





INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	MOD/2023/0225
Address	18-28 Faversham Street MARRICKVILLE NSW 2204
Proposal	Section 4.55(2) modification to approved light industrial and commercial building.
Date of Lodgement	26 July 2023
Applicant	The Trustee for TR Faversham Developments Unit Trust
Owner	TR Faversham Developments Pty Limited
Number of Submissions	Nil
Value of works	\$26,965,925.00
Reason for determination at Planning Panel	Variations exceed 10%
Main Issues	Height of building variation
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	MOD/2023/0225- Current conditions of consent



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council to modify Modified Determination No MOD/2022/0437 dated 15 June 2023 which approved amendments to a light industrial and commercial building under Section 4.55(2) of *Environmental Planning and Assessment Act 1979 (EP and A Act 1979)* at 18-28 Faversham Street, Marrickville.

The application was notified to surrounding properties and no submissions were received.

The main issue that has arisen from the application is:

- Variation to the Height of Building development standard under *Inner West Local Environmental Plan 2022*

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

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered to be acceptable, given the context of the site and the desired future character of the precinct. The application is therefore recommended for approval subject to the recommended modified conditions of consent.

2. Proposal

The application seeks consent under Section 4.55(2) of the *EP and A Act 1979* to modify DA/2022/0057 which approved demolition of the existing building and construction of a development containing light industrial uses, food and drink premises and specialist retail premise with parking, landscaping, and associated works.

Specifically, the following modifications are proposed:

- Basement
 - Increased excavation to improve storage height below the loading dock.
- Ground floor
 - Removal and replacement of street trees along Faversham Street.
 - Proposed external pedestrian ramp and landscaped area to improve transition between the subject site and Wicks Place to the West.
 - Increased setback at ground level to provide wider footpath for improved pedestrian circulation to Hans Place and includes additional landscaped areas.
 - Proposed electricity kiosk substation to the north-west corner of the site to Hans Place
 - Reconfiguration of the lobby adjacent to Hans Place to allow fire stairs to discharge externally.

- Levels 1 -3
 - The north-eastern planter boxes are extended further east to accommodate SRV swept path access to the north-eastern industrial units.
 - Reconfiguration of 6 industrial units (three units x level 1 and three units x level 2) into 12 storage units (6 storage units x level 1 and 6 storage units level 2), resulting in a loss of 5 car spaces.
- Rooftop
 - Increased area of green roof and deeper planters to accommodate plant selection in accordance with Council’s green roof requirements.
 - Reconfiguration of solar panels.

3. Site Description

The subject site is located on the north-western side of Faversham Street. The site consists of 6 allotments (Lot 4 DP 226899 and Lots 152-155 DP 761) and is irregular in shape. The site has a total area of 3,415 square metres.

The site has a frontage to Faversham Street of approximately 76.2 metres. There is a Sydney Water culvert on the southern boundary. Lot 4 in DP226899 is the dominant tenement for a right of footway and easements for drainage water, sewerage and to retain encroachments to the adjoining lot 100 in DP 1274755.

The site is currently under construction. The adjoining sites along Faversham Street contain one and two storey industrial buildings, with a 6 to 12 storey mixed-use development under construction to the rear.

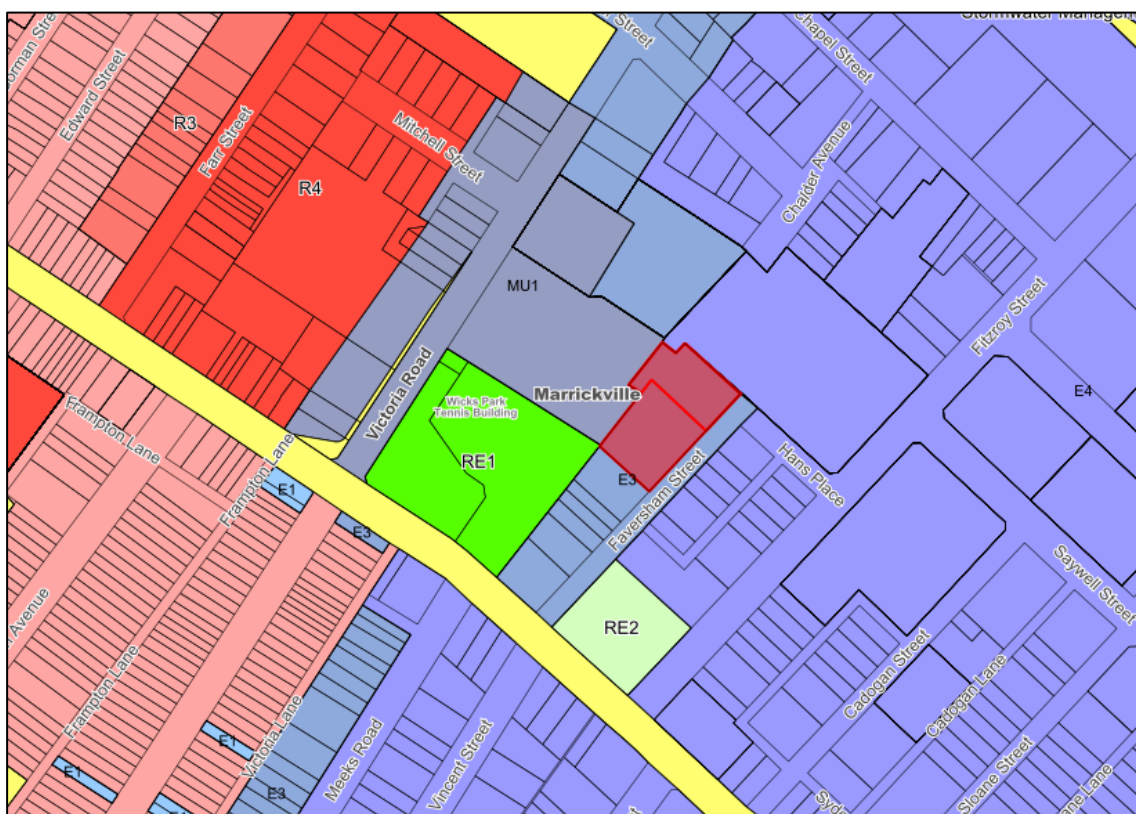


Figure 2: Zoning map

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
MOD/2022/0437	Integrated Development 4.55 Modification to DA/2022/0057 to amend condition 15 of the consent	Approved - Delegation to Staff 15/06/2023
MOD/2022/0418	Modification to include additional plan in DA set	Approved Staff Delegation 13/12/2022
DA/2022/0057	Demolition of the existing building and construction of a development containing a light industrial uses, food and drinks premises and specialist retail premise with parking, landscaping and associated works.	Approved Local Planning Panel 11/10/2022
PDA/2021/0286	New light industrial development with ground-floor industrial/specialised retail and upper level light industrial/ warehouses.	Advice issued 13/09/2021

Surrounding properties in the Victoria Road Precinct

Application	Proposal	Decision & Date
DA/2022/0751 41-47 Farr Street	Demolition of existing structures on site. Construction of a residential flat building with basement parking, landscaping and associated works.	Approved 13/06/2023
DA201900096 182-198 Victoria Road and 28-30 Faversham Street	Demolition and construction of a 6 to 12 storey mixed-use development including basement parking, ground floor retail, 272 residential apartments and associated public domain and landscaping works.	Approved 5/03/2020
DA201700558 1 Rich Street	To construct a staged commercial development on the site; with stage 1 of the development comprising site preparation works including demolition of existing structures and removal of vegetation; construction of 2 new buildings incorporating ground level food and drink tenancies, studio spaces, upper level offices and car parking being the 3 storey North Hub building and 4 storey South Hub building, site landscaping including creation of a new publicly accessible open space, pedestrian connections and landscaping and subdivision of the site into 3 allotments, with Stage 2 of the proposal comprising the construction of a 5 storey Marker Building with ground floor food and drink premises and upper level offices with a roof terrace at level 6.	Approved 1/08/2019

4(b) Application history

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

Date	Details
26 July 2023	Application lodged
16 August 2023 – 6 September 2023	Application notified

5. Assessment

5a(i) Division 4.8 Integrated Development

The application was required to be referred to WaterNSW under Division 4.8 of the Environmental Planning and Assessment Act 1979 (EPA Act 1979) given general Terms of Approval (GTA) were imposed by WaterNSW in the base consent (Condition 15) in accordance with Section 90 of the Water Management Act 2000.

In accordance with Section 90 of the Water Management Act 2000 the modification application was referred to WaterNSW who have reviewed the proposal and advised no change is required to the GTAs as a result of the proposed changes. As such, the GTA in Condition 15 will remain unchanged in the recommendation.

5a(ii) Section 4.55(2)

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 application does not alter the existing General Terms of Approval and did not require concurrence other approval bodies.
- No submissions were received during the notification period.

In consideration of Section 4.55(3) of the *EPA Act 1979* the development assessment report, endorsed by the Inner West Local Planning Panel (IWLPP) concluded that the development was acceptable for the following reasons -

- *The development is permissible in the B5 zone and generally satisfies the applicable planning controls.*
- *The development will be compatible with the emerging and planned future of the area.*
- *For the reason given above, the proposal is in the public interest.*

It is considered that the modified proposal has taken into account aforementioned reasons that the original development consent was granted.

5(b) Environmental Planning Instruments

5(b)(i) State Environmental Planning Policies (SEPPs)

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The following provides further discussion of the relevant issues:

5(b)(ii) State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

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

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

It was determined in the base consent that the consent authority can be satisfied that the land will be suitable for the proposed use and that the land can be remediated in accordance with the Remediation Action Plan. The modified development does not alter compliance with this Section, and in the event of approval, the existing conditions of consent relating to site remediation would remain.

5(b)(iii) State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Development likely to affect an electricity transmission or distribution network

The proposed development meets the criteria for referral to the electricity supply authority within Section 2.48 of *SEPP (Transport and Infrastructure) 2021* and has been referred for comment for 21 days.

Consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

Ausgrid has provided conditions with regard to the supply of electricity, undergrounding of cables and the design of the substation, which have been included in the recommendation.

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

5(b)(iv) State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Part 2.20 of MDCP 2011.

The application seeks the removal of 4x *Frazinus griffithii* (Evergreen Ash) located on Council land within the street frontage of the subject site and proposes the provision of replacement trees. The proposed tree removal is considered acceptable as the trees are in poor condition and the proposed undergrounding of services and replacement tree species will result in an improved canopy coverage within immediate area.

Overall, the proposal is considered acceptable with regard to the SEPP and Part 2.20 of MDCP 2011 subject to the modification of existing included in the recommendation of this report.

5(c) 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 (IWLEP 2022)*.

Part 1 – Preliminary

Control	Proposed	Compliance
Section 1.2 Aims of Plan	<p>The modified proposal satisfies this section as follows:</p> <ul style="list-style-type: none"> • The proposal encourages development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles, • The proposal facilitates economic growth and employment opportunities within Inner West, • The proposal creates a high quality urban place through the application of design excellence in all elements of the built environment and public domain. 	Yes

Part 2 – Permitted or prohibited development

Zone Objectives	Proposed	Permissible with consent?
Section 2.3 Zone objectives and Land Use Table <i>E3 – productivity Support</i>	The site is zoned E3 - Productivity Services under the <i>IWLEP 2022</i> . The development application was approved as a 'mixed use development' which comprised of specialised retail premises, food and drink premises and light industry . The modified development proposes no changes to the approved uses and remains consistent with the objectives of the zone.	Yes
Control	Proposed	Compliance
Section 2.7 Demolition requires development consent	The modified development does not alter compliance with this part and the existing conditions relating to managing demolition impacts remain.	Yes, as per existing conditions of approval

Part 4 – Principal development standards

Control	Proposed		Compliance
Section 4.3 Height of building	Maximum	20m	No
	Proposed	24.01m	
	Variation	4.01m or 20.05%	
Section 4.4 Floor space ratio	Maximum	2:1 or 6,830sqm	Yes
	Proposed	1.89:1 or 6,449.10sqm	
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.		Yes

Section 4.6 Exceptions to development standards	<p>The proposed modification is not required to formally submit a written request to vary a development standard having regard to the decision within <i>North Sydney Council v Michael Standley & Associates Pty Ltd</i> [1998] NSWSC 163) that states that Section 96 (now Section 4.55) is a:</p> <p><i>‘free-standing provision’, meaning that “a modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application.</i></p> <p>Notwithstanding, the assessment principles and considerations set out in Section 4.6 of <i>IWLEP 2022</i> are applied as guidance, which is discussed below this table.</p>	N/A
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Section 4.6 – Exceptions to Development Standards

Section 4.3 Height of buildings

As outlined in the table above, the proposal results in a further variation to the height of building development standard under Section 4.3 of *IWLEP 2022* by 4.01m or 20.05%. The new elements proposed above the height plane include rooftop plant and equipment, an acoustic screening structure, and green roof planters (of sufficient depth) with solar panels.

It is noted that the original determination was approved with a height of building non-compliance of 2m or 10% to the top story mezzanine level.

Whilst a formal Section 4.6 request is not required, the SEE provides the following justification for the breach:

- *It is noted that the refinement of the roof design and associated structures (plant, equipment and landscaping) result in a further height increase of the building by 2.01m, but these rooftop additions will not be visible from the public domain and its screening will minimise visibility from Wicks Place. Further, the amended rooftop design with increased green roof area will improve the design and outlook of the roof from the Wicks Place development.*
- *The roof design has been refined to accommodate the plant and equipment area in coordination with structural requirements for the building.*
- *The consent previously granted demonstrated satisfaction that compliance with the height standard is unreasonable and unnecessary as the objectives of the development standard are achieved notwithstanding non-compliance with the numerical standard (Wehbe 1# test). The further change to the height control continues to meet the objectives of the LEP height standard in the *IWLEP 2022* for the following reasons:*
 - *a) to ensure the height of buildings is compatible with the character of the locality: The building height will continue to be compatible with the character of the locality. The further variation proposed is as a consequence of refinements made to the plant and equipment area on the roof for coordination with*

structural plans, as well as improvements made to landscape and acoustic screening on the roof. The plant and equipment are set back from the site boundaries and will not be visible from the surrounding public domain and will therefore appear no different to the development originally approved.

- *b) to minimise adverse impacts on local amenity: The development as proposed will not create any additional impacts on the local amenity compared to that originally approved. The additional height proposed will not be visible from the public domain or create any overshadowing impact on surrounding development. The screening surrounding the plant and equipment, which represents the point of greatest variation to the control, is a necessary acoustic treatment to ensure the amenity of surrounding residents at Wicks Place.*
- *c) to provide an appropriate transition between buildings of different heights: The development as proposed, will continue to provide an appropriate transition between buildings of different heights – consistent with the built form and design controls of Precinct 47 within the Marrickville DCP.*

The applicant's written rationale adequately demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. An assessment against the following objectives of the development standard and zone is provided below.

The objectives of the E3 Productivity Support zone are reproduced as follows:

- *To provide a range of facilities and services, light industries, warehouses and offices.*
- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*
- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*
- *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.*
- *To provide opportunities for new and emerging light industries.*
- *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*
- *To enhance the visual appearance of the area by ensuring development achieves high architectural, urban design and landscape standards.*
- *To facilitate development that has suitable floorplates, internal height and flexible spaces that accommodate a mix of medium to large format businesses.*

It is considered that the additional height variation does not adversely affect the public interest as it is consistent with the relevant objectives of the E3 Productivity Support zoning, in accordance with Section 4.6(4)(a)(ii) of *IWLEP 2022* for the following reasons:

- The additional height does not compromise the economic viability of area or opportunities for new and emerging light industries and remains compatible with the land uses.
- The development achieves high architectural, urban design and landscape standards.

The objectives of the height of building development standard are as follows:

- To ensure the height of buildings is compatible with the character of the locality,
- To minimise adverse impacts on local amenity,
- To provide an appropriate transition between buildings of different heights.

It is considered the additional height variation does not adversely affect the public interest because it is consistent with the objectives of the development standard, in accordance with Section 4.6(4)(a)(ii) of *IWLEP 2022* for the following reasons:

- The elements which result in the additional height variation are centrally located on the roof plane with limited visibility from the public domain. As such the building remains compatible with the character of the locality, minimises adverse impacts on the locality and provides an appropriate transition between buildings.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning.

The proposal thereby accords with the objective in Section 4.6(1)(b) and requirements of Section 4.6(3)(b) of *IWLEP 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the further departure from the Height of building development standard.

Part 5 – Miscellaneous provisions

Control	Compliance	Compliance
Section 5.21 Flood planning	The site is located in a flood planning area. The modified proposal is considered to remain compatible with the flood function and behaviour on the land now and under future projections.	Yes, subject to condition

Part 6 – Additional local provisions

Control	Proposed	Compliance
Section 6.1 Acid sulfate soils	The site is identified as containing Class 2 acid sulfate soils. The modified proposal does not alter compliance with this part.	Yes
Section 6.2 Earthworks	The modified proposal does not alter compliance with this part.	Yes
Section 6.3 Stormwater Management	The modified development maintains the use of permeable surfaces, includes on site retention as an alternative supply and subject to existing conditions would not result in any significant runoff to adjoining properties or the environment.	Yes, subject to condition
Section 6.8 Development in areas subject to aircraft noise	The modified development does not alter compliance with this part and subject to existing conditions.	Yes, subject to condition
Section 6.9 Design Excellence	The modified proposal does not alter compliance with this Section.	Yes
Section 6.31 Development on certain land at Victoria Road, Marrickville	The modified proposal does not alter compliance with this Section.	Yes

5(d) 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 2 – Generic Provisions

Control	Proposed	Compliance
Part 2.1 – Urban Design	The modified proposal does not alter compliance with the provisions of this Part.	Yes
Part 2.5 – Equity of Access and Mobility	The modified proposal does not alter compliance with the provisions of this Part, subject to the existing conditions of consent.	Yes, subject to existing conditions.
Part 2.6 – Acoustic and Visual Privacy	<p>The modified development satisfies the acoustic and visual privacy provisions contained in MDCP 2011 in that:</p> <ul style="list-style-type: none"> • The development is accompanied with a letter from an acoustic consultant which advises the roof top plant equipment can achieve compliance with the relevant acoustic noise criteria; • The proposal includes appropriate management techniques to limit acoustic impacts from the rooftop plant to nearby/adjoining residents including 1.8m high solid acoustic screens; and • Modified conditions are recommended to ensure compliance with the relevant acoustic noise criteria. 	Yes, subject to condition
Part 2.7 – Solar Access and Overshadowing	The modified proposal will have a satisfactory impact on solar access and overshadowing to the surrounds as the development largely maintains the approved built form with the increase in height being for centrally located plant/rooftop elements. As such, the modified development does not substantially alter any of the approved outcomes, and the modified proposal is considered acceptable in accordance with Part 2.7 of the MDCP 2011.	Yes
Part 2.9 – Community Safety	The modified proposal does not alter compliance with the provisions of this Part.	Yes
Part 2.10 – Parking	Refer to discussion below.	Yes, subject to condition
Part 2.18 – Landscaping and Open Spaces	<p>The modified development satisfies the landscaping provisions contained in MDCP 2011 in that:</p> <ul style="list-style-type: none"> • The modified proposal does not alter the approved outcome in terms of nil landscaping to the frontage of the property • The modified proposal introduces a portion of landscaping at south-west corner of the site which can accommodate an additional on-site tree planting; • The modified proposal increases the extent of green roof and planter depth compared to that originally approved. 	Yes, subject to condition

Part 2.20 – Tree Management	Refer to SEPP discussion above.	Yes, subject to modified condition
Part 2.21 – Site Facilities and Waste Management	<p>The modified proposal was accompanied by an updated waste management strategy. The base consent was approved subject to condition 2a which relates to waste management:</p> <p><i>a. Each light industrial tenancy to have a waste room with an area of at least 3m² and being capable of containing at least a 1x 660L MGB (waste) 1x 240L MGB (recycling). The waste rooms must comply with the requirements of Appendix 4 of the part 2.21 of MDCP 2011.</i></p> <p>The amended waste management strategy is considered to provide sufficient justification as such condition 2a can be amended to;</p> <p><i>a. Each light industrial tenancy to store their bins within ventilated units and have access to a washdown area.</i></p> <p>Notwithstanding, the other waste management conditions are to remain to ensure the appropriate management of waste during the construction of the proposal.</p>	Yes, subject to modified condition
Part 2.25 – Stormwater Management	The proposed modified development does not seek to alter any of the approved outcomes with respect to stormwater management. Existing conditions are to remain on any consent granted.	Yes, subject to conditions

Part 2.10 – Parking

The site is identified within ‘Parking Area 2’ (moderately constrained) under Part 2.10 in MDCP 2011. The following table summarises the car parking requirements for the development:

Use	1 space per	Area of use	Required space/s
Light industrial	250sqm	4,989.65sqm	20
Specialised retail premises	125sqm	599.60sqm	4.8
Food and drink premises.	80sqm	672.11sqm	8.4
TOTAL			33.2

The total required parking spaces under table 1 in part 2.10.5 of MDCP 2011 is 33 spaces. The proposal provides 39 car parking spaces which exceeds the minimum requirement.

The approved development provided 45 car spaces. As such, it is recommended that car parking condition be modified to reflect the change in car parking rates.

Notwithstanding, the proposal maintains the approved and compliant loading dock configuration, 3 motorcycle spaces, capacity for 43 bicycle spaces and suitable end of trip facilities within the site.

Part 6 – Industrial Development

Control	Assessment	Compliance
Part 6.1	<p>The modified proposal does not alter compliance with the provisions of this Part. The proposed built form largely maintains the approved building envelope with some amendments to the northern elevation planter boxes and roof top elements. The proposed internal reconfiguration of 6 industrial units (three units on level 1, and three units on level 2) into 12 storage units (6 storage units on level 1, and 6 storage units on level 2) is considered consistent with function of the site. Notwithstanding, the modified application does not specify hours of operation for these units however to ensure consistency it is considered appropriate to impose the same operating hours for this component as per the approved light industrial tenancies as per the original determination, and this condition (from the original determination) is to be modified accordingly.</p> <p>Given the above, the modified development does not substantially alter any of the approved outcomes, including impact on residential amenity and compatibility with the streetscape.</p>	Yes

Part 9 – Strategic Context

Control	Assessment	Compliance
Part 9.47 Victoria Road (Precinct 47)	The subject site is located within the Victoria Road Precinct, Marrickville.	Noted
Part 9.47.3 – Desired Future Character	The modified proposal does not alter compliance with the provisions of this Part.	Yes
Part 9.47.4 – Sub Precincts	The proposal is located within the Wicks Park (Sub-precinct 3) sub-precinct.	Noted
Part 9.47.5 – Indicative Masterplan	The modified proposal does not alter compliance with the provisions of this Part as an industrial development is maintained on the site.	Yes
Part 9.47.7 – Movement Network	The modification proposes to incorporate an external ramp to the west to improve pedestrian transition between the subject site and Wicks Place. The ground floor northern façade alignment has been adjusted to provide a wider footpath for improved pedestrian circulation to Hans Place and includes additional landscaped areas to encourage walking and cycling.	Yes
9.47.9 Stormwater Management	The modified proposal does not alter compliance with the provisions of this Part subject to existing conditions of consent.	Yes, subject to conditions

Part 9.47.11.1 Building height	<p>The proposal is generally consistent with the relevant provisions as follows:</p> <ul style="list-style-type: none"> • The proposed building height seeks to vary the relevant height of building development standard under <i>IWLEP 2022</i>, and it is considered that there are sufficient planning grounds to justify the further departure from the height of buildings development standard in this instance. Refer to LEP discussion above; • The proposed modification does not alter the approved number of storeys for the subject site as the additional height results from plant elements; • The proposal complies with the maximum Floor Space Ratio development standard under <i>IWLEP 2022</i>; • The proposed building height maintains an appropriate transition of height to existing lower density residential areas and the future context of the precinct; • The proposed building heights assist to contribute to the creation of a high-density urban neighbourhood character compatible with the surround context; • The proposal assists to provide for varied building heights within the precinct to allow for a visually interesting urban form and skyline; and • The proposed building heights are consistent with the operational requirements of Sydney Airport. 	Yes
9.47.12 Other Infrastructure	The modified proposal does not alter compliance with the provisions of this Part subject to existing conditions of consent.	Yes, subject to conditions
9.47.13 – Operation of Sydney Airport	The proposal has been designed to not impact the operations of Sydney Airport.	Yes
9.47.14 – Noise and Vibration	The modified proposal does not alter compliance with the provisions of this Part, subject to the existing conditions of consent.	Yes. Subject to existing conditions
9.47.15 – Schedule 1 – Victoria Road Precinct Noise Policy	The modified proposal does not alter compliance with the provisions of this Part, subject to the existing conditions of consent.	Yes. Subject to existing conditions.

5(e) The Likely Impacts

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

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 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.

- Environmental Health
- Waste Management
- Urban Design
- Urban Forest
- Development Engineering

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

- Ausgrid
- Air Services
- Water NSW

7. Section 7.11 Contributions/7.12 Levy

The carrying out of the modified development would result in an increased demand for public amenities and public services within the area. Revised Section 7.11 contributions are payable for the proposal.

It is noted that the Inner West Local Infrastructure Contribution Plan 2023 commenced on 20 February 2023 and repeals and replaces all of Council's previous development contributions plans. Part 3.2 prescribes the following transitional arrangements:

All applications to modify a consent under section 4.55 of the EP&A Act will be determined against the same contribution plan that was applied to the original consent until 30 June 2023, after that time this Plan prevails.

The previous contribution amount of \$258,188.00 was paid on 3 November 2023. As such, the new plan only applies to the additional GFA as a result of the modification.

An additional contribution of \$58,372.00 would be required for the additional GFA in accordance with the Inner West Local Infrastructure Contribution Plan 2023. A condition requiring the contribution to be paid is included in the recommendation.

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 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 modified conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55(2) of the *Environmental Planning and Assessment Act 1979*, grant consent to Application No. MOD/2023/0225 for Integrated development Section 4.55(2) modification to approved light industrial and commercial building. at 18-28 Faversham Street, Marrickville subject to the modified conditions listed in Attachment A below.

Attachment A – Recommended 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:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA_101 Revision D -E	Basement Floor Plan	15/08/2022 01/06/2023	Place Studio
DA_101 Revision D -F	Ground Floor Plan	15/08/2022 13/10/2023	Place Studio
DA_102 Revision D -E	First Floor Plan	15/08/2022 01/06/2023	Place Studio
DA_103 Revision D -E	First Floor Mezzanine Plan	15/08/2022 01/06/2023	Place Studio
DA_104 Revision D -E	Second Floor Plan	15/08/2022 01/06/2023	Place Studio
DA_105 Revision D -E	Second Floor Mezzanine Plan	15/08/2022 01/06/2023	Place Studio
DA_106 Revision D -E	Third Floor Plan	15/08/2022 01/06/2023	Place Studio
DA_107 Revision D -F	Third Floor Mezzanine Plan	15/08/2022 13/10/2023	Place Studio
DA_108 Revision D -E	Roof Plan	15/08/2022 01/06/2023	Place Studio
DA_200 Revision B C	East Elevation	30/06/2022 01/06/2023	Place Studio
DA_201 Revision C D	West Elevation	15/08/2022 01/06/2023	Place Studio
DA_202 Revision B C	South Elevation	30/06/2022 01/06/2023	Place Studio
DA_203 Revision C D	North Elevation	15/08/2022 01/06/2023	Place Studio
DA_300 Revision B C	Section 1	30/06/2022 01/06/2023	Place Studio

DA_301 Revision B C	Section 2	30/06/2022 01/06/2023	Place Studio
DA_302 Revision B C	Section 3	30/06/2022 01/06/2023	Place Studio
DA_310 Revision A B	Overall Facade Sections	24/06/2022 01/06/2023	Place Studio
DA_311 Revision A B	Facade Section Callout	24/06/2022 01/06/2023	Place Studio
Issue C D	Ground Landscape Plan	17/11/2021 21/12/2022	Turf Design Studio
Issue C D	Level 1 -2 Landscape	17/11/2021 21/12/2022	Turf Design Studio
Issue C D	Level 3 Landscape	17/11/2021 21/12/2022	Turf Design Studio
Issue C D	Materials Palette Planting Palette	17/11/2021 21/12/2022	Turf Design Studio
L-DA-11 Issue D	Planting plan – roof level	21/12/2022	Turf Design Studio
L-DA-12 Issue D	Planting palette	21/12/2022	Turf Design Studio
L-DA-13 Issue D	Typical details	21/12/2022	Turf Design Studio
L-DA-14 Issue D	Landscape Schedule and Specifications	21/12/2022	Turf Design Studio
E24098.SITEB.E01_Rev0	Preliminary Site Investigation	11/11/2021	EI Australia
E2761-3	Remediation Action Plan	February 2022	Foundation Earth Sciences
	Letter from Foundation Earth Sciences	25/8/2022	Ben Buckley
E24098.SITEB.G01	Preliminary Geotechnical Report	11/10/2021	EI Australia
S2021329 Issue 0	Da Report for ESD Services	10/11/2021	EMF Griffiths
	Plan of Management	November 2021	The Planning Studio

TM208-01F02 (r1)	Acoustic Assessment for Development Application	15/11/2021	Renzo Tonin & Associates
TM208-03F01 Acoustics for 4.55 (r0)	Acoustic comments for s4.55	13/02/2023	Renzo Tonin & Associates
3369 Revision E	Operational Waste Management Plan	11/11/21	Elephants Foot

As amended by the conditions of consent.

(Amended – 19/12/2023 – MOD/2023/0225)

2. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- b. Each light industrial tenancy to **store their bins within ventilated units and have access to a washdown area. have a waste room with an area of at least 3m² and being capable of containing at least a 1x 660L MGB (waste) 1x 240L MGB (recycling). The waste rooms must comply with the requirements of Appendix 4 of the part 2.21 of MDCP 2011.**
- c. A door is to be provided to the specialised retail tenancy to the corridor to the waste room and loading dock

(Amended – 19/12/2023 – MOD/2023/0225)

11. 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.

~~The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned):~~

Botanical/Common Name	Location
4 x <i>Fraxinus griffithii</i> (Evergreen Ash)	Public footpath

~~Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:~~

~~a. Green for trees to be retained;~~

(Amended – 19/12/2023 – MOD/2023/0225)

33. 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, prepared in liaison with a Consulting Arborist, 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. New crossovers, paving and kerbs must not have a detrimental impact on street trees;
- b. ~~One (1)~~ **Four (4)** new trees shall be located within ~~the existing crossover to be demolished~~ **Faversham Street**. The species of trees selected shall be ***Fraxinus griffithii* (Evergreen Ash); *Corymbia eximia* (Yellow Bloodwood) or *Corymbia maculata* (Spotted Gum);**
- c. ~~The tree is to be planted in the middle of the first and third trees, from south~~ **The trees must be equally spaced where possible. A full analysis of any constraints must be undertaken by the Landscape Architect preparing the street tree planting plan and must consider driveway setbacks, pits, light poles etc when locating the trees. Setbacks to all constraints must be shown on the plans;**
- d. All planting stock size shall be minimum ~~100~~ **200** litres;
- e. The planting stock shall comply with AS 2303—*Tree Stock for Landscape Use*;
- f. The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 in Horticulture or Arboriculture. **The plans must be annotated with this requirement;**
- g. New tree pits dimensions 1m x 3m and staking detail shall be in accordance with Detail 6 on page 133 of the *Marrickville Street Tree Master Plan 2014* (available online) **and must be included on the street tree planting plan;**
- h. Groundcovers/**grasses** should be proposed **within the pits (sufficient to create a mass planting within 12 months), with no planting within 1m of the tree trunks**. Please see page 18 of 2.18 Landscaping and Open Spaces of Marrickville DCP 2011 for possible species selection.

(Amended – 19/12/2023 – MOD/2023/0225)

75. Hours of Operation

- a. The hours of operation of the specialised retail and food and drink premises must not exceed the following:

Day	Hours
Monday to Saturday	6:00am - 10:00pm
Sundays and Public Holidays	7:00am - 9:00pm

- b. The hours of operation of the light industrial tenancies **and storage units on levels 1-2** must not exceed the following:

Day	Hours
Monday to Saturday	6:00am - 10:00pm
Sundays and Public Holidays	7:00am - 7:00 pm

(Amended – 19/12/2023 – MOD/2023/0225)

- B. Add the following Conditions to read as follows:

4A. Section 7.11 Contribution

In accordance with section 7.11 of the Environmental Planning and Assessment Act 1979 and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

Contribution Category	Amount
Open Space & Recreation	\$13,124.00
Transport	\$34,513.00
Plan Administration	\$1,694.00
Drainage	\$9,041.00
TOTAL	\$58,372.00

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

- ***Cpayment = Cconsent x (CPIpayment ÷ CPIconsent)***
- ***Where:***
- ***Cpayment = is the contribution at time of payment***
- ***Cconsent = is the contribution at the time of consent, as shown above***

- ***CPIconsent = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 135.8 for the October 2023 quarter.***
- ***CPIpayment = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment***

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Please contact any of Council's customer service centres at council@innerwest.nsw.gov.au or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

(Added – 19/12/2023 – MOD/2023/0225)

8A 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:

<i>Tree/location</i>	<i>Approved works</i>
<i>4 x Fraxinus grifithii (Evergrteen Ash) - street trees in Faversham Street</i>	<i>Removal</i>

The removal of any street tree approved by Council must include complete stump removal (to a minimum depth of 400mm) and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the tree/s removal.

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.

(Added – 19/12/2023 – MOD/2023/0225)

52A 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 tree planting in Faversham Street has been completed in accordance with the approved street tree planting plan.

The trees and tree pits must be inspected by Council's Tree Assessment Officer before and after planting.

The street trees must be maintained for a minimum period of twelve months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning and fertilising and pest and disease control.

- a. At the completion of the 12 month maintenance period written approval must be obtained from Council's Coordinator Private Trees that the trees are healthy.*
- b. If the street tree/s require replacement due to maintenance deficiencies during the 12 month maintenance period, the 12 month maintenance period will commence again from the date of the planting of the replacement tree (up to three (3) occurrences).*

(Added – 19/12/2023 – MOD/2023/0225)

20A. Substation

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

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

Any portion of a building other than a BCA class 10a structure constructed from non combustibile materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a nonignitable blast resisting barrier. The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

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

(Added – 19/12/2023 – MOD/2023/0225)

20B. Underground Cables

Special care is to be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

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

(Added – 19/12/2023 – MOD/2023/0225)

20C. Supply of Electricity

A nominated electrical consultant/contractor is to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not: - The existing network can support the expected electrical load of the development - A substation may be required on-site, either a pad mount kiosk or chamber style and; - site conditions or other issues that may impact on the method of supply.

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

(Added – 19/12/2023 – MOD/2023/0225)

- c. Delete the following Conditions:

8. Standard Street Tree Protection

~~Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.~~

(Deleted – 19/12/2023 – MOD/2023/0225)

34. Site Hoarding to Minimise Impact on Street Trees

~~If applicable, prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by a suitably qualified Arborist demonstrating that site hoarding to be install along the public footpath is designed and installed requiring no pruning for 4 x *Fraxinus griffithii* (Evergreen Ash) street trees.~~

(Deleted – 19/12/2023 – MOD/2023/0225)

45. Tree Protection

~~To protect the following trees, 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*:~~

Botanical/Common Name/Location
4 x <i>Fraxinus griffithii</i> (Evergreen Ash)

(Deleted – 19/12/2023 – MOD/2023/0225)

46. Limited Root Pruning

~~No tree roots of 30mm or greater in diameter located within the specified radius of the trunks of the following tree/s must be severed or injured in the process of any works during the construction period:~~

Botanical/Common Name	Radius in metres
4 x <i>Fraxinus griffithii</i> (Evergreen Ash) – Public footpath	2m

~~All excavation within the specified radius of the trunks must be hand dug to a depth of one (1) metre under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must~~

~~be cut cleanly using a sharp and fit for purpose tool. The pruning must be undertaken by a practicing Arborist.~~

(Deleted – 19/12/2023 – MOD/2023/0225)

47. Inspections by Project Arborist

~~The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:~~

Time of Inspection	Key stage/ Hold point
Prior to commencement of works	<ul style="list-style-type: none"> • Inspection and sign off installation of tree protection measures.
During Works	<ul style="list-style-type: none"> • Supervise all site preparation and demolition works within the TPZ; • Supervise hoarding installation; • Supervise all excavation, trenching works, landscaping works and tree/planting replenishment within the TPZ; • Supervise all tree work.

(Deleted – 19/12/2023 – MOD/2023/0225)

Attachment B – Plans of proposed development

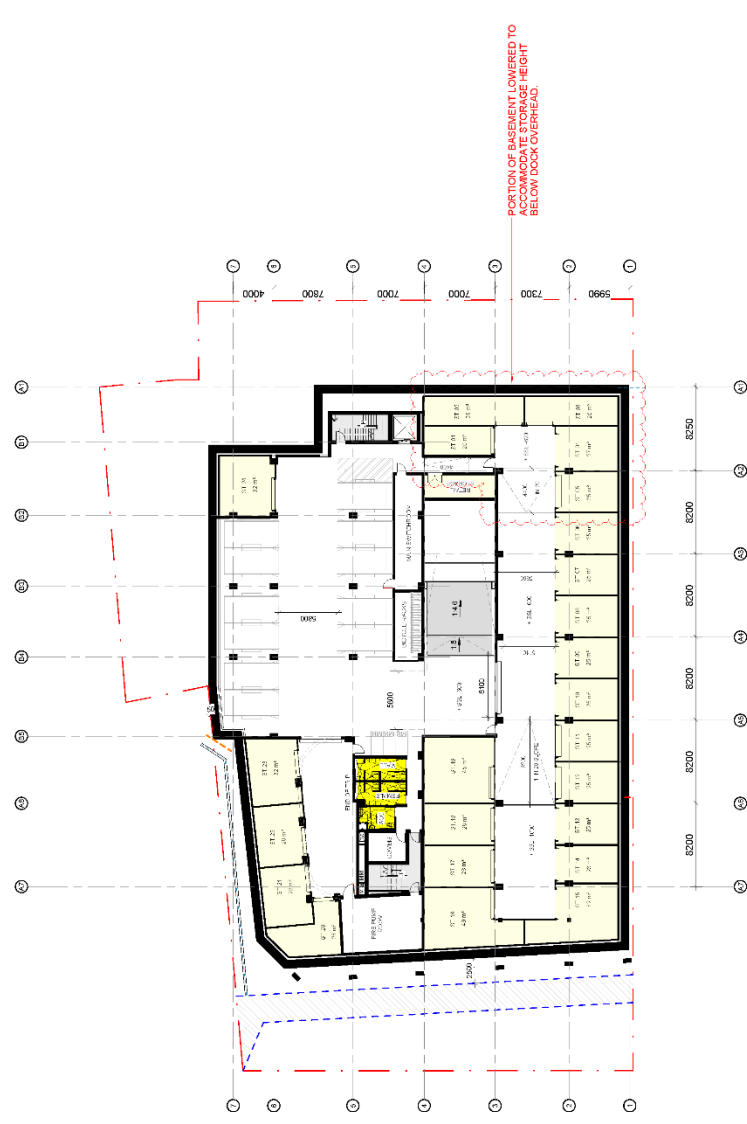
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CLIENT: TR Faversham
 ARCHITECT: PLACE U D I O
 100/102 FAVERSHAM ST
 MARRICKVILLE NSW 2204
 PHONE: (02) 9550 1111
 WWW.PLACEUDO.COM.AU

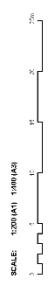
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18-30 FAVERSHAM ST
 MARRICKVILLE

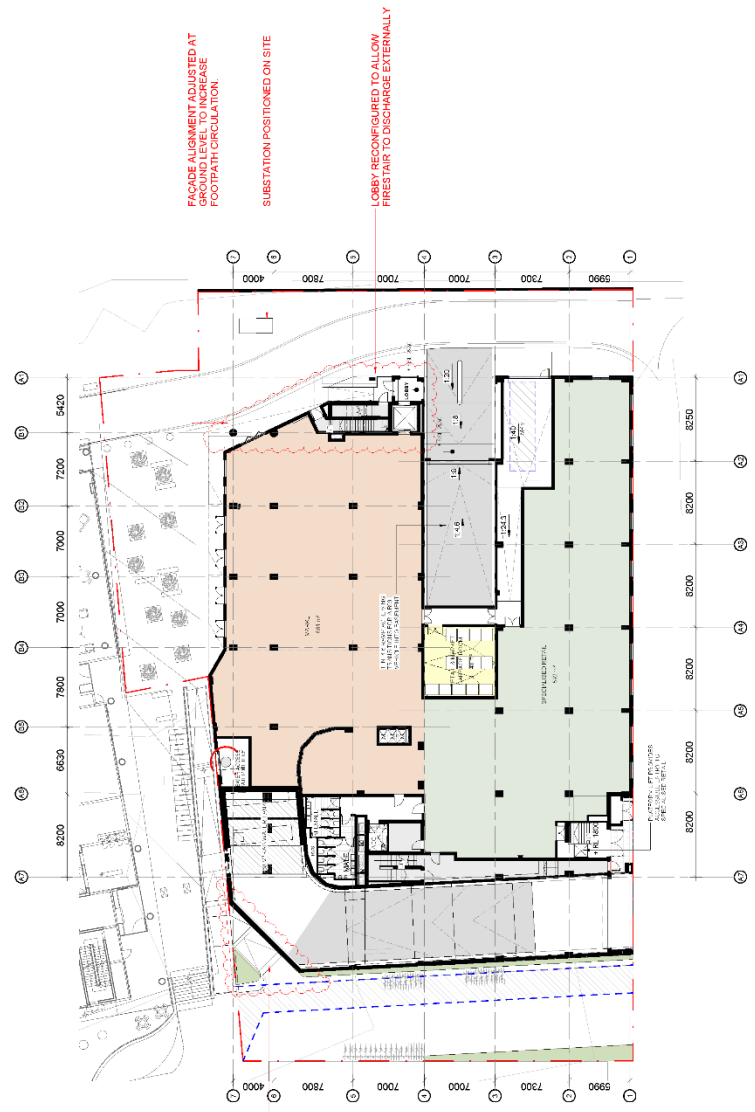
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**PRELIMINARY
 NOT FOR CONSTRUCTION
 DEVELOPMENT APPLICATION**



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CLIENT	THE FAVERSHAM
ARCHITECT	PLACE STUDIO
DATE	15/05/2018
SCALE	1:200 @ A1
PROJECT NO.	18-30 FAVERSHAM ST
SHEET NO.	DA 101
REVISED BY	RES/E
DATE	15/05/2018
SCALE	1:200 @ A1



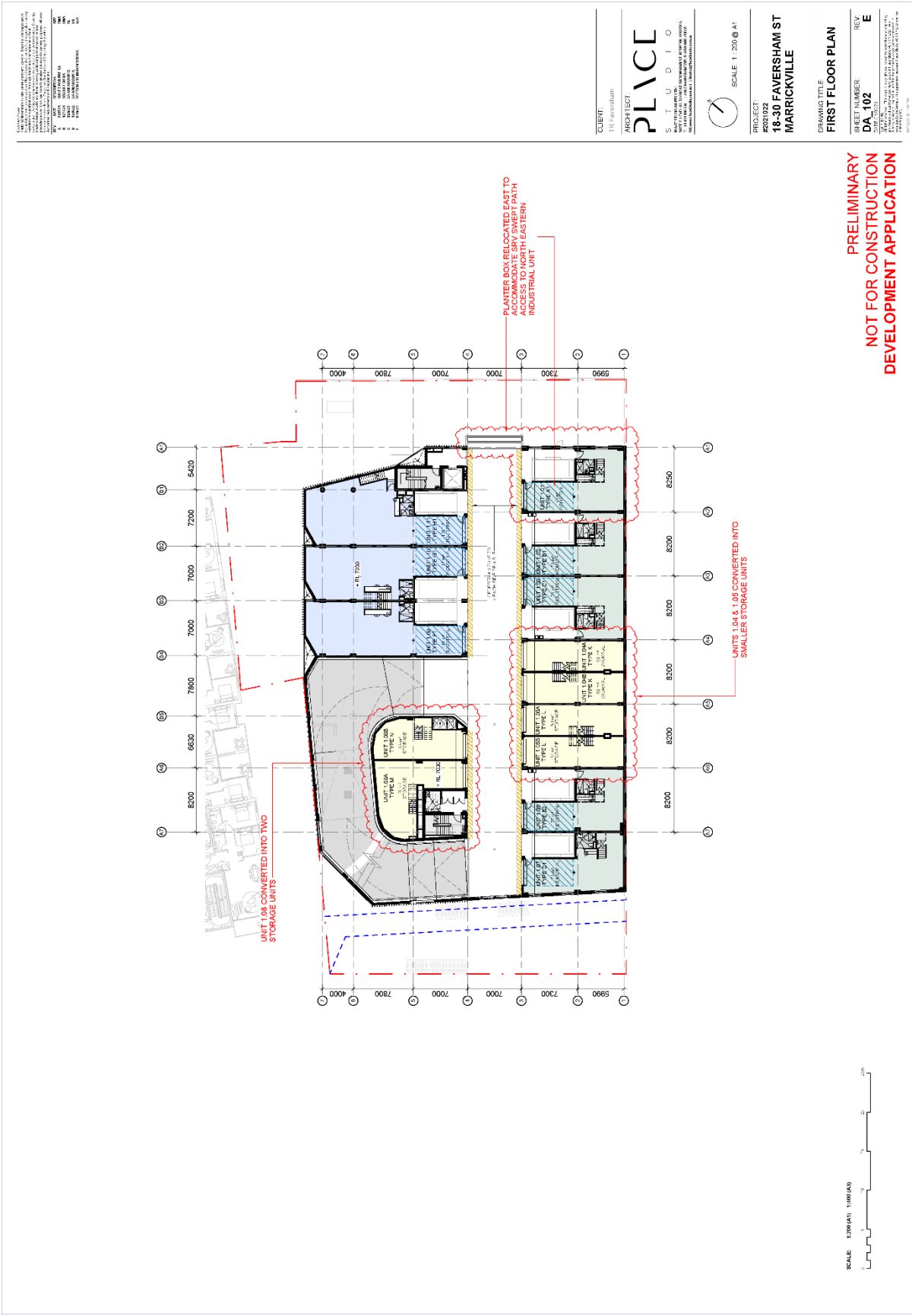
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PROJECT: 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE: GROUND FLOOR PLAN
 SHEET NUMBER: DA 101
 REVISED BY: RES/E

**PRELIMINARY
 NOT FOR CONSTRUCTION
 DEVELOPMENT APPLICATION**





NO.	DATE	DESCRIPTION
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CLIENT: TR Faversham

ARCHITECT: **PLACE** STUDIO

PROJECT: 18-30 FAVERSHAM ST MARRICKVILLE

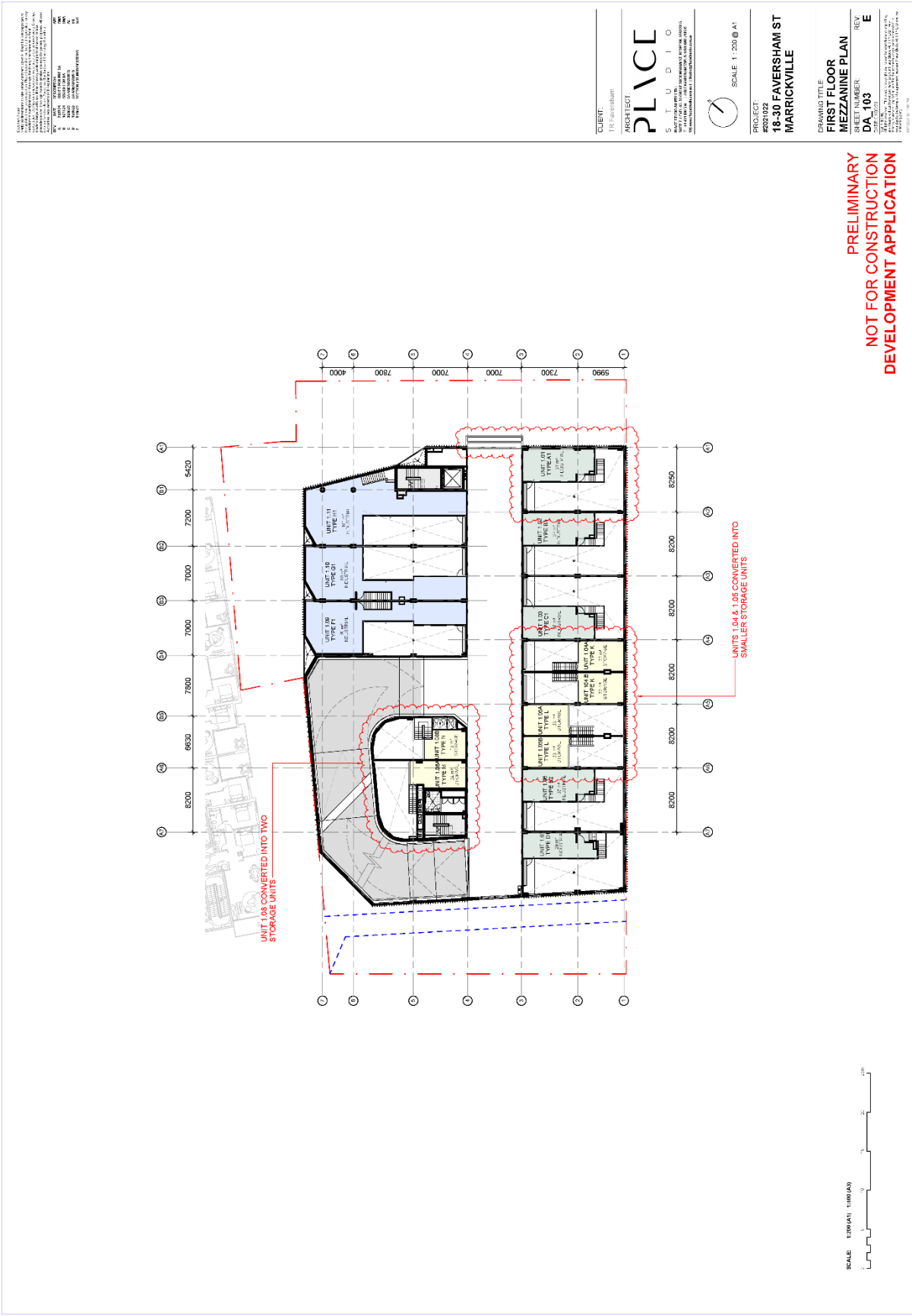
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PROGRAM TITLE: FIRST FLOOR PLAN

SHEET NUMBER: DA-102

REV: E

**PRELIMINARY
NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION**



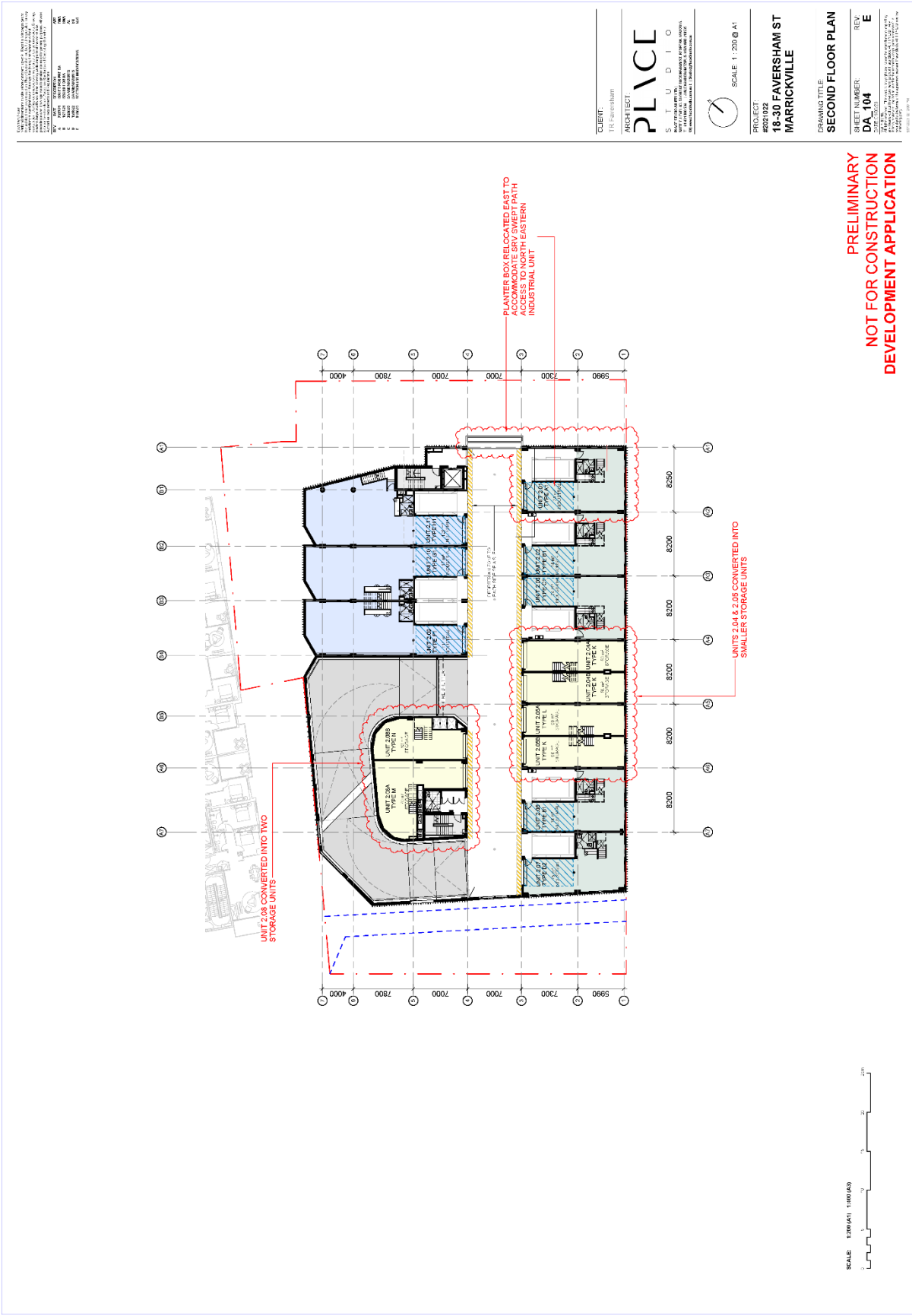
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CLIENT: **TR Faversham**
 ARCHITECT: **PLACE STUDIO**
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PROJECT: **18-30 FAVERSHAM ST MARRICKVILLE**

DESIGN TITLE: **FIRST FLOOR MEZZANINE PLAN**
 SHEET NUMBER: **DA_103**
 REV: **E**

PRELIMINARY
 NOT FOR CONSTRUCTION
 DEVELOPMENT APPLICATION



**PRELIMINARY
NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION**

NO.	DATE	DESCRIPTION
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CLIENT: TR Faversham
ARCHITECT: PLACE STUDIO
PROJECT: 18-30 FAVERSHAM ST MARRICKVILLE
SCALE: 1:200 @ A1

PROJECT: 18-30 FAVERSHAM ST MARRICKVILLE
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SHEET NUMBER: DA-104
REV: E

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SHEET NUMBER: DA-104
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PROJECT: 18-30 FAVERSHAM ST MARRICKVILLE
DRAWING TITLE: SECOND FLOOR PLAN
SHEET NUMBER: DA-104
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DRAWING TITLE: SECOND FLOOR PLAN
SHEET NUMBER: DA-104
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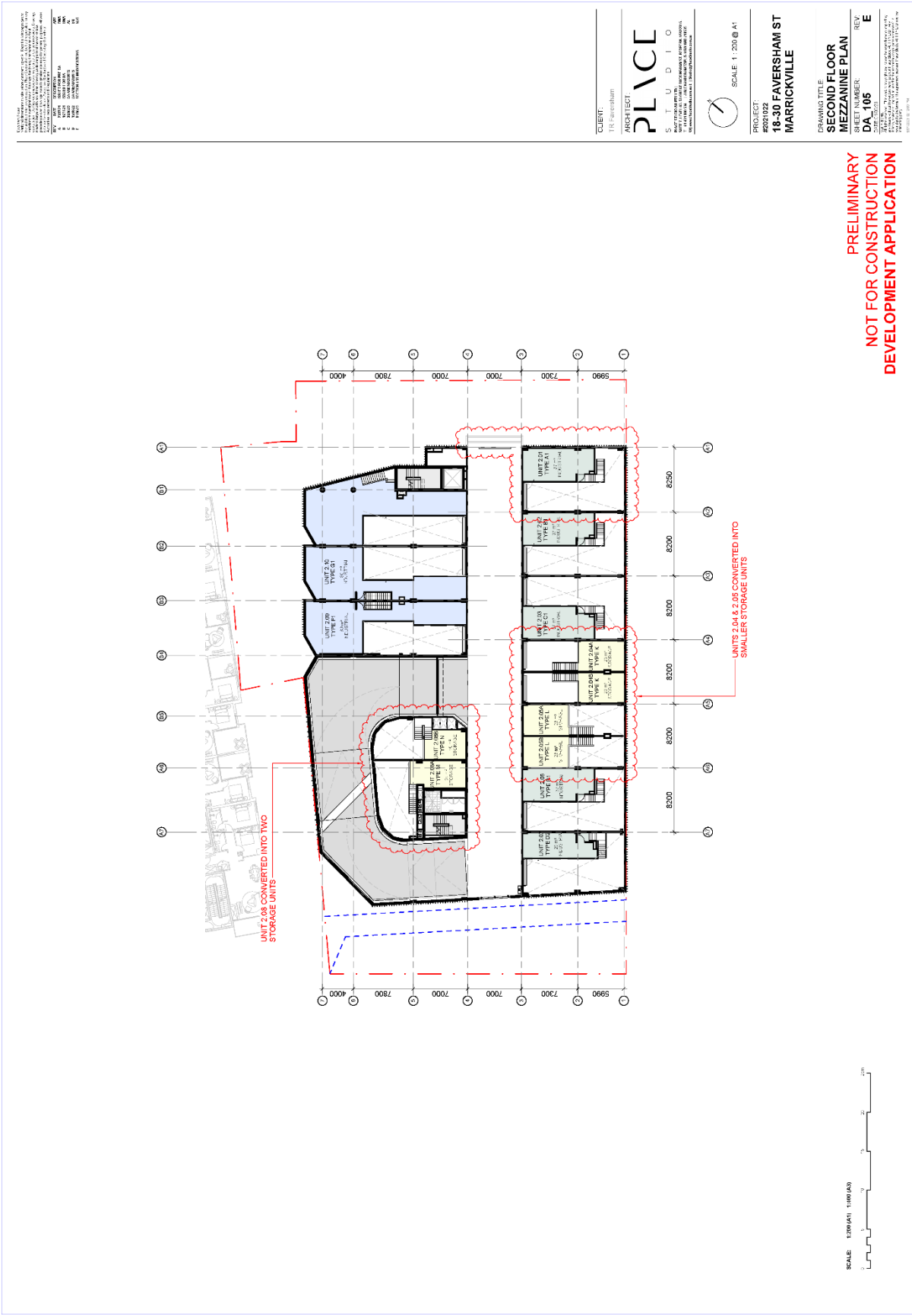
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2	10/10/2018	ISSUED FOR PERMIT	W. J.	W. J.
3	10/10/2018	ISSUED FOR PERMIT	W. J.	W. J.
4	10/10/2018	ISSUED FOR PERMIT	W. J.	W. J.
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9	10/10/2018	ISSUED FOR PERMIT	W. J.	W. J.
10	10/10/2018	ISSUED FOR PERMIT	W. J.	W. J.

CLIENT: TR Faversham
 ARCHITECT: PLACE STUDIO
 PROJECT: 18-30 FAVERSHAM ST MARRICKVILLE
 SCALE: 1:200 @ A1

DESIGN TITLE: SECOND FLOOR MEZZANINE PLAN
 SHEET NUMBER: DA 105
 REV: E

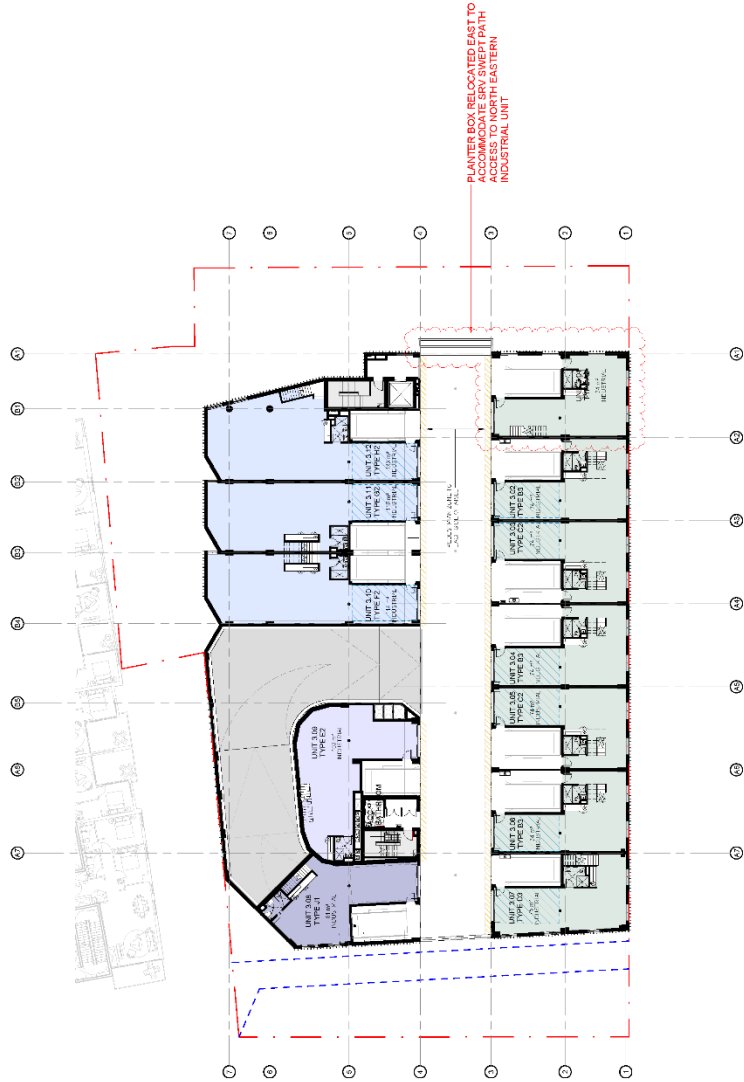
**PRELIMINARY
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 DEVELOPMENT APPLICATION**

PROJECT: 18-30 FAVERSHAM ST, MARRICKVILLE
 ARCHITECT: PLACE STUDIO
 DATE: 15/05/2018
 DRAWN BY: [REDACTED]
 CHECKED BY: [REDACTED]
 SCALE: 1:200 @ A1

CLIENT: The Faversham
 ARCHITECT: PLACE
 STUDIO
 5/77 RUSSELL ST, MARRICKVILLE NSW 2204
 TEL: (02) 9550 1111
 WWW.PLACESTUDIO.COM.AU

PROJECT: #2018022
 18-30 FAVERSHAM ST
 MARRICKVILLE

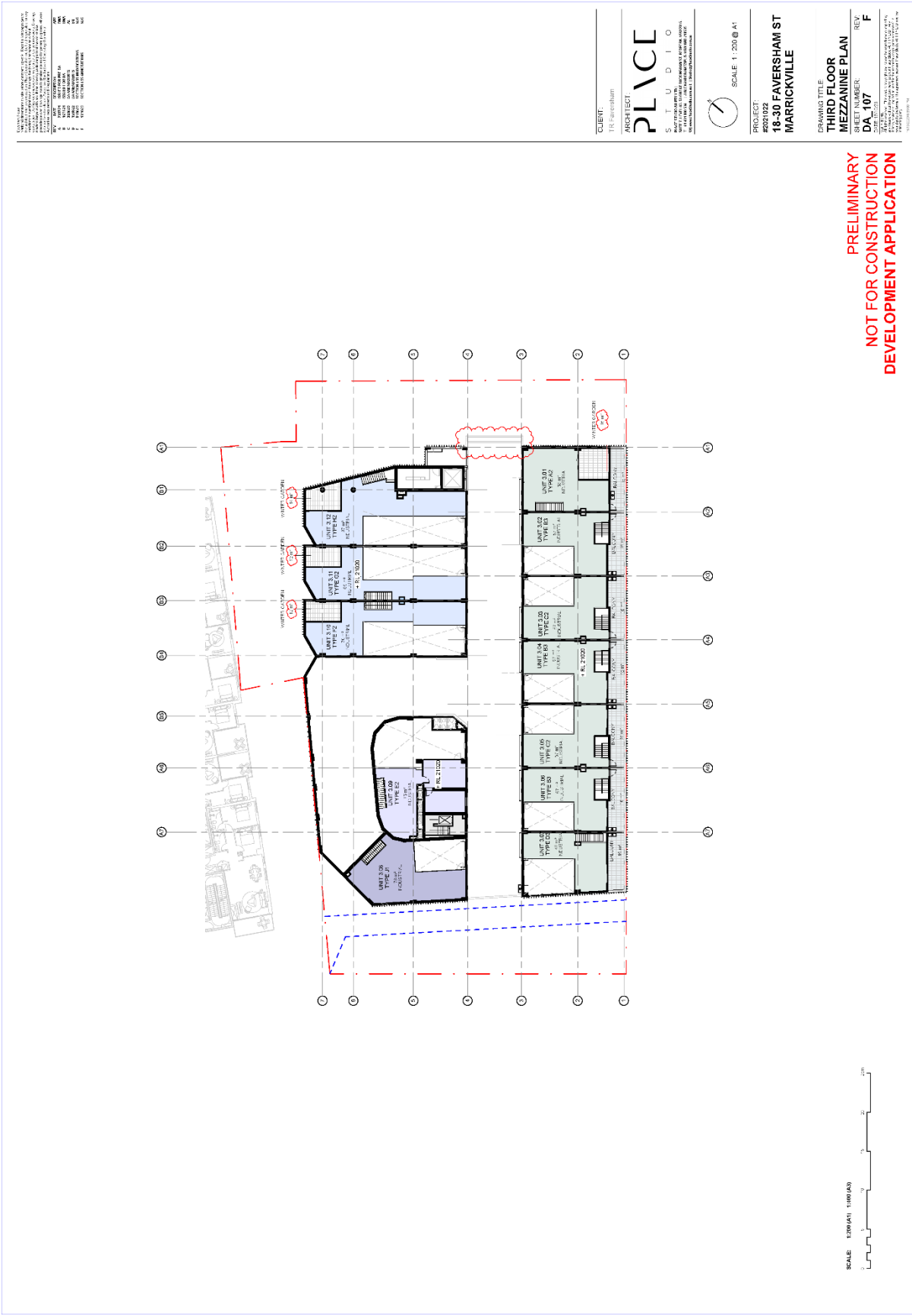
DRAWING TITLE: THIRD FLOOR PLAN
 SHEET NUMBER: DA-106
 REV: E



PLANTER BOX RELOCATED EAST TO
 ACCOMMODATE SRV SWEEP PATH
 ACCESS TO NORTH EASTERN
 INDUSTRIAL UNIT

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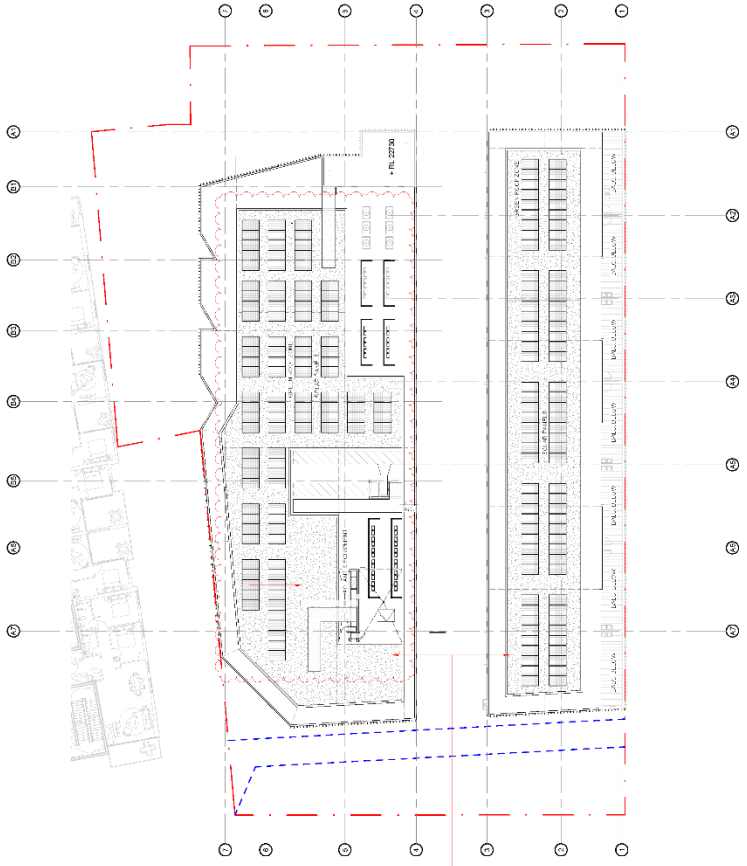


NO.	DATE	DESCRIPTION
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2	10/10/2023	ISSUED FOR PERMIT
3	10/10/2023	ISSUED FOR PERMIT
4	10/10/2023	ISSUED FOR PERMIT
5	10/10/2023	ISSUED FOR PERMIT
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CLIENT: TR Faversham
 ARCHITECT: PLACE STUDIO
 PROJECT: #2021022
 18-30 FAVERSHAM ST
 MARRICKVILLE
 SCALE: 1:200 @ A1
 DRAWING TITLE: THIRD FLOOR MEZZANINE PLAN
 SHEET NUMBER: DA-107
 REV: F

PRELIMINARY
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PROJECT: 18-30 FAVERSHAM ST, MARRICKVILLE
 ARCHITECT: PLACE STUDIO
 CLIENT: THE FAVERSHAM
 DATE: 2024/02/27
 DRAWING NO: DA-108
 SHEET NO: 1 OF 1
 SCALE: 1:200 @ A1



ROOFTOP PLANT EQUIPMENT
COORDINATED WITH
STRUCTURAL REQUIREMENTS

ROOFTOP PLANTER DEPTHS
ADJUSTED TO ACCOMMODATE
PLANT SELECTION



CLIENT: THE FAVERSHAM
 ARCHITECT: PLACE
 STUDIO
 SCALE: 1:200 @ A1

PROJECT: 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE: ROOF PLAN
 SHEET NUMBER: DA-108
 REV: E

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PROJECT: 18-30 FAVERSHAM ST, FAVERSHAM VIC 3093
 ARCHITECT: PLACE ARCHITECTS
 SHEET NUMBER: DA 200
 DATE: 15/08/2018
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 SCALE: 1:200 @ A1

CLIENT: The Faversham
 ARCHITECT: PLACE
 STUDIO
 18-30 FAVERSHAM ST
 FAVERSHAM VIC 3093
 PHONE: 03 9497 1111
 WWW.PLACEARCHITECTS.COM

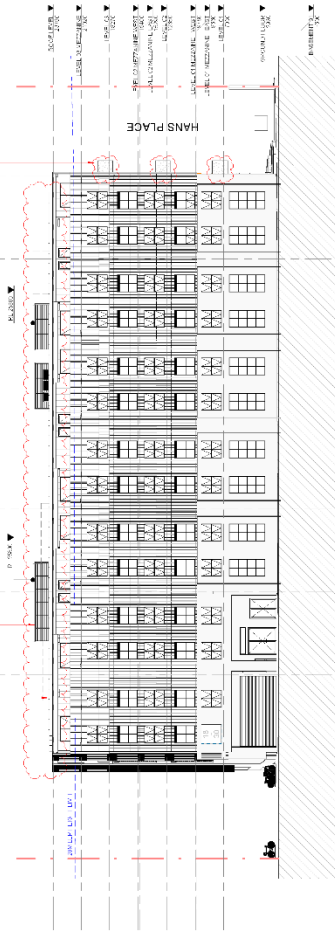
PROJECT: 18-30 FAVERSHAM ST
 MARRICKVILLE
 SCALE: 1:200 @ A1

SHEET NUMBER: DA 200
 REV: C

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ROOFTOP PLANT EQUIPMENT COORDINATED
 WITH STRUCTURAL REQUIREMENTS
 ROOFTOP PLANTER DEPTHS ADJUSTED TO
 ACCOMMODATE PLANT SELECTION

PLANTERS BOX RELOCATED EAST TO
 ACCOMMODATE SWM SWEEP PATH ACCESS
 TO NORTH EASTERN INDUSTRIAL UNIT



PROJECT: 18-30 FAVERSHAM ST, MARRICKVILLE NSW
 ARCHITECT: PLACE ARCHITECTS
 SHEET NUMBER: DA 201
 DATE: 10/10/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]

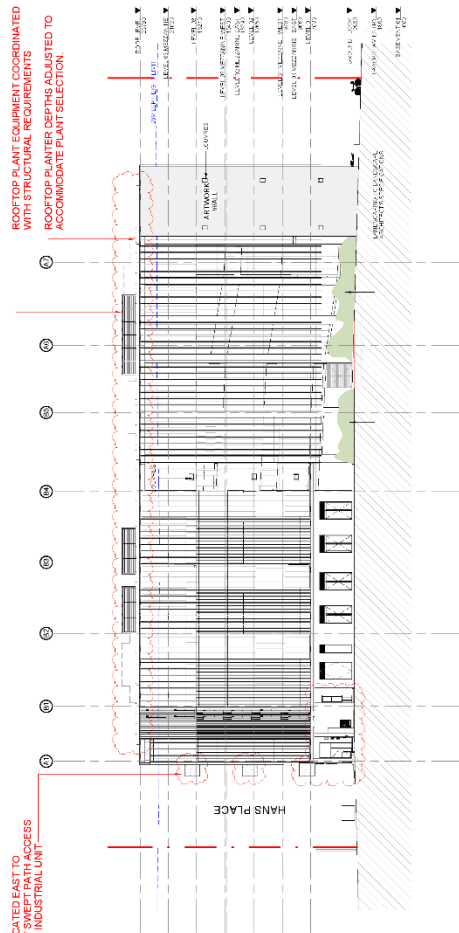
CLIENT: The Faversham
 ARCHITECT: PLACE
 STUDIO
 18-30 FAVERSHAM ST, MARRICKVILLE NSW
 PHONE: 02 9550 1111
 WWW.PLACEARCHITECTS.COM.AU

SCALE: 1:200 @ A1
 PROJECT: 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE: WEST ELEVATION
 SHEET NUMBER: DA 201
 REV: D

ROOFTOP PLANT EQUIPMENT COORDINATED
 WITH STRUCTURAL REQUIREMENTS
 ROOFTOP PLANTER BEDS, AS LISTED TO
 ACCOMMODATE PLANT SELECTION.

PLANTER BOX RELOCATED EAST TO
 ACCOMMODATE SRV SWEEP PATH ACCESS
 TO NORTH EASTERN INDUSTRIAL UNIT

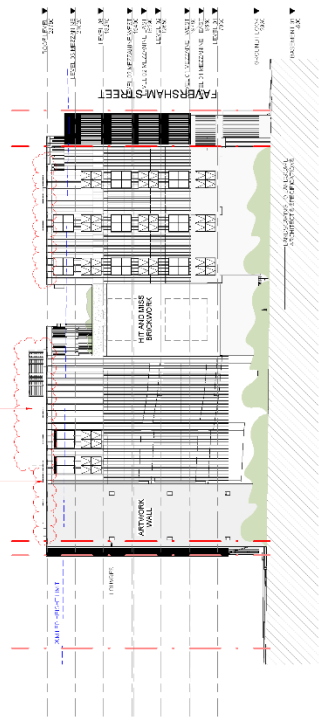


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REV	DATE	DESCRIPTION	BY	CHK
1	10/10/2024	ISSUED FOR PERMITS	DA	DA

**ROOFTOP PLANT EQUIPMENT COORDINATED WITH STRUCTURAL REQUIREMENTS
ROOFTOP PLANTER DEPTHS ADJUSTED TO ACCOMMODATE PLANT SELECTION**



CLIENT: TR Faversham
ARCHITECT: PLACE
S U D I O
111/113 STAMFORD STREET
MARRICKVILLE NSW 2204
WWW.PLACEARCHITECTURE.COM

SCALE: 1:200 @ A1
PROJECT: #2024022
18-30 FAVERSHAM ST
MARRICKVILLE

DRAWING TITLE: SOUTH ELEVATION
SHEET NUMBER: DA_202
REV: C
DATE: 10/10/2024
DRAWN BY: DA
CHECKED BY: DA

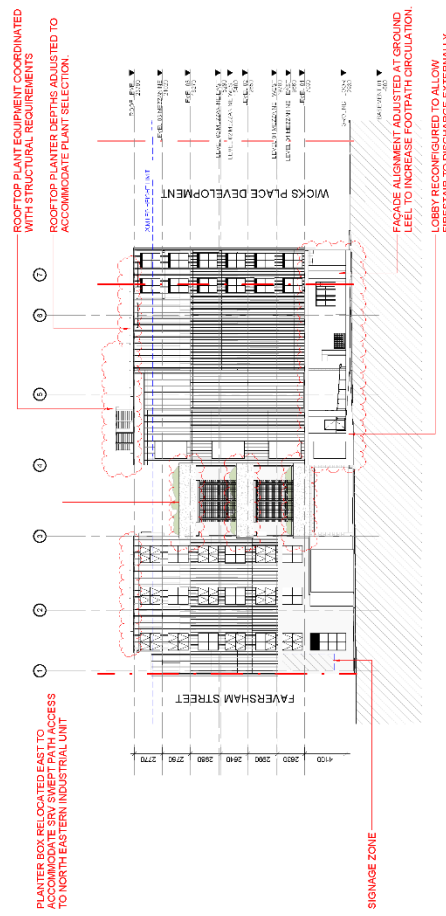
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DEVELOPMENT APPLICATION**

PROJECT	18-30 FAVERSHAM ST MARRICKVILLE
CLIENT	THE FAVERSHAM
ARCHITECT	PLACE STUDIO
DATE	20/08/2024
SCALE	1:200 @ A1
DRAWN	DA
CHECKED	DA
DATE	20/08/2024

CLIENT: THE FAVERSHAM
 ARCHITECT: PLACE STUDIO
 SCALE: 1:200 @ A1

PROJECT: #2024022
 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE: NORTH ELEVATION
 SHEET NUMBER: DA_203
 REV: D



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 DEVELOPMENT APPLICATION**

PROJECT: 18-30 FAVERSHAM ST, MARRICKVILLE NSW
 ARCHITECT: PLACE ARCHITECTS
 SHEET NUMBER: DA 300
 DATE: 18/08/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]

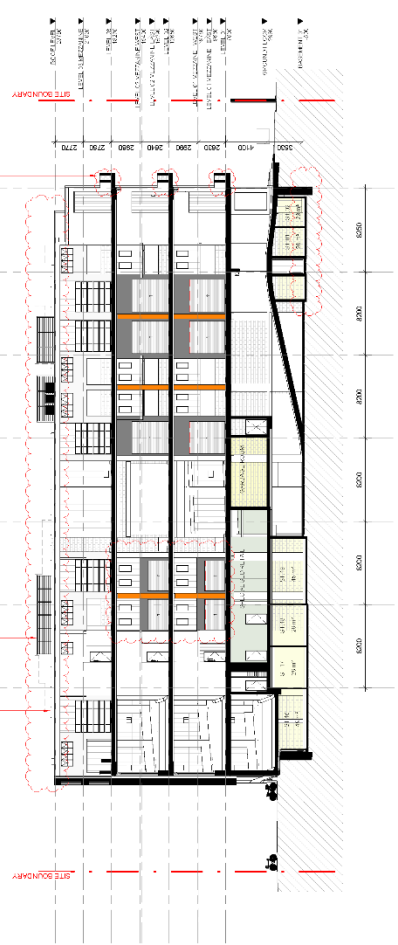
CLIENT: The Faversham
 ARCHITECT: PLACE
 STUDIO
 18-30 FAVERSHAM ST, MARRICKVILLE NSW
 WWW.PLACEARCHITECTS.COM.AU

SCALE: 1:200 @ A1
 PROJECT: #2018022
 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE: SECTION 1
 SHEET NUMBER: DA 300
 REV: C

PLANTER BOX RELOCATED EAST TO ACCOMMODATE SWP SWEEP PATH ACCESS TO NORTH-EASTERN INDUSTRIAL UNIT

ROOFTOP PLANT EQUIPMENT COORDINATED WITH STRUCTURAL REQUIREMENTS. ROOFTOP PLANTERS SPECIFICALLY SELECTED TO ACCOMMODATE PLANT SELECTION.



SECTION 01
1:200

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 DEVELOPMENT APPLICATION

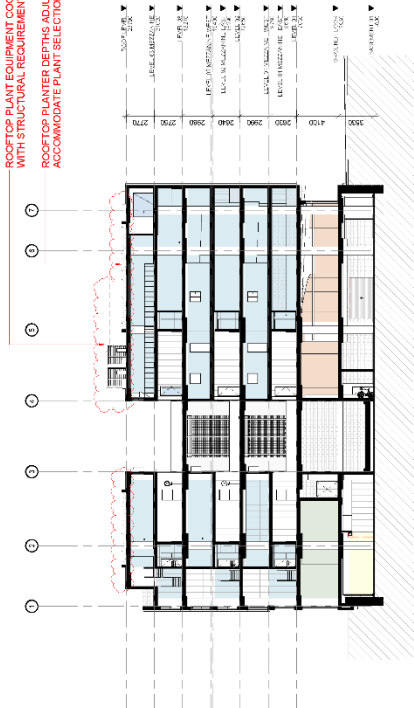
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 ARCHITECT: PLACE ARCHITECTS
 SHEET NUMBER: DA-301
 DRAWING TITLE: SECTION 2
 DATE: 20/01/2022
 DRAWN BY: [Name]
 CHECKED BY: [Name]

CLIENT: The Faversham
 ARCHITECT: PLACE
 STUDIO
 18-30 FAVERSHAM ST
 MARRICKVILLE NSW 2204
 PHONE: 02 9550 1234
 WWW.PLACEARCHITECTS.COM.AU

PROJECT: 18-30 FAVERSHAM ST
 MARRICKVILLE
 SCALE: 1:200 @ A1

DRAWING TITLE: SECTION 2
 SHEET NUMBER: DA-301
 REV: C

ROOFTOP PLANT EQUIPMENT COORDINATED
 WITH STRUCTURAL REQUIREMENTS
 ROOFTOP PLANTER DEPTHS ADJUSTED TO
 ACCOMMODATE PLANT SELECTION.



SECTION 02
1:200

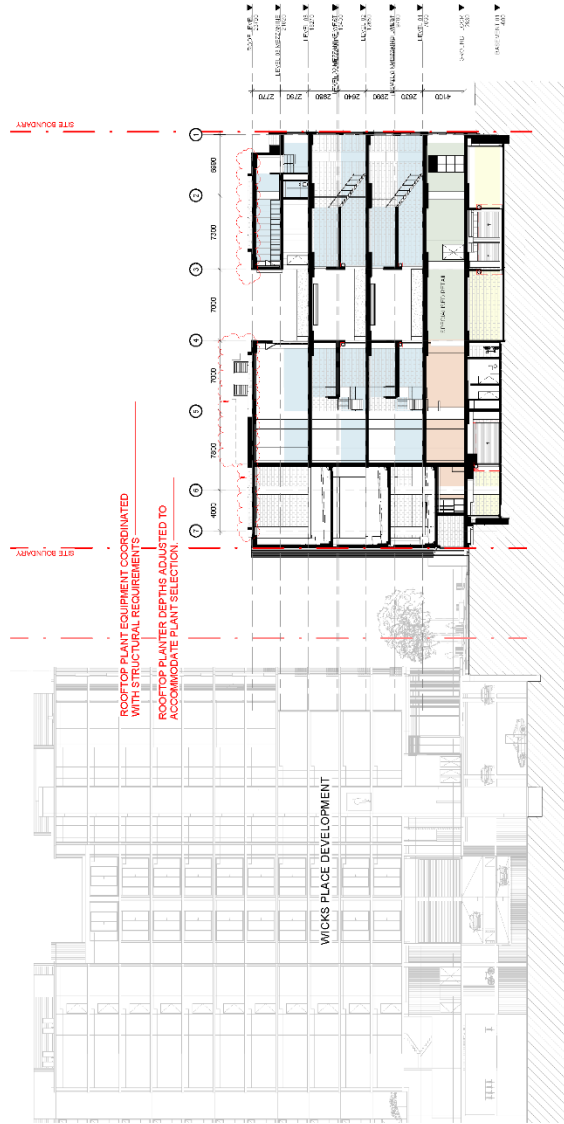
PRELIMINARY
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 DEVELOPMENT APPLICATION

PREPARED BY: ARCHITECTURE
 DRAWN BY: ARCHITECTURE
 CHECKED BY: ARCHITECTURE
 DATE: 10/10/2023
 SCALE: AS SHOWN
 SHEET NUMBER: DA-302
 PROJECT: 18-30 FAVERSHAM ST MARRICKVILLE
 DRAWING TITLE: SECTION 3

CLIENT: TR Faversham
 ARCHITECT: PLACE STUDIO
 577 RIVERVIEW ST, MARRICKVILLE NSW 1575
 PHONE: 02 9550 1111
 WWW.PLACESTUDIO.COM.AU

SCALE: 1:200 @ A1
 PROJECT: #2024022
 18-30 FAVERSHAM ST
 MARRICKVILLE

DRAWING TITLE: SECTION 3
 SHEET NUMBER: DA-302
 REV: C



PRELIMINARY
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DEVELOPMENT APPLICATION

DESIGNED BY: ARCHITECTURE
 DRAWN BY: ARCHITECTURE
 CHECKED BY: ARCHITECTURE
 DATE: 10/10/2023

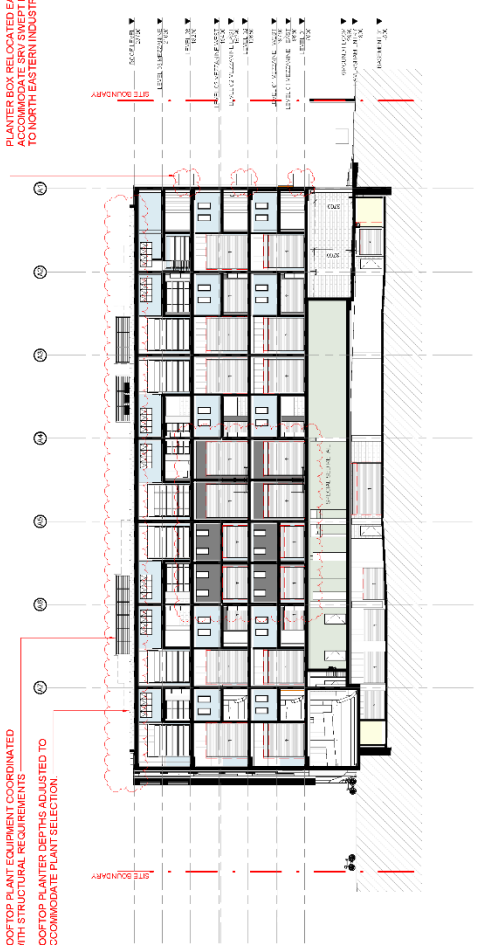
CLIENT: The Faversham
 ARCHITECT: PLACE
 STUDIO
 10/10/2023

SCALE: 1:200 @ A1
 PROJECT: #2024022
 18-30 FAVERSHAM ST
 MARRICKVILLE

DESK AND TITLE: SECTION 4
 SHEET NUMBER: DA-303
 REV: A

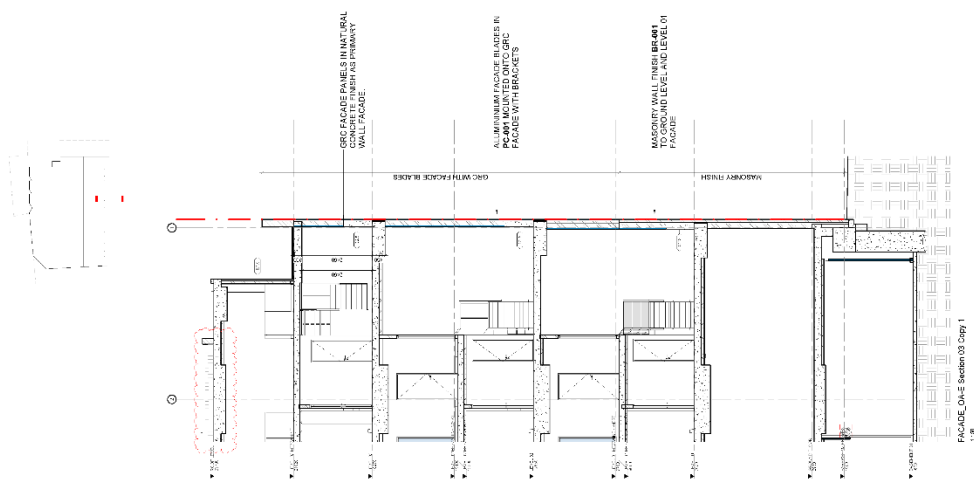
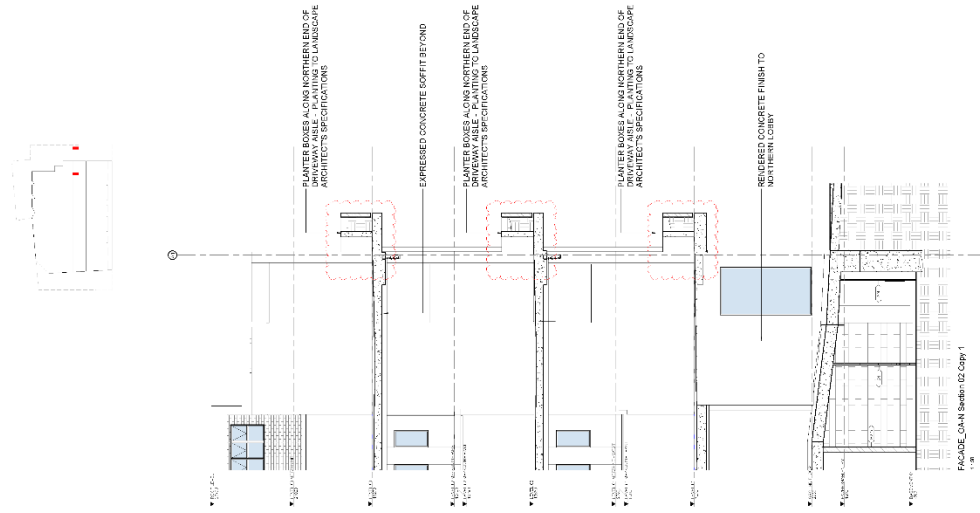
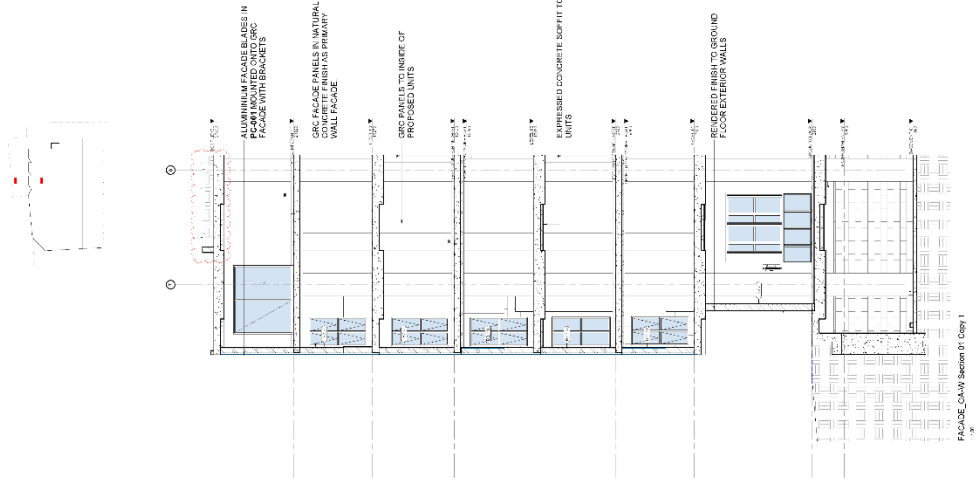
PLANTER BOX RELOCATED EAST TO ACCOMMODATE SRV SWEEP PATH ACCESS TO NORTH-EASTERN INDUSTRIAL UNIT

ROOFTOP PLANT EQUIPMENT COORDINATED WITH STRUCTURAL REQUIREMENTS. ROOSTER PLANTERS SPECIFICALLY SELECTED TO ACCOMMODATE PLANT SELECTION.



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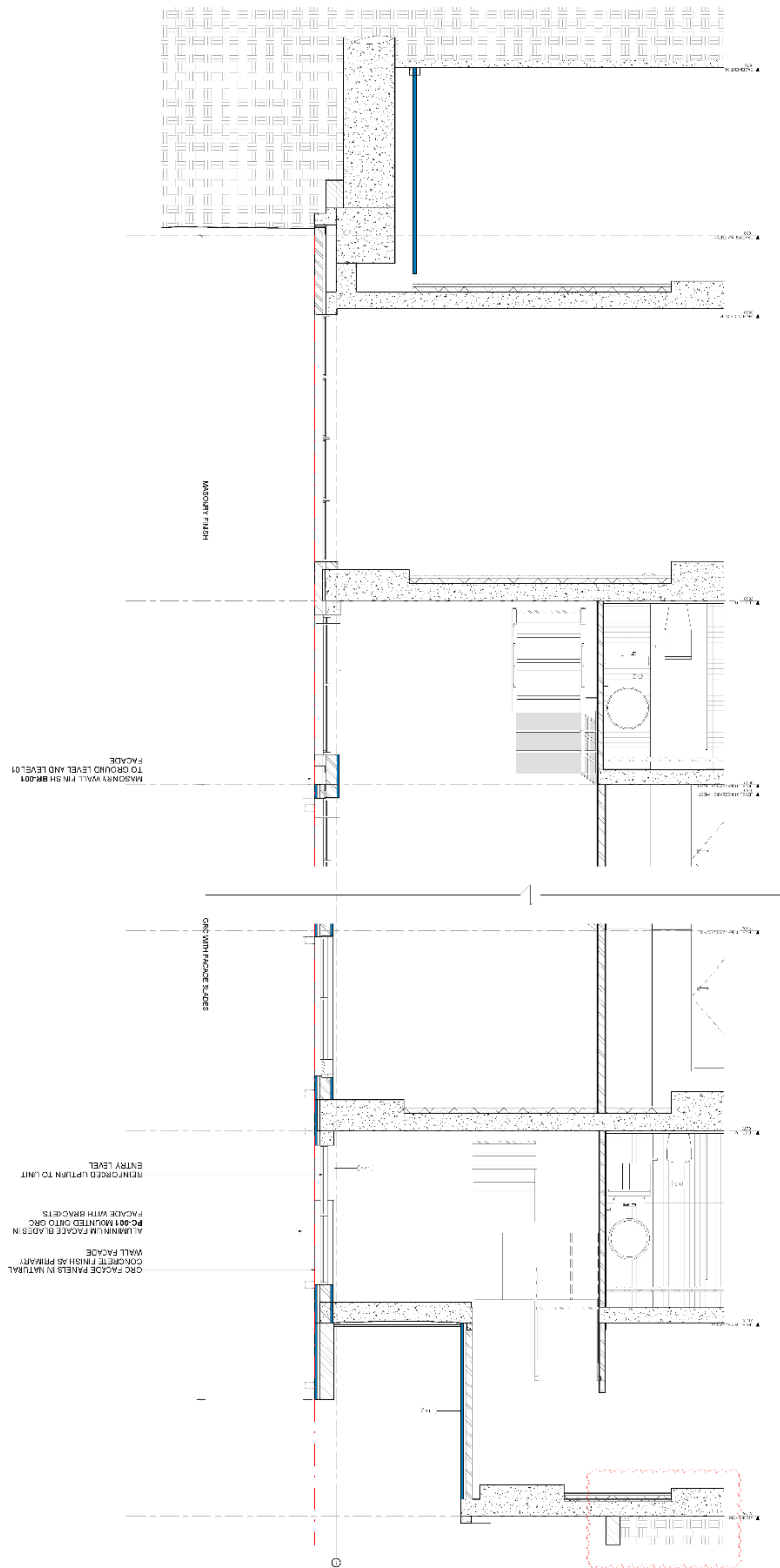
PRELIMINARY
 NOT FOR CONSTRUCTION
 DEVELOPMENT APPLICATION



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DEVELOPMENT APPLICATION

PROJECT NO: 18-20 FAVERSHAM ST MARRICKVILLE
 SHEET NUMBER: DA_310
 DATE: 11/01/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

7/2016
 [Small text block containing project details and dates]



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DEVELOPMENT APPLICATION

PROJECT NO: 18-00
 18-00 FAVERSHAM ST
 MARRICKVILLE
 DA 311
 PROJECT TITLE: Facade Section Callout
 DATE: 10/10/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

SCALE

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LEP FSR COMPLIANCE:

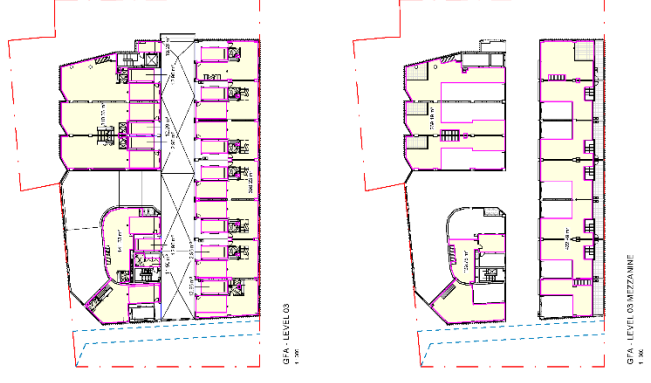
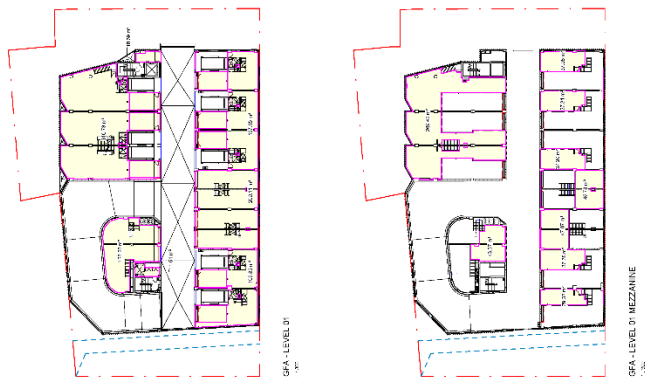
SITE AREA	3,465 m ²
SITE FSR	20.1
ALLOWABLE GFA	6,952 m ²
PROPOSED GFA	6,423.1 m ²
PROPOSED FSR	18.51
RESIDUAL GFA	369.9 m ²

GFA SCHEDULE BY USE

RETAIL	699.50 m ²
OFFICE	423.79 m ²
MARKET GFA	673.11 m ²
STORAGE GFA	646.09 m ²
MEZZANINE EAST	1032.00 m ²
MEZZANINE WEST	1014.12 m ²
MEZZANINE	821.46 m ²
TOTAL	6423.11 m ²

OVERALL GFA SCHEDULE

BASEMENT D1	2730 m ²
GROUND FLOOR	1425 m ²
LEVEL 01	555 m ²
LEVEL 02	1032 m ²
MEZZANINE EAST	1032 m ²
MEZZANINE WEST	1014 m ²
MEZZANINE	821 m ²
TOTAL	6423 m ²



LEGEND:

- Existing Structure
- Proposed Structure

**NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION**

PROJECT NO: **PLACE**

PROJECT TITLE: **GFA CALCULATIONS**

PROJECT ADDRESS: **18-30 FAVERSHAM ST
MARRICKVILLE**

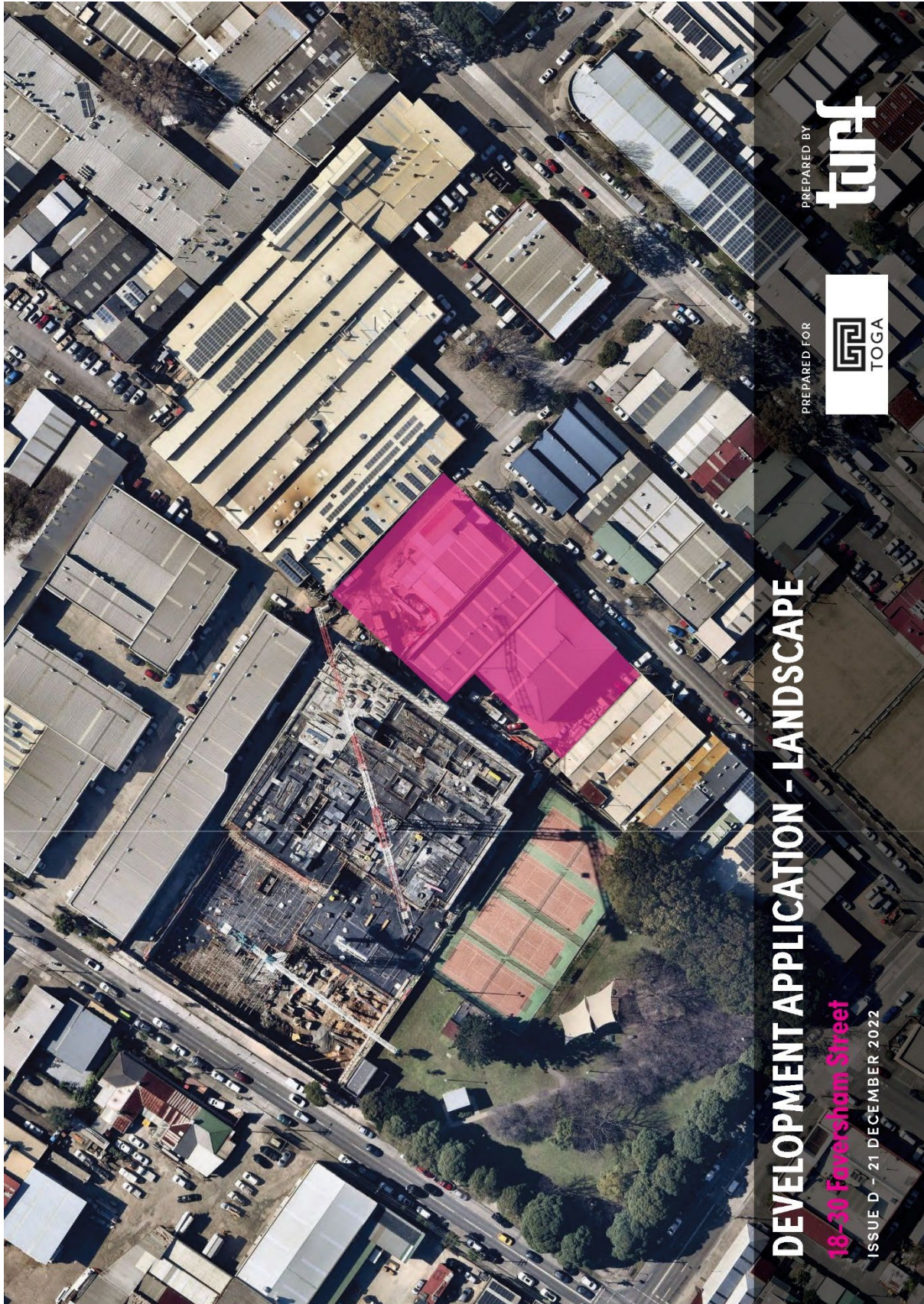
SCALE: 1:100

PROJECT NO: **PLACE**

PROJECT TITLE: **GFA CALCULATIONS**

PROJECT ADDRESS: **18-30 FAVERSHAM ST
MARRICKVILLE**

SCALE: 1:100



DEVELOPMENT APPLICATION - LANDSCAPE

18-30 Faversham Street

ISSUE D - 21 DECEMBER 2022

PREPARED BY



PREPARED FOR



CONTENTS

GROUND	3
LEVEL 1 - 2	4
LEVEL 3	5
MATERIALS PALETTE	6
PLANTING PALETTE	6
LANDSCAPE VISION - GREEN ROOFS	8
LANDSCAPE DESIGN PRINCIPLES - GREEN ROOFS	9
PLANTING PLAN	10
PLANTING PALETTE	11
TYPICAL DETAILS	12
LANDSCAPE SCHEDULE AND SPECIFICATIONS	13

GROUND | LANDSCAPE PLAN



KEY

- ① Public art wall
- ② Bicycle parking (50 spaces)

LEGEND

- Site boundary
- Extent of works
- PI1 - 600x300 Concrete Unit paving to match through site link
- PIB - 6 shades of grey 600x300 Concrete Unit paving
- Road by others
- Pal 2 - Understorey Planting
- Pal 1 - Climbing Planting
- L6: Tree species - refer planting palette
- Existing trees to be retained

0 3m 6m
SCALE - 1:300 ©A3

18-30 FAVERSHAM STREET | LANDSCAPE DA PREPARED BY TURF DESIGN STUDIO ISSUE D - 21 DECEMBER 2022 L-DA-3

GROUND | CANOPY PLAN



AREA CALCULATIONS

Site Area - 3561m²
 Building Envelope - 2306m²
 Proposed Canopy cover - 310m²

CANOPY CALCULATIONS:

8% - Across total site area
 (Canopy Area / Total Site Area)
 24% - Excluding built form envelope
 (Canopy Area / (Total Site Area - Building Envelope))

LEGEND

- Trees included in Canopy Calculations
 - Existing Trees excluded from Canopy Calculations
- 0 3m 6m

 SCALE - 1:300 @ A3

LEVEL 1 - 2 | LANDSCAPE

Planter along the northern façade line on level 1,2&3 celebrates the façade with understorey that cascades down into Hans Place. Cascading plants combine with climbing plants at street level to green the building façade.

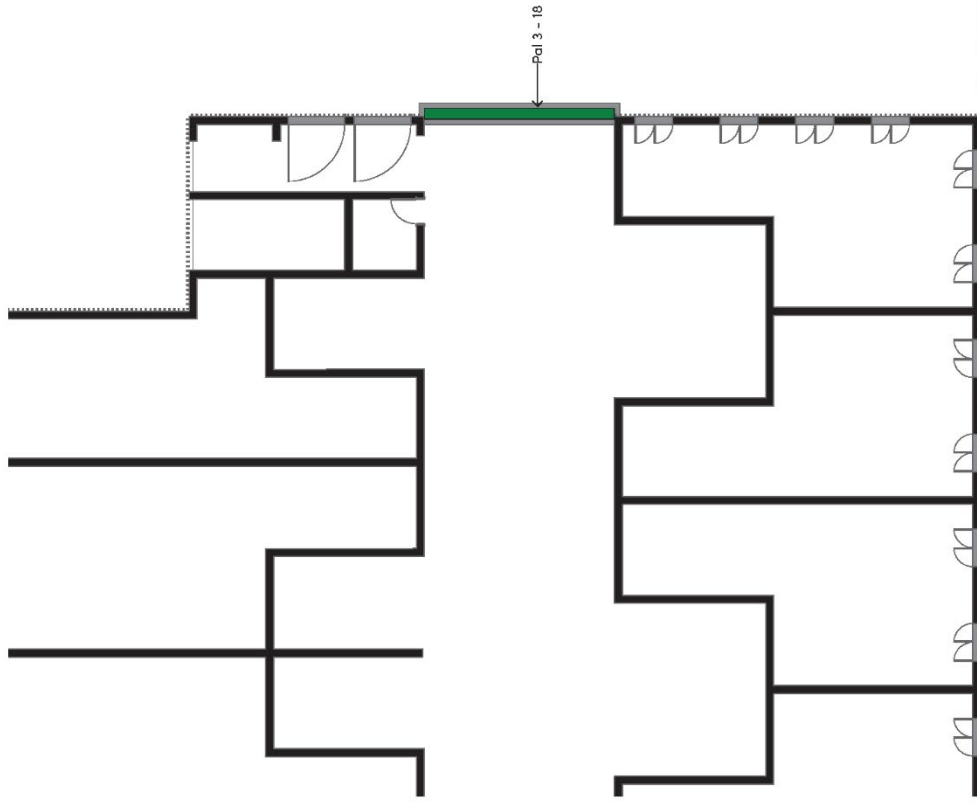
INDICATIVE PLANTING PALLETTE



Refer planting palette For species and Quantities



SCALE - 1:150 @ A3



LEVEL 3 | LANDSCAPE

INDICATIVE PLANTING PALLETTE



Refer planting palette For species and Quantities

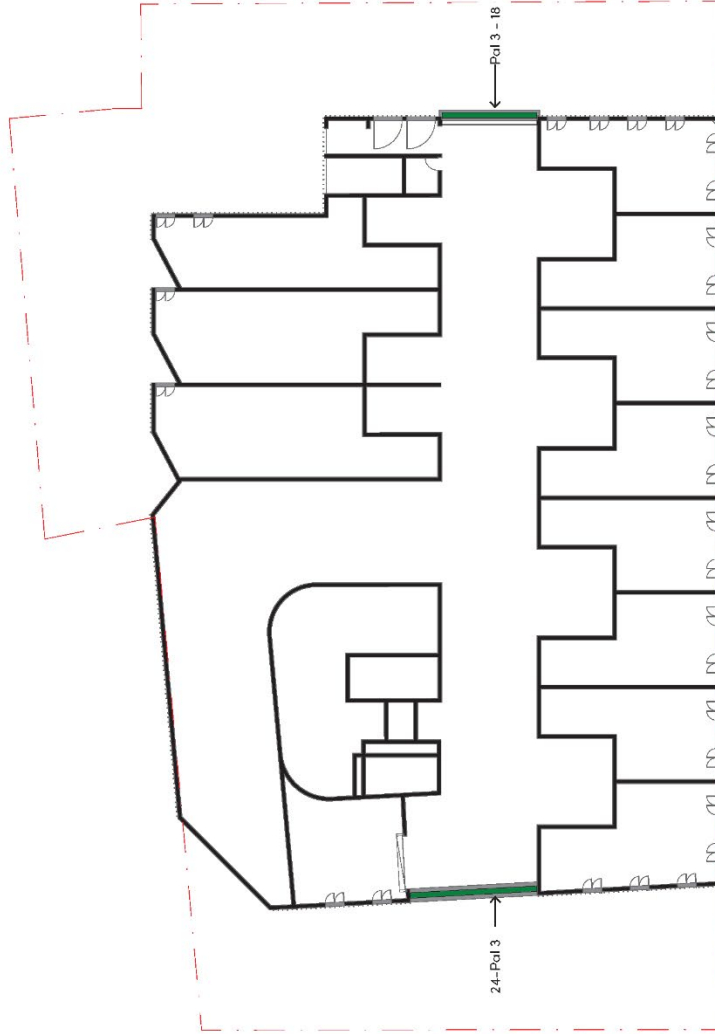


18-30 FAVERSHAM STREET | LANDSCAPE DA

PREPARED BY TURF DESIGN STUDIO

ISSUED - 21 DECEMBER 2022

L-DA-6



MATERIALS PALETTE

PAVING



600X300 CONCRETE UNIT PAVING



6 SHADES OF GREY 600X300 CONCRETE UNIT PAVING

PLANTING PALETTE

CODE	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	MATURE SPREAD	POT SIZE	DENSITY	QUANTITY
TREES							
La	<i>Livistona australis</i>	Cabbage Tree Palm	0.65m	0.8m	6-9m	As Shown	6
GROUND LEVEL							
CLIMBERS - PAL - 1							
Tj	<i>Tracheloerpermum jasminoides</i>	Star Jasmine	2m	2m	140mm	400 centres	126
Hs	<i>Hibbertia scandens</i>	Snake Vine	0.4m	2m	140mm	400 centres	
UNDERSTOREY - PAL - 2							
Cg	<i>Cardyline glauca</i>	Ti Plant	1.5m	0.8m	300mm	600 centres	
Pr	<i>Philodendron 'Rejo Congo'</i>	Rejo Congo	0.65m	0.8m	300mm	600 centres	174
Pk	<i>Philodendron 'Xanadu'</i> <small>(Street view 2023)</small>	Xanadu	0.9m	0.9m	200mm	600 centres	
Ss	<i>Senecio serpens</i> <small>(to 0.532m)</small>	Blue Chalksticks	0.3m	1m	140mm	600 centres	
Ta	<i>Tracheloerpermum caudatum</i>	Asian Jasmine	0.2m	2m	140mm	400 centres	
Tt	<i>Tracheloerpermum 'Tricolor'</i>	Tricolor Jasmine	0.4m	0.8m	140mm	400 centres	
LEVEL 1-3							
Cascade - PAL - 3							
Cg	<i>Carabeurus glaucescens</i>	Pig Face	0.2m	2m	140mm	400 centres	
Hs	<i>Hibbertia scandens</i>	Snake Vine	0.4m	2m	140mm	400 centres	
Mp	<i>Myoporum paniculatum</i>	Creeping Boobilla	0.2m	3m	140mm	400 centres	76
Sp	<i>Scaevola 'Purple Fusion'</i>	Fan Flower	0.3m	2m	140mm	400 centres	
Rp	<i>Rosmarinus officinalis 'Prostratus'</i>	Creeping Rosemary	0.5m	2m	140mm	400 centres	



INDICATIVE CHARACTER IMAGES

GREEN ROOFS

LANDSCAPE VISION - GREEN ROOFS

- Integrating **solar panels** with **extensive green roofs** to maximise urban biodiversity and increase PV panel efficiency.
- **Biosolar green roofs** deliver sustainable solutions on buildings and provide environmental, social and economic benefits.



LANDSCAPE DESIGN PRINCIPLES - GREEN ROOFS

	<p>URBAN BIODIVERSITY</p>		<p>AIR QUALITY</p>		<p>THERMAL INSULATION</p>		<p>STORMWATER RUNOFF</p>		<p>PV PERFORMANCE</p>
<p>Creating micro-climates on green roofs to preserve biodiversity in urban environment and increase insect species diversity.</p>	<p>Reducing air pollutant concentrations through extensive green roofs with integrated planting design.</p>	<p>Implementing urban green roofing to mitigate urban heat island effect and improve the insulative capacity. Preventing heat from transferring indoors and retaining heat during colder periods.</p>	<p>Reducing water flow rates during storm events through the application of biosolar green roofs. Providing relief to city underground stormwater management systems and reduction in metal pollutants.</p>	<p>Research has shown that combining solar panels and green roofs could boost the performance of the PV system and generate more renewable energy. (Green Roof & Solar Array – Comparative Research Project, 2021).</p>					

PLANTING PLAN | ROOF LEVEL



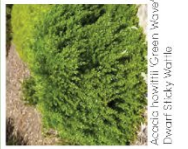
18-30 FAVERSHAM STREET | LANDSCAPE DA
PREPARED BY TURF DESIGN STUDIO
ISSUE D - 21 DECEMBER 2022 L-DA-11

PLANTING PALETTE

MIX 1 – NOT UNDER SOLAR PANELS



Asparagus densiflorus 'Myrtil'



Acacia howittii 'Green Wave'



Casuarina 'Cousin It'



Carpobrotus glaucescens 'Pigface'



Darwinia obtusifolia 'Gin Gem'



Grevillea obtusifolia 'Gin Gem'



Juniperus procumbens 'Nana'



Myoporum parvifolium 'Fines Leaf'



Rosmarinus officinalis 'Prostratus'



Senecio serpens

MIX 2 – UNDERNEATH SOLAR PANELS



Aplatina cordifolia 'Baby Sun Rose'



Ajuga reptans 'Callins Giant'

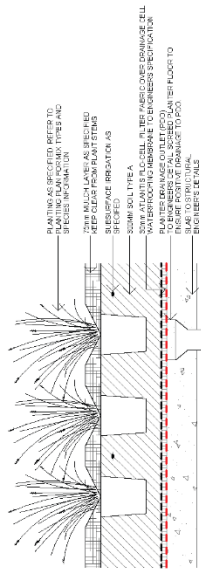


Viola hederacea 'Native Violet'

CODE	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	MATURE SPREAD	POT SIZE	DENSITY
MIX 1 – NOT UNDER SOLAR PANELS						
Ad	Asparagus densiflorus 'Myrtil'	Foxtail Fern	0.5m	0.9m	300mm	500 centres
Ah	Acacia howittii 'Green Wave'	Dwarf Sticky Wattle	0.7m	1m	300mm	500 centres
Cc	Casuarina 'Cousin It'	Cousin It	0.15m	1.0m	200mm	500 centres
Cg	Carpobrotus glaucescens	Pigface	0.3m	1.0m	140mm	500 centres
Dc	Darwinia obtusifolia 'Prostrata'	Prostrate Lemon Scented Darwinia	0.6m	1.0m	300mm	500 centres
Go	Grevillea obtusifolia 'Gin Gem'	Grevillea	0.5m	2.0m	300mm	1000 centres
Jp	Juniperus procumbens 'Nana'	Bonin Island Juniper	0.8m	1.8m	300mm	900 centres
Mp	Myoporum parvifolium 'Fines Leaf'	Creeping Boobialla	0.15m	2.0m	300mm	1000 centres
Ro	Rosmarinus officinalis 'Prostratus'	Creeping Rosemary	0.5m	0.9m	300mm	500 centres
Ss	Senecio serpens	Blue Chalksticks	0.3m	1m	140mm	500 centres
MIX 2 – UNDERNEATH SOLAR PANELS						
Ac	Aplatina cordifolia	Baby Sun Rose	0.15m	0.6m	300mm	300 centres
Ar	Ajuga reptans 'Callins Giant'	Bugle Plant	0.2m	0.5m	140mm	250 centres
Vh	Viola hederacea	Native Violet	0.15m	1.0m	140mm	500 centres

TYPICAL DETAILS

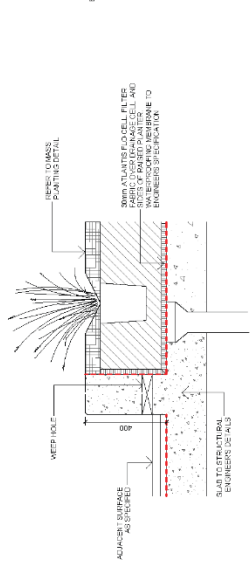
TYPICAL DETAIL - SOFTSCAPE



1. 300mm MASS PLANTING ON SLAB 1:20@A3

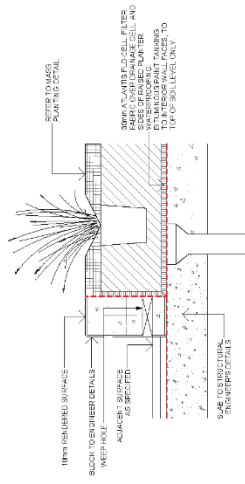
TYPICAL DETAILS - WALL PLANTING INTERFACES

OPTION A



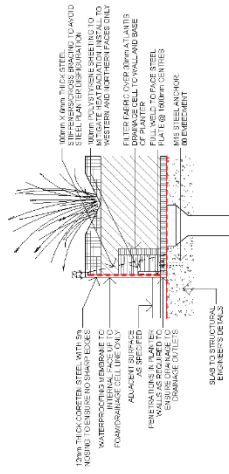
2. IN-SITU CONCRETE WALL 1:20@A3

OPTION B



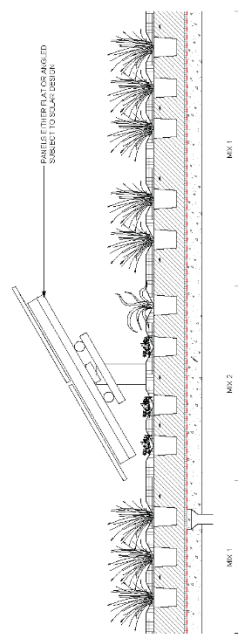
3. RENDERED AND PAINTED BLOCK WALL 1:20@A3

OPTION C



4. RAISED STEEL EDGE PLANTER 1:20@A3

TYPICAL SECTION



5. INDICATIVE PV PANEL PLANTING 1:40@A3

18-30 FAVERSHAM STREET | LANDSCAPE DA

LANDSCAPE SCHEDULE AND SPECIFICATIONS

ITEM / PRODUCT	DIMENSION	COLOUR + FINISH	SUPPLIER (OR EQUAL)	SAMPLES	HOLD /INSPECTION POINT	NOTE
Soil Type A	300mm	Junglery A-horizon soil	Junglery	Required	-	-
Organic Mulch	75mm	Forest Fines mulch is a fine (15mm) honey coloured chip, long lasting Australian Standard mulch	ANL	Required	Supplier Certificates Required prior to installation	Keep clear of plant stem and tree trunk.
Drainage Cell	30mm	Closed green roof drainage cell	Junglery	Required	Approval of sample required prior to installation.	-
Filter Fabric	2mm	A14 geotextile filter sheet to prevent soil from mixing with drainage system	Junglery	Required	Approval of sample required prior to installation.	-

Note: Waterproofing by others

IRRIGATION

General (performance specification)

New irrigation systems to planting areas shall be a commercial grade irrigation system conforming to all Australian Standards, including AS3500 & the Electrical Safety Act 2002, Workplace Health & Safety Act 1995, & the latest Sydney Water Code. An automated subsurface drip irrigation system equal to Rain Bird® XFS Sub-Surface Copper-Colored Dripline with Copper Shield™ Technology (as available from Rain Bird Australia Pty Ltd - 1800 724 624) is to be installed to all gardens, planters, and lawn areas in accordance with the approved irrigation design.

This system shall be designed and installed by a qualified and licensed irrigation specialist, to the highest industry standards and to maximise the efficient usage of water. The installer is required to obtain all approvals necessary for the completion of works in accordance with laws of Australia, laws of the State, Council by-laws and ordinances.

Drawings

The Landscape Contractor nominated Licensed Irrigation Specialist shall provide irrigation drawings for approval upon engagement.

Design Requirements

- The irrigation system shall be installed prior to all planting works.
- It shall incorporate a suitable backflow prevention device for the scale of works, an in-line filter, check valves, and suitable high and low density poly hose fittings and PVC piping to achieve flow rates suitable for specified planting.
- The irrigation application rate shall not exceed the infiltration rate of the soil or create run-off.
- The landscape contractor shall check the existing pressure available from the ring mains and size irrigation piping to suit. Supply shall be from local hose cock / Quick-Coupling Valve (QCV) where available.
- Quick-Coupling Valves (QCV) must be located inside lockable valve boxes, concealed from view within garden areas, and distributed to ensure ability for watering all garden areas with a 20m hose. Contractor must provide sample valve box and QCV for review and approval prior to installation.
- All irrigation piping must be installed below finished soil levels to the depth specified by manufacturer. Covering piping with mulch only is not acceptable.
- Size of pipes shall be selected to ensure the working pressure at the end of the line does not decrease by more than 5%.

Services Coordination

- Coordination required by Landscape Contractor or Project Manager to provide required conduit, pipe work and penetration through slabs and planter walls for water and power provisions.
- Project Manager and Landscape Contractor to establish area suitable for irrigation control system with required area, power provision, and water supply.

Testing and Defects

Upon completion of installation, the system shall be tested, including:

- Main Line Pressure Test: The main line is pressurised to test for leaks. All valves are shut and the pressure is taken over a determined length of time.
- Dripper Pressure Test: Measurement of flushing valves is taken and the pressure gauged to make sure it conforms to the manufacturer recommendations. The inlet pressure is then tested under the same conditions to check it does not exceed 300kpa.
- All components are to be satisfactorily functional and operational prior to approval. Should any defect develop, or the capacity or efficiency of the system decline during the agreed maintenance period, then these faults shall be immediately rectified.

Warranty

A minimum 12 month warranty shall be included to cover labour and all parts



SYDNEY
35 Wellington St
Chippendale NSW
2008
P (02) 8394 9890
ABN: 77 097 739 663

TURFDESIGN.COM

Attachment C- Current conditions of consent



NOTICE OF DETERMINATION - APPROVAL

Issued under Section S4.55 of the Environmental Planning and Assessment Act 1979

Development Application No.	DA/2022/0057
Applicant	The Trustee for TR Faversham Developments Unit Trust
Land to be developed	18-28 Faversham Street MARRICKVILLE NSW 2204
Approved development	Demolition of the existing building and construction of a development containing a light industrial uses, food and drinks premises and specialist retail premise with parking, landscaping and associated works.
Cost of development	\$26,965,925.00
Determination	This S4.55(2) modification application was determined by Delegation to Staff and was granted consent subject to the conditions attached.
Other Approvals	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.
Date of Development Consent:	11 October 2022
Date of Modification of Consent:	15 June 2023
Modification Number:	MOD/2022/0437

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

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

Document Set ID: 37810395
Version: 1, Version Date: 15/06/2023

Reasons for conditions

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

Right of appeal

If you are dissatisfied with this decision, Section 8.9 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 **Annalise Ifield** on **02 9392 5127** or **annalise.ifield@innerwest.nsw.gov.au**.



Harjeet Atwal
Senior Manager Planning

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_101 Revision D	Ground Floor Plan	15/08/2022	Place Studio
DA_102 Revision D	First Floor Plan	15/08/2022	Place Studio
DA_103 Revision D	First Floor Mezzanine Plan	15/08/2022	Place Studio
DA_104 Revision D	Second Floor Plan	15/08/2022	Place Studio
DA_105 Revision D	Second Floor Mezzanine Plan	15/08/2022	Place Studio
DA_106 Revision D	Third Floor Plan	15/08/2022	Place Studio
DA_107 Revision D	Third Floor Mezzanine Plan	15/08/2022	Place Studio
DA_108 Revision D	Roof Plan	15/08/2022	Place Studio
DA_200 Revision B	East Elevation	30/06/2022	Place Studio
DA_201 Revision C	West Elevation	15/08/2022	Place Studio
DA_202 Revision B	South Elevation	30/06/2022	Place Studio
DA_203 Revision C	North Elevation	15/08/2022	Place Studio
DA_300 Revision B	Section 1	30/06/2022	Place Studio

DA_301 Revision B	Section 2	30/06/2022	Place Studio
DA_302 Revision B	Section 3	30/06/2022	Place Studio
DA_310 Revision A	Overall Facade Sections	24/06/2022	Place Studio
DA_311 Revision A	Facade Section Callout	24/06/2022	Place Studio
Issue C	Ground Landscape Plan	17/11/2021	Turf Design Studio
Issue C	Level 1 -2 Landscape	17/11/2021	Turf Design Studio
Issue C	Level 3 Landscape	17/11/2021	Turf Design Studio
Issue C	Materials Palette Planting Palette	17/11/2021	Turf Design Studio
E24098.SITEB.E01_Rev0	Preliminary Site Investigation	11/11/2021	EI Australia
E2761-3	Remediation Action Plan	February 2022	Foundation Earth Sciences
	Letter from Foundation Earth Sciences	25/8/2022	Ben Buckley
E24098.SITEB.G01	Preliminary Geotechnical Report	11/10/2021	EI Australia
S2021329 Issue 0	Da Report for ESD Services	10/11/2021	EMF Griffiths
	Plan of Management	November 2021	The Planning Studio
TM208-01F02 (r1)	Acoustic Assessment for Development Application	15/11/2021	Renzo Tonin & Associates
3369 Revision E	Operational Waste Management Plan	11/11/21	Elephants Foot

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 demonstrating the following:

- a. Each light industrial tenancy to have a waste room with an area of at least 3m² and being capable of containing at least a 1x 660L MGB (waste) 1x 240L MGB (recycling). The waste rooms must comply with the requirements of Appendix 4 of the part 2.21 of MDCP 2011.
- b. A door is to be provided to the specialised retail tenancy to the corridor to the waste room and loading dock

FEES

3. 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.

4. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$258,188.00 indexed Marrickville Section 94/94A Contributions Plan 2014 ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 05/09/2022.
*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	\$243,524.69
Community Facilities	\$8,064.88
Plan Administration	\$6,598.43
TOTAL	\$258,188.00

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.

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.

Security Deposit:	\$269,659.00
Inspection Fee:	\$700.00

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

The inspection fee is required for 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. Car Parking

The development must provide and maintain within the site:

- a. 45 car parking spaces must be paved and line marked;
- b. 1 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces;
- c. 3 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times;
- d. 43 Bicycle storage capacity within the site;
- e. 1 Loading dock.

7. 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.

8. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

9. 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.

10. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

11. 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.

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Botanical/Common Name	Location
4 x <i>Fraxinus griffithii</i> (Evergreen Ash)	Public footpath

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;

12. Noise – Consultant’s Recommendations

All noise emission criteria, assumptions and recommendations contained in the acoustic report prepared by Renzo Tonin & Associates, reference TM208-01F02 (R1), dated 15 November 2021 must be implemented and complied with at all times.

13. Contamination – Remedial Action Plan (No Site Auditor Engaged)

The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, prepared by Foundation Earth Sciences, reference E2761-3, dated February 2022, the *Contaminated Land Management Act 1997* and the *State Environmental Planning Policy No 55*.

14. Use of food and drink premises

Consent is only granted for the use of the area indicated as 'food and beverage / market' on the floor plans as a 'restaurant or café' or as 'take away food and drink premises' as defined by the *Inner West Local Environmental Plan 2022*.

15. Water NSW General Terms of Approval

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

Dewatering

~~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 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.

~~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.waternsw.com.au/customer-service/waterlicensing/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

(Amended – 15/June/2023 - MOD/2022/0437)

16. Amended Landscape Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an amended landscape plan. The plan must include:

- a. Amending the landscape plan to be consistent with the approved architectural plans;
- b. Deleted
- c. Location, numbers, type and supply of trees, with reference to AS2303:2018—*Tree stock for landscape use* (if applicable);
- d. A minimum of four (4) new dicot trees must be included in the design to south adjacent to the private driveway. The trees species must attain a minimum mature height of eight (8) metres and canopy spread of three to five (3-5) metres. Dicot species that might be considered are *Elaeocarpus eumundi* (Eumundi Quandong), *Backhousia citriodora* (Lemon Myrtle), or similar.
- e. New trees must be planted in natural ground. It must be demonstrated that there is sufficient soil volume to allow maturity to be achieved (refer to Council's *Development Fact Sheet—Trees on Development Sites* for further information).
- f. Details of planting specification and maintenance programme.

17. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

18. Undertake Maintenance works

The applicant shall, within fourteen (14) days of notification of Council, execute any and all maintenance works required by Council. In the event that the applicant fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security and Council may recover any costs in excess of the security from the applicant.

19. Rock Anchors

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

20. 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.

PRIOR TO ANY DEMOLITION**21. 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.

22. 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.

23. 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.

24. 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.

25. 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 Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

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. Construction vehicles shall access the site via Hans Place or from the right of way off Victoria Road unless otherwise approved by Council.
- d. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- e. 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;
- f. 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;
- g. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- h. Proposed hours of construction related activities and vehicular movements to and from the site;
- i. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);

- j. Any activities proposed to be located or impact upon Council's road, footways or any public place;
- k. Measures to maintain public safety and convenience;
- l. Any proposed road and/or footpath closures;
- m. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- n. 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;
- o. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- p. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- q. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- r. On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- s. 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
- t. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- u. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

26. 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**27. 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.

28. 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

29. 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.

30. 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.

31. 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.

32. 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.

33. 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, prepared in liaison with a Consulting Arborist, 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. New crossovers, paving and kerbs must not have a detrimental impact on street trees;
- b. One (1) new tree shall be located within the existing crossover to be demolished. The species of tree selected shall be *Fraxinus griffithii* (Evergreen Ash);
- c. The tree is to be planted in the middle of the first and third trees, from south;
- d. All planting stock size shall be minimum 100 litres;
- e. The planting stock shall comply with AS 2303—*Tree Stock for Landscape Use*;
- f. The new tree shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 in Horticulture or Arboriculture;
- g. New tree pits dimensions 1m x 3m and staking detail shall be in accordance with Detail 6 on page 133 of the *Marrickville Street Tree Master Plan 2014* (available online);
- h. Groundcovers should be proposed. Please see page 18 of 2.18 Landscaping and Open Spaces of Marrickville DCP 2011 for possible species selection.

34. Site Hoarding to Minimise Impact on Street Trees

If applicable, prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by a suitably qualified Arborist demonstrating that site hoarding to be installed along the public footpath is designed and installed requiring no pruning for 4 x *Fraxinus griffithii* (Evergreen Ash) street trees.

35. Green Roofs, Walls and Facades Report

Prior to the issue of Construction Certificate, the Certifying Authority is to be provided with a report prepared by a suitably qualified person demonstrating that the proposed landscape plan and details of any green roofs, wall and facades are consistent with [Inner West Councils Green Roof, Walls and Facades Technical Guidelines](#) including but not limited to using species selected from the suggested species list, water proofing and drainage.

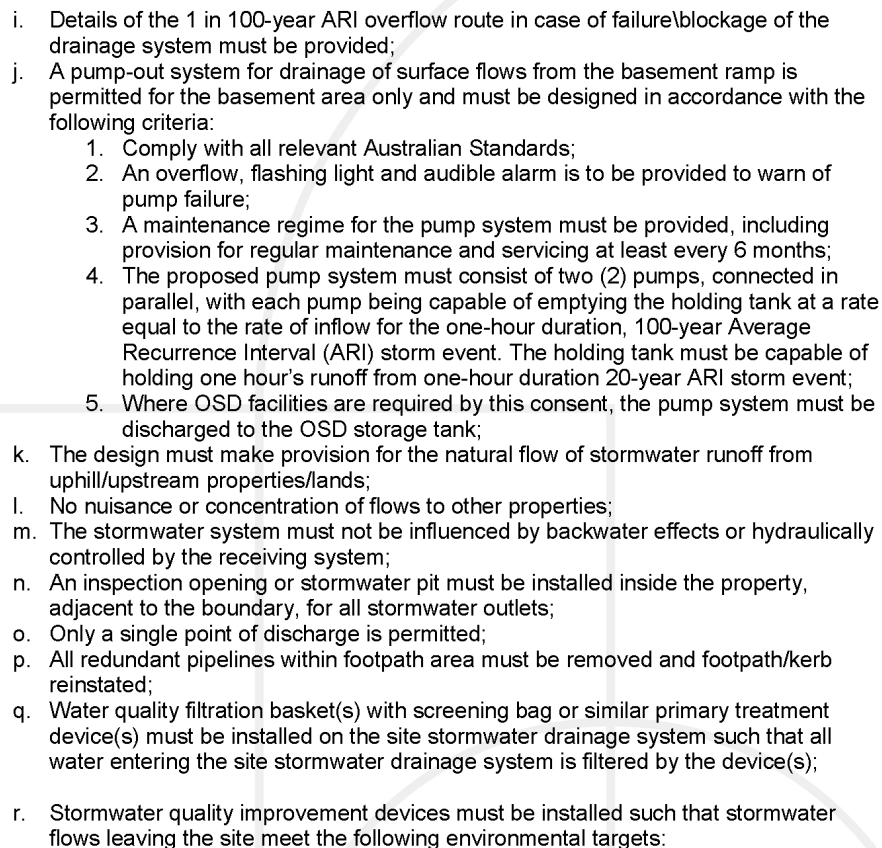
36. Waste Transfer Route

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.

37. 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 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 design of the site drainage system complies with the following specific requirements:

- a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. C01, C03, C04 C05 and C20 Rev P1 prepared by TTW and dated 11/11/2021, as amended to comply with the following;
- b. 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 Council's/Sydney Water piped drainage system via the OSD/Water quality filtration system;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- d. 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;
- 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. Storage for the 1-year ARI storm event must be provided fully below ground;
- g. Details of the Height vs Storage and Height vs Discharge relationships must be submitted;
- 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;

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- 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;
 - k. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
 - l. No nuisance or concentration of flows to other properties;
 - m. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
 - 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;
 - p. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
 - q. 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);
 - r. 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

- s. A water balance model must be submitted to accompany the water re-use proposal;
- t. 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;
- u. 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.
- v. Dry-weather flows of any seepage or ground 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.

38. 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 ***unless an exemption is received from WaterNSW for the construction of a 'drained' basement. Any extracted groundwater must be discharged to the adjacent Sydney Water System in accordance with Sydney Water's requirements and the groundwater to be discharged must meet ANZECC (2000) 95% Marine Water Guidelines;***
- 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.

(Amended – 15/June/2023 - MOD/2022/0437)

39. 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 who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia

(RPEng) 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, street furniture, 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. Removal of culvert type inlet structure (south eastern boundary of the site) to the Sydney Water stormwater system and replacement with standard kerb inlet structures to Sydney Water's and Council's requirements so as to improve vehicle and pedestrian safety;
- d. New 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;
- e. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary.

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

40. 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 (CEng) 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 driveway off Faversham Street to the underground parking is to 500mm above the 1%AEP to be 2.93m and that that the landing of the stairs to the underground parking located adjacent to the driveway off Faversham Street is 500mm above the 1%AEP to be 2.92m, as stated in TTW letter dated 16 August 2022, Ref. 211259CAAB
- 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 MRV utilising the loading bay. The sections must demonstrate that minimum headroom of 4500mm 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; End spaces are provided with an additional 1m aisle extension;
 - 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;
- o. A bicycle storage area must be provided to accommodate the numerical requirements of DCP and be designed in accordance with relevant provisions of AS 2890.3-2015;

40A. The basement is to have the ability to connect EV chargers and as such the appropriate electrical phasing and infrastructure is to be provided. Details to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

(Adopted IWLPP - DA/2022/0057 - 11/10/2022)

41. Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Flood Risk Management Plan prepared and 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). The Plan must be prepared/amended to make provision for the following:

- a. The plan must be generally in accordance with the recommendations of the Flood Risk Management Plan prepared by TTW, Report No. 211259CAAB and dated 11/11/2021;
- b. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site must be assessed for the 100-year ARI and Probable Maximum Flood (PMF) storm events. The precautions must include but not be limited to the following:
 - i. Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris;
 - ii. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;
 - iii. Flood warning signs/depth indicators for areas that may be inundated;
 - iv. A flood evacuation strategy; and
 - v. On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
- c. All works must be designed to comply with the Standard for Construction of Buildings in Flood Hazard Areas in accordance with Section 3.10.3 of the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below:
 - i. Building Code of Australia;
 - ii. Defined flood level (DFL) 100-year Average Recurrence Interval flood level;
 - iii. Defined flood event (DFE) 100-year Average Recurrence Interval flood; and
 - iv. Flood hazard level (FHL) Flood Planning Level (FPL).

42. Driveway Long Section - Dwelling

The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section approved by Council shall define the Alignment Levels at the property boundary. The long section shall show both existing surface levels and proposed surface levels with changes.

43. Power Pole Relocation

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that the power and any Ausgrid services are relocated to a position clear (minimum 1m measured at the kerb) of the proposed vehicular crossing.

44. Dilapidation Report – Pre-Development – Major

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report on the visible and structural condition of the following public infrastructure:

- a. Full width of Faversham Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the full frontage of the site; and
- b. Full width of Hans Place adjacent the site, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Fitzroy Street and Faversham Street.
- c. The dilapidation report is to be prepared by a practising Civil/Structural Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng).

DURING DEMOLITION AND CONSTRUCTION

45. Tree Protection

To protect the following trees, 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*:

Botanical/Common Name/Location
4 x <i>Fraxinus griffithii</i> (Evergreen Ash)

46. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunks of the following tree/s must be severed or injured in the process of any works during the construction period:

Botanical/Common Name	Radius in metres
4 x <i>Fraxinus griffithii</i> (Evergreen Ash) - Public footpath	2m

All excavation within the specified radius of the trunks must be hand dug to a depth of one (1) metre under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose tool*. The pruning must be undertaken by a practicing Arborist.

47. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Time of Inspection	Key stage/ Hold point
Prior to commencement of works	<ul style="list-style-type: none"> • Inspection and sign off installation of tree protection measures.
During Works	<ul style="list-style-type: none"> • Supervise all site preparation and demolition works within the TPZ; • Supervise hoarding installation; • Supervise all excavation, trenching works, landscaping works and tree/planting replenishment within the TPZ; • Supervise all tree work.

48. 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 6:00pm on Saturdays with no demolition works occurring during this time; and
 - c. at no time on Sundays or public holidays.
- (Amended IWLPP - DA/2022/0057 - 11/10/2022)**

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.

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. 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 Contaminated Land Sampling Design Guidelines Parts 1 & 2 (2022).

51. 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.

PRIOR TO OCCUPATION CERTIFICATE

52. Planting of Street Trees and Ground Covers

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:

1. The trees, tree pits and ground covers must be inspected by Council's Public Tree Coordinator before and after planting.
2. A copy of a maintenance agreement with a practicing Horticulturist or Arborist for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
3. At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
4. If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced (up to three (3) occurrences)

53. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the Tree Planting in the Public Domain, landscape plan and the role of the project arborist have been complied with.

54. Aircraft Noise

Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with a report prepared and submitted by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 with regard to the noise attenuation measures referred to in

the "Prior the Issue of a Construction Certificate" Section of this Determination. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development.

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

55. Shopping Trolley Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a shopping trolley management plan for the specialised retail tenancy which specifies a management system that will be used to ensure that shopping trolleys are not abandoned on the surrounding area.

56. 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*.

57. Verification and Maintenance of Green Roofs, Walls and Facades Works

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority is to be provided with written evidence demonstrating that the works have been carried out in accordance with the Green Roofs, Walls and Facades Report that was submitted at Construction Certificate Stage and a maintenance plan that is consistent with the [Inner West Councils Green Roof, Walls and Facades Technical Guidelines](#).

58. 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 Guide for Local Government, and conditions of Council's approval (including all recommendations of the acoustic report prepared by Renzo Tonin & Associates, reference TM208-01F02 (R1), dated 15 November 2021). The acoustic verification report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

59. 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 Environmental Operations Act 1997*.

60. Contamination – Validation (No Site Audit Statement Required)

Prior to the issue of an Occupation Certificate, the Principal Certifier and Council must be provided with a Site Validation Report prepared by a suitably qualified environmental consultant with experience in land contamination.

The Validation report must be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines *Consultants Reporting on Contaminated Sites* and must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use.

61. 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. Light/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”.

62. 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.

63. Undergrounding Power – Major development

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the existing overhead power cables along Faversham Street frontage of the site have been relocated underground in accordance with Control C73 Part 9.47 of Marrickville Council DCP 2011, with appropriate street lighting and new steel standard poles. The street lighting must be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid and must meet the lighting category required by Council and RMS. In addition the design must also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light. All pillars must be located within the property boundary (with appropriate easements) so as not further reduce the width of the footpath available for pedestrians.

64. 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 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 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. A notice has been clearly displayed at the Faversham Street frontage to indicate that visitor parking is available within the property with access from Faversham Street;
- c. 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;
- d. 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).

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. 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.

67. 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.

68. 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. Right of carriage way along the northern property boundary;
- b. Restrictions on the Use of Land to prevent the erection of any structures or fencing along the northern property boundary;
- c. Positive Covenant related to on-site stormwater detention and/or retention system;
- d. Positive Covenant related to stormwater quality improvement devices; and
- e. Positive Covenant related to Stormwater Surface Flow Paths.

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

69. 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, ***unless an exemption is received from WaterNSW for the construction of a 'drained' basement.***

(Amended – 15/June/2023 - MOD/2022/0437)

69A. Ongoing Pumping of Groundwater

Prior to the issue of an Occupation Certificate a replacement work approval application must be lodged and approval obtained from WaterNSW to authorise the ongoing pumping of groundwater from the basement levels of the development. Any extracted groundwater must be discharged to the adjacent Sydney Water System in accordance with Sydney Water's requirements and the groundwater to be discharged must meet ANZECC (2000) 95% Marine Water Guidelines. A copy of the approval must be submitted to Council.

(Added – 15/June/2023 - MOD/2022/0437)

70. Redundant Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that all redundant vehicular crossings to the site have been removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications". Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

71. Maintenance Bond

The applicant shall provide security, in a manner satisfactory to Council, for the proper maintenance of the Road and Footpath works in an amount of \$27,000.00 for a period of twelve (12) months from the date of completion of the public domain works as surety for the proper maintenance of the public domain works.

72. Stormwater Drainage and Road Works – Certification

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

- a. All works required to be undertaken on public roads must be designed and constructed in accordance with Council's approved plans;
- b. Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia has been carried out of completed stormwater drainage works that are to revert to Council by an accredited operator;
- c. Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council; and

- d. Certification by a Registered Surveyor that the as-built Council Stormwater pipeline is located totally within the drainage easement.

73. 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 who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) 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.

74. Heavy Duty Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that heavy duty concrete vehicle crossing/s, in accordance with Council’s Standard crossing and footpath specifications and AUS-SPEC#2-“Roadworks Specifications” has been constructed at the vehicular access locations.

ON-GOING

75. Hours of Operation

- a. The hours of operation of the specialised retail and food and drink premises must not exceed the following:

Day	Hours
Monday to Saturday	6:00am - 10:00pm
Sundays and Public Holidays	7:00am - 9:00pm

b. The hours of operation of the light industrial tenancies must not exceed the following:

Day	Hours
Monday to Saturday	6:00am - 10:00pm
Sundays and Public Holidays	7:00am - 7:00 pm

76. Green Roofs, Walls and Facades Establishment

The plantings within the Green Roofs, Walls and Facades as part of this consent are to be maintained in a healthy and vigorous condition for the life of the development. If any of the plantings are found faulty, damaged, dying or dead within they must be replaced with the same species within one (1) month.

(Amended IWLPP - DA/2022/0057 - 11/10/2022)

77. Plan of Management

The development must at all times be operated in accordance with the approval Plan of Management for the premises prepared by The Planning Studio dated November 2021. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

78. Bin Storage

All bins are to be stored within the site.

79. 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.

80. 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 Pump facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

81. Vehicles Leaving the Site

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

82. 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.

ADVISORY NOTES**Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2021*.

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.

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.

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.

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.

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.

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 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*.

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.

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.

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.

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.

Dividing Fences Act

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

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.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

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.

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.

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.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

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.

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 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
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au

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

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

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

Enquiries relating to work safety and asbestos removal and disposal.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² 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.

Food Premises - Design Construction & Fitout

The design, construction, fitout and operation of any food premises within the development must be in accordance with the following:

- 83. *Food Act 2003*;
- 84. *Food Regulation 2010*;
- 85. Australia and New Zealand Food Standards Code;

86. Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises);
87. Australian Standard AS 1668 Part 1 – 1998; and
88. Australian Standard AS 1668 Part 2 – 2012.

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.

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.

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.

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.

Public Domain and Vehicular Crossings

The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for *Design of Vehicle Crossing and Public Domain Works – Step 1* form and *Construction of Vehicle Crossing and Public Domain Works – Step 2* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

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

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

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.

