

JRPP No.	Item 1 (2009SYW 006)
DA No.	200900332 – 200 – 244 Stanmore Road, Stanmore
Applicant:	Newington College
Report By:	Development Assessment Officer - Marrickville Council

Assessment Report and Recommendation

Synopsis

Application to carry out alterations and additions to Newington College including additions to create a new classroom and a new circulation corridor between the existing L and N Block Buildings, alterations to allow for the new Design and Technology department within the existing L & N Block buildings, internal refurbishment of existing classrooms, internal modifications to the Founder's Wing, new loading bay fronting College Lane limited to small rigid trucks and the first stage of major accessibility upgrade throughout the campus. Four (4) submissions were received in response to Council's notification of the proposal.

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

PART A - PARTICULARS

Location

Newington College is located on the southern side of Stanmore Road between Wemyss Street and College Lane, Stanmore. The proposed alterations and additions are located on the south western side of the school grounds fronting College Lane and Newington Road, Stanmore.

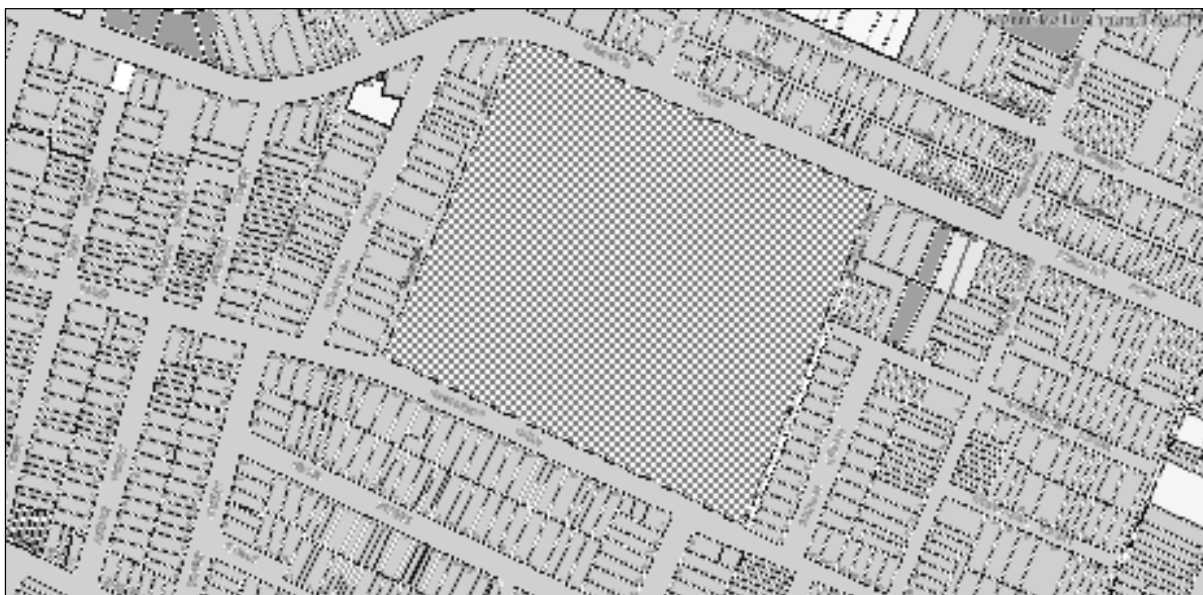


Image 1: Locality Plan

D/A No: 200900332

Application Date: 28 August 2009

Proposal To carry out alterations and additions to Newington College including additions to create a new classroom and a new circulation corridor between the existing L and N Block Buildings, alterations to allow for the new Design and Technology department within the existing L & N Block buildings, internal refurbishment of existing classrooms, internal modifications to the Founder's Wing, new loading bay fronting College Lane limited to small rigid trucks and the first stage of major accessibility upgrade throughout the campus.

Applicant: Newington College

Estimated Cost: \$5,500,000

Zoning: Special Uses 'A'

PART B - THE SITE AND ITS CONTEXT

Improvements: Various buildings and playground ovals used as part of an educational establishment

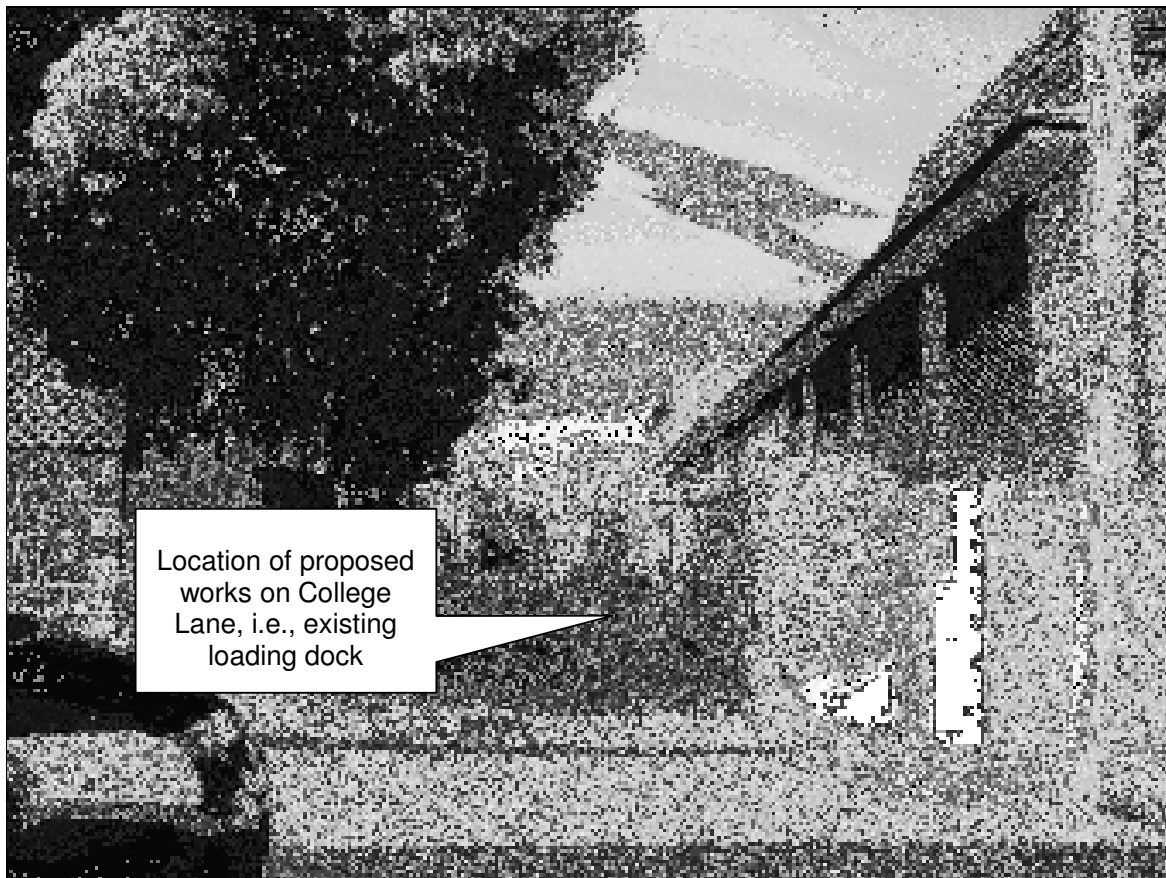


Image 2: View of subject site on College Lane



Image 3: Subject site as viewed from Newington Road, Stanmore

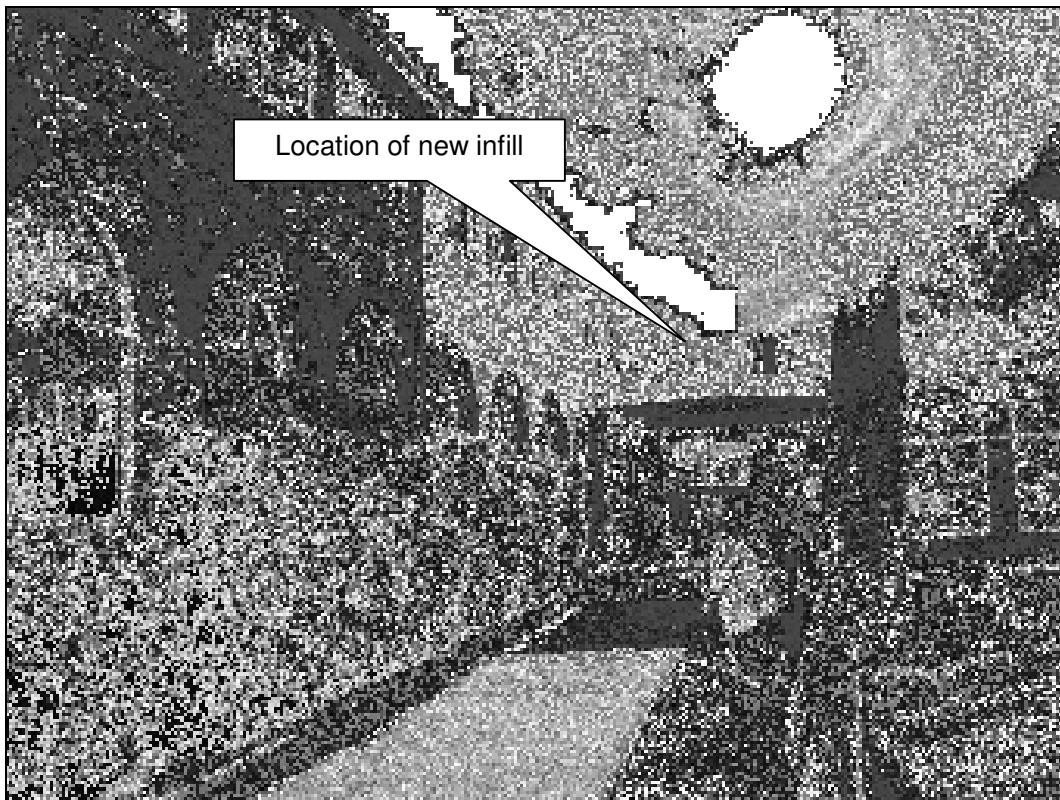


Image 4: Location of proposed infill structure within the school grounds



Image 5: Location of proposed infill between buildings

Current Use: Educational establishment

Prior Approval: Determination No. 19990132, dated 1 September 2000, approved an application to erect an upper storey addition to the music building within Newington College adjacent to College Lane to provide a music practice room.

Determination No. 20000614, dated 4 April 2001, approved an application to replace the seven tennis courts within the grounds of Newington College with six championship courts and two recreational courts and carry out associated works and to erect a pavilion.

Determination No. 200300093, dated 5 June 2003, approved an application to carry out alterations to the existing staff common room and female toilets within Newington College.

Determination No. 200600243, dated 28 August 2006, approved an application to demolish and carry out refurbishment works to the existing male staff change rooms in Newington College.

Determination No. 200600553, dated 3 October 2007, approved an application to reconstruct an entry road and construct a 30 space at grade car park within the grounds of Newington College including some shade structures and to carry out associated works.

Environment: Educational establishment surrounded by residential development.

PART C - REQUIREMENTS

1. **Zoning**
Is use permissible in zoning? Yes
2. **Development Standards (Mandatory Requirements):**
None applicable
3. **Departures from Council's Codes and Policies:**
Nil
4. **Advertising/Notification:**
Required: Yes (newspaper advertisement, on-site notice and resident notification)
Submissions: Four (4)
5. **Other Requirements:**
ANEF 2029 Affectation: Part 25 -30 ANEF and part 30 -35 ANEF

PART D - ISSUES

1. Background

On 28 November 2008, Council received an application to carry out the staged redevelopment of Newington College including staged works involving the demolition of the Grounds Building and construction of a three storey Design and Technology centre (DA200800573).

The application was reported to the Development and Environmental Services Committee on 7 April 2009.

An extract of the synopsis of that report is detailed below:

".....Twenty-two (22) submissions were received in response to Council's notification of the proposal. The proposal to remove several trees does not comply with Council's Tree Preservation Order. Newington College is identified as a heritage item in Marrickville Local Environmental Plan 2001. The proposed Design and Technology centre is considered to be excessive in height, bulk and scale and will not compliment the existing streetscape. It should be noted that the proposal was subject to a formal pre-lodgment meeting and the issues raised have not been satisfactorily addressed. The application is referred to the Committee for determination in light of the site's heritage listing and loss of trees proposed as part of this application.

In view of the circumstances, the application is recommended for refusal."

In dealing with the application, Council resolved:

*"**THAT** the application be **DEFERRED** to a future Development and Environmental Services meeting."*

The applicant subsequently met with Council staff and was advised verbally and in writing to withdraw the development application. The application was subsequently withdrawn on 2 July 2009.

The applicant provided the following information addressing the rationale behind the current development application:

“Newington College revised their approach to the upgrading and redevelopment of their main Secondary Stanmore Campus following the withdrawal of their previous application for a new Design and Technology Building to the Newington Road Frontage in the following form:

- The College's acquisition of the Concordia Building site has enabled the College to relocate senior student facilities in the Art, Drama and Technology areas, along with College ancillary functions including the Uniform Store and Property Department to vacate space within L and N Blocks on the main Secondary School Campus.*
- The temporary re-use of the Concordia Building has provided sufficient free floor space on the main Campus to enable the College to reschedule their Master Plan development, so that the site of the future Resource and Educational Hub can be cleared by relocating the Design and Technology subject area within existing building facilities on the Main College Campus in lieu of constructing the new Design and Technology Building which was the subject of the withdrawn prior Development Application.*
- The revised Master Plan Development sequence allows the College to respond to Council and resident concerns relative to the loss of Moreton Bay Fig Trees to the Newington Road frontage by now deleting their earlier proposal for a new building on the Newington Road frontage.*
- Newington College now propose the temporary re-use of the Concordia Building, the permanent location of Design and Technology to a new Technology Building, which is the subject of this Application, and which will be constructed by infill development within existing L and N Block Buildings to the College Lane frontage.*
- This revised sequence will allow the College to bring forward the major Resource and Educational Hub Building which remains a centrepiece of the redevelopment of the College's academic accommodation so that this building can now be completed ready for use in the forthcoming College Sesqui Centenary Year of 2013.*

The Resource and Educational Hub Building will be the subject of a further Development Application later this year when detailed planning has been completed.

The new Technology Building, which is created by infill development between L and N Blocks and to the College Lane frontage, plus extensive alterations within existing L and N Blocks, forms the subject of this Application and is a significant component of the College's revised approach to the redevelopment of the Stanmore Campus.”

2. The Site and Surrounds

The subject site is legally described as Lot 8 DP 710369, Lots 20, 21, 26, 29 in DP 879003 and Lot 35 in DP 880901 and is more commonly referred to as 244 Stanmore Road, Stanmore, otherwise known as Newington College. The property is located on the southern side of Stanmore Road between Wemyss Street and College Lane, Stanmore. The extent of works proposed in this development application are located on the south-western side of the school grounds on the northern side of Newington Road between College Lane and Browns Avenue, Stanmore.

The subject site has an area of approximately 88,390sqm. The site is currently occupied by various buildings and playgrounds/sports fields used for an educational establishment. This section of the Newington Road streetscape is comprised of the school grounds which consists of two and three storey school buildings and a strip of large trees along the southern boundary of the site (i.e, the northern side of Newington Road), whilst the southern side of Newington Road is comprised of residential dwellings which are generally single and two storeys in height. The eastern side of the College Lane streetscape is generally comprised of school buildings varying in height from two to three storeys whilst the western side is comprised of the rear of properties fronting Middleton Street which range from single and two storey dwellings to residential flat buildings, with many of these properties containing garages and parking areas fronting College Lane.

3. The Proposal

Approval is sought to carry out alterations and additions to Newington College including additions to create a new classroom and a new circulation corridor between the existing L and N Block Buildings, alterations to allow for the new Design and Technology department within the existing L & N Block buildings, internal refurbishment of existing classrooms, new loading bay fronting College Lane limited to small rigid trucks and the first stage of major accessibility upgrade throughout the campus.

A brief summary of the proposed development as described by the applicant is detailed below:

“College Lane Frontage

- *The proposal involves the removal of the existing access ramp and loading area to the College Lane frontage and the infill of the existing loading bay area to create a new Senior Design and Technology Classroom space.*

The existing vehicular access ramp will be demolished and replaced by a series of stepped planters to enhance the presentation of the building to College Lane and to also remove the current dangerous access ramp which, due to limitations on turning area at base of ramp, results in many trucks delivering to the College then reversing up the ramp with obvious danger to residents and surrounding traffic flow.

- *A new "loading bay" is proposed for the College Lane frontage to allow minor deliveries to Design and Technology and the Administration sections within the Founders Building by small rigid trucks only.*

It is noted that major deliveries will be directed to the Property Department, which will be relocated to the Concordia Building and that substantial deliveries will therefore not occur in this new "loading bay" on the College Lane frontage.

Major deliveries to the Secondary School Campus will occur by the current Newington Road entry point and deliveries to the College's Canteen will continue to be from the northern "existing loading bay" to College Lane.

- *The existing building presentation above College Lane level remains unchanged for the total length of the College Lane facade and there is no amendment to building height or setback to the College Lane frontage.*

Newington Road Frontage

- *There is no change to the current presentation or setback to the Newington Road frontage. The College has adopted a suggestion put forward by residents at the Public Meeting held by the College on 20th July 2009 to discuss the Technology Building and will undertake landscaping and beautification works to the existing setback to Newington Road to improve the College's presentation when viewed from surrounding residences.*

Internal Works Ground Floor

- *Works involve the current opened paved area between L and N Blocks to create a new enclosed student circulation precinct to replace a currently untidy and inefficient area of the College.*
- *The infill works enable the extension of existing rooms within L Block so that they are of more suitable size for Technology based subjects, creates valuable student*

pedestrian links between the existing Newington Road Buildings and the Music and Art facilities located to the west and north of Founders Building, includes two new accessible use lift facilities to redress the current lack of accessible use facilities to both Founders Building and the L, N and W (Newington Road) Academic Building areas.

- The proposed works represent the first stage of a major accessibility upgrade throughout the Newington Campus consistent with the College's overall Master Plan.*
- Additional staff and student amenities, enhanced services and improved acoustic isolation will result from the proposed works.*

First Floor Level Works

- The provision of enclosed circulation between L and N Blocks is continued to the First Floor Level and enhanced circulation is created throughout the existing academic complex to continue the provision of accessible access to the majority of the College's Campus area.*
- The new internal circulation enables the expansion of existing rooms in L Block to appropriately support Technology based subjects with enhanced staff facilities and student staff amenities.*
- Existing circulation spaces within N Block are expanded further enhance student and staff circulation and improve interconnectivity throughout the Campus.*
- The new accessible use lift in the c1961 Le Couteur Annex provides access not only to the central floor of the adjoining Founders Building but, also to the currently separated level of Prescott Hall, which is regularly used for functions involving Old Boys and the College general community requiring accessible use facilities.*
- Accessible use Male and Female W.C.'s are developed adjacent the Founders Building Lift to provide suitable facilities in a central location.*

Upper Floor Works

- Internal refurbishment works throughout the Upper Floor of Founders to provide appropriate accommodation for the College's Archives and IT Departments.*
- Two (2) existing Staff Residential Areas are retained in Founders but more appropriate public circulation, accessible use and amenities and a Tea Room facility are provided to support the Archives and IT Departments.*
- An accessible use ramp is provided to link Founders through to the N Block Building and additional Classroom, Toilet and enclosed circulation facilities to the Upper Floor improve links between N Block and the existing Religious Education Classrooms to the College Lane frontage."*

The existing Gross Floor Area (GFA) of the school buildings on the site is 25,650sqm. The proposed development provides an additional 1,168sqm of GFA resulting in a total GFA (total existing GFA and new infill building area) of 26,818sqm. The proposed development would increase in Floor Space Ratio (FSR) of the development within the school grounds from approximately 0.29:1 to 0.30:1.

It is noted that the proposed development does not seek to alter the existing staff or student numbers. The College's current 10 year plan estimates a maximum enrolment of 1200 students.

A copy of the site plan, elevations and section of the proposed development submitted with the application are reproduced below:

- (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road."*

The proposed alterations and additions are within school grounds off Newington Road and College Lane and as such access to the building *"is provided by a road other than the classified road"*.

Given the proposed development is located at the rear of the school site facing Newington Road and College Lane the proposed development will not effect *"the safety, efficiency and ongoing operation of the classified road"*.

Whilst the school use is sensitive to traffic noise, the proposed works have been appropriately located away from the classified road, mitigating noise impacts from Stanmore Road.

Given the above, the proposed development is considered reasonable having regard to the provisions of State Environmental Planning Policy - (Infrastructure) 2007.

5. Marrickville Local Environmental Plan 2001 (MLEP 2001)

(i) Zoning (Clause 17)

The property is zoned Special Uses 'A' under the provisions of Marrickville Local Environmental Plan 2001 (MLEP 2001).

The use of the subject property is considered to constitute an *'educational establishment'* under the definitions contained within Marrickville Local Environmental Plan 2001. Development for the purpose of an educational establishment requires development consent under Clause 17 of MLEP 2001. MLEP 2001 defines an *'educational establishment'* as:

"a building used as a school, college, technical college, TAFE establishment, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre."

The proposed development is permissible with Council's consent under the zoning provisions applying to the land.

The proposed development complies with the objectives for the Special Uses 'A' zone under Marrickville Local Environmental Plan 2001.

The Newington College grounds are also identified under Schedule 5 of MLEP 2001 as a heritage item (reference 2.57). An assessment of the proposal's impact on the heritage significance of the site is detailed below.

(ii) Aircraft Noise (Clause 28)

The subject property is located partially within the 25-30 Australian Noise Exposure Forecast (2029) Contour and partially within the 30-35 Australian Noise Exposure Forecast (2023/24) Contour. The proposed additions would need to be noise attenuated in accordance with Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction. Conditions to such effect is included in the recommendation (conditions 27 and 47).

(iii) Heritage (Clauses 47 to 55)

Newington College is listed as a heritage item in MLEP 2001. Within the site, the buildings and landscape have varying levels of heritage significance. The school is also located within the Newington Conservation Area under Marrickville draft Local Environmental Plan 111.

The development application was accompanied by a Historical and Archaeological Assessment report and a Heritage Assessment report.

The application was referred to Council's Heritage Consultant who provided the following comments:

Description

Newington College is a complex comprising several buildings dating from the 19th century and later, and archaeological sites.

Heritage Listings

There are discrepancies between the listings in the LEP and the State Heritage Inventory. The LEP refers only to the former Methodist Church (item 2.58) and the grounds (item 2.57). These are listed under "Schools and educational establishments," with no listing under "Archaeological sites." The SHI lists four items: the gate house, church, Newington College, and the grounds. Curiously, the "College" listing is described as an archaeological site, while the "College" listing refers not only to the main stone building but also to the church and the grounds.

Proposal

It is proposed to construct a new building by infilling between existing buildings, make internal changes and provide access for people with disabilities.

Documentation

The application includes a Statement of Heritage Impact by Robert Power within the SEE, and a separate historical and archaeological assessment by Edward Higginbotham.

Comment

The main impact on the original ("Founders") wing will be various internal changes and the removal of various accretions around the ground floor.

Conclusion

The removal of accretions will enhance the heritage significance of the item. The internal changes will have a minor but acceptable impact. As the site has archaeological value pre-dating its use as a college, there is some risk that deposits might be damaged.

Recommendations

The proposal should be approved, but to the extent that Council is empowered to do so, it should impose conditions recommended in the executive summary of Edward Higginbotham's archaeological report."

Council's Heritage Consultant has noted that the proposed works will not have a major impact on the heritage significance of listed items in Newington College, and raised no objection to the proposal, subject to the imposition of appropriate conditions which require the applicant to submit an archaeological assessment and excavation permit to the NSW Heritage Office in accordance with Sections 139 and 140 of the Heritage Act 1977. Sympathetic adaptive reuse of parts of the Founder's building is supported noting that various degrees of intrusion into the fabric of the building will be reversed by this proposal. Appropriate conditions in relation to these matters are included in the recommendation (conditions 1, 10 and 31).

(iv) Waste Management (Clause 58)

Clause 58 of MLEP 2001 requires consideration of waste management for any proposed development. There is considered to be sufficient area within the site to allow for the storage of garbage bins. A Site Waste Management Plan in accordance with Council's requirements was submitted with the application and is considered to be adequate.

(v) Energy, Water & Stormwater Efficiency (Clause 59)

Clause 59 of MLEP 2001 requires consideration to be given to the energy, water and stormwater efficiency of any proposed development. Conditions are included in the recommendation requiring the provision of energy efficient fixtures in accordance with Council's requirements. (Conditions 39, 40 and 48).

(vi) Accessibility (Clause 64)

Clause 64 of MLEP 2001 requires consideration to be given to accessibility before granting development consent. This issue is discussed in more detail later in Section 8 of the report.

6. Planning Assessment

Other than the general provisions contained in Marrickville Local Environmental Plan 2001, Marrickville Development Control Plan No. 27 - Waste Management, Marrickville Development Control Plan No. 19 - Parking Strategy and Marrickville Development Control Plan No. 31 – Equity of Access and Mobility, Council does not have any specific planning controls/policies pertaining to the development of schools (such as height and floor space controls etc). In the absence of such a development policy, a merit based assessment has been undertaken.

7. Marrickville Development Control Plan No. 19 - Parking Strategy (DCP 19)

Under the provisions of DCP 19, off street parking spaces for an educational establishment is based on number of students and teaching staff. The information submitted with the application has indicated that the proposal would not alter the existing population of the college. As such there would be no changes to the existing parking demand for the college under the provisions of DCP 19.

(i) Loading/Unloading

The application proposes to remove the existing loading dock (which is located below street level) and associated driveway on College Lane which currently services the L and N Block. The application proposes to replace this with a new loading dock which is accessed directly from street level under the proviso that only small trucks/vehicles are required to load/unload goods from this section of the school.

It is considered the proposed loading dock is an improvement to the current situation which sees large vehicles entering the driveway to unload goods in the dock, and then reverse back up the driveway to exit the site as there is insufficient room for vehicles to turn and exit in a forward direction. The applicant has indicated the amount of goods to be unloaded has reduced significantly since some faculties and school functions have been transferred to the premises at 221 -235 Stanmore Road, Stanmore (the former Concordia Club premises).

The application was referred to Council's Development Control Engineer who raised no objection to the proposed works.

Furthermore, any consent granted should be conditioned to require the loading and unloading of goods to occur wholly within the site and during school hours to minimise the impact on adjoining residences and that vehicles accessing this dock should be restricted to small trucks. A condition to such effect is included in the recommendation (condition 5).

8. Marrickville Development Control Plan No. 31 - Equity of Access and Mobility (DCP 31)

Marrickville Development Control Plan No. 31 – Equity of Access and Mobility requires that access be provided *"in accordance with the BCA and AS1428.2"* with *"appropriate access for all persons through the principal entrance of a building"*. DCP 31 also requires appropriate access for all persons to sanitary facilities.

The application largely seeks to improve accessibility throughout the L and N blocks by linking the existing buildings on the site via the construction of a new circulation corridor and the provision of two (2) new lifts and a continuous path of travel within the building.

The applicant submitted an accessibility report as part of the development application. The applicant proposes to provide disabled access to all levels within the building through the provision of a lift and appropriate paths of travel in addition to the provision of accessible toilets.

Given the above, the proposed development is considered to satisfy the requirements prescribed under DCP 31.

9. Streetscape considerations

The new Design and Technology Building proposed is created by infill construction and alterations within the existing school buildings.

The works proposed generally do not impact on the Newington Road or College Lane facades and streetscapes.

The proposed additions, in particular, the addition to the southern end of the N Block, which houses a new foyer, lift and stairwell would not be visible from Newington Road, and this is best demonstrated in Image 10 which illustrates the line of sight from Newington Road at street level.

This southern addition to the N Block is higher than the ridge line of the adjoining building facing Newington Road (W Block) but is screened by this existing ridge line from conventional viewing heights, i.e., at street level. It is also noted that the existing N Block has a higher ridge line than the proposed addition and is also not visible from Newington Road. The proposed addition is setback approximately 14.5 metres from the Newington Road frontage, and would subsequently not be visible at street level from Newington Road. Furthermore, the proposed addition would also not be visible from College Lane as it is setback approximately 20 metres from the College Lane frontage.

With regard to the presentation of the addition to the N Block as viewed from the school grounds, i.e., the eastern elevation, the new structure housing the foyer, lift, stairwell and new main entry is contemporary in presentation, so as to not to imitate the architectural style of the adjoining Founder's building. The design of the proposed addition is considered appropriate, responding positively to the existing buildings on the site. The facade design is considered to interpret and translate common elements in adjoining buildings, with the materials proposed (such as glazing and sandstone) complementing buildings within the school grounds.

The proposal also involves the addition of a new Senior Design and Technology classroom. This classroom replaces the existing loading dock and is located below street level. The new loading area is proposed to be located above this classroom and is accessed from street level off College Lane. Subsequently these proposed alterations and additions would not impact on the appearance of the site from College Lane. The driveway leading to the former loading dock is proposed to be replaced with stepped planter boxes softening the appearance of the existing building along part of the College Lane frontage.

The proposal also involves additional landscaping to be provided along the Newington Road frontage. This landscaping is considered to appropriately soften the unremarkable appearance of the existing elevation from Newington Road.

The applicant also proposes to replace existing barb wire fence along a portion of College Lane and Newington Road with black mesh. The materials and finishes schedule in addition to the plans indicate that the height of the fencing remains unchanged.

The Technology Building is achieved by infill and internal alteration works which do not impact upon the external presentation of the existing building complex when viewed either from external areas College Lane and Newington Road or viewed from areas within the College Campus.

Overall, the proposed development is considered satisfactory having regard to streetscape, design and proposed materials.

10. Advertising/Notification

The application was advertised, an on-site notice was erected and residents/property owners in the vicinity of the subject property were notified of the proposed development in accordance with Council's Policy. Four (4) submissions were received. It is noted the majority of concerns raised regarding the application were not about the proposal itself, but expressed concern about the construction phase of the development and associated impacts on adjoining residences. The submissions received raised the following concerns:

- (i) *We strongly object to any part of Newington Road being used in conjunction with the proposed construction. This relates to*
 - a) *site fencing to be on Newington College Grounds not Newington Road'*
 - b) *building materials and related equipment to be stored and used from the college grounds*
 - c) *all work related vehicles... being managed by the school for the duration of the job leaving Newington Road free of these vehicles. Newington Road is already a traffic area and this would exacerbated by extra traffic*

Comment:

- a) The erection of fencing/hoarding on public land requires Council approval and is subject to separate approval from Council's Technical Services Division and the impacts of such hoardings, should the applicant apply for this, would be assessed on its merits.
- b) With regard to the proposed location of building materials during construction, a condition is included in the recommendation (Condition 17) requiring that a Soil and Water Management Plan be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater and submitted to and accepted by the Principal Certifying Authority. The subject plan is to indicate where the builder's materials and waste are to be stored and how access to the site will be provided.

Furthermore, the placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council and requires separate approval from Council's Technical Services Division.

- c) The subject works are proposed to be conducted for the most part during school holidays. This mitigates concerns of increasing traffic as a result of construction competing with traffic generated by the school during normal school periods. Whilst a construction management plan/traffic management plan could recommend that subcontractors park within the school grounds, parking availability on the site is limited and kerbside parking located along Newington Road cannot be precluded as it is a public road.
- (ii) *We object to any new student entry ways, both vehicle and foot traffic as Newington Road already suffers from heavy foot traffic relating directly to the school.*

Comment:

There are no new student pedestrian entries proposed as part of this development application. It is noted that there is a new gate on the western side of the property (fronting Newington Road) which is to be used for maintenance purposes only for the new landscaped area and does not enable access to classrooms. One gate is proposed to be replaced further west along Newington Road, so that it is consistent with the new schedule of materials proposed. The subject gate serves as a fire exit and is not used as an entry/exit point for students other than in the event of an emergency.

(iii) *We request that normal working hours be adhered to throughout the duration of construction.*

Comment:

A standard condition is included in the recommendation (Condition 32) requiring that all excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, is restricted to between the hours of 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays.

It is noted that requiring construction during 'normal' business hours (such as 9.00pm to 5.00pm) would be quite onerous and restrictive requiring the construction phase of the development to be longer further impacting on the amenity of adjoining residents.

(iv) *It is our request that Council insist that heavy traffic relating to the development be directed along College Lane or through the school's front entrance facing Stanmore Road. We requesta traffic management plan that addresses these concerns.*

Comment:

A condition is included in the recommendation (Condition 21) requiring the provision of a detailed Traffic Management Plan to cater for construction traffic and addressing proposed truck parking areas, construction zones, crane usage, and truck routes to ensure that construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.

(v) *We request that all building works requiring the use of a crane be conducted from within the grounds of the college and not from Newington Road.*

Comment:

A condition is included in the recommendation (Condition 18) requiring that the person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

(vi) *It has been reported by neighbours that damage to property has occurred due to previous development on the Newington College site. ...an independent building assessment should be commissioned by Newington College for each of the residences facing the college site (resident of Newington Road).*

Comment:

The scope of works associated with the proposal does not involve any significant excavation, and is unlikely to cause damage to dwelling houses in the vicinity of the site. This perceived impact is also lessened as the objectors' property is separated from the school by Newington Road, providing ample distance between the construction works and the objector's dwelling.

(vii) *During previous construction work... residents recall problems with noise and traffic, with trucks and deliveries compounding the existing parking and congestion problems. I was told that large numbers of subcontractors arrived extremely early in the morning (i.e., from 4.00am to 6.00am). Another source of noise and congestion was the delivery of materials and the arrival of large plant equipment deliveries tended to occur in the dark hours of the morning.*

Comment:

As noted previously a condition is included in the recommendation (Condition 32) requiring that all excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, is restricted to between the hours of 7.00am to 5.30pm Mondays to Saturdays,

excluding Public Holidays to reduce amenity impacts on nearby residences. The person acting on this consent is required to adhere to the conditions of consent as prescribed.

- (viii) *Noise levels - Currently the trucks start delivering from 6:30am and the noise of them as they roar down College Lane is disturbing. They often exceed the speed limit down the laneway and very often block access. You mention the trucks will be small - this is already incorrect as they have all sizes of trucks making deliveries and attending the school (except semi-trailers) and they are all loud and too big to pass.*

Comment:

The proposed development has reduced the size of the loading bay off College Lane limiting the size of vehicles permitted to load and unload from the site. It is noted that provisions have been made for the proposed Design and Technology building to receive larger deliveries within the school grounds with access from the Stanmore Road entry. Furthermore, a condition is included in the recommendation (Condition 5) requiring that all loading and unloading of goods from College Lane to be conducted during school hours to minimise the impacts on adjoining residences.

- (ix) *Delays to get onto Stanmore Road - at busy times (weekdays drop off and pick up times) there long delays to get onto Stanmore Road and if a new loading bay is allowed this will see even more traffic and longer delays to get out of College Lane.*

Comment:

The proposed development does not seek to install an additional loading bay off College Lane. It merely seeks to replace the existing loading bay in a more practical location.

- (x) *With regards to the new building they are proposing - I also object to any structure which exceeds the height of the existing buildings - it blocks out view, sunshine, light and it is not aesthetically pleasing*

Comment:

The additions proposed to the southern end of the N Block building are located more than 20m away from the College Lane boundary. The proposed development has no overshadowing impacts on the subject site (located on College Lane) and would not be visible from College Lane at street level.

11. Conclusion

The heads of consideration under Section 79C of the Environmental Planning and Assessment Act of relevance to the application have been taken into consideration and the application is considered suitable for approval subject to the imposition of appropriate conditions.

PART E - RECOMMENDATION

- A. **THAT** the development application to carry out alterations and additions to Newington College including additions to create a new classroom and a new circulation corridor between the existing L and N Block Buildings, alterations to allow for the new Design and Technology department within the existing L & N Block buildings, internal refurbishment of existing classrooms, internal modifications to the Founder's Wing, new loading bay fronting College Lane limited to small rigid trucks and the first stage of major accessibility upgrade throughout the campus be **APPROVED** subject to the following conditions:

GENERAL

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

Plan No. and Issue	Plan/Certificate Type	Date Issued	Prepared by				Date Submitted
703-DA01A	Ground floor	26/8/09	Budden Hudson	Nangle	Michael	&	28/8/2009
703-DA02A	First floor	26/8/09	Budden Hudson	Nangle	Michael	&	28/8/2009
703-DA03A	Second Floor	26/8/09	Budden Hudson	Nangle	Michael	&	28/8/2009
703-DA04A	Roof Plan	26/8/09	Budden Hudson	Nangle	Michael	&	28/8/2009
703-DA05A	College Lane elevation	26/8/09	Budden Hudson	Nangle	Michael	&	28/8/2009
703-DA06	Newington Rd elevation	26/8/09	Budden Hudson	Nangle	Michael	&	28/8/2009
703-DA07	Eastern elevation	26/8/09	Budden Hudson	Nangle	Michael	&	28/8/2009
703-DA08A	Sections A + B	26/8/09	Budden Hudson	Nangle	Michael	&	28/8/2009
703-DA09	Section C	26/8/09	Budden Hudson	Nangle	Michael	&	28/8/2009
703-MF01	Schedule of finishes	26/8/09	Budden Hudson	Nangle	Michael	&	28/8/2009
L01 rev D	Landscape Plan	26/8/09	Umbaco Landscape Architects				28/8/2009
	Historical and Archaeological Assessment	25/8/09	Edward Higginbotham and Associates Pty Ltd				28/8/09

with the application for development consent and as amended by the following conditions.
Reason: To confirm the details of the application submitted by the applicant.

2. A separate application being submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.
Reason: To ensure the compliance of any advertisements or advertising structures with the requirements of Council's Advertising Code.
3. All mature trees not requiring removal to permit the erection of the development being retained.
Reason: To preserve existing mature trees on the property.
4. No storage of goods or equipment external to any building on the site being permitted.
Reason: To ensure the premises are kept in a neat and tidy manner.
5. All loading and unloading in connection with the use being carried out from the loading dock within the premises with all loading and unloading only being carried out during school operating hours. The loading dock being maintained at all times for the loading and unloading of goods and being used exclusively for that purpose and not for storage or any other purpose. In this regard no loading or unloading is to take place from the road or footpath. The school being responsible to ensure that all vehicles servicing the premises are small enough to access the building through the existing entrance to the loading dock area.
Reason: To ensure off-street loading and unloading facilities are available at all times for the use of the premises and that all loading activities are carried out wholly within the loading dock area.

6. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.

7. The use of the premises, including any plant and equipment, not giving rise to:

- a) transmission of unacceptable vibration to any place of different occupancy;
- b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 3dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

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

Reason: To prevent loss of amenity to the area.

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

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

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

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

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

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

10. An Excavation Permit under the Heritage Act being obtained prior to the commencement of works.

Reason: To ensure compliance with Sections 139 and 140 of the Heritage Act 1977.

11. No work shall commence until:

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

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

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

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

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

Reason: To protect the amenity of the area.

14. A waste management plan shall be prepared in accordance with Marrickville Development Control Plan No. 27 - Waste Management and submitted to and accepted by the PCA before work commences.

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

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

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

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

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

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

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

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

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

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

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

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

19. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public

roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings in the amount of \$1,939.85, as provided for in Council's adopted fees and charges.

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

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

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

21. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc.

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

22. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate or before the commencement of works (including any demolition works) whichever occurs first.

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

23. The person acting on this consent shall negotiate with Energy Australia and/or Telstra to have their services relocated to a position clear of the proposed vehicular crossing. The person acting on this consent shall submit to the Director, Technical Services a copy of the duly signed offer to pay, or a receipt of payment, to the respective authorities for the relocation works.

Reason: To relocate the existing obstruction away from the proposed vehicular access.

24. Alignment levels for the site at all pedestrian and vehicular access locations shall be obtained from Council's Director, Technical Services before the commencement of construction. The alignment levels shall match the existing back of footpath levels at the boundary. Failure to comply with this condition will result in vehicular access being denied.

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

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

25. Evidence of payment of the building and construction industry Long Service Leave Scheme, shall be submitted to and accepted by the Certifying Authority (Council or an Accredited Certifier) before the issue of a Construction Certificate. The required payment of \$19,250 can be made at the Council Offices. This fee has been based on an estimated cost of works of \$5,500,000.

NB: The required payment referred to above is based on the estimated cost of building and construction works as stated on the development application and the current long service levy rate, set by the Long Service Payments Corporation, of 0.35% of the cost of the building and construction work.

The payment is required to be paid before the issue of a Construction Certificate and the required payment may change if the estimated cost of works has

increased at that time or the levy rate has changed. In such circumstances the necessary payment will need to be re-calculated.

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

26. Before the issue of a Construction Certificate an amended plan shall be submitted to and accepted by the Certifying Authority (Council or an Accredited Certifier) indicating the following:
- a) Access to the premises via the principal place of entry to the building and to all areas used by the occupants, including staff, students and visitors, complying with AS 1428.1- 1998 'Design for access and mobility'; and
 - b) Accessible toilets complying with AS 1428.1- 1998 'Design for access and mobility'; and
 - c) The lift design shall comply with AS 1735.12 -1999 'Lifts, escalators and moving walkways Part 12: Facilities for persons with disabilities' as a minimum requirement.

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

27. Noise attenuation measures being incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.

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

28. Detailed construction plans and calculations of the proposed stormwater drainage system generally in accordance with stormwater drainage plan SW1 submitted by Woolacotts Consulting Engineers shall be submitted to and approved by Council before the issue of a Construction Certificate. The details shall also include measures on how to improve the quality of the discharged stormwater.

Reason: To ensure the development does not increase the stormwater runoff from the site and to ensure that the site is adequately drained.

29. The person acting on this consent shall provide security in a manner satisfactory to the Director Technical Services in the amount of \$6,700 before the issue of a Construction Certificate as surety for the proper completion of the footpath and/or vehicular crossing works required as a result of this development.

Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.

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

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

SITE WORKS

31. The person acting on this consent being responsible at all times complying with all the terms, conditions and requirements of the Excavation Permit issued pursuant to Section 140 of the Heritage Act 1977

Reason: To ensure compliance at all times with the terms and conditions of the Excavation Permit.

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

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

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

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

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

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

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

35. All demolition work being carried out in accordance with the following:

- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- b) all works involving the demolition, removal, transport and disposal of asbestos cement is to be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment and Climate Change;
- c) all building materials arising from the demolition are to be disposed of in an approved manner in accordance with Marrickville Development Control Plan No. 27 - Waste Management and any applicable requirements of the Department of Environment and Climate Change;
- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications are to be disconnected in accordance with the requirements of the responsible authorities;
- e) the generation of dust and noise on the site must be controlled;
- f) the site must be secured to prohibit unauthorised entry;
- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, only having access to the site during work hours nominated by Council and all loads must be covered;
- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- j) no waste collection skips, spoil, excavation or demolition material from the site being deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent is responsible for ensuring that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

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

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

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

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

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

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

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

38. A clear unobstructed path of travel of not less than 1000 mm is to be provided to all exits and paths of travel to exits.

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

39. New or replacement taps being AAA rated as defined by the Australian Standard AS/NZ 6400 2005: Water efficient products - Rating and labelling.

Reason: To conserve water.

40. New or replacement toilet(s) being dual flush as defined by the Australian Standard AS/NZ 6400 2005: Water efficient products - Rating and labelling.

Reason: To conserve water.

41. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code. The maximum discharge allowable to Council's street gutter is 25 litres/second.

Reason: To provide for adequate site drainage.

42. All stormwater drainage being designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3.2-1998 'Stormwater Drainage-Acceptable Solutions' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.

Reason: To provide for adequate site drainage.

BEFORE OCCUPATION OF THE BUILDING

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

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

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

44. Occupation of the building shall not be permitted until such time as:

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

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

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

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of the New South Wales Fire Brigades 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 twelve (12) months after the Final Fire Safety Certificate is issued the owner shall obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate shall be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

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

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

Reason: To ensure adequate landscaping is maintained.

47. (i) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and prior to the occupation of the development a report being prepared and submitted to Council's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets AS2021- 2000 as set down in the subject condition of this consent. Such report shall include external and internal noise levels to ensure that the external noise levels

during the test are representative of the typical maximum levels that may occur at this development; and

- (ii) 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 shall be carried out and a further certificate being prepared and submitted to the PCA in accordance with the requirements as set down in Part (i) of this condition.

Reason: To reduce noise levels within the proposed development from aircraft and to ensure that the proposed noise attenuation measures incorporated into the development satisfactorily comply with the relevant sections of Australian Standard 2021-2000.

- 48. Compliance with the requirements of Marrickville Development Control Plan No. 32 - Energy Smart Water Wise is to be demonstrated via completion of Council's Green Checklist, which is to be completed by the Principal Certifying Authority (PCA) before the issue of the Occupation Certificate. If completed by a Private PCA, a copy of the completed checklist must be forwarded to Council for its records.

Reason: To appropriately monitor the installation of energy and water conservation fixtures and appliances.

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

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

- 50. A heavy duty concrete dish vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access location for the new loading dock before occupation of the site and at no cost to Council.

Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.

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

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

- 52. Before occupation of the site written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.

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

- 53. Prior to occupation of the site the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Drainage Works required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

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

54. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before occupation of the site.
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.
55. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before occupation of the site.
Reason: To ensure there is no encroachment onto Council's road.

ADVISORY NOTES

- A complete assessment of the application under the provisions of the Building Code of Australia (BCA) has not been carried out. However you are advised that the proposal may not comply with C2.2 – General floor area and volume limitations and D1.4 – Exit travel distances of the Building Code of Australia – Volume 1.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor **must** complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, **before commencement of works**.
- Useful Contacts

Marrickville Council

☎ 9335 2222

www.marrickville.nsw.gov.au

Copies of all Council documents and application forms can be found on the web site.

Department of Fair Trading

☎ 13 32 20

www.fairtrading.nsw.gov.au

Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Sydney Water

☎ 13 20 92

www.sydneywater.com.au

WorkCover Authority of NSW

☎ 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Landcom

☎ 9841 8660

To purchase copies of Volume One of "Soils and Construction"

Department of Environment
and Climate Change

☎ 9995 5000

www.environment.nsw.gov.au

BASIX Information

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

NSW Government

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

Waste Service NSW -
Environmental Solutions

www.wasteservice.nsw.gov.au

NSW Food Authority

☎ 1300 552 406
www.foodnotify.nsw.gov.au

Dial Before You Dig

☎ 1100
www.dialbeforeyoudig.com.au

- B. THAT** those persons who lodged submissions in respect to the proposal be advised of the Joint Regional Planning Panel's determination of the application.