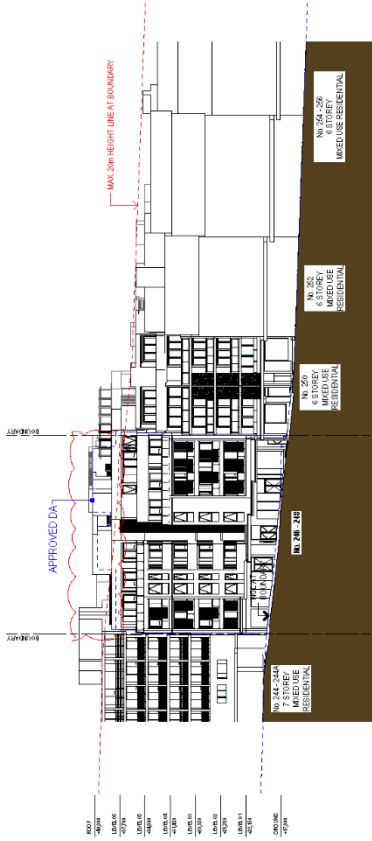
- 1 - DULUX PAINT WITH WAX  
DARK GREY 'LAVENDER'  
ON CONCRETE / BRICK WALL
- 2 - DULUX PAINT WITH WAX  
WHITE 'WIND WHITES'  
ON CONCRETE / BRICK WALL
- 3 - POWDER COATING  
DULUX DRYLAC  
"ZULES CHARCOAL" OR  
SIMILAR
- 4 - JAMES HARDIE  
AXON CLADDING - TIMBER  
LOOK WITH HAWKAW  
COLOUR 'SOUL DUHNI' OR  
SIMILAR
- 5 - BRICK  
POT ALFRESCO 'ESPRESSO'
- 6 - ALUMINIUM BATTENS  
TIMBER LOOK WITH HAWKAW  
COLOUR 'GOL DUHNI' OR SIMILAR
- 7 - GLASS BALUSTRADE  
CLEAR GLASS
- 8 - METAL LOUVER  
SYSTEM  
TIMBER LOOK
- 9 - GLASS  
(COMMERCIAL)  
G-JAMES - CLEAR GLASS OR  
SIMILAR
- 10 - GLASS  
(RESIDENTIAL)  
GREY GLASS

**URBAN LINK**  
 Document Set ID: 38225225  
 Version: 1, Variation Date: 19/10/2023  
 Nominated Architect  
 Zed Bourneham Reg no 8638  
 Copyright URBAN LINK PTY LTD

Drawing Title  
**ELEVATIONS - 02**

Scale  
 1:200 (A3) (not size)  
 Project Number  
 17-089  
 Drawing Number  
 DA-202  
 Revision  
 03

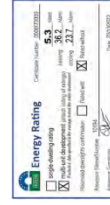




STREETSCAPE - WARDELL ROAD ELEVATION  
SCALE 1:500



STREETSCAPE - MURRAY LN ELEVATION  
SCALE 1:500



Scale 1:500 @ A4 Draw Size  
Project Number 17-089  
Drawing Number DA-210  
Revision 03

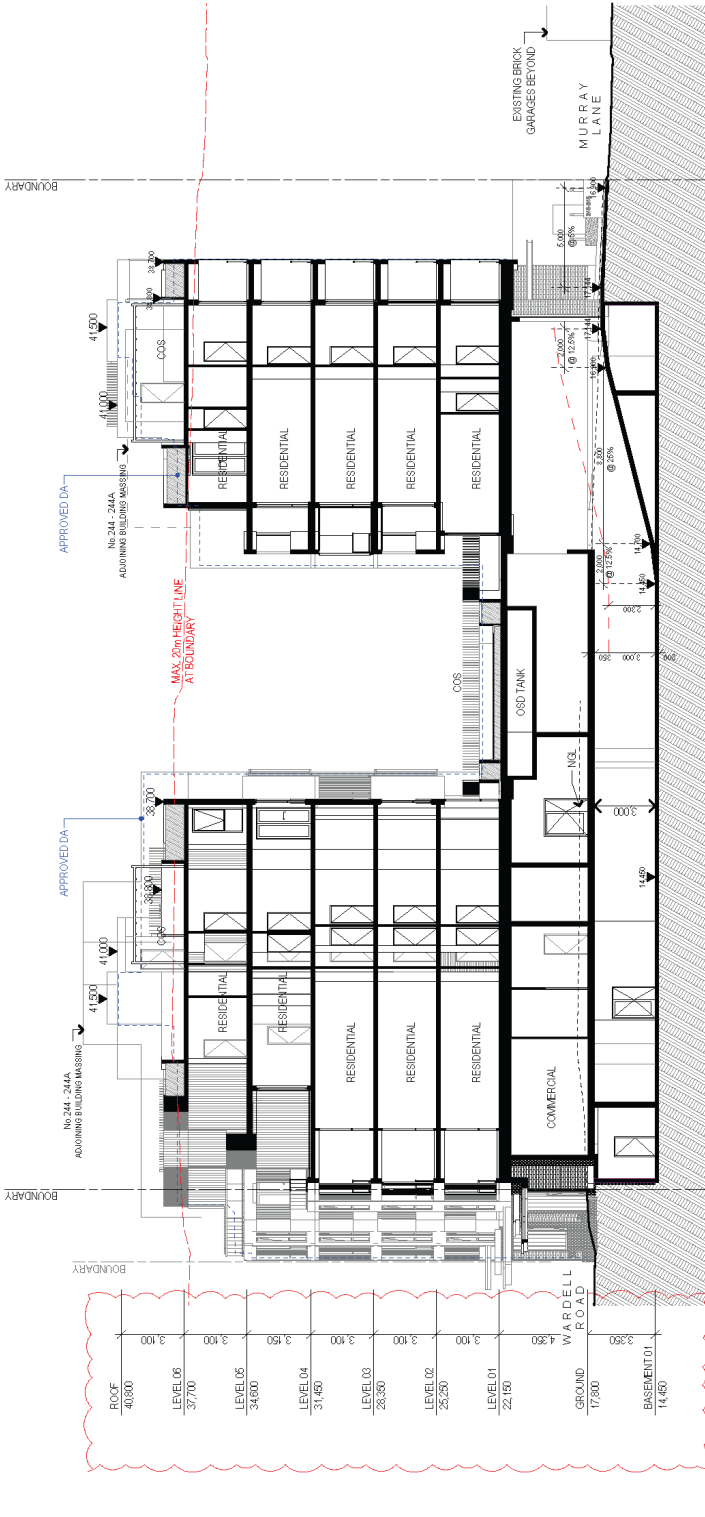


Nominated Architects:  
Zoe Bourneham Reg no 8008  
Copyright URBAN LINK PTY LTD ©  
Version 1, Version Date - 18/10/2023

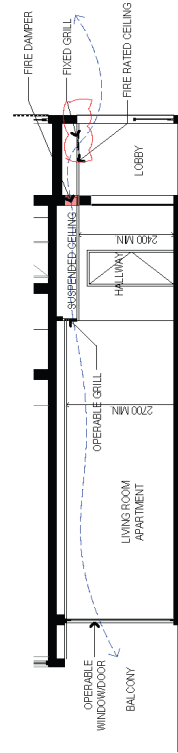
MIXED USE RESIDENTIAL  
246-248 Wardell Road Marrickville NSW

Drawing Title  
STREETSCAPE





SECTION AA  
SCALE 1:200



Cross Ventilation Detail  
SCALE 1:100



Project Number: **DA-301**  
Drawing Number: **4.7.089**  
Scale: **1:200, 1:100**  
Revision: **03**

Drawing Title: **SECTION AA&CROSS VEN. DETAIL**  
Project Name: **MIXED USE RESIDENTIAL**  
Address: **246-248 Wardell Road Marrickville NSW**

Urban Link  
 Registered Architects:  
 Ziad Bourmihan Reg no 8006  
 Copyright URBAN LINK PTY LTD ©  
 Version: 1, Version Date: 18/10/2023

CONCEPTUAL ARCHITECTURAL DRAWINGS  
 2D/3D VISUALIZATION OF PROPOSED DEVELOPMENT  
 © HOKERLEYS - ARCHITECTURE



**Energy Rating**  
 Green Star 4.5 (RESIDENTIAL)  
 Green Star 3.5 (COMMERCIAL)  
 Green Star 2.5 (PUBLIC WORKS)  
 Green Star 1.5 (INDUSTRIAL)  
 Green Star 0.5 (SPECIAL PURPOSE)  
 Green Star 0 (NON-RATED)  
 Green Star 0.5 (SPECIAL PURPOSE)  
 Green Star 1.5 (INDUSTRIAL)  
 Green Star 2.5 (PUBLIC WORKS)  
 Green Star 3.5 (COMMERCIAL)  
 Green Star 4.5 (RESIDENTIAL)

**EXTERNAL FINISHES SCHEDULE**

- 1 - DULUX PAINT WITH NANKAW DARK GREY 'KLAMES' ON CONCRETE / BRICK WALL
- 2 - DULUX PAINT WITH NANKAW WHITE 'WIND WHITES' ON CONCRETE / BRICK WALL
- 3 - POWDER COATING DULUX DURATEC 'ZURES CHARCOAL' OR SIMILAR
- 4 - JAMES HARRIE 'ANYON GLADING' TIMBER LOOK WITH NANKAW COLOUR 'GOLD UHN' OR SIMILAR
- 5 - BRICK 'PGT ALFRESCO ESPRESSO' COLOUR 'GOLD UHN' OR SIMILAR
- 6 - ALUMINIUM BATTENS TIMBER LOOK WITH NANKAW COLOUR 'GOLD UHN' OR SIMILAR
- 7 - GLASS BALUSTRADE CLEAR GLASS
- 8 - METAL LOUVER SYSTEM TIMBER LOOK
- 9 - GLASS (COMMERCIAL) G-JAMES - CLEAR GLASS OR SIMILAR
- 10 - GLASS (RESIDENTIAL) GREY GLASS

**URBAN LINK**  
 Document Set ID: 38225225  
 Version: 1.1, Variation Date: 19/10/2023

**MIXED USE RESIDENTIAL**  
 246-248 Warrell Road Marrickville NSW

**SECTION BB & CC**

Scale: 1:200  
 Project Number: 17-089  
 Drawing Number: DA-302  
 Revision: 03



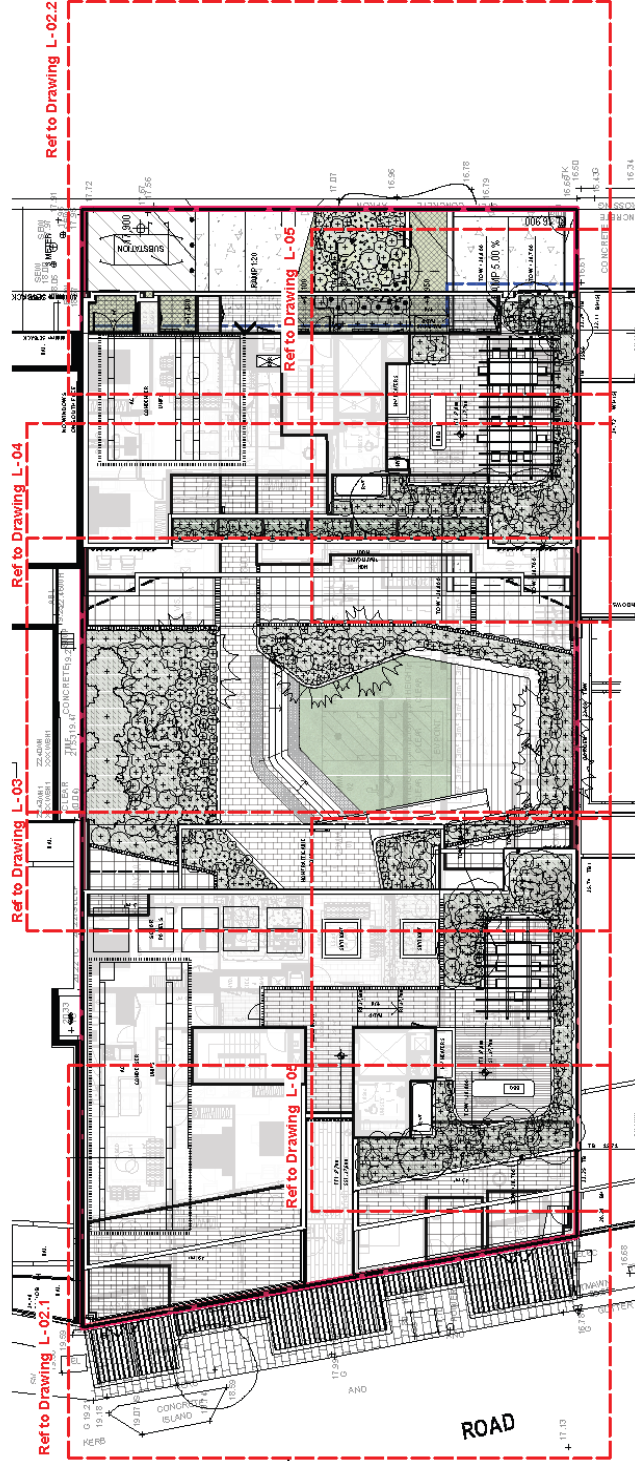
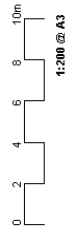
# LANDSCAPE S4.55

## 246-248 WARDELL RD MARRICKVILLE



Drawing List

Sheet No.	Sheet Name	Sheet Size	Rev. No.	Rev. Date
L-01	COVER SHEET	A3	G	16/12/22
L-02.1	WARDELL RD	A3	F	9/11/22
L-02.2	MURRAY LINE	A3	G	16/12/22
L-03	LEVEL LANDSCAPE PLAN	A3	H	9/11/22
L-04	PLANTING PLAN	A3	F	9/11/22
L-05	LEVEL LANDSCAPE PLAN	A3	F	9/11/22
L-06	PLANTING DETAILS	A3	G	16/12/22
L-07	PRESIDENT IMAGES	A3	F	9/11/22
L-08	TYPICAL DETAILS	A3	F	9/11/22
L-09	EXISTING TREE	A3	F	9/11/22
L-10	NOTES	A3	F	9/11/22
L-11	SPECIFICATION	A3	F	9/11/22



**SITEDESIGN +STUDIOS**  
*creating places to live & enjoy*

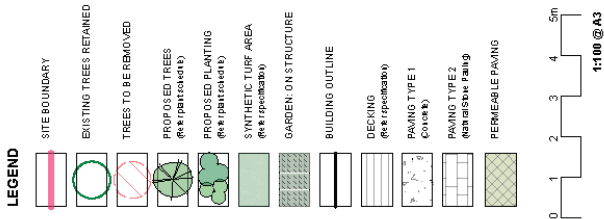
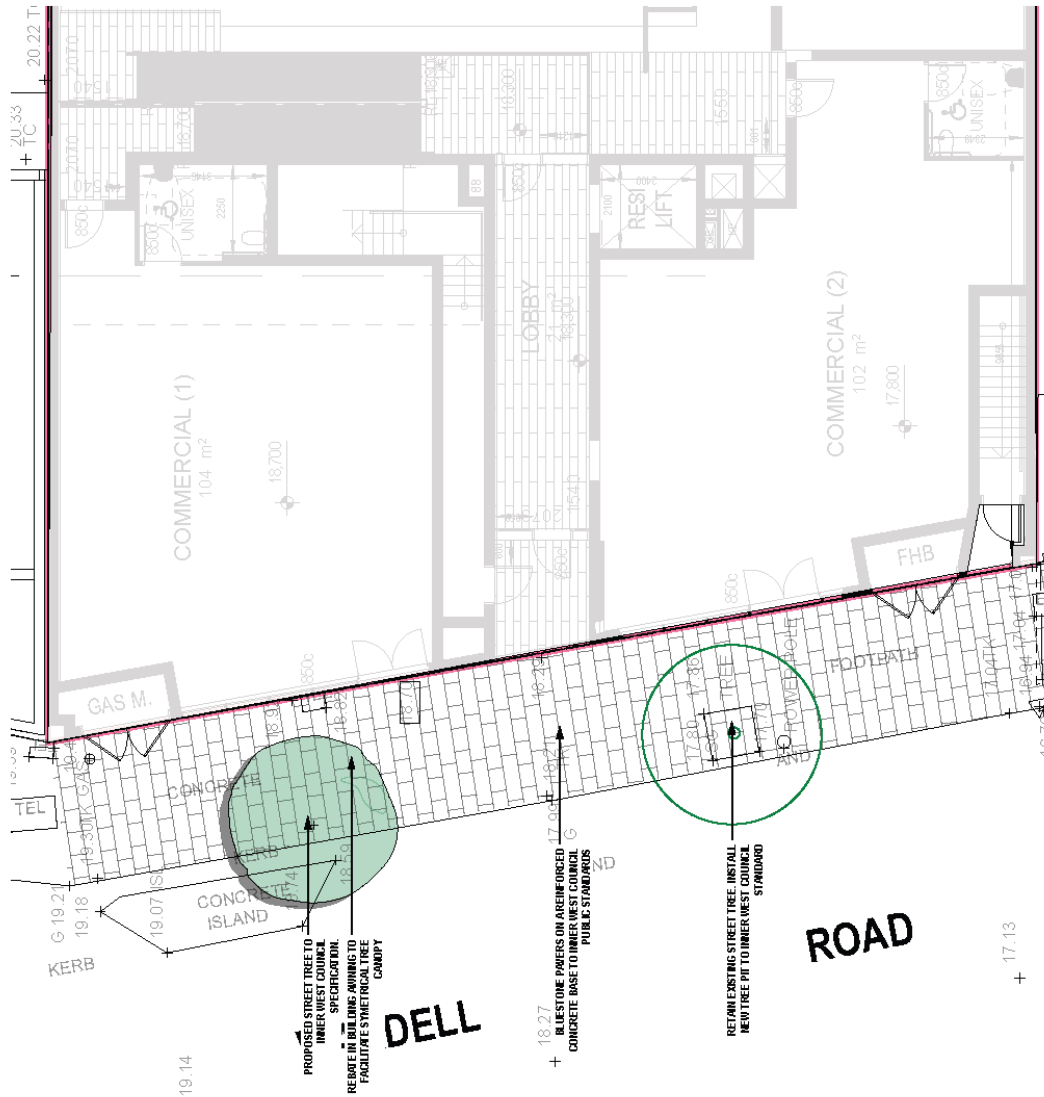
SYDNEY SOUTH STUDIO  
 10/100 WARRICKVILLE RD  
 WARRICKVILLE NSW 2202  
 P 02 9339 2446  
 E info@sitedesign.com.au  
 www.sitedesign.com.au

Project: PROPOSED LANDSCAPE WORKS  
 Address: 246-248 WARDELL RD, MARRICKVILLE  
 Drawing Title: COVER SHEET  
 Date: 16/12/22  
 Scale: 1:200 @ A3



REV	DATE	BY	CHK	REVISION
G	16/12/22	FOR S4.55		
F	9/11/22	FOR S4.55		
E	10/2/22	FOR APPROVAL		

Page  
**L-01 G**



F	1/1/22	FOR \$4.5
E	15/2/22	FOR APPROVAL
D	15/2/22	FOR APPROVAL
	REVISION	DATE
		COMMENT



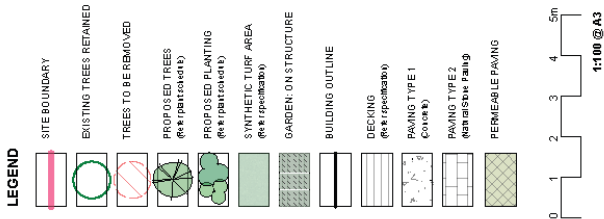
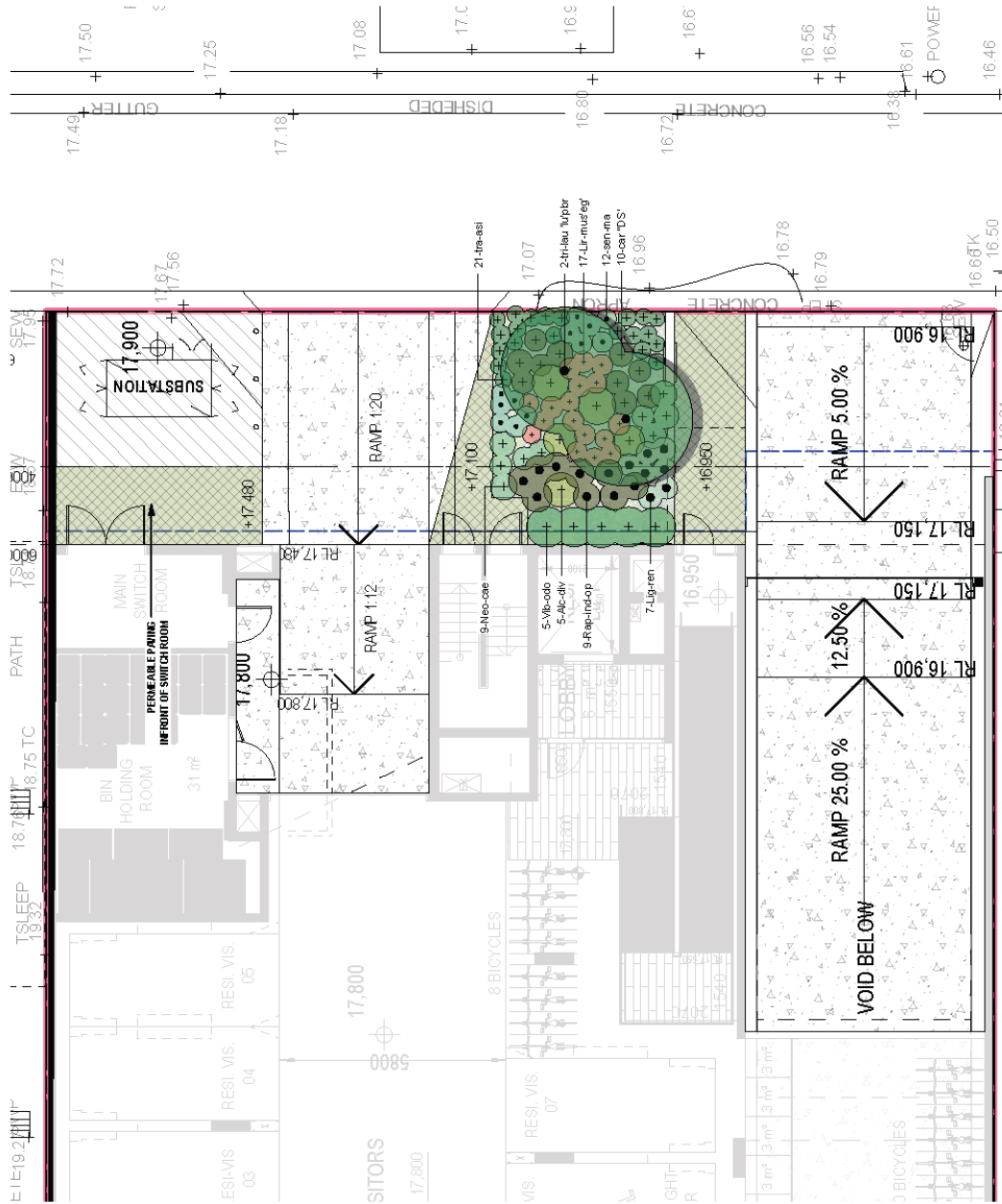
Project: PROPOSED LANDSCAPE WORKS  
 Address: 246-248 WARDELL RD, MARRICKVILLE  
 Drawing Title: WARDELL ROAD  
 Date: 09/11/22  
 Scale: 1:100 @ A3

STONE SOUTH STUDIO  
 1/111 WARRIMOO NSW 2232  
 P: 02 9272 4455  
 E: info@statedesign.com.au  
 www.statedesign.com.au

**SITEDESIGN + STUDIOS**  
 creating places to live for and enjoy

Document Set ID: 3822525  
 Version: 1, Version Date: 19/11/2023





Page  
**L-02.2 G**

REV	DATE	REVISIONS
0	16/12/22	FOR \$4.5
1	16/12/22	FOR \$4.5
2	16/12/22	FOR APPROVAL

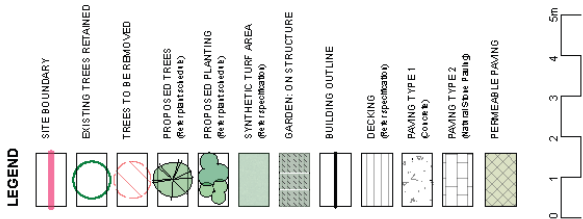


Project: PROPOSED LANDSCAPE WORKS  
 Address: 246-248 WARDELL RD, MARRICKVILLE  
 Drawing Title: MURRAY LANE  
 Date: 16/12/22  
 Scale: 1:100 @ A3

STONE SOUTH STUDIO  
 1/110 WARRIMOO RD  
 MARRICKVILLE NSW 2202  
 P: 02 9339 2744  
 F: 02 9339 2745  
 www.stonesouth.com.au

**SITEDESIGN + STUDIOS**  
 creating places to live for and enjoy

Document Set ID: 3222525  
 Version: 1, Version Date: 15/11/2023



H	31/02	FOR \$4.5
O	21/02	FOR CLIENT APPROVAL
F	20/02	FOR CLIENT APPROVAL
	DATE	COMMENT
	REVISIONS	



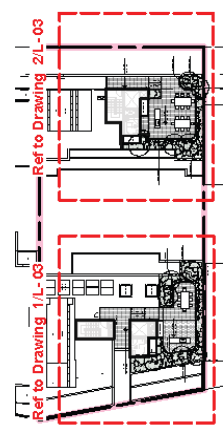
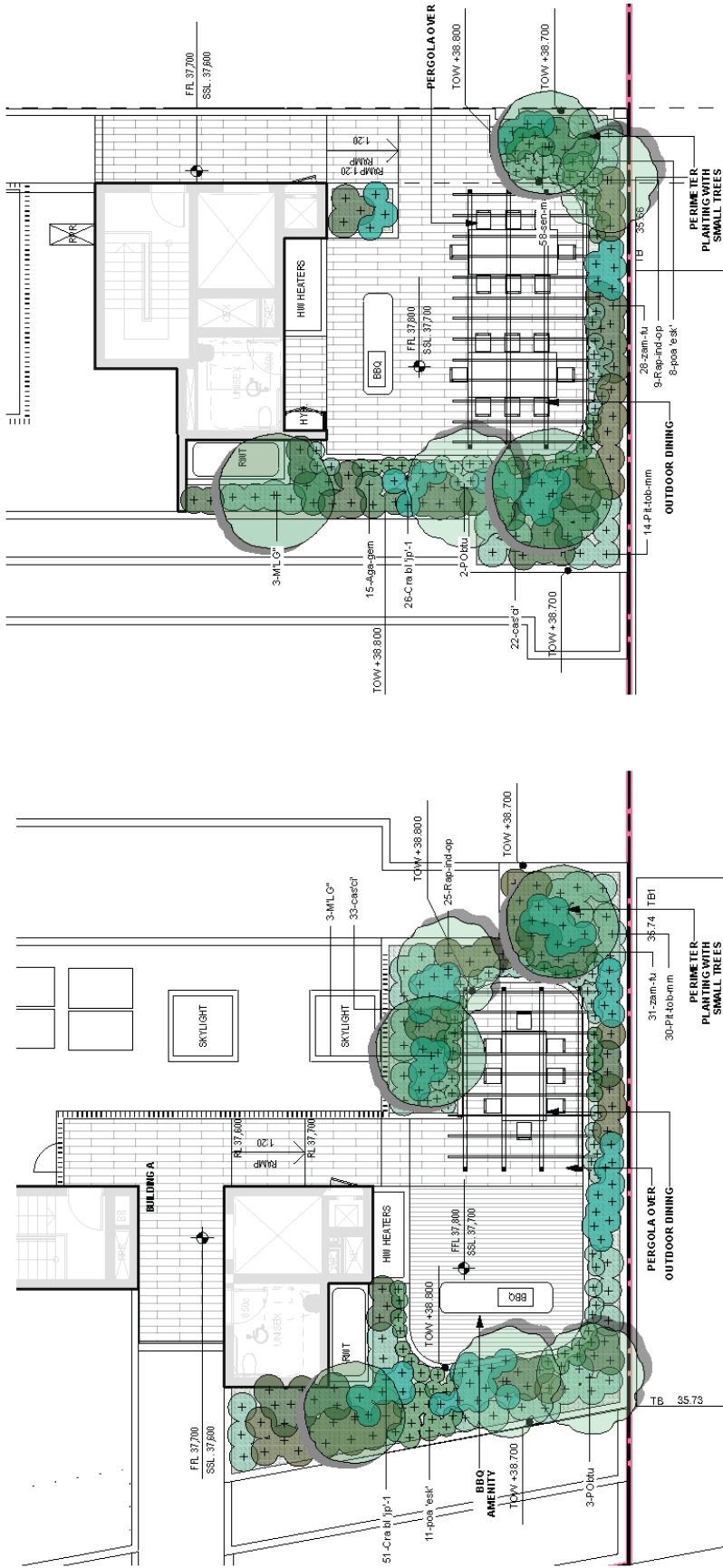
Project: PROPOSED LANDSCAPE WORKS  
 Address: 246-248 WARDLE RD, MARRICKVILLE  
 Drawing Title: LEVEL 1 LANDSCAPE PLAN  
 Date: 16/12/22  
 Scale: 1:100 @ A3

STONE SOUTH STUDIO  
 1/11 WARRIMOO NSW 2232  
 P: 02 9337 4455  
 E: info@studies.com.au  
 www.studies.com.au

**SITEDSIGN**  
**+STUDIOS**  
 creating places to live for and enjoy

Document Set ID: 3622525  
 Version: 1.1, Version Date: 19/11/2023

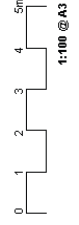




2 EASTERN ROOF  
1:100 @ A3

1 WESTERN ROOF  
1:100 @ A3

- LEGEND**
- SITE BOUNDARY
  - PROPOSED TREES  
(see plant schedule)
  - PROPOSED PLANTING  
(see plant schedule)
  - GARDEN ON STRUCTURE
  - BUILDING OUTLINE
  - DECKING  
(see plant schedule)
  - PAVING TYPE 2  
(see plant schedule)



**SITEDESIGN + STUDIOS**  
*creating places to live & work*

SYDNEY SOUTH STUDIO  
 10/100 WARRILL RD, MARRICKVILLE  
 NSW 2202  
 PH: 02 9550 2446  
 SALES: @sitedesign.com.au  
 www.sitedesign.com.au

Document Set ID: 38225525  
 Version: 1, Version Date: 19/10/2023

Project: PROPOSED LANDSCAPE WORKS  
 Address: 285-288 WARDELL RD, MARRICKVILLE  
 Date: 09/11/22  
 Scale: 1:100 @ A3

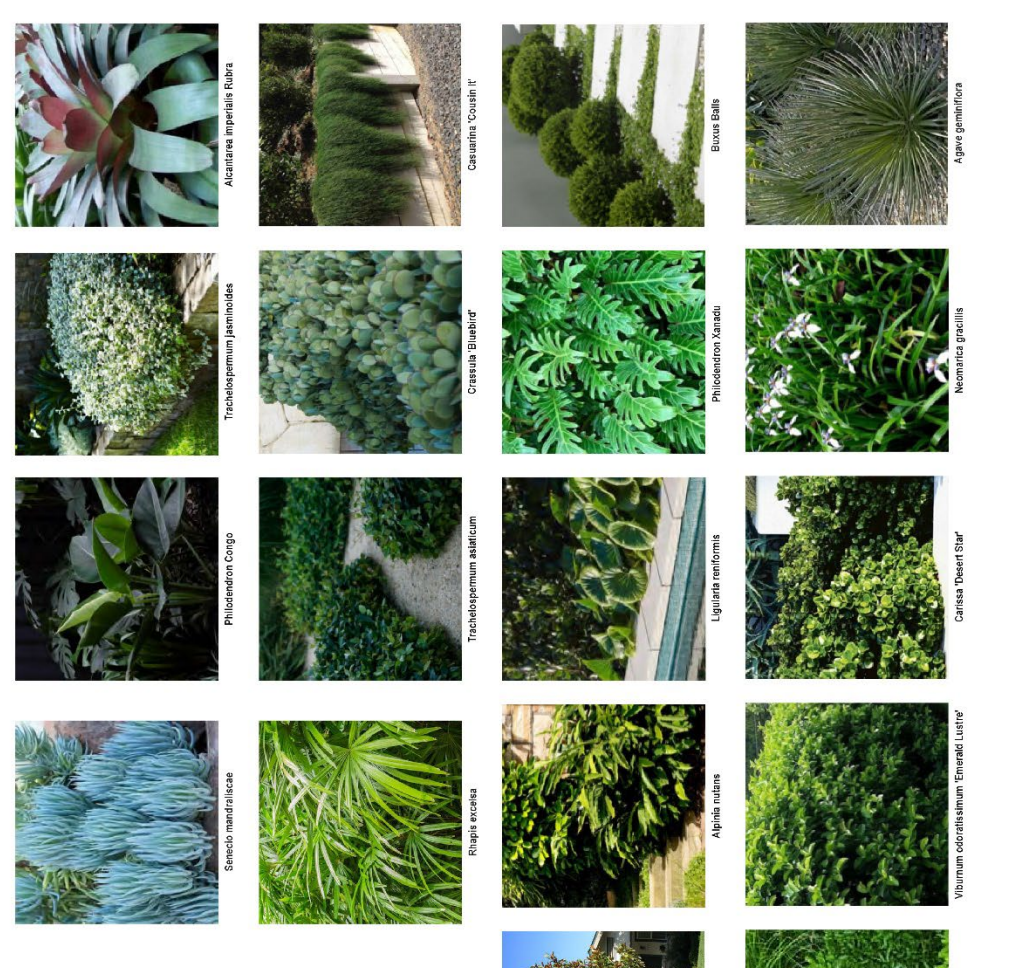
Revision Table:

REVISION	DATE	COMMENT
F	9/11/22	FOR \$4.45
E	19/02/22	FOR APPROVAL
D	19/02/22	FOR APPROVAL
C		
B		
A		



**PLANTING SCHEDULE**

Trees ID	Botanical Name	Common Name	Scheduled Size
Caus	<i>Cyathus australis</i>	Australian Tree Fern	45L
EE	<i>Elaeocarpus eumundi</i>	Smoothed leaved Quandong	45L
Hfok	<i>Howea forsteriana</i>	Kentia Palm	45L
MLG*	<i>Magnolia 'Little Gem'</i>	Magnolia	45L
Poblu	<i>Plumeria obtusa</i>	Frangipani	45L
Brau/Yubr	<i>Tristanopsis laurina</i>	Luscious PBR	100L
Bu	<i>Buxus Nels</i>	Lilleaf Boxwood	200mm
Car 'DS'	<i>Carissa 'Desert Star'</i>	Desert Natal Plum	200mm
Lig-en	<i>Ligularia reniformis</i>	Tractor Seat Plant	200mm
Phi-con	<i>Philodendron 'Rouy Congo'</i>	Rouy Congo	200mm
Phi-xan	<i>Philodendron 'Xanadu'</i>	Winterform Philodendron	200mm
Phi-100-mm	<i>Philodendron tobira 'Miss Muller'</i>	Miss Muller Philodendron	200mm
Rep-ind-rip	<i>Rapidochloa indica 'oriental pearl'</i>	Indian Hawthorn	300mm
U-m-300mm	<i>Utricularia maculata</i>	Utricularia	300mm
Vit-200	<i>Viburnum coccineum</i>	Viburnum	200mm
<b>Ground Covers</b>			
Agg-nem	<i>Agave geminiflora</i>	Agave	200 mm
Alc-div	<i>Alcantarea imperialis Rubra</i>	Red Bromeliad	150mm
Alp-nut	<i>Alphita nutans</i>	False Cardemon	150mm
Asp-alla	<i>Aspidistra sativa</i>	Caslon Plant	200mm
Cas-400	<i>Casuarina 'Cousin It'</i>	Casuarina	400mm
Cas-150	<i>Casuarina 'Cousin It'</i>	Casuarina	150mm
Cra 'H' ip-1	<i>Crassula 'Blue Bird'</i>	Marble Queen	150mm
Epi-aur	<i>Epidendrum aurum 'Marble Queen'</i>	Marble Queen	150mm
Sen-ma	<i>Senecio maironiellaceae</i>	Blue Chalk Sticks	150mm
zam-lu	<i>Zamia lufuracea</i>	Cardboard Plant	150mm
<b>Grasses</b>			
Lir-ma-300	<i>Liriope muscari 'Evergreen Giant'</i>	Evergreen Giant Lilyurf	200mm
Neom-300	<i>Neomarica cordata</i>	Neomarica	300mm
Pos-300	<i>Posidonia maritima</i>	Posidonia	300mm
Pos-150	<i>Posidonia maritima</i>	Posidonia	150mm



**SYDNEY SOUTH STUDIO**  
 4 KIRRAWILLIE NSW 2232  
 TEL: 02 75 25 44 00  
 PH: 02 75 25 44 00  
 PHENY@studios.com.au  
 www.studios.com.au

**Project:** PROPOSED LANDSCAPE WORKS  
**Address:** 248-248 WARDELL RD, MARRICKVILLE  
**Date:** 18/12/22  
**Drawing Title:** PLANTING DETAILS

**Scale:** 1:100 @ A3

**Page:** L-06 G

**Issue:** 18/12/22 FOR \$1.55  
**Revision:** 18/12/22 FOR \$1.55

**Comments:**





OPEN TURF EXPANSE



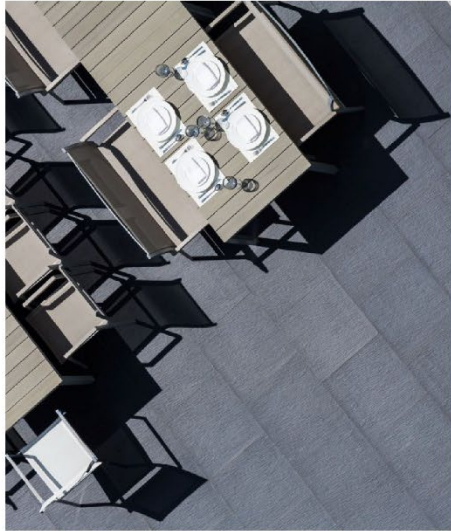
OFF FORM CONCRETE MATERIALITY



INTEGRATED WALL SEATING



LUSCIOUS PLANTING TYPOLOGIES ON LEVEL 1



OUTDOOR DINING AMENITY



TEXTURAL PLANTING TO ROOFTOP SPACES



REV	DATE	ISSUE	REVISIONS
F	01/11/22	FOR \$4.45	
B	16/02/22	FOR APPROVAL	
D	16/02/22	FOR APPROVAL	
		DATE	COMMENT







The design of the swimming pool and associated equipment must comply with the following requirements:

- i) The Swimming Pools Act & Regulations.
- ii) Australian Standard 1926 Swimming Pool Safety as prescribed under the Building Code of Australia.
- iii) All swimming pool associated equipment must be sound insulated and/or isolated so that the noise emitted does not exceed an LAeq(15min) of not more than 55 dB(A) above the background level in any octave band from 31.5Hz to 8kHz centre frequencies inclusive at the boundary of the site.

The swimming pool excavation and/or swimming pool must be provided with a sound insulation barrier extending into the excavation or pool at all times throughout the construction phase.

**Note:**

- The measurement of sound must be carried out in accordance with Australian Standard 1054.
- Additional information is available from Sutherland Shire's Swimming Pool Environmental Specification.
- Landscaping and ancillary structures must not intrude into the child-resistant barrier Non-Climbable Zone.
- Only structures associated with the pool may be located within the pool area, including but not limited to, pergolas, gazebos or any other non pool-related structures are not permitted within the pool area.

**Before the issue of any Occupation Certificate:**

- i) The child resistant barrier must be installed in accordance with A above.
  - ii) The swimming pool is to be registered in the NSW Swimming Pool Register.
- The pump and associated equipment must be maintained and operated in accordance with the noise levels described above.
- ii) The child resistant barrier must be maintained in accordance with the Australian Standard as described above.

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

**Design**

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

**Ongoing**

All lighting must be operated and maintained in accordance with the Standard above.

This plan should be read in conjunction with the architectural and hydraulics plans. Work specific to these plans should be prepared in accordance to these plans, including specification and detail prior to the installation of landscaping, and should not be altered or compromised during landscape construction.

**Retaining wall details to engineers design.**

Elements such as drainage swales may be incorporated in garden bed areas (Using non-liable mulch) without compromising the capacity or form.

The Design & location of new letter boxes shall be in accordance with Australia Posts "Requirements for Delivery of Mail to Residential Premises" published Feb '97. All noxious weeds listed in Councils weed lists & located on the site shall be continually removed & suppressed. Reinstate all boundary fencing in poor condition with Council approved 1.8m high x 100mm x 100mm timber posts to line, topped with 100mm x 100mm x 6mm aluminium channel. All excavations shall be reinstated to the original condition or better during the construction period. Proposed excavation near existing established trees to be supervised by arborist.

**This plan has been prepared for DA approval only, not for construction.**

Planting proposed using commercially available plant species selected from local planting lists and the BASIX local plant list. D.A approved landscape plan's are required to be constructed as approved to obtain occupancy certificate.

All gardens to have installed a drop irrigation system controlled from within the store & run off tank water (with possible town water top up). Irrigation system can be designed and installed by Site Design. Call David James on 0488 358 180

SPECIES	EXISTING				PROPOSED				PLANT REPLACEMENT / RELOCATION			
	NO.	HEIGHT	SPREAD	SHADE	NO.	HEIGHT	SPREAD	SHADE	NO.	HEIGHT	SPREAD	SHADE
1	W	M	M	W	F	M	D					W
2	W	M	M	W	F	M	D					W
3	W	M	M	W	F	M	D					W
4	W	M	M	W	F	M	D					W
5	F	N/A	M	F	M	M	D					W
6	F	N/A	M	F	M	M	D					W
7	F	N/A	M	F	M	M	D					W
8	M	N/A	M	M	N/A	N/A	2ND D					W
9	M	N/A	M	M	N/A	N/A	2ND D					W
10	M	N/A	M	M	N/A	N/A	2ND D					W
11	F	F	M	F	M	M	D					W
12	F	F	M	F	M	M	D					W

Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.  
iv) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.



SYDNEY SOUTH STUDIO  
 111/112 WARRIBELL RD, MARRICRYVILLE  
 NSW 2202  
 P 02 94 44 44 44  
 E info@studios.com.au  
 www.studios.com.au

Project: PROPOSED LANDSCAPE WORKS  
 Address: 285-288 WARRIBELL RD, MARRICRYVILLE  
 Drawing Title: NOTES  
 Date: 09/11/22  
 Scale: N/A

Page L-10 F  
 F 9/11/22 FOR \$4.15  
 E 10/2/22 FOR APPROVAL  
 D 10/2/22 FOR APPROVAL  
 R 10/2/22 FOR APPROVAL  
 REVISION DATE COMMENT

LANDSCAPE SPECIFICATION

PRELIMINARIES

1.01 GENERAL
The following recommendations are to be included in the contract for landscape works:
1.1.1 The contractor shall be responsible for the design and construction of all landscape works...
1.1.2 The contractor shall be responsible for the design and construction of all landscape works...

1.1.3 PROTECTION OF EXISTING TREES
The contractor shall be responsible for the design and construction of all landscape works...
1.1.4 EROSION, POLLUTION CONTROL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.5 SOIL WORKS
The contractor shall be responsible for the design and construction of all landscape works...
1.1.6 PLANTING
The contractor shall be responsible for the design and construction of all landscape works...

1.1.7 MAINTENANCE
The contractor shall be responsible for the design and construction of all landscape works...
1.1.8 MATERIALS
The contractor shall be responsible for the design and construction of all landscape works...

1.1.9 INSTALLATION
The contractor shall be responsible for the design and construction of all landscape works...
1.1.10 PAINTING
The contractor shall be responsible for the design and construction of all landscape works...

1.1.11 TURNING
The contractor shall be responsible for the design and construction of all landscape works...
1.1.12 TURNING
The contractor shall be responsible for the design and construction of all landscape works...

1.1.13 TURNING
The contractor shall be responsible for the design and construction of all landscape works...
1.1.14 TURNING
The contractor shall be responsible for the design and construction of all landscape works...

1.1.15 TURNING
The contractor shall be responsible for the design and construction of all landscape works...
1.1.16 TURNING
The contractor shall be responsible for the design and construction of all landscape works...



creating places to live in and enjoy

Project: STOREY SOUTH STUDIO
Address: HARRISVILLE NSW 2222
Drawing Title: SPECIFICATION

Project: PROPOSED LANDSCAPE WORKS
Address: 285-288 WARDELL RD, MARRICKVILLE
Drawing Title: SPECIFICATION

Table with 2 columns: REVISION, DATE. Contains revision history for the specification document.

1.1.1 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.2 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.3 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.4 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.5 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.6 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.7 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.8 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.9 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.10 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.11 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.12 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.13 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.14 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.15 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.16 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.1 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.2 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.3 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.4 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.5 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.6 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.7 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.8 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.9 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.10 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.11 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.12 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.13 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.14 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

1.1.15 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...
1.1.16 GENERAL
The contractor shall be responsible for the design and construction of all landscape works...

Attachment C- Original Determination



**NOTICE OF DETERMINATION - APPROVAL**

*Issued under Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979*

<b>Development Application No.</b>	DA/2021/0855
<b>Applicant</b>	Urban Link Pty Ltd
<b>Land to be developed</b>	246 Wardell Road MARRICKVILLE NSW 2204
<b>Approved development</b>	Demolition of existing structures and construction of shop top housing development with basement parking and associated works.
<b>Cost of development</b>	\$9,983,812.00
<b>Determination</b>	The application was determined by Local Planning Panel and was granted consent <b>subject to the conditions attached.</b>
<b>Other Approvals</b>	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act.
<b>Determination date</b>	10 May 2022
<b>Consent is to operate from</b>	10 May 2022
<b>Consent will lapse on</b>	10 May 2027

**Reasons for conditions**

To protect the environmental amenity of the area and the public interest.

**Inner West Council**  
 innerwest.nsw.gov.au  
 02 9392 5000

council@innerwest.nsw.gov.au  
 PO Box 14, Petersham NSW 2049

Document Set ID: 38225524  
 Version: 1, Version Date: 19/10/2023

**Right of appeal**

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in [Section 8.10](#) of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. Section 8.2 does not apply to complying development, designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that is already subject to a Section 8.2 review.

For further information please contact **Glen Hugo** on **02 9392 5835** or [glen.hugo@innerwest.nsw.gov.au](mailto:glen.hugo@innerwest.nsw.gov.au).



Martin Amy

Acting Manager Development Assessment - South

**CONDITIONS OF CONSENT**

**DOCUMENTS RELATED TO THE CONSENT**

**1. Documents related to the consent**

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA-000 Revision 2	Cover + Data		
DA-101 Revision 2	Basement 01		
DA-102 Revision 2	Ground Floor Plan		
DA-103 Revision 2	Level 01		
DA-104 Revision 2	Level 02		
DA-105 Revision 2	Level 03		
DA-106 Revision 2	Level 04		
DA-107 Revision 2	Level 05		
DA-108 Revision 2	Level 06		
DA-109 Revision 2	Roof Plan		

DA-201 Revision 2	Elevations - 01		
DA-202 Revision 2	Elevations - 02		
DA-203 Revision 2	Elevations - 03		
DA-210 Revision 2	Streetscape		
DA-301 Revision 2	SectionAA&CROSS VEN. DETAIL		
DA-302 Revision 2	SECTION BB & CC		
DA-351 Revision 1	Façade Sections Details		
DA-352 Revision 1	Façade Sections Details		
DA-353 Revision 1	Façade Sections Details		
L-01 E	Cover Sheet	16/2/22	
L-02.1 E	Wardell Road	16/2/22	
L-02.2 E	Murray Lane	16/2/22	
L-03 E	Level 1 Landscape Plan	16/2/22	
L-04 E	Level 5 Landscape Plan	16/2/22	
L-05 E	Level 6 Landscape Plan	16/2/22	
L-06 E	Planting Details	16/2/22	
L-07 E	Prescedent Images	16/2/22	

L-08 E	Typical details	16/2/22	
L-09 E	Existing Tree	16/2/22	
L-10 E	Notes	16/2/22	
L-11 E	Specifications	16/2/22	
21/1684/A	Geotechnical Investigation	February 2022	SDS Geotechnical
21079	Waste Management Plan	July 2021	Dickens Solutions
833	Statement of Environmental Effects	15 March 2022	Daintry Associates Pty Ltd
1221792M	BASIX Certificate	23/8/2021	
ES8260 Revision 0	Detailed Site Investigation	10 August 2021	Aargus

As amended by the conditions of consent.

### **DESIGN CHANGE**

#### **2. Design Change**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans (Landscape Plan by Site Design, Rev E and dated 16/02/22 to be amended) demonstrating the following:

- a. The *Banksia integrifolia* (Coast Banksia) located in the deep soil area adjacent Murray Lane must be replaced with a minimum of two (2) large broad domed canopy trees such as *Corymbia eximia*, *Angophora costata* or *Angophora floribunda*. The trees must be in 200 litre containers at planting. One tree is to be planted on either of the ramp at a minimum distance of 2.5m from the rear building alignment and at a suitable setback from the ramp.
- b. The soil depth for planters containing trees must be 800mm (excluding drainage cells).

**FEES**

**3. Section 7.11 (Former Section 94) Contribution**

Prior to the issue of a Construction Certificate/ before commencing works written evidence must be provided to the Certifying Authority that a monetary contribution of \$648,692.56 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 5/1/2022

**\*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.

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:

Public Amenities Type:	Contribution \$
Recreation Facilities	\$551,265.93
Community Facilities	\$70,007.48
Traffic Facilities	\$8,817.34
Plan Administration	\$12601.81
<b>TOTAL</b>	<b>\$642,692.56</b>

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment methods:

The required contribution must be paid either **by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000))**. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.



\*NB A 0.75% credit card transaction fee applies to all credit card transactions.

**4. Long Service Levy**

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

**5. Security Deposit - Custom**

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

<b>Security Deposit:</b>	\$70,000.00
<b>Inspection Fee:</b>	\$241.50

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

## **GENERAL CONDITIONS**

### **6. Hazardous Materials Survey**

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW.

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

### **7. Noise – Consultant’s Recommendations**

All performance parameters, requirements, engineering assumptions and recommendations contained in Aircraft and Road Noise Impact Assessment report prepared by Rodney Stevens Acoustics Pty Ltd dated 19 July 2021 (ref: 210292R1 ) must be implemented.

### **8. Waste Management Plan**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with an updated Waste Management Plan

**The previously submitted Waste Management Plan is to be amended to reflect the following:**

- a. Council will provide waste and recycling collection services
- b. The service will be provided from the rear lane
- c. The interim bin storage area will be no more than 10m walking distance from the door of this interim storage area to the collection truck
- d. All doorways and widths of passages along the route of transfer of bins is to be a minimum of 1200mm
- e. The gradient on the route of transfer from the interim bin storage area to the truck is to be no greater than 1:12
- f. Council crew will provide a wheel-out/wheel-in service
- g. Delete all references to 1100L bins - the largest bin Council provides is 660L (as per the Marrickville DCP, 2.21)
- h. Council collects landfill (red lid bins) on a weekly basis and recycling/garden organics on a fortnightly basis. The amendments are to reflect this.

- i. Waste and recycling generation rates: As per Table 1 in the Marrickville DCP, 2.21, residential flat dwellings are to be provided with 120L landfill capacity per dwelling in 240L bins (1 bin shared between 2 units). This equates to landfill generation of 4,560L (38x120L) which can be managed in 240L or 660L bins.
- j. No compaction permitted as this results in excessive bin damage.
- k. A bin tug is to be provided to move bins up the ramp

#### **9. Separation of Commercial and Residential Waste and Recycling**

The waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

#### **10. Works Outside the Property Boundary**

This development consent does not authorise works outside the property boundaries on adjoining lands.

#### **11. Verification of Levels and Location**

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

#### **12. Erosion and Sediment Control**

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

#### **13. Waste Management Plan**

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

**14. Residential Flat Buildings – Adaptable Dwellings**

Prior to the issue of a Construction Certificate, the Certifying Authority, must be provided with plans that demonstrate 8 units are Adaptable units.

No works are to occur to the premises that would prevent the Adaptable units from being adapted for persons with a disability.

**15. Residential Flat Buildings – Air Conditioning Systems**

Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.

**16. Residential Flat Buildings – Hot Water Systems**

Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not visible from the street.

**17. Car Parking**

The development must provide and maintain within the site:

- a. 33 car parking spaces must be paved and line marked;
- b. 10 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces;
- c. 8 visitor car parking spaces must be provided and marked as visitor car parking spaces. A sign legible from the street must be permanently displayed to indicate that visitor parking is available on site;
- d. 2 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times;
- e. 27 Bicycle storage capacity within the site;
- f. 1 Carwash bays; and
- g. 1 Loading docks/bays.

**18. Works to Trees**

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate:

Tree	Approved works
Tree 1B - <i>Schefflera actinophylla</i> (Umbrella Tree)	Removal

<p>Tree 7 - <i>Cinnamomum camphora</i> (Camphor Laurel)                  Tree 8 - <i>Mangifera indica</i> (Mango)                  Tree 9 - <i>Diospyros kaki</i> (Persimmon)                  Tree 12 - <i>Jacaranda mimosifolia</i> (Jacaranda)                  Note - Many other trees on site are not subject to the tree management controls and therefore have not been included in this condition.</p>	
--	--

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

**19. Tree Protection**

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

**20. Rock Anchors**

This consent does not grant consent for any rock anchors on the road reserve or Council land.

**21. Dry-weather Flows**

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 must be designed to be "tanked" preventing the ingress of seepage or groundwater.

## 22. Awnings with Lighting

The proposed awning must be of cantilever type and be set back at least 600mm from the kerb line. The awning must include pedestrian lighting (Category P3-AS1158) and must be maintained and owned by the property owner(s). The proposed awning must be designed to be easily removed if required in future. The owner must maintain, modify or remove the structure at any time if given notification by Council to do so. The lighting must not be obtrusive and should be designed so that it does not shine into any adjoining residences.

### 22A General Terms of Approval Water NSW

The proposed development must be carried out in accordance with the General Terms of Approval form Water NSW:

GT0115-00001 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

GT0116-00001 Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity  
Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to [Customer.Helpdesk@waterNSW.com.au](mailto:Customer.Helpdesk@waterNSW.com.au) or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

Note: The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.

GT0121-00001 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.

GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme).

GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website [www.watnsw.com.au/customer-service/water\[1\]licensing/dewatering](http://www.watnsw.com.au/customer-service/water[1]licensing/dewatering).



GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual.

GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition

GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

### **PRIOR TO ANY DEMOLITION**

#### **23. Resource Recovery and Waste Management Plan - Demolition and Construction**

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

**24. Construction Fencing**

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

**25. Advising Neighbours Prior to Excavation**

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

**26. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

**27. Construction Traffic Management Plan – Detailed**

Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The CTMP must be approved by the Certifying Authority prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

The following matters should be addressed in the CTMP (where applicable):

- a. Description of the demolition, excavation and construction works;
- b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;

- e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g. Proposed hours of construction related activities and vehicular movements to and from the site;
- h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i. Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j. Measures to maintain public safety and convenience;
- k. Any proposed road and/or footpath closures;
- l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q. On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

#### **28. Hoardings**

The person acting on this consent must 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. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

### **PRIOR TO CONSTRUCTION CERTIFICATE**

#### **29. Aircraft Noise – Acoustic Report (ANEF20-25 or Greater)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report that meets the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction. The recommendations of the report are to be indicated on the architectural plans and / or specifications.

#### **30. Noise General – Acoustic Report**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

#### **31. Each Residential Level is to have Access to a Disposal Point for All Waste Streams**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste generated by that floor over a 24 hour period.

#### **32. Waste Transfer Route**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12.

**33. Bulky Waste Storage Area – Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area must meet the floor area requirements as per the Marrickville DCP 2011 and have minimum doorways of 1200mm wide to accommodate large items.

**34. Bin Storage Area - Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the Marrickville DCP 2011 and must include doorways/entrance points of 1200mm.

**35. Future Food Use - Mechanical Ventilation Provision**

Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.

**36. Concealment of Plumbing and Ductwork**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

**37. Consolidation of Lots**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that the separate lots comprising the development have been consolidated into one lot and under one title and registered at NSW Land Registry Services.

**38. Fibre-ready Facilities**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a. The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

**39. Acoustic Report – Aircraft Noise**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

**40. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

*Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92*

**41. Enclosure of Fire Hydrant**

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS 2419.1 2005.

#### 42. Tree Planting in the Public Domain

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Public Domain/Street Tree Planting Plan and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. One (1) new tree shall be located within the footpath outside the subject property on Wardell Road Road. The species of tree selected shall be *Angophora costata* (Sydney Red Gum) in accordance with the Marrickville Street Tree Master Plan;
- b. The trees are to be planted at appropriate spacings from adjacent trees and structures and avoiding overhead power lines above;
- c. All planting stock size shall be minimum 200 litres;
- d. The planting stock shall comply with AS 2303—*Tree Stock for Landscape Use*. A compliance certificate from the supplier must be submitted to Council prior to planting being undertaken ;
- e. The new tree shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 in Horticulture or Arboriculture. The plan must be clearly annotated with this requirement;
- f. The tree pit dimensions and staking detail shall be generally in accordance with Detail 3 on page 130 of the Marrickville Street Tree Master Plan (available online) with the pit dimension being 1500mm x 1000mm and the tree setback 600mm from the back of the kerb;
- g. The awning configuration must be detailed on the plan. All construction plans shall show the awning on the Wardell Road frontage to be setback a minimum of 1500mm from the back of the kerb.

#### 43. Parking Facilities – Major (including basement)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2018 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:

- a. The garage slab or driveway must rise within the property to be 150mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;



- b. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- c. Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004;
- d. Minimum headroom of 2500mm must be provided above any disabled parking space(s);
- e. The longitudinal profile of the access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B99 design vehicle. Longitudinal sections must be provided along each outer edge of all ramps;
- f. Longitudinal sections must be provided along both sides of the vehicular access ramp(s) and throughout the path of travel for a SRV utilising the loading bay. The sections must demonstrate that minimum headroom of 3500mm is provided;
- g. The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:
  - i. Car spaces adjacent to walls or fences are increased in width by an additional 300mm;
  - ii. End spaces are provided with an additional 1m aisle extension; and
  - iii. The location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004.
- h. At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
- i. The relative surface levels of the internal access from the road being controlled so that:
  - i. The surface levels at the property boundary match "alignment levels"
  - ii. The change in grade for any 2m length of access way does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
  - iii. The maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
  - iv. The maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary.
- j. The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles;
- k. The curved section of the ramp is designed in accordance with AS/NZS 2890.1-2004 with grades measured along the inside radius;
- l. All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction;
- m. The entry security door must be set back a minimum of 5500mm from the property boundary;
- n. Loading / unloading facilities must be provided on-site in accordance with the requirements of AS2890.2 – 2002; and
- o. A bicycle storage area must be provided to accommodate bicycles and be designed in accordance with relevant provisions of AS 2890.3-2015.

#### 44. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, etc. must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme;
- 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 concrete footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer;
- 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 must be set at 2.5%. These sections will set the alignment levels at the boundary; and
- e. Installation of a stormwater outlet to the kerb and gutter.

All works must be completed prior to the issue of an Occupation Certificate.

#### 45. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a. The basement must be fully tanked to prevent the ingress of subsurface flows;
- b. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
- c. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
- d. All components of the basement, including footings, must be located entirely within the property boundary;
- e. No adverse impact on surrounding properties including Council's footpath and road;
- f. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;

- g. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
- h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

#### **46. Stormwater Drainage System – Major Developments**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD) and Stormwater Quality Improvement Devices (SQIDS), certified by a suitably experienced Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD/OSR tanks;
- b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than for the pump-out of subsurface flows and surface flows from the driveway from the basement;
- d. The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- e. The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to fully pervious (state of nature) conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (20 years ARI/100years ARI);
- f. Details of the Height vs Storage and Height vs Discharge relationships must be submitted;
- g. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks; OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;

- h. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- i. Details of the 1 in 100-year ARI overflow route in case of failure\blockage of the drainage system must be provided;
- j. A pump-out system for drainage of surface flows from the basement ramp is permitted for the basement area only and must be designed in accordance with the following criteria:
  - 1. Comply with all relevant Australian Standards;
  - 2. An overflow, flashing light and audible alarm is to be provided to warn of pump failure;
  - 3. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months;
  - 4. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from one-hour duration 20-year ARI storm event;
  - 5. Where OSD facilities are required by this consent, the pump system must be discharged to the OSD storage tank;
  - 6. Subsurface flows must be collected at the point of ingress to the basement i.e. at the basement walls;
  - 7. The subsurface drainage system must have sufficient capacity to collect and convey all surface flows to the pump out system; and
  - 8. Inlet pits and drains for subsurface drainage must be designed to minimise potential for pollutants from cars or other sources to enter the subsurface drainage system. e.g.. isolate any subsurface drains at boundary walls, inspection pits with solid covers, etc.
- k. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- l. No nuisance or concentration of flows to other properties;
- m. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- n. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- o. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;

- p. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm;
- q. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- r. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- s. Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s);
- t. Stormwater quality improvement devices must be installed such that stormwater flows leaving the site meet the following environmental targets:

Pollutant	Baseline Pollution (kg/ha/yr)	Annual Load	Retention Criteria
Gross Pollutants, including trash, litter and vegetation matter greater than 5mm	500		90% reduction of average annual load
Total Suspended solids, including sediment and other fine material less than 5mm	900		85% reduction of average annual load
Total Phosphorous	2		65% reduction of average annual load
Total Nitrogen	15		45% reduction of average annual load
Hydrocarbons (Oil and Grease)			90% reduction of average annual load – no visible discharge
Toxicants			100% containment of toxicants

- u. A water balance model must be submitted to accompany the water re-use proposal;

- v. A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council's water quality targets. For sites with a GFA greater than 2000sqm a MUSIC model (including .sqz file) must be included with the report;
- w. 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.
- x. 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 must be fully "tanked" so as not to allow the ingress of seepage or groundwater; and
- y. No impact to street tree(s).

#### **47. Direct Waste Collection from Basement**

A design certificate and detailed plans are to accompany the Construction Certificate application that confirms that the waste can be directly collected from the basement as detailed in the Waste Management Plan. The design certificate is to confirm that:

- a. Waste collection vehicle can access the basement, adequately manoeuvre into position, load bins and exit basement
- b. Adequate vertical clearance is provided along the route of travel to/from external entry/exit points to collection area
- c. The collection vehicle must be able to manoeuvre in the basement with limited need for reversing
- d. The grades of the entry/exit must not exceed the capabilities of the waste collection vehicle
- e. The floor of the basement has been designed to carry the load of the vehicle.

### **DURING DEMOLITION AND CONSTRUCTION**

#### **48. Imported Fill Materials**

All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods:

- a. Imported fill be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or

- b. Sampling and analysis of the fill material be conducted in accordance with NSW Environment Protection Authority's Sampling Design Guidelines (September 1995).

#### **49. Contamination – New Evidence**

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

#### **50. Documentation of Demolition and Construction Waste**

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

#### **51. Survey Prior to Footings**

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

#### **52. Construction Hours – Class 2-9**

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

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm 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 out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

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 must be limited to:

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

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

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

**53. Tree Protection**

To protect the following tree, trunk and branch protection must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council’s *Development Fact Sheet—Trees on Development Sites*:

Tree No.	Botanical/Common Name/Location
-	<i>Tristaniopsis laurina</i> (Water Gum) / street tree

**54. Canopy and Root Pruning**

Canopy pruning of the following trees which is necessary to accommodate the approved building works must be undertaken by a qualified Project Arborist.

Tree No.	Botanical/Common Name
-	<i>Tristaniopsis laurina</i> (Water Gum) / street tree

The person acting on this consent has approval under Council’s Tree Management Controls to prune the tree as detailed in the Arboricultural Impact Assessment report prepared by Jacksons Nature Works and dated 12 August 2021. No additional pruning can be undertaken including for scaffolding - branches for scaffolding to be tied back by an Arborist or additional pruning must be approved by Council. Scaffolding and Hoarding must be designed in liaison with an AQF Level 5 Arborist to have minimal impact on street trees.

**PRIOR TO OCCUPATION CERTIFICATE****55. Contamination – Disposal of Soil**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the *Protection of the Environment Operations Act 1997*.

**56. Noise From Road, Rail & Aircraft – Compliance**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant, confirming that the development complies with the requirements of the:

- a. *State Environmental Planning Policy (Infrastructure) 2007*;
- b. NSW Planning, Development near Rail Corridors and Busy Roads – Interim Guideline;
- c. Australian Standard 2021-2000: Acoustics - Aircraft noise intrusion - Building siting and construction;
- d. conditions of development consent; and
- e. Recommendations

**57. Noise – Acoustic Report**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Noise Policy for Industry and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

**58. Section 73 Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

**59. Planting of Street Trees**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the required street tree has been planted in accordance with the approved Public Domain/Street Tree Plan.

**60. Basement/Retaining Wall Signoff – Major Development**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards and that the basement is fully tanked construction such that pump-out of subsurface flows is not required.

**61. Easements, Restrictions on the Use of Land and Positive Covenants**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the *Conveyancing Act 1919*, has been created on the title of the property detailing the following :

- a. Restrictions on the Use of Land related to on Site Stormwater Detention System or stormwater quality improvement devices;
- b. Restrictions on the Use of Land related to Stormwater Surface Flow Paths;
- c. Positive Covenant related to on-site stormwater detention and/or retention system; and
- d. Positive Covenant related to stormwater quality improvement devices.

The wording in the Instrument must be in accordance with Councils Standard wording.

**62. Operation and Management Plan**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

**63. Works as Executed – Site Stormwater Drainage System**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

**64. Dilapidation Report – Post-Development**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

**65. Public Domain - Major Developments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with the works-as-executed plan(s), certified by a Registered Surveyor, that show the as built details in comparison to those shown on the plans approved with the public domain and Roadworks Permit with all relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

**66. Parking Signoff – Major Development**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property.

- a. The car park has been completed, line marked and all signage relating to car parking erected;
- b. Sign(s) have been erected that clearly indicate(s) to the drivers of vehicles both on and off the property which driveway they are to use to enter or leave the subject land;

- c. Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s).

#### **67. Whiteway Lighting - New**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the Under awning lighting matches the existing Whiteway lighting scheme in the area.

#### **68. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

#### **69. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

#### **70. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. Heavy duty concrete vehicle crossing(s) at the vehicular access location(s);
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone;
- c. The existing concrete footpath across the frontage of the site must be reconstructed; and
- d. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

**PRIOR TO SUBDIVISION CERTIFICATE**

**71. Section 73 Certificate**

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with the Section 73 Certificate. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

**ON-GOING**

**72. Commercial Waste/Recycling Collection**

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption on the surrounding area,

Garbage and recycling must not be placed on the street for collection more than one (1) hour before the scheduled collection time. Garbage bins and containers are to be removed from the street within one (1) hour after collection.

**73. Noise General**

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

**74. Bin Storage**

All bins are to be stored within the site. Bins are to be returned to the property within 12 hours of having been emptied.

**75. Hours of Operation**

The hours of operation of the shops must not exceed the following:

Day	Hours
Monday-Saturday	7:00am-10:00pm
Sundays and Public Holidays	8:00am-9:00pm

**76. Loading/unloading on site**

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

**77. Vehicles Leaving the Site**

All vehicles must enter and exit the site in a forward direction.

**78. Operation and Management Plan**

The Operation and Management Plan for the on-site detention and/or on-site retention/re-use and/or stormwater quality improvement devices and/or Pump facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

**79. Commercial Bin and Re-usable Item Storage**

All commercial bins and re-usable items such as crates and pallets are to be stored within the site.

**80. Documentation of Businesses Waste Services**

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

**ADVISORY NOTES****Transport and Disposal of Hazardous and Dangerous Goods**

Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.

**Storage of Hazardous and Dangerous Goods**

Dangerous and hazardous goods must be stored in accordance with NSW WorkCover requirements and AS1940-2004, The Storage and Handling of Flammable and Combustible Liquids.



**Mechanical Ventilation System Certification**

The mechanical ventilation systems are to be designed, constructed and operated in accordance with the following:

- a. Australian Standard AS 1668 Part 1 – 1998;
- b. Australian Standard AS 1668 Part 2 – 2012;
- c. Australian Standard 3666.1 – 2011;
- d. Australian Standard 3666.2 – 2011; and
- e. Australian Standard 3666.3 - 2011.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

**Recycling / Garbage / Organics Service Information and Education**

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

**Notice to Council to deliver Residential Bins**

If 660L bins are required, Council should be notified three months prior to the occupation of the building to ensure timely delivery.

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service.

**Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

**Useful Contacts**

BASIX Information 1300 650 908 weekdays 2:00pm - 5:00pm  
[www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Department of Fair Trading 13 32 20  
[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)  
 Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Prior to You Dig 1100  
[www.dialprior toyoudig.com.au](http://www.dialprior toyoudig.com.au)

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

Long Service Corporation Payments 131441  
[www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au)

NSW Food Authority 1300 552 406  
[www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

NSW Government  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.diysafe.nsw.gov.au](http://www.diysafe.nsw.gov.au)  
 Information on asbestos and safe work practices.

NSW Office of Environment and Heritage 131 555  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Sydney Water 13 20 92

[www.sydneywater.com.au](http://www.sydneywater.com.au)

Waste Service - SITA 1300 651 116  
 Environmental Solutions [www.wasteservice.nsw.gov.au](http://www.wasteservice.nsw.gov.au)

Water Efficiency Labelling and Standards (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)

WorkCover Authority of NSW 13 10 50  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Enquiries relating to work safety and asbestos removal and disposal.

**Dial before you dig**

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

**Lead-based Paint**

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

**Construction of Vehicular Crossing**

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, prior to commencement of works.

**Fire Safety Certificate**

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 Statement for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Statement must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

#### **Amenity Impacts General**

The use of the premises must 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 must not give rise to the transmission of a vibration nuisance or damage other premises.

#### **Noise**

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.

#### **Permits from Council under Other Acts**

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

- 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; and
- 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. A lease fee is payable for all occupations.

#### **Notification of commencement of works**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor; and
  - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. The name of the owner-builder; and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

#### **National Construction Code (Building Code of Australia)**

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

#### **Disability Discrimination Access to Premises Code**

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.

#### **Obtaining Relevant Certification**

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;

- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent; or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

**Other works**

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**Failure to comply with conditions**

Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

**Other Approvals may be needed**

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

**Infrastructure**

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. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

**Toilet Facilities**

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

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

**Storage of Materials on public property**

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

**Notification of commencement of works**

At least 7 days before any demolition work commences:

- a. the Council must be notified of the following particulars:
  - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - ii. the date the work is due to commence and the expected completion date; and
- b. a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

**Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

**Insurances**

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

**Subsurface drainage pump-out systems**

Where it is demonstrated by detailed geotechnical investigation that the groundwater flows are minimal or intermittent, a pump out system for groundwater may be considered. An application for modification of development consent with supporting documentation must be submitted. Where this option is to be pursued dry-weather flows of any seepage water will not be permitted through kerb outlets and must be connected directly to a Council stormwater system in accordance with Council requirements.



### Easement and Covenant Process

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR) and stormwater quality improvement devices (SQIDS):

a. Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels, contours at 0.2-metre intervals and volume of storage available. Also, the outlet pipe from the detention basin to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.

b. Engineer's Certificate

A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:

- c. The soundness of the storage structure;
- d. The capacity of the detention storage;
- e. The emergency overflow system being in place;
- f. The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
- g. The freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
- h. Basement car park pumps are class one zone two; and
- i. OSR pumps and SQIDS have been installed and commissioned.

c. Restriction-As-To-User

A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the detention area and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect the function of the stormwater detention system and SQIDS, must not be carried out without the prior consent in writing of the Council.

Such restrictions must not be released, varied or modified without the consent of the Council.

A typical document is available from Council's Development Assessment Engineer.

- d. A Maintenance Schedule.

#### Permits

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

- 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 veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

#### Electrical Substations

Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site and may be the subject of an application for modification of consent.

**Rock Anchors**

If you are seeking to use temporary anchors, you must make a request for approval for a Permit under Section 138 of the Roads Act 1993. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a. Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.
- b. Demonstrate how the temporary anchors will be removed or immobilised and replaced by full support from structures within the subject site by completion of the works.
- c. The report must be supported by suitable geotechnical investigations to the efficacy of all design assumptions.

