

SUMMARY

This report concerns the amended plans and additional information submitted to Council for an application to consolidate 16 lots, demolish all existing improvements and remediate the land followed by comprehensive redevelopment of the site to contain 246 dwellings and 1 ground floor retail premises within 4 buildings of heights varying from 3 to 8 storeys over 2 levels of parking for up to 269 vehicles combined with ancillary development works including civil works, internal road construction, tree removal and landscaping. The amended plans and additional information were submitted in response to the resolution of the Joint Regional Planning Panel (JRPP) at its meeting on 24 April 2014. The application is referred to the JRPP for determination.

1. Background

A report on an application to consolidate 16 lots, demolish all existing improvements and remediate the land followed by comprehensive redevelopment of the site to contain 249 dwellings and 1 ground floor retail premises within 4 buildings of heights varying from 3 to 8 storeys over 2 levels of parking combined with ancillary development works including civil works, internal road construction, tree removal and landscaping was considered by the JRPP at its meeting on 24 April 2014. A copy of that report is **ATTACHED** at **ATTACHMENT 1**.

The Panel resolved unanimously to defer the determination of the application to allow the provision of the following:

- a) *amended drawings showing a setback of 9m for levels 5-8 of Building B from the common boundary with the site of future Building G;*
- b) *amended drawings locating the car share space located in the non-secure area of the car park;*
- c) *sun penetration diagrams for every level of every building assuming that all other site within the Master Plan are developed in accordance with the Master Plan;*
- d) *a supplementary assessment report containing full assessment under clause 4.6 of the non-compliance with the FSR control (whatever the non-compliance may be after the amendments);*
- e) *an edited version of the draft conditions eliminating duplication and inappropriate wording and including a new condition that requires an acoustic fence to No. 4 Grove Street to a height agreed to by the parties; and*
- f) *reformulation of the deferred commencement condition referring to the VPA as a standard condition.*

2. Amended Plans

On 9 May 2014 the applicant submitted amended plans and additional information that responded to the above resolution of the JRPP. Further additional information to clarify a number of issues was submitted to Council on 25, 27, 28, 29 and 30 May 2014.

A copy of the amended basement plan, floor plans and elevations submitted to Council on 9 May 2014 are reproduced below:

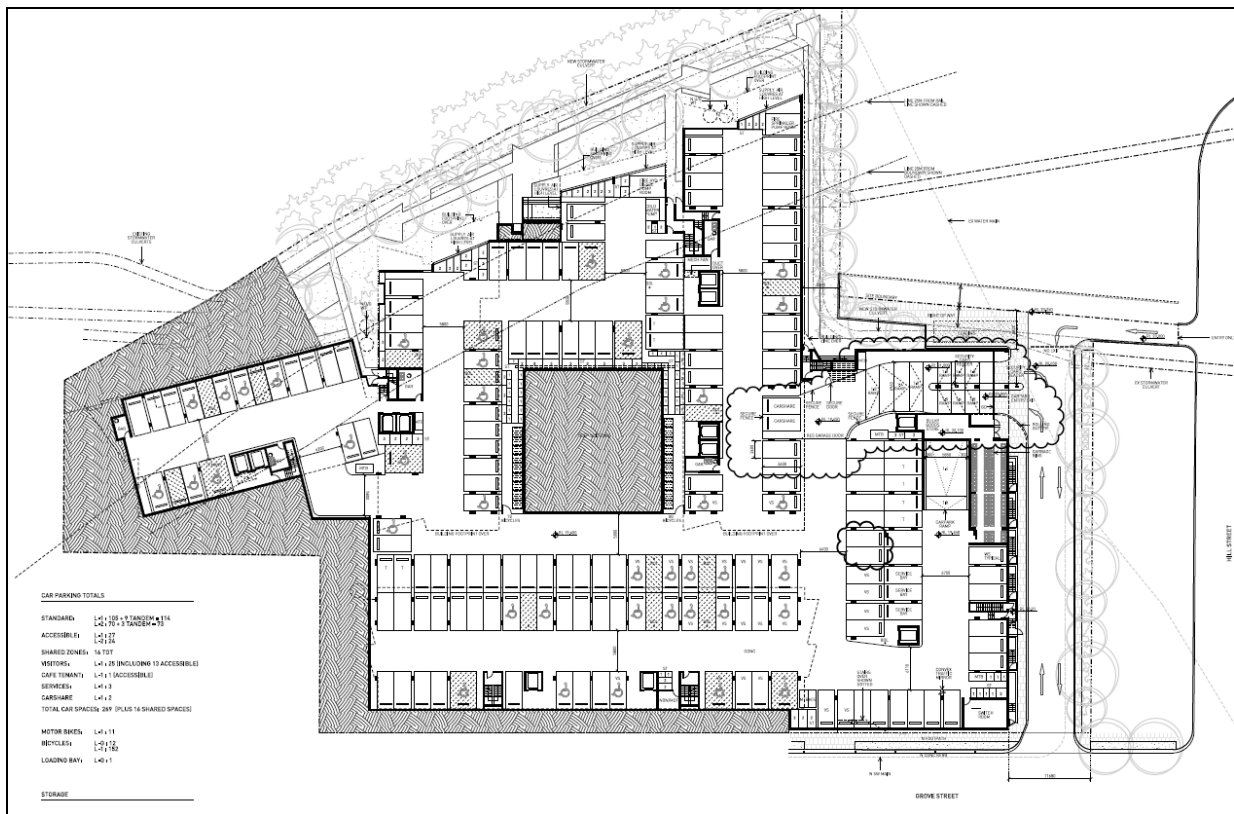


Image 1: Amended basement plan

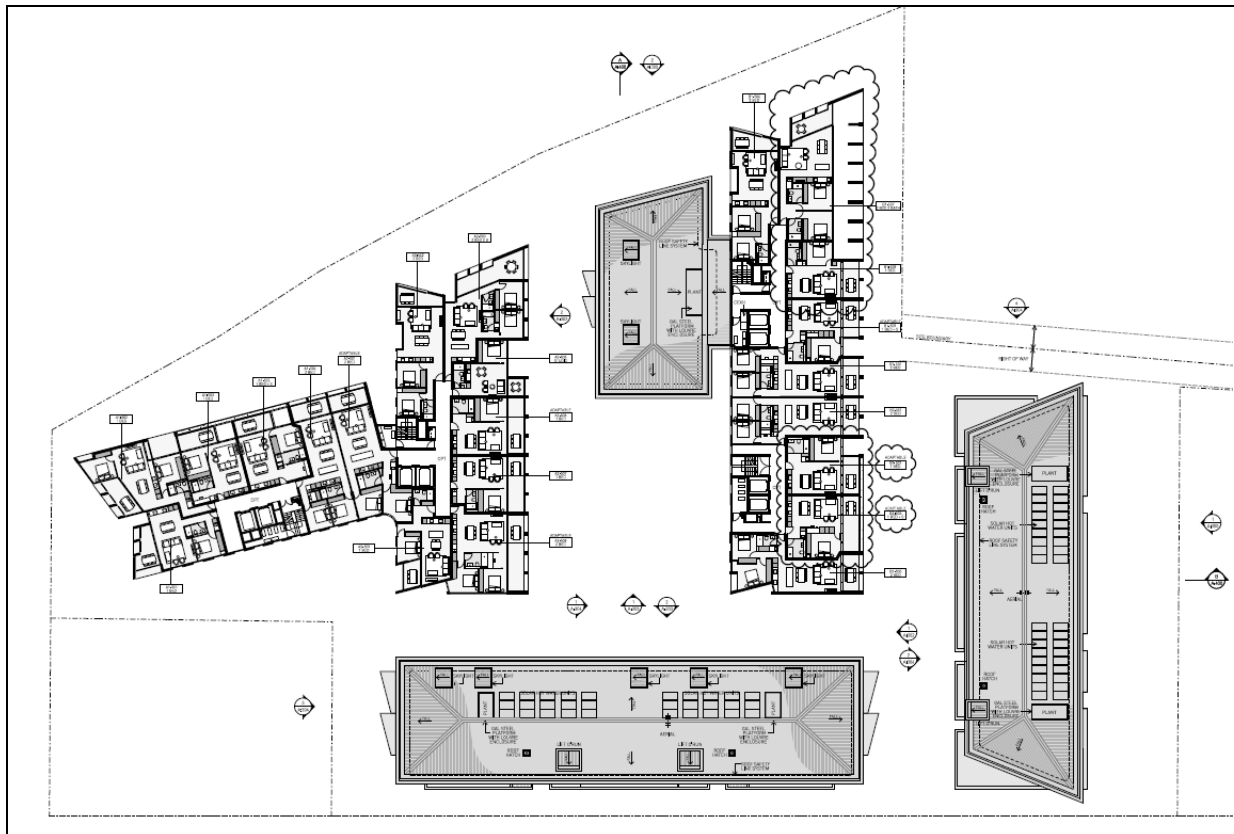


Image 2: Amended level 5 floor plan

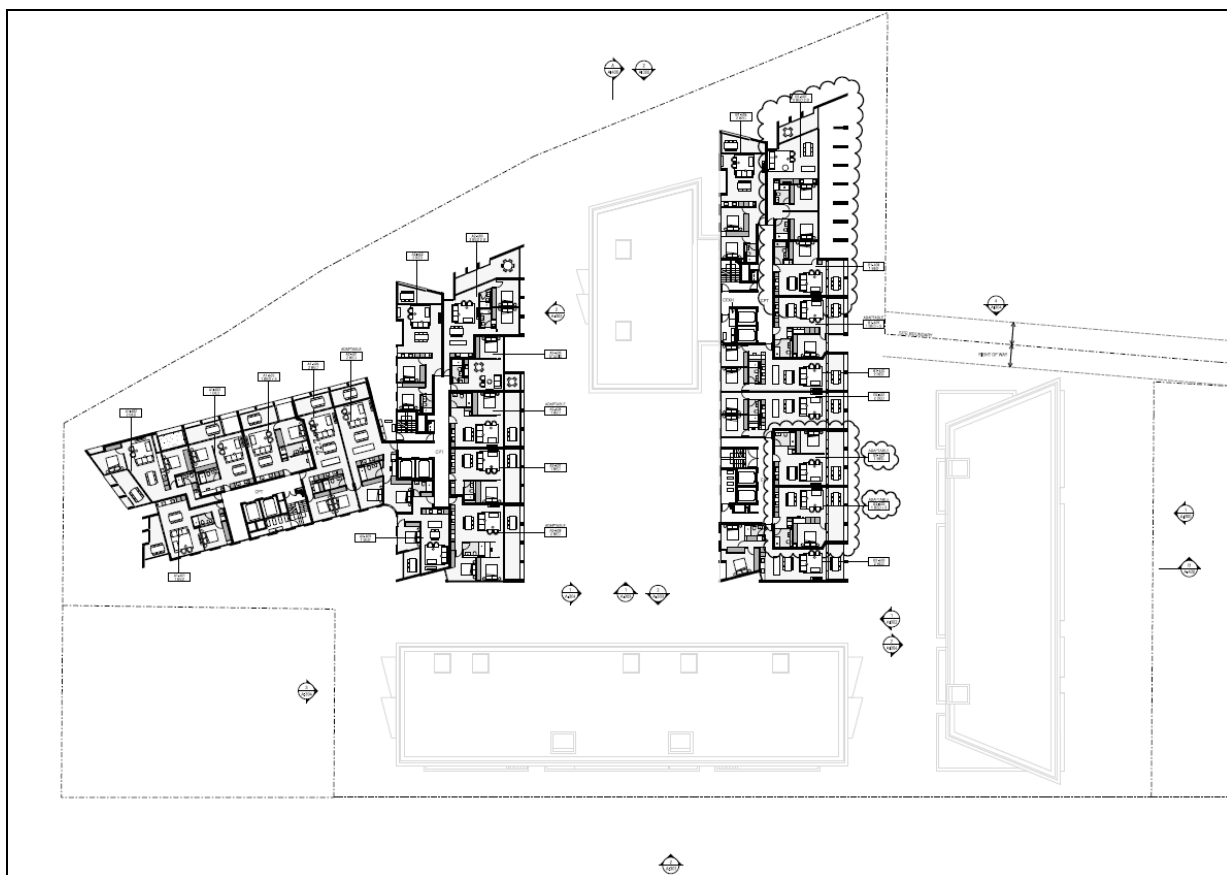


Image 3: Amended level 6 floor plan

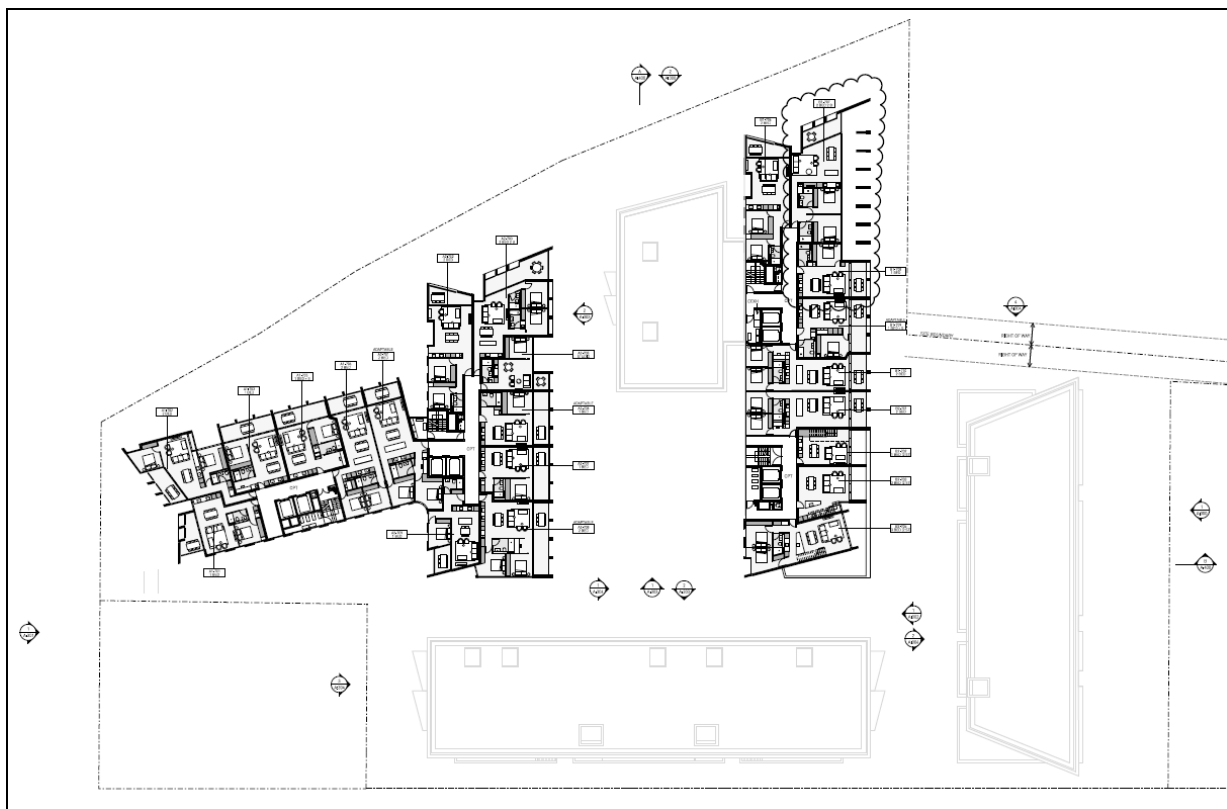


Image 4: Amended level 7 floor plan

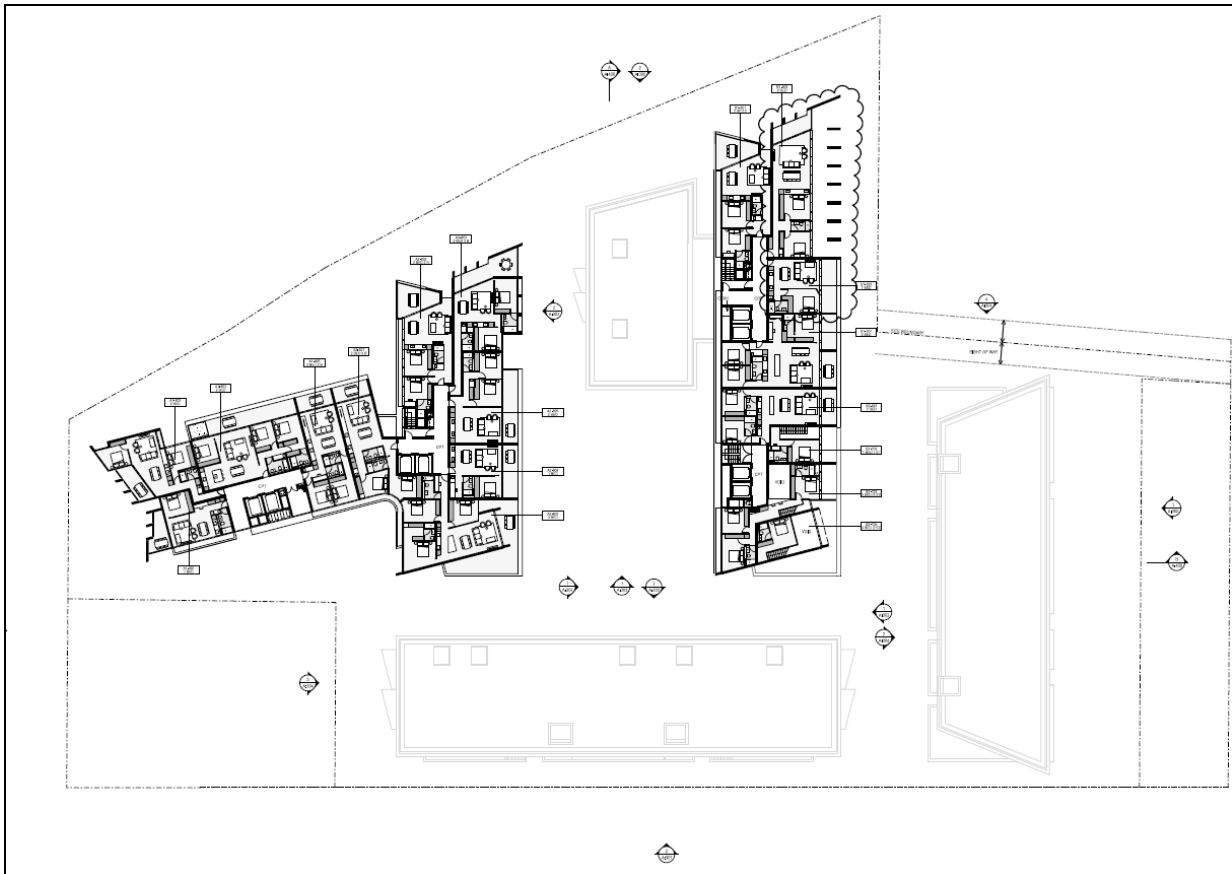


Image 5: Amended level 8 floor plan

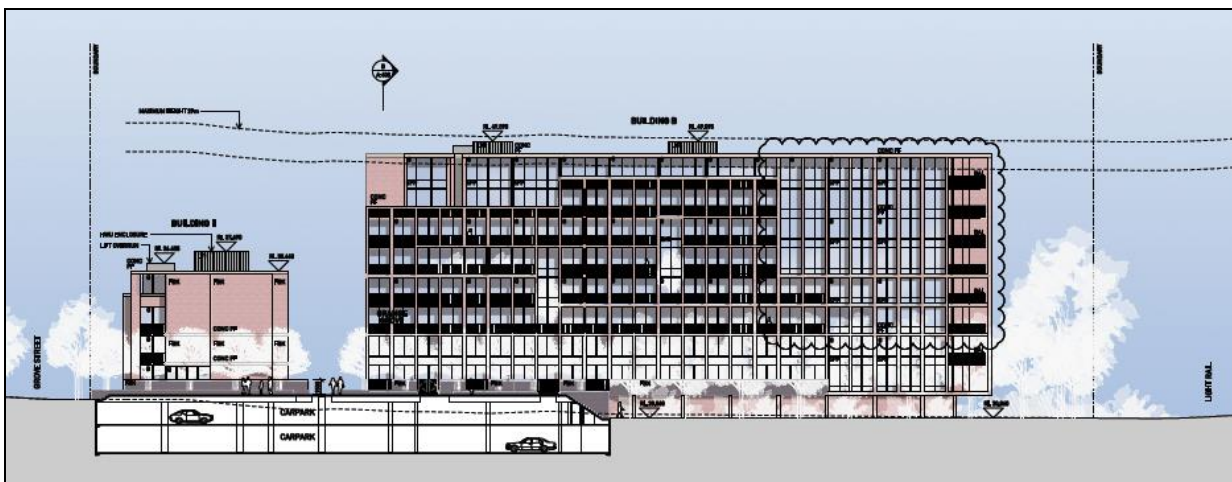


Image 6: Amended northern elevation

3. Planning Assessment

Below is an assessment of the amended plans and additional information submitted in response to the resolution of the JRPP at its meeting on 24 April 2014.

- a) Amended drawings showing a setback of 9m for levels 5-8 of Building B from the common boundary with the site of future Building G

The amended plans indicate a 9 metre setback for levels 5-8 of Building B from the common boundary with the site of future Building G. It is noted that the western wall and roof of this building have not been altered and the applicant seeks to retain blade walls as an architectural feature on the northern elevation located within the 9 metre setback.

The amended drawings are considered to meet the intent of the JRPP resolution as they satisfy the objectives of the building separation requirements contained in the Residential Flat Design Code (RFDC) that accompanies State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65).

The RFDC states that for buildings over three storeys, it is recommended that building separation increase in proportion to building height to ensure appropriate urban form, adequate amenity and privacy for building occupants. Given the subject building is 8 storeys in height the RFDC requires a setback of 18 metres between buildings to provide adequate amenity for future occupants (resulting in the 9m boundary setback required by the JRPP).

In this instance the setback is provided on the northern façade of the building. Accordingly the additional setback does not improve solar access for adjoining properties. The intent of the setback in this instance is to create an appropriate urban form and maintain adequate levels of privacy and separation. The amended proposal achieves these objectives in that the residential apartments are setback the required 9 metres (thereby achieving adequate levels of privacy), while the structures located within the setback area add depth and architectural interest to the building. The blade walls and roof also have environmental benefits as they provide shading to the glass wall of the building.

b) Amended drawings locating the car share space located in the non-secure area of the car park

The amended plans submitted to Council on 9 May 2014 provided the 2 car share spaces in a non-secured area of the car park. The spaces were to be located directly at the base of the main entry ramp with the residential car park security door relocated to the west of the spaces to ensure they were in a non-secure area.

While generally satisfying the resolution of the JRPP, the location and design of these spaces was less than desirable. The spaces were located at the base of the entry driveway which is reasonably steep (with grades up to 1 in 4). No separate pedestrian path was provided so people seeking to utilise the cars had to traverse down the driveway. Concern was also raised with the ability to enter and exit in a forward direction and the serviceability of the cars parked in the spaces by the operator.

These issues were raised with the applicants Traffic and Parking Consultant who provided a written response that is **ATTACHED** at **ATTACHMENT 2**.

It is evident from the attached response that the vehicles could exit in a forward direction via a 4 point turn. However, it was agreed by both parties that the proposal was less than desirable.

While it would be preferable to locate the car share spaces in Grove Street, such a proposal would require the matter to be considered by the Councils Pedestrian, Cyclist and Traffic Calming Advisory Committee, and despite the positive evaluation on parking impact provided by Traffix, local residents may have concerns about the loss of on-street car parking.

Consequently the preferred location for the spaces is at grade and on-site and for this reason option 1b (North Lane) as contained in the letter from Traffix (Attachment 2) is recommended to the JRPP. The applicant provided an amended plan indicating this preferred location which is reproduced below:

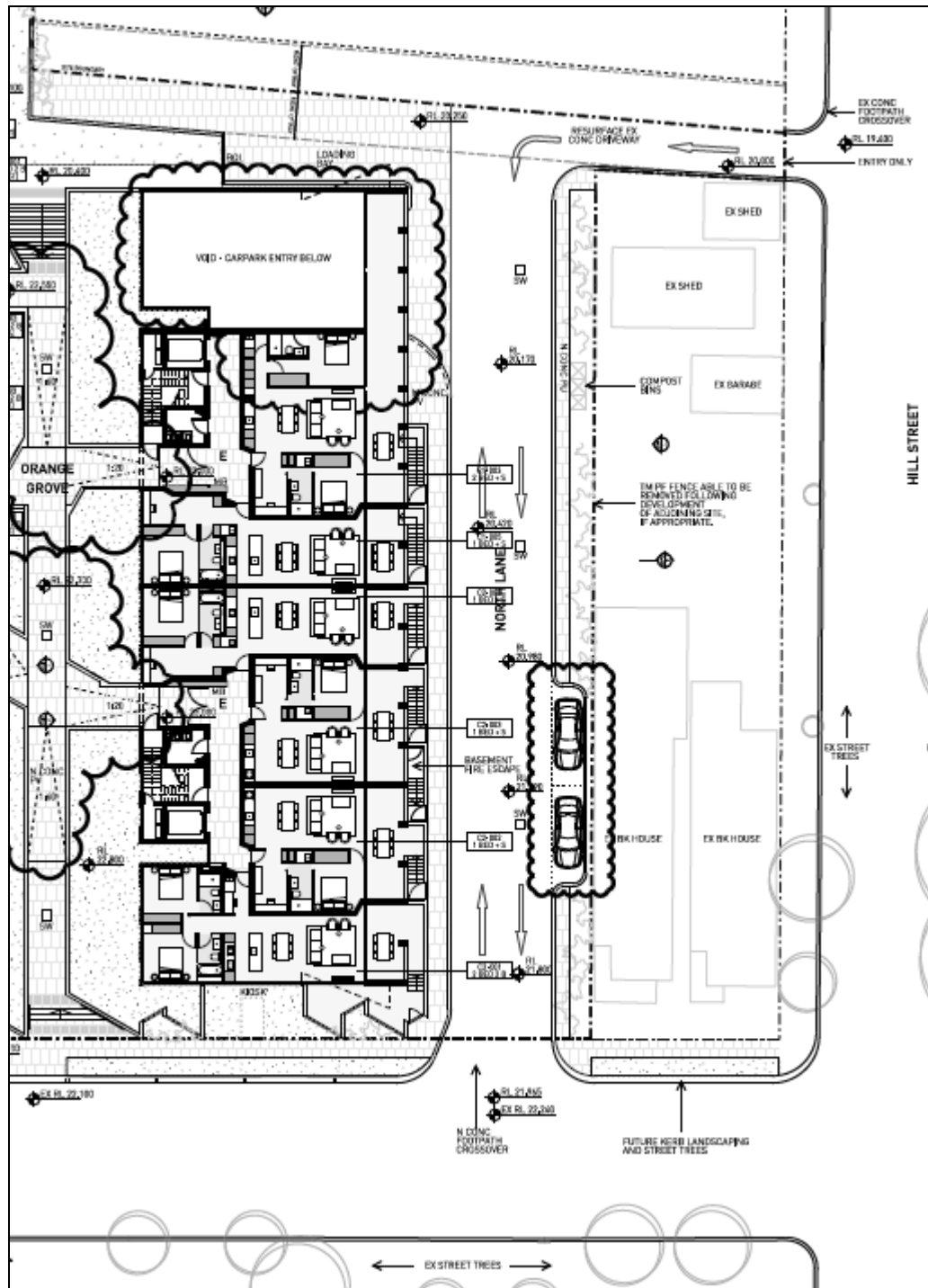


Image 7: Amended plan indicating car share spaces on North Lane

Council's Development Engineer has reviewed the proposal and supports the relocation of the car share spaces to North Lane. Accordingly the amended basement plan submitted to Council on 9 May 2014 has not been included in the schedule of conditions as the above amended ground floor plan is recommended to the JRPP.

- c) Sun penetration diagrams for every level of every building assuming that all other site within the Master Plan are developed in accordance with the Master Plan

The applicant provided sun penetration diagrams for every level of every building that assumed that all other sites within the Master Plan were developed in accordance with the Master Plan. The Daylight Analysis Report, prepared by Inhabit Australasia Pty Ltd, identifies that 72.8% of apartments receive a minimum of 3 hours of direct sunlight between 9am and 3pm in mid winter while 80.5% of apartments achieve 2 hours of direct sunlight between 9am and 3pm in mid winter.

- d) A supplementary assessment report containing full assessment under clause 4.6 of the non-compliance with the FSR control (whatever the non-compliance may be after the amendments)

An updated written request in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011 was submitted justifying the proposed variation caused by the amended proposal from the FSR development standard prescribed under Clause 4.4 of MLEP 2011. A copy of that request is **ATTACHED** at **ATTACHMENT 3**.

The amended development has a FSR of 1.98:1, representing a 16.5% variation from the development standard of 1.7:1 as contained in MLEP 2011.

The applicant considers compliance with the FSR development standard to be unreasonable and unnecessary for the following reasons:

- The objectives of the FSR development standard as contained in MLEP 2011 are achieved notwithstanding the technical non-compliance;
- The objectives of the R1 – General Residential zone as contained in MLEP 2011 are achieved notwithstanding the technical non-compliance;
- There are sufficient planning grounds to support the variation; and
- The proponent has included the offer of a draft Voluntary Planning Agreement (VPA) with the DA that will provide significant material public benefits in the immediate locality in addition to the Section 94 contributions beyond what would be offered by a fully compliant scheme.

The applicant contends that the proposal meets the objectives of the FSR development standard for the following reasons:

- A portion of the proposed variation is generated by the additional car parking provided for the scheme. When the additional car parking is excluded from the overall GFA calculations the proposed FSR amounts to 1.95:1. The applicant submits that the additional parking aims to address community concerns about existing and perceived future on-street parking issues;
- The proposal complies with the maximum height development standard contained in MLEP 2011 and the bulk of each building is compatible to those envisaged in the Master Plan contained in Part 9 of MDCP 2011. The proposal merely adjusts the arrangement of buildings and envelopes to create improved apartment amenity outcomes;
- The proposal achieves the Desired Future Character of the locality by:
 - Delivering a high quality public domain interface;
 - Providing a new rail plaza that is beyond DCP requirements;
 - Providing a café that activates the plaza;
 - Enhancing the public domain through streetscape and Greenway improvements;
 - Transitioning building heights between the rail line and the surrounding residential areas;

- Incorporating appropriate articulation in the buildings to reduce visual bulk within the permissible building heights; and
- Incorporating an appropriate mix of unit types.
- The proposal meets the underlying objective of the Sydney Metropolitan Plan by providing increased densities around public transport hubs and relieving pressure on less well serviced locations;
- In light of the proposals contribution to achieving the desired future character of the area, a reduction of FSR would serve no material planning purpose or improved development and public amenity outcome, other than numerical compliance with a generic Council control and such an imposition would have the effect of being inconsistent with the underlying strategic planning objectives of state and regional planning policy;
- The built form ensures no additional impacts for residents of Grove Street as the proposal maintains the key guiding elements of the DCP Master Plan relating to height, setback and view corridors;
- The building form fronting Constitution Road adjacent to Arlington Station is an improvement on the Council's Master Plan as it creates a generous public plaza (Arlington Square) that is not envisaged under the Master Plan contained in MDCP 2011; and
- The proposal is a permeable development with convenient through site links which will be protected through the creation of public access easements on title.

The applicant contends that the proposal meets the objectives of the zone for the following reasons:

- The proposal provides for the housing needs of the community, including two affordable housing units subject to the negotiation and agreement of a VPA with Marrickville Council;
- The proposal provides a good mix of housing units ranging from studios to 3 bedroom apartments and 20% of apartments will be adaptable;
- Arlington Square provides a community meeting place that was not envisaged under the Master Plan contained in MDCP 2011;
- The proposal includes a community garden for residents; and
- The proposal provides a café that will service the local community.

In light of the above the applicant asserts that the proposal is consistent with the underlying objectives of the FSR development standard and the R1 General Residential zone and thereby satisfies 1 of the 5 ways in which an objection may be well founded as set out by Preston CJ in *Wehbe v Pittwater Council* (2007) NSWLEC 827.

The Clause 4.6 submission is well founded and is worthy of support for the following reasons:

- It is agreed that the proposal is consistent with the underlying objectives of the FSR development standard and the R1 General Residential zone for the reasons outlined above;
- A portion of the proposed variation is generated by the additional car parking that addresses community concerns about existing and perceived future on-street parking issues. The additional parking is provided below ground and as such does not increase the bulk of the building or cause amenity impacts;
- The building envelopes are considered to represent an improvement on the envelopes envisaged under the Master Plan contained in MDCP 2011. The only apparent negative is the increased overshadowing of Central Grove, but this is offset by the increased number of apartments with a northern aspect;

- Despite the non-compliance from the FSR development standard, the proposed development will not result in any unreasonable amenity impacts (overshadowing/loss of privacy/visual bulk) for residents of properties in Grove Street or Constitution Road beyond that reasonably expected from future envelopes. As pointed out in the planning assessment report considered at the JRPP Meeting on 24 April 2014, the most affected properties are those located to the south of the site, including Nos. 66 – 72 Constitution Road. Those dwellings will not receive or retain 2 hours of solar access to living areas and open space orientated north. Notwithstanding, the non-compliance is a result of the significant change in scale that was to be expected from the realisation of the site redevelopment. Furthermore, these sites comprise part of the Master Plan and the impacts are considered in the context of those sites being redeveloped in the future;
 - The proposal complies with all other standards contained in MLEP 2011 and meets and exceeds the requirements contained in SEPP 65. Notably, the Daylight Analysis Report, prepared by Inhabit Australasia Pty Ltd, identifies that 72.8% of apartments receive a minimum of 3 hours of direct sunlight between 9am and 3pm in mid winter while 80.5% of apartments achieve 2 hours of direct sunlight between 9am and 3pm in mid winter;
 - The proposal includes a Draft VPA in addition Section 94 Contributions, that subject to negotiation and agreement with Marrickville Council, will provide material public benefits to community; and
 - The contravention of the development standard does not raise any matter of significance for State and regional environmental planning, and there is no public benefit in maintaining strict compliance with the standard.
- e) An edited version of the draft conditions eliminating duplication and inappropriate wording and including a new condition that requires an acoustic fence to No. 4 Grove Street to a height agreed to by the parties

See recommendation for updated conditions that attempt to address the above resolution, including condition 74 in Part B that requires an acoustic fence to No. 4 Grove Street to a height agreed to by the parties.

- f) Reformulation of the deferred commencement condition referring to the VPA as a standard condition

See recommendation for relocated condition (now condition 2 in Part B of determination).

4. Public Comment

From 24 April 2014 to the time of writing this report Council received 7 letters of public comment. Those letters are **ATTACHED** at **ATTACHMENT 4** for the Panel's consideration. The additional letters of public comment raised the following concerns:

- The variation to the development standard is not reasonable or necessary;
- The height and bulk of the development results in poor levels of amenity;
- VPA's are not a planning grounds on which to support the proposal;
- There is only very limited public benefit to the community resulting from the development;
- A number of dwellings in the development fail to receive adequate solar access;
- The development results in unacceptable shadow impacts for residents of surrounding properties;

- The proposal results in unacceptable overshadowing of Johnson Park, the bushcare site and the GreenWay plantings;
- The proposed development results in unacceptable amenity impacts (height, bulk, scale, loss of privacy and overshadowing) for residents of adjoining dwelling houses in Grove Street and Constitution Road;
- The proposal lacks architectural merit;
- The development impacts on the adjoining Hoskins Park HCA;
- Insufficient rigor and thoroughness has gone into the assessment of the application;
- The scale of the proposal is inconsistent with the character of the area;
- The proposal results in excessive site coverage; and
- The Clause 4.6 Objection is not well founded and the applicant has not demonstrated that the FSR exceedance is reasonable or necessary.

5. Conclusion

The amended plans and additional information submitted by the applicant are considered to meet the intent of the JRPP resolution. The development is generally consistent with the principles promoted by SEPP 65 and the various parts of MDCP 2011. The Clause 4.6 Objection is considered to be well founded and worthy of support. The proposal does not result in significant adverse impacts on the amenity of the neighbourhood and the application is recommended for approval subject to the imposition of appropriate conditions.

PART E – RECOMMENDATION

- A. THAT** the development application to consolidate 16 lots, demolish all existing improvements and remediate the land followed by comprehensive redevelopment of the site to contain 246 dwellings and 1 ground floor retail premises within 4 buildings of heights varying from three 3 to 8 storeys over 2 levels of basement for 269 vehicles combined with ancillary development works including civil works, internal road construction, tree removal and landscaping be **APPROVED** and a **DEFERRED COMMENCEMENT CONSENT** be issued subject to the following terms and conditions:

PART A - DEFERRED COMMENCEMENT CONSENT

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

1. An updated contamination investigation report being carried out in accordance with advice by Douglas Partners dated 15 February 2013 by an appropriately qualified environmental consultant in accordance with appropriate Department of Environment, Climate Change and Water guidelines in order to adequately determine the extent of soil contamination and any identified ground water. This investigation must locate and identify any underground storage tanks present on the site, this report must be submitted to Marrickville Council for review and approval.
Reason: To ensure the site has been appropriately investigated and the extent of contamination adequately determined and to facilitate an appropriate Remediation Action Plan.
2. A Remediation Action Plan (RAP) must be prepared in accordance with appropriate Department of Environment, Climate Change and Water guidelines which stipulates how the site will be remediated and validated so that no significant contamination

remains on site. The remediation strategy must not include onsite management of contamination. The RAP being submitted to Council's satisfaction.

Reason: To ensure the site will be appropriately remediated and validated to ensure that it is suitable or will be made suitable for the proposed residential land use without the need for ongoing management or monitoring requirements.

3. The person acting on this consent must satisfy Sydney Water and Council with regard to stormwater and flood management of the site in particular it must be demonstrated that the following performance criteria have been met:
 - a) The capacity of the proposed new stormwater culverts should be equal to the existing stormwater culverts / pipes;
 - b) No adverse impacts on flood behaviour;
 - c) No loss in floodplain storage within the site and
 - d) No increase in the frequency or degree of inundation of properties upstream or downstream.

In satisfying the above criteria the person acting on this consent must refer to Sydney Water Email dated 12/3/2014 with the attached comments to Council dated 26/2/14.

Reason: To ensure that the requirements of Sydney Water are complied with in relation to works affecting their assets.

4. The person acting on this consent must prepare and provide to RailCorp for approval/certification the following items:
 - a) Final Geotechnical and Structural report/drawings that meet RailCorp's requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
 - b) Final Construction methodology with construction details pertaining to structural support during excavation. The person acting on this consent is to be aware that RailCorp will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - c) A report assessing the impact or any movement on the rail tunnel that may result from the proposed development. This report is to be based on the Final Geotechnical and Structural Report.
 - d) Final cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail tunnel. All measurements are to be verified by a Registered Surveyor.
 - e) Detailed Survey Plan showing the relationship of the proposed developed with respect to RailCorp's easement and tunnel location.
 - f) If required by RailCorp, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Reason: To meet the terms of RailCorp's concurrence and ensure the protection of their assets.

Evidence of the above matters must be produced to the Council or its delegate within 2 years of the date of this Determination otherwise the Consent will lapse.

PART B - CONDITIONS OF CONSENT

Once operative the consent is subject to the following conditions:

GENERAL

- 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
DA:001 Rev T	Envelope & Context Plan	28.11.13	Smart Design Studio	06.02.14
DA:002 Rev L	Site/Roof Plan	31.01.14	Smart Design Studio	06.02.14
DA:100 Rev U	Lower Level Basement Plan	31.01.14	Smart Design Studio	06.02.14
DA:101 Rev U	Basement Plan	07.05.14	Smart Design Studio	09.05.14
DA:102 Rev AD	Ground Floor Plan	27.05.14	Smart Design Studio	27.05.14
DA:103 Rev U	Level 1 Floor Plan	31.01.14	Smart Design Studio	06.02.14
DA:104 Rev T	Level 2 Floor Plan	31.01.14	Smart Design Studio	06.02.14
DA:105 Rev T	Level 3 Floor Plan	31.01.14	Smart Design Studio	06.02.14
DA:106 Rev N	Level 5 Floor Plan	07.05.14	Smart Design Studio	09.05.14
DA:107 Rev P	Level 6 Floor Plan	07.05.14	Smart Design Studio	09.05.14
DA:108 Rev N	Level 7 Floor Plan	07.05.14	Smart Design Studio	09.05.14
DA:109 Rev N	Level 8 Floor Plan	07.05.14	Smart Design Studio	09.05.14
DA:300 Rev P	Elevations 1	07.05.14	Smart Design Studio	09.05.14
DA:3001 Rev N	Elevations 2	31.01.14	Smart Design Studio	06.02.14
DA:302 Rev K	Elevations 3	07.05.14	Smart Design Studio	09.05.14
DA:303 Rev K	Elevations 4	31.01.14	Smart Design Studio	06.02.14
DA:303 Rev M	Elevations 5	31.01.14	Smart Design Studio	06.02.14
DA:400 Rev O	Sections 1	31.01.14	Smart Design Studio	06.02.14
13530_LSK_001_B	Landscape Concept Plan	31.01.14	Context	06.02.14
	Planting Palette	Undated	Context	15.08.13
	Typical Details (planting)	13.08.13	Context	15.08.13
Dwg Ref No: 13530 LSK001	Verge Planting Plan	March 2014	Context	28.03.14
Surveyors ret 130212 Ease	Plan of proposed easement over Lot 1 DP 715815, Lot 11 DP 563364, Lot 1 DP 633309 and Lot 12 DP1184304 – Basement Level	30.01.14	Mark John Andrew - Surveyor	06.02.14
Surveyors ret 130212 Ease	Plan of proposed easement over Lot	30.01.14	Mark John Andrew - Surveyor	06.02.14

Plan No. and Issue	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
	1 DP 715815, Lot 11 DP 563364, Lot 1 DP 633309 and Lot 12 DP1184304 - Basement Level 2			
1302 – Arlington Grove	Schedule of Materials and Sample Board	N/A	Smart Design Studio	2.10.13
Report Ref: 237019 Rev 1	Flood Study Report	05.02.14	Aurecon	06.02.14
113072_250205_v1	Flood Impact Assessment	05.02.14	WMA Water	06.02.14
	Drains Data Rev 4 Extended		DRAINS	06.02.14
Drawing No. CIV-002 Rev 02	General Notes Sheets 1 of 2	05.02.14	Aurecon	06.02.14
Drawing No. CIV-003 Rev 02	General Notes Sheets 2 of 2	05.02.14	Aurecon	06.02.14
Drawing No. CIV-005 Rev 02	Erosion and Sediment Control Plan	05.02.14	Aurecon	06.02.14
Drawing No. CIV-006 Rev 02	Erosion and Sediment Control Plan	05.02.14	Aurecon	06.02.14
Drawing No. CIV-007 Rev 02	Stormwater culverts proposed relocation	05.02.14	Aurecon	06.02.14
Drawing No. CIV-010 Rev 04	General Arrangement	05.02.14	Aurecon	06.02.14
Drawing No. CIV-021 Rev 02	Existing Stormwater Culverts Longitudinal Sections	05.02.14	Aurecon	06.02.14
Drawing No. CIV-022 Rev 03	Proposed Culvert Diversion Longitudinal Section Sheet 1 of 3	05.02.14	Aurecon	06.02.14
Drawing No. CIV-023 Rev 02	Proposed Culvert Diversion Longitudinal Section Sheet 2 of 3	05.02.14	Aurecon	06.02.14

Plan No. and Issue	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
Drawing No. CIV-024 Rev 02	Proposed Culvert Diversion Longitudinal Section Sheet 3 of 3	05.02.14	Aurecon	06.02.14
Drawing No. CIV-025 Rev 01	Proposed Culvert Diversion Cross Sections	05.02.14	Aurecon	06.02.14
Drawing No. CIV-031 Rev 02	Proposed Culvert Diversion Longitudinal Sections North Lane	05.02.14	Aurecon	06.02.14
Drawing No. CIV-032 Rev 02	Proposed Culvert Diversion Longitudinal Sections South Lane	05.02.14	Aurecon	06.02.14
Drawing No. CIV-040 Rev 02	Pavement Detail	05.02.14	Aurecon	06.02.14
Drawing No. CIV-041 Rev 03	Proposed Drainage Layout Plan	05.02.14	Aurecon	06.02.14
Drawing No. CIV-042 Rev 02	Stormwater Details Sheet 1 of 2	05.02.14	Aurecon	06.02.14
Drawing No. CIV-043 Rev 02	Stormwater Details Sheet 2 of 2	05.02.14	Aurecon	06.02.14
Drawing No. CIV-044 Rev 01	Stormwater Long Sections	05.02.14	Aurecon	06.02.14
Certificate No. 481128M	BASIX Certificate	15.03.13	Inhabitgroup	15.08.13
Certification No.1005544232	ABSA Certificate	13.08.13	Samantha Anderson (Assessor No. 60832) Inhabit group	15.08.13
N/A	Noise Impact Statement	9.08.13	Inhabit Australasia Pty Ltd	15.08.13
	Assessment of Significance Report (Long nose Bandicoot)	12.08.13	Ecological Australia Pty Ltd	15.08.13
	Arboricultural Impact Assessment	2 10.13	Tree IQ	2.12.13

Plan No. and Issue	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
	Report/Tree Protection Specification			
Project Ref: 73369	Review of third party reports (contamination and remediation)	14.02.14	Douglas Partners Pty Ltd	15.08.13

As submitted with the application for development consent and as amended by the matters referred to in Part A of this Determination and the following conditions.

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

2. In relation to the Voluntary Planning Agreement:

- a) The Voluntary Planning Agreement approved by Council in conjunction with this development consent ("VPA") is entered into in accordance with Clause 25C(1) of the Environmental Planning and Assessment Regulation 2000; and
- b) The VPA has been registered on the title to all properties to which this development consent relates.

Reason: To ensure that the VPA is entered into and to confirm the terms of Council's approval.

3. 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.

4. No roller shutters are to be installed across the ground floor windows serving the café.

Reason: To preserve the streetscape and character of the area.

5. A total of 269 off-street car parking spaces must be provided, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking prior to the commencement of the use. The distribution of those car parking spaces must ensure that the minimum allocation of parking is undertaken in accordance with the following:

Residents (standard)	178
Resident Visitors (standard)	20
Accessible Resident	52
Accessible Resident visitor	13
Retail/Commercial (accessible)	1
Service vehicles	3
Car share	2

Reason: To ensure the minimum allocation of parking is allocated in accordance with Council's controls.

6. The 2 car spaces in North Lane required to be provided for car share must only be used for car share purposes as part of a car share operation run either by the owner of the

buildings/owners corporation or by a car share operator. The car share parking spaces must be marked as a “shared hire car only”.

Reason: To ensure that the designated car share car parking spaces are used exclusively for car share purposes.

7. A minimum of 50 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility. One disabled parking space must be allocated to each adaptable dwelling.

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

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

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

9. Where tandem parking spaces are provided, both spaces must be allocated to a single residential apartment.

Reason: To ensure appropriate management and allocation of parking.

10. A sign must be permanently displayed near the point of entry to the site at the western end of the North Lane to indicate that visitor parking is available on site.

Reason: To ensure that visitors are advised and directed to the visitor parking.

11. The visitor parking spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and wired to all units (prior to an Occupation Certificate being issued or the use commencing, whichever is earlier). The intercom must comply with the relevant Australian Standard.

Reason: To ensure that visitor car parking spaces are accessible.

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

Reason: To ensure the safety of all road users and to accord with the advice of the Roads and Maritime Services.

13. Owners and occupants of the proposed building are not be eligible for any existing or future resident parking scheme for the area. The person acting on this consent is responsible to advise any purchaser or prospective tenant of this condition.

Reason: To ensure the development does not reduce the amount of “on street” parking currently available.

14. A minimum of 12 motorcycle parking spaces must be provided and maintained for each of the approved Buildings. The design of require motorcycle parking spaces must be in accordance with the relevant provision of Part 2.10 of Marrickville Development Control Plan 2011 – Parking and be for the exclusive use of residents.

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

15. A total of 246 storage cages must be maintained in accordance with the plans approved under Part B Condition 1. The distribution of storage cages must ensure that all units are provided with a storage cage consistent with the unit size in accordance with the provisions of the Residential Flat Design Code.

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

16. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.

Reason: To provide for adequate site drainage.

17. All stormwater drainage must be designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3.-2003 'Stormwater Drainage-' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems must be designed to cater for the 20 year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the 20 year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the 50 year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths must be designed to cater for the 100 year A.R.I. storm.

Reason: To provide for adequate site drainage.

18. Should the development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site. Before proceeding with the development, the person acting on this consent is advised to contact Ausgrid directly with regard to the possible provision of such an installation on the property.

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

19. In relation to the road and footpath works adjacent to the site the person acting on this consent must within 14 days of notification by Council, execute any and all maintenance works required by Council. In the event that the person acting on this consent 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 person acting on this consent.

Reason: To ensure all drainage works are maintained within a reasonable time limit during a 12 month maintenance period.

20. Throughout all phases of the development including excavation, demolition or construction work, all holes (e.g. created for footings etc.), machinery and construction material stockpiles must be inspected daily prior to commencing work to ensure no Long-nosed Bandicoots are sheltering in those areas. The following steps must be taken if a Bandicoot is found on site:

- a) All work on site must stop. There must be no attempt to harm or remove the Bandicoot. Removal of the bandicoot from the site can only be undertaken by a trained wildlife carer.
- b) Immediately contact WIRES (1300 094 737) or Sydney Wildlife (9413 4300) to arrange for a trained wildlife carer to safely remove the Bandicoot from the site.
- c) Council's Team Leader – Biodiversity (9335 2254) must also be contacted to report that a Bandicoot has been found on site.
- d) No work must proceed until the Bandicoot has been safely removed from the work site by a trained wildlife carer.

Reason: To ensure the safety and protection of the endangered Long-nosed Bandicoot population (*NSW Threatened Species Conservation Act 1995*) during excavation, demolition or construction work.

21. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to 'offensive noise' as defined by The Protection of the Environment Operations Act 1997 (NSW). In this regard any roller doors to the car parking entry are to be selected, installed and maintained to ensure their operation does not adversely impact on the amenity of the surrounding neighbourhood.

Reason: To protect the amenity of the surrounding neighbourhood.

22. The use of the premises and any plant and equipment must not give rise to:

- a) transmission of unacceptable vibration to any place of different occupancy;
- b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 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.

23. The hours of operation for the ground floor retail premises must be restricted to between the hours of 7.00am and 7.00pm Mondays to Sundays excluding Public Holidays with the use of the outdoor terrace and seating areas in association with the retail premises must be restricted to between the hours of 7.00am to 5.00pm Mondays to Sundays excluding Public Holidays.

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

24. The number and location of tables and chairs provided for seated dining must be generally in accordance with the approved ground floor plan, Drawing No. DA 102 Revision AC prepared by Smart Design Studio listed in Part B, Condition 1. The placement of tables and chairs must not obstruct pedestrian or bicycle movements to and from the greenway corridor or be placed outside the site boundaries within the public domain.

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

25. The removal and collection of waste from the site in relation to the operation of the ground floor retail premises is restricted as follows:

- a) The collection of waste and recycling (other than glass) must only occur between 7.00am and 9.00pm Mondays to Sundays excluding Public Holidays.
- b) The transference of glass from one receptacle to another, including the collection of glass by waste vehicles, must only occur between the hours of 9.00am and 8.00pm Mondays to Fridays and 9.00am and 5.00pm Saturdays and Sundays excluding Public Holidays.
- c) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the South Lane within half an hour of collection.

Reason: To ensure waste servicing operations do not interfere with residential amenity.

26. All loading and unloading in connection with the retail use must be carried out wholly within the property, during the approved hours of operation and in such a manner so as to not cause an inconvenience to the public or disruption to the flow of traffic along the South Lane.

Reason: To prevent use and obstruction of the adjacent public thoroughfare.

27. During all stages of the development extreme care must be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities must remain the full responsibility of the person acting on this consent.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.

28. Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.

29. No metal ladders, tapes and plant/machinery, or conductive material must be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

Reason: To confirm the terms of RailCorp's concurrence.

30. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp. Where the person acting on this consent proposes to enter the rail corridor, the Principal Certifying Authority must not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted.

Reason: To confirm the terms of RailCorp's concurrence.

31. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan must be submitted to RailCorp for review.

Reason: To confirm the terms of RailCorp's concurrence.

32. Where a condition of consent requires RailCorp's endorsement the Principal Certifying Authority must not issue a Construction Certificate, as the case may be, until written confirmation has been received from RailCorp that the particular condition has been complied with.

Reason: To confirm the terms of RailCorp's concurrence.

33. Any on street signage required to be erected in relation to or as a result of the development works approved herein must be at no cost to Roads and Maritime Services (RMS).

Reason: To confirm the terms of agreement from RMS.

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.

34. Final Remediation Action Plans of the proposed works must be submitted for approval by Marrickville Council prior to the commencement of work.

Reason: To ensure that appropriate and necessary remediation of the land is undertaken.

35. The site must be remediated in accordance with the approved Remedial Action Plans and to the appropriate criteria and validated by a suitably qualified consultant.

Reason: To ensure that appropriate and necessary remediation of the land is undertaken.

36. Prior to the any works commencing on the site a Site Audit Statement and Summary Audit report completed and signed by an accredited site auditor in accordance with the Contaminated Land Management Act 1997 and the relevant guidelines and legislation must be submitted to Council. The Site Audit Statement and Summary Audit report must clearly state that the land is suitable for the proposed use without the need for any further remediation or testing.

Note: A Site Audit Statement requiring ongoing review by the Auditor will not be accepted.

Reason: To ensure that the land is suitable for ongoing residential use.

37. No work must commence until:

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

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

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

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

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

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

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

40. All services in the buildings being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.

Reason: To ensure that the demolition work is carried out safely.

41. The Waste Management Plan accompanying this Development Application has not been approved by this consent. Prior to the commencement of any the following detail is to submitted to and accepted by Council:

- a) A Waste Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued. The plan must comply with the Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- b) The Waste Management Plan required by a) above must not include or require the use of compaction machines within the development.
- c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

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

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

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

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

43. Before the commencement of works appropriate fencing must be installed along the rail corridor to prevent unauthorised access to the rail corridor. The installation of any hoarding or scaffolding facing the common boundary with the rail corridor must only occur with the consent of RailCorp with details of the type of fencing and the method of erection must be to RailCorp's satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

Reason: To secure the area of the site works do not affect the operation of RailCorp's land.

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

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

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

45. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is

made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan must indicate:

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

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

Reason: To prevent soil erosion and sedimentation of the stormwater network.

46. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and are to be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining properties at 2 Grove Street, 4 Grove Street and 66-72 Constitution Road, Dulwich Hill, if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

Reason: To catalogue the condition of the adjoining properties for future reference in the event that any damage is caused during work on site.

47. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.

Reason: To provide a person that residents can contact.

48. Where it is proposed to carry out in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must 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 as provided for in Council's adopted fees and charges.

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

49. The person acting on this consent must 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.

50. A detailed Traffic Management Plan to cater for construction traffic must be submitted to and approved by Council before commencement of works. Details must include proposed truck parking areas, construction zones, crane usage, truck routes etc. All construction traffic complying at all times with the approved Traffic Management Plan. The developer must ensure that all construction workers and contractors are fully aware of the approved Traffic Management Plan.

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

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

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

52. The person acting on this consent must submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.

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

53. Before the commencement of any excavation, demolition or construction work, all workers on the work site must be made aware of the potential presence of Long-nosed Bandicoots as part of the site induction (including what they look like). See **Long-nosed Bandicoot fact sheet**. Note: To the untrained eye, a Long-nosed Bandicoot may be mistaken for a rodent.

Reason: To ensure the safety and protection of the endangered Long-nosed Bandicoot population (*NSW Threatened Species Conservation Act 1995*) during excavation, demolition or construction work.

54. All trees identified for retention in Table 2, Section 4.5 of the TreeIQ report must be protected in accordance with the recommended Tree Protection measures, including fencing, ground protection and trunk and branch protection detailed in Section 4.6 and Appendix 5 must be installed by or under the direction of the project Arborist.

Protection measures must be in place prior to the commencement of any works on the site and must be retained until the issue of an Occupation Certificate.

Reason: To ensure trees being retained are adequately protected and that their stability and ongoing viability is not compromised by the works.

55. The project Arborist must certify in writing to the Certifying Authority that all tree protection measures have been established in accordance with the tree protection specification and recommendations of the TreeIQ report dated 2 November 2013.

Reason: To ensure that tree protection measures are implemented.

56. The project Arborist must prepare a tree protection instruction sheet that explains the reason for tree protection and details what is not permitted within the fenced Tree Protection Zones (TPZs). As part of site induction, each worker must read and sign that they have read and understood the tree protection instructions.

Reason: To ensure that the tree protection measures are effectively implemented.

57. A detailed specification must be prepared by the project Arborist with respect to how works will proceed within 2.5 metres, the Structural Root Zone (SRZ), of tree 25. All works within the SRZ must be directly supervised by the nominated project Arborist. No roots greater than 20mm in diameter may be pruned or severed unless the appointed project Arborist can demonstrate that to do so would not compromise the stability of tree 25 and advice of the same is submitted to the Certifying Authority.

Reason: To ensure that the construction of the South Lane will not adversely affect the retention and health of Tree 25, located in the rear yard of No. 72 Constitution Road.

58. The project Arborist must confirm in writing to the Certifying Authority that works within the SRZ of tree 25 located in the rear yard of No. 72 Constitution Road have proceeded strictly in accordance with the specification previously referred to and any direction on site by the project Arborist.

Reason: To ensure that all efforts to guarantee the stability of tree 25 are adhered to and that risk from the tree falling is appropriately managed.

59. Trees identified for removal in Table 1, Section 4.2 of the TreeIQ report must be removed by an Arborist with a minimum Certificate 3 Arboriculture qualification, in accordance with the requirements of *WorkCover NSW Code of Practice Amenity Tree Industry 1998*.

Reason: To ensure that trees are removed in a safe and environmentally responsible manner.

60. Access into fenced Tree Protection Zones (TPZs) must not be permitted for any purpose, including excavation, trenching, tunnelling, storage of materials, vehicles and equipment, placement of temporary buildings, etc. If access into a TPZ is required for any purpose, the project Arborist, must submit written approval to the Certifying Authority.

Reason: To ensure the integrity of the TPZs is not compromised.

61. The project Arborist must inspect the tree protection measures randomly at intervals of no greater than monthly. Written verification of the inspections undertaken and the outcome must be provided to the Certifying Authority who must provide copies to Council with the registration of the Occupation Certificate.

Reason: To ensure compliance with the conditions to protect the trees being retained.

62. All landscaping works, including advanced tree plantings must be planted in accordance with the planting palette and landscape plan in the Landscape Design Report (Context, August 2013). All trees must comply with NATSPEC and must be planted by an arborist or horticulturist with a minimum Certificate 3 qualification 3.

Reason: To ensure that the new trees are healthy, structurally sound and make an immediate contribution to local amenity and urban forest canopy.

63. If required by RailCorp, prior to the commencement of works, a joint inspection of the rail infrastructure and property in the vicinity of the project must be carried out by representatives from RailCorp and the person acting on this consent. Those dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.

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.

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

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

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

Reason: To comply with the requirements of that Act.

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

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

66. The following amendments must be made to the plans listed in Part B, Condition 1:

- a) The stair access leading from the terraced seating area located at the south western edge of Building A providing access to and from the Greenway Corridor must be replaced with a ramped access designed in accordance with the relevant Australian Standards to promote accessibility for all users;
- b) The waste storage area must be designed to ensure access control between the waste room and all other areas within the parking levels of the building;
- c) Suitably designed screening devices being provided to the eastern facing edge of balconies serving Unit 201 in Building A1 at each level to a minimum height of 1.6 metres above the finished floor level;
- d) The at grade loading bay to the west of Building C must be deleted from the plans and relocated to an appropriate location along the length of the North Lane that permits vehicles to enter and exit in a forward direction;
- e) Details of suitable clothes drying facilities for each unit in accordance with Part 2.21.2 of MDCP 2011;
- f) The road pavement of the North Lane commencing immediately adjacent to the entry/exit to the common waste store shown and extending eastward for no less than 10 metres must be flush with the adjacent footpath level; and
- g) Any balcony within 20 metres of the adjacent light rail line must be suitably screened to prevent objects being dropped or thrown into the corridor,

in accordance with details to be submitted to the Certifying Authority's satisfaction and where necessary obtain approval from RailCorp before the issue of a Construction Certificate.

Reason: To promote accessibility through the site, ensure safety and security of the premises, provide for waste servicing of the site and prevent the flow of traffic within the current and future access network.

67. Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

NB: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.

http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

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

68. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating the following:
- a) Access to the premises via the principal place of entry to the building and throughout the site, complying with AS 1428.1- 2009 'Design for access and mobility';
 - b) An accessible stairway lift must be installed as shown on the landscape plan Drawing Ref. No 13530_LSK_001_B dated 31 January 2014 prepared by Context. The stairway lift must be capable of transporting a wheelchair and designed in accordance with AS1735.7 'Lifts, escalators and moving walks, Part 7: Stairway Lifts' as a minimum requirement;
 - c) The lift design must comply with AS 1735.12 -1999 'Lifts, escalators and moving walkways Part 12: Facilities for persons with disabilities' as a minimum requirement;
 - d) All 50 adaptable dwellings indicated on the plans listed in Part B condition 1 must comply with AS 4299-1995 "Adaptable Housing"; and
 - e) A minimum of 64 car parking spaces must be provided for people with a disability that are directly accessible to the entrance to the building. The car parking must be designed to comply with AS 1428.1 - 2009 'Design for access and mobility - General requirements for access - buildings' and AS 2890.1 1 'Off-street car parking'.

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

69. Before the issue of a Construction Certificate a detailed street tree plan generally consistent with the Landscape Concept Plan Drawing Reference No. 13530_LSK_001_B prepared by Context Landscape Architects must be prepared and submitted to Council's satisfaction detailing:
- a) Trees species selection consistent with the Draft Street Tree Masterplan;
 - b) Location and spacing of all street plantings;
 - c) Identification of minimum 200L container size for all street tree plantings;
 - d) Tree supply and installation must be carried out in accordance with Appendix 6.4 of the Draft Street Tree Masterplan; and
 - e) Tree planting details including dimensions for tree pits and details of structural soil with a minimum of 10m³ for each tree as shown in Appendix 6.6 (Detail 5) of Council's Street Tree Masterplan.

Reason: To ensure appropriate planting measures are taken to promote the establishment of replacement trees aimed at improving local amenity and contributing to the urban forest canopy.

70. Before the issue of a Construction Certificate a street tree maintenance plan covering a minimum 12 month period, to commence from the date that a final occupation certificate is issued, covering all street trees and other public domain plantings must be prepared by a Landscape Architect or qualified Landscape Designer and must be submitted to Council's satisfaction.

Reason: To ensure appropriate planting measures are taken to promote the establishment of replacement trees aimed at improving local amenity and contributing to the urban forest canopy.

71. Before the issue of a Construction Certificate the person acting on this consent must submit to and have approved by Council a detailed landscaping plan that is generally consistent with the Drawing Ref. No. 13530_LSK_001B dated 31 January 2014 prepared by Context. The detail plan must be updated to reflect the following requirements:
- a) The pathway running parallel to the western boundary along the Greenway Corridor must be increased to a minimum of 2.5 metres over its full extent. The increased dimension must occur along its eastern edge to ensure that a suitable width for deep soil planting is retained;
 - b) The location of the compost area must be relocated to a position within proximity of the community gardens and away from the external boundaries of the site;
 - c) A detailed planting schedule for that portion of land along the western boundary must be provided. The planting schedule must ensure a complex habitat structure is achieved with a clearly definable under, mid and upper vegetation storey. Species selected and planted should be sourced from community or wholesale nurseries that stock Sydney region native species;
 - d) GreenWay Revegetation and Bushcare Management Plan (notably Section 7: Planning for Revegetation and Bushcare Works and the tree, shrub and groundcover plants species from Sydney Turpentine Ironbark Forest and Sandstone Vegetation Communities outlined in Appendix A, available on the website at <http://www.greenway.org.au/index.php/biodiversity/biodiversity-strategy>); and
 - e) The groundcover layer must be dense (6 plants per sqm) to provide habitat for the Long-nosed bandicoot, which is a ground-dwelling mammal.

Reason: To provide for the protection of the endangered Long-nosed Bandicoot population (NSW Threatened Species Conservation Act 1995) through the provision of increased foraging habitat and refugia.

72. A proposed maintenance schedule over a minimum 12 month period, to commence on the date that a final Occupation Certificate is issued, relating to site landscaping works (including the greenway corridor) must be submitted to Council's satisfaction before the issue of a Construction Certificate. The schedule must be prepared by a Landscape Architect or qualified Landscape Designer.

Reason: To ensure the proper establishment of site landscaping elements.

73. Before the issue of a Construction Certificate, the person acting on this consent must provide detail design of the western boundary fencing to the Certifying Authority's satisfaction. The design must ensure that the maximum height of the fence is no more than 1.8 metres above any point of existing ground level. The fence must be of palisade design and dark recessive tone with spacing between posts a minimum of 150mm wide combined with 100mm high openings at ground level spaced at 6 metre intervals to allow for the free movement of fauna.

Reason: The site forms part of the habitat and corridor of the local Bandicoot population. Provision of suitably designed fencing will allow movement and migration through the site.

74. Before the issue of a Construction Certificate plans and details of an acoustic fence to be erected adjacent to the common boundary with 4 Grove Street being submitted to the Certifying Authority's satisfaction. The height of the acoustic fence is to be agreed to by the owners of 4 Grove Street and the person acting on this consent, however any portion

of the fence that extends past the front building line of the dwelling house at 4 Grove Street is to be no higher than 1.2 metres to maintain adequate sight distances for vehicles exiting North Lane.

Reason: To maintain adequate levels of acoustic privacy as well as sight distances for vehicles exiting North Lane.

75. Detailed design of waste storage rooms must be submitted to Council's satisfaction demonstrating compliance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management before the issue of a Construction Certificate.

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

76. A plan detailing the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes, and proposed site levels must be submitted to the Council's satisfaction before the issue of a Construction Certificate.

Reason: To assess the adequacy of the proposed/existing site drainage where the increase of the impervious area resulting from the proposed development is less than 40sqm.

77. Before the issue of a Construction Certificate the person acting on this consent must sign a written undertaking that they will 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.

78. A Flood Emergency Response Plan for the site in accordance with Part 2.22 of Marrickville Development Control Plan 2011 – Flood Management must be submitted to Council's satisfaction before the issue of a Construction Certificate.

Reason: To protect the occupants of the site during extreme flood events.

79. The vehicular ramp access to the basement car park and all vehicular entries and exits must be checked using the method at Appendix C of AS2890.1-2004. Plans detailing compliance with the above requirements including long sections and ground clearance templates must be submitted for the approval of Council before the issue of a Construction Certificate.

Reason: To ensure the vehicular access is satisfactory and not dangerously steep.

80. In order to prevent vehicles from parking up against the proposed entry/exit driveway to North Lane off Grove Street, thereby restricting sight lines for residents exiting the driveway, the applicant must incorporate kerb blisters (approximately 4 metres in length) on either side of the driveway access. The kerb blisters must be designed in accordance with RMS and Council Standards. Detailed plans and specification must be submitted to Council's satisfaction before the issue of the Construction Certificate.

Reason: To provide for adequate sight distance at the main egress from the development.

81. Detailed construction plans and specifications of the site stormwater drainage, detention, and Bio-filtration and re-use system must be submitted to Council's satisfaction before the issue of a Construction Certificate. The stormwater drainage system must include the following elements:

- a) Stormwater treatment and re-use measures as detailed in the MUSIC model submitted to Council by Aurecon;
- b) Submission of a WSUD Strategy Report and 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;
- c) 4 x 10,000 Litre Rainwater tanks as detailed in the Music Model accompanied with an expected daily demand required for irrigation; and
- d) The BASIX Certificate must be amended to be consistent with the above water re-use requirements.

Reason: To ensure that the site use of potable water is minimised and that the quality of stormwater discharged off site is improved as per the requirements of Part 2.17 of Marrickville Development Control Plan 2011 – Water Sensitive Urban Design.

82. Detailed construction plans of the overland flow paths providing detailed level information and control which will be incorporated in to the design of the development must be submitted to Council's satisfaction before the issue of a Construction Certificate. The details to be submitted must include:

- a) Long section of the overland flow paths and cross sections at a minimum of every 20 metre and at all control points;
- b) Details of hydraulic capacities with a Manning's check at changes in cross section and VxD checks. Allowances must be made for proposed landscaping;
- c) The design of the overland flow path must be consistent with the approved landscaped plans and where necessary any changes shall be noted on the plan; and
- d) Details of the design and geometry of proposed overland flow path beneath the proposed deck of the Plaza with appropriate blockage factors to be included in the hydraulic check.

Reason: To ensure that the overland flow path design contains suitable detailed information to provide for a quality controlled design.

83. In order to provide satisfactory vehicular and pedestrian access and drainage adjacent to the site, the following road and footpath works must be carried out in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#1- "Development Specifications", at no cost to Council prior to the occupation of the building. The works must include and not be limited to the following:

- a) Reconstruction of the existing footpaths in Constitution Road from the site to its intersection with Grove Street inclusive of landscaping kerb blisters and nature strips;
- b) Reconstruction of the existing footpaths on the western and eastern side of Grove Street from Constitution Road to Hill Street inclusive of landscaping, rain gardens and nature strips;
- c) Construction of a drainage pipe designed for a 1 in 10 year storm event generally in accordance with plan CIV-041 (Rev3) subject to the following amendments:
 - (i) All kerb inlets detailed on the plan being 2.4 metres long (inside opening);
 - (ii) The 90 degree bend at the northern road being reduced to 45 degrees; and
 - (iii) The installation of 2 additional 2.4 metres extended kerb inlet pits either side of the kerb inlet pit at the low point on the western side of Grove Street.
- d) Replacement of the existing gutter on the western side of Grove Street with a concrete gutter generally 50mm higher than the existing invert to achieve a 150

kerb height and to improve the existing road cross fall. Any existing sandstone gutter stones recovered during those works must be delivered to Council;

- e) The construction of heavy duty concrete vehicular crossings at the proposed vehicular access locations;
- f) Provision of kerb returns and pram ramps at intersections;
- g) The removal of all redundant vehicular crossings to the site of the development and replacement with kerb, gutter and footpath paving; and
- h) All adjustments to public utilities required by those works including additional lighting.

Full detailed construction plans and specifications must be submitted to and accepted by Council before to issue of a Construction Certificate. No road and drainage works must commence until approved plans and specifications are issued for construction by Council.

Reason: To provide means of public road vehicle and pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.

84. In order to provide satisfactory vehicular and pedestrian access to Constitution Road from its intersection with Grove Street the person acting on this consent must construct a "Shared Zone" and/or other traffic management works. Detailed construction plans and specifications must be submitted to Council's satisfaction before commencement of the traffic management road works and must include the following details:

- a) The road pavement within the "Shared Zone" must be paved in a contrasting materials and colour;
- b) Details of the installation of the "Shared Zone" and 10kph speed limit signage;
- c) Installation of raised a suitable thresholds and associated line marking and signage at the entrance to Constitution Road;
- d) Maintenance of the drainage regime approved on the Transport for NSW plan prepared by Cardno and the construction any new drainage made necessary by the "Shared Zone" works;
- e) Lighting of the "Shared Zone" must comply with AS1158.3.1:2005; and
- f) In the event that the RTA does not approve the "Shared Zone" the "Shared Zone" signage and 10kph speed limit signage outlined above must not be installed as part of the works.

The works must be completed to Council's satisfaction before the issue of the Occupation Certificate.

Reason: To provide satisfactory and safe vehicular and pedestrian access to Constitution Road and the site.

85. Payment of a Bond to Council, in the sum of \$180,000 for the proper performance of Road/Drainage works before the issue of a Construction Certificate. The security may be provided in one of the following methods:

- a) in full in the form of a cash bond; or
- b) by provision of a Bank Guarantee by an Australian Bank in the following terms:
 - (i) the bank must unconditionally pay the guaranteed sum to the Council if the Council so demands in writing;
 - (ii) the bank must pay the guaranteed sum within 7 days of demand without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other

matter relating to consent or the carrying out of development in accordance with the consent;

- (iii) the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when the Council notifies the bank in writing that the guarantee is no longer required.

Reason: To ensure all Road/Drainage works are completed within a reasonable time.

86. Compliance with all of the requirements of Sydney Water with regard the diversion of their stormwater drainage culverts. A copy of Sydney Water approved construction plans must be submitted to Council for its information before to issue of a Construction Certificate.

Reason: To ensure that all of Sydney Water's requirements are complied with.

87. The alignment levels for the site at the boundaries must match the adjacent "top of kerb" height plus 3%. This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the above issued alignment levels. Amended plans detailing the alignment levels (at 20 metre intervals) must be submitted to and approved by Council before the issue of a Construction Certificate.

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.

88. A Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Urban Design Planner, detailing all works outside the site including hard and soft landscape elements. The plan and specifications must be approved by Council before the issue of a Construction Certificate.

The Public Domain Plan must be prepared in consultation with Marrickville Council and any relevant Public Domain Strategy (draft or final). The plan must include the following items as a minimum:

- a) Proposed footpath paving locations and details proposed materials, treatments and finishes;
- b) Proposed location and type of public domain elements, including furniture, traffic signage, lighting, street trees, landscaping and the like;
- c) Construction details and specifications for all public domain elements; and
- d) Clearly show the interface between public and publicly accessible, privately owned footpaths and landscaped areas.

If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

Reason: To ensure appropriate public domain works are consistent with Council's desired future character for the area and of a satisfactory quality.

89. The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

Reason: To ensure the safety of the general public.

90. A design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development being submitted to the Certifying Authority’s satisfaction before the issue of a Construction Certificate.

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

91. a) This condition is imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.
- b) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of \$3,605,809.84 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 (“CP”) from the date of this Notice of Determination until the date of payment.

(CONTRIBUTION PAYMENT REFERENCE NO. DC000456)

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

Community Facilities	\$461,013.96
Plan Administration	\$70,878.10
Recreation Facilities	\$3,038,868.14
Traffic Facilities	\$35,049.64

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

Reason: To ensure provision is made for the increase in demand for public amenities and services required as a consequence of the development being carried out.

92. The following requirements for bicycle storage are required:

- a) The sub level basement must accommodate 152 bicycle parking spaces;
- b) The open terrace adjacent to Building A must accommodate a minimum of 5 bicycle parking spaces;
- c) A minimum of 5 bicycle parking spaces must be provided adjacent to the pedestrian path between Buildings E and B; and
- d) A minimum of 8 spaces must be provided at the western end of Constitution Road within the public domain adjacent to the Arlington Light Rail station.

The provision of the above must be in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, in accordance with details to be submitted to the Certifying Authority’s satisfaction before the issue of a Construction Certificate.

Reason: To ensure sufficient bicycle storage facilities are provided on the site.

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

Reason: To ensure adequate mail collection facilities are provided.

94. All exterior lighting must comply with Australian Standard AS 4282 'Control of the obtrusive effects of outdoor lighting' to avoid nuisance for surrounding land uses. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

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

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

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

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

96. Details of an anti graffiti treatment to all exposed elevations of the development must be submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To ensure the proposed development remains free of graffiti.

97. Noise attenuation measures must be incorporated into the development complying with the recommendations contained in Section 5.17 and 6.0 of the Noise Impact Assessment undertaken by Inhabit Australasia Pty Ltd dated Friday, 9 August 2013 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 relevant requirements.

Reason: To ensure residential amenity for future occupants.

98. Details of all Plant material and machinery to be used during demolition, excavation and Construction must be submitted to RailCorp for review and endorsement before the issue of a Construction Certificate.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.

99. Before the issue of a Construction Certificate the person acting on this consent must contact RailCorp and confirm the need for a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.

100. Before the issue of a Construction Certificate the person acting on this consent must engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. All measures recommended by the expert control that risk and reflect in the report must be incorporated into the development. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
Reason: To mitigate potential risk of development within proximity to a rail corridor and confirm the terms RailCorp's concurrence.
101. Before the issue of a Construction Certificate an acoustic assessment must be submitted to RailCorp demonstrating that the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The person acting on this consent, must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
Reason: To ensure suitable residential amenity of development on land adjacent to a rail corridor and confirm the terms RailCorp's concurrence.
102. Before the issue of a Construction Certificate, the person acting on this consent must contact RailCorp and confirm the need for and submit as necessary a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) to RailCorp. Evidence of contact with RailCorp together with any necessary and endorsed report must be submitted to the Principal Certifying Authority. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from RailCorp advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.
103. Before the issue of a Construction Certificate, the person acting on this consent must hold current public liability insurance cover for a sum to be determined by RailCorp. This insurance must not contain any exclusion in relation to works on or near the rail corridor. The person acting on this consent must contact RailCorp's Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing a Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with RailCorp's written advice to the person acting on this consent on the level of insurance required.
Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.
104. If required by RailCorp, before the issue of a Construction Certificate, the person acting on this consent is to submit a Derailment Risk Assessment Report. The Principal Certifying Authority is not to issue a Construction Certificate until it has received written confirmation from RailCorp that it has received this report and the Principal Certifying Authority has also confirmed that the measures recommended in engineers report have been indicated on the Construction Drawings.
Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.
105. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp. The Principal Certifying Authority is not to issue a Construction Certificate until written

confirmation has been received from RailCorp confirming that this condition has been satisfied.

Reason: To confirm the terms of RailCorp's concurrence.

106. Before the issue of a Construction Certificate, the person acting on this consent must submit to RailCorp the demolition, excavation and construction methodology and staging for review and endorsement. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of their concurrence.

107. Before the issue of a Construction Certificate, the person acting on this consent must submit to RailCorp a plan showing all craneage and other aerial operations for the development complying with all RailCorp requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.

Reason: To ensure safe operation of the site throughout the development and confirm the terms of RailCorp's concurrence.

108. Before the issue of a Construction Certificate a car parking management plan is to be prepared to address how the use of the car share spaces will be managed and identify suitable opportunities to increase the percentage of car share spaces if required to meet demand once the development becomes operational. Identified future car share spaces, must remain in common property and be from the oversupply parking and not affect the minimum allocation requirements.

Reason: To ensure suitable management of the designated off-street car parking spaces for car share use and allow for future growth of the scheme to meet demand.

SITE WORKS

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

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

110. Notwithstanding the above condition, all remediation works must be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays with no works being carried out on Sundays and Public Holidays or any Saturday that falls adjacent to a Public Holiday.

Reason: To ensure that the remediation works are only carried out during the hours of operation permitted under Part 2.24 of Marrickville Development Control Plan 2011 – Contaminated Land.

111. 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.

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

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

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

- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
- c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
- e) the generation of dust and noise on the site must be controlled;
- f) the site must be secured to prohibit unauthorised entry;
- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, 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 must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

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

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

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

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

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

115. Any contaminated soil excavated from the site must be classified in accordance with the NSW Department of Environment, Climate Change and Water (2009) *Waste Classification Guidelines* and must be carried out in accordance with the requirements of the NSW Office of Environment and Heritage.

Reason: To provide for correct disposal of wastes.

116. Any soils to be imported onto the site for the purpose of back-filling excavated areas must have validation testing undertaken in accordance with the NSW Department of Environment, Climate Change and Water/Office of Environment and Heritage regulatory guidelines.

Reason: To confirm soil suitability for the proposed land use.

117. Throughout all phases of the development from site preparation works to completion the person acting on this consent and any person under their direction must ensure the recommendations on page 5 of the Long Nose Bandicoot Assessment of Significance Report by Ecological Australia dated 12 August 2013 as list in Part B, Condition 1 of this consent are implemented on site.

Reason: To ensure adequate protection and mitigation of impacts on local fauna is managed throughout the construction process.

118. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:

- a) protect and support the adjoining premises from possible damage from the excavation,
- b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents shall be obtained prior to the required works commencing; and
- c) at least 7 days notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent shall be responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received shall be forwarded to the PCA before work commences.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

119. 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.

120. Satisfactory methods and/or devices must be employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.

Reason: To prevent soil particles from being tracked and deposited onto the streets surrounding the site.

121. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.

Reason: To ensure all works are contained within the boundaries of the allotment.

BEFORE OCCUPATION OF THE BUILDING

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

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

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

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

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

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

124. 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 shall obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must 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.

125. Upon the completion of any remediation works stated in the RAP the person acting on this consent must submit to Council a Validation and Monitoring Report. The report is to be conducted in accordance with the NSW Environment Protection Authority's *"Guidelines for Consultants Reporting on Contaminated Sites 1998"*.

Reason: To ensure that the remediated site complies with the objectives of the RAP.

126. A Section 73 Compliance Certificate from Sydney Water must be submitted to Council before occupation of the premises.

Reason: To comply with the requirements of that Act.

127. A design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development must be submitted to Council's satisfaction before the issue of an Occupation Certificate.

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

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

Reason: To ensure adequate landscaping is maintained.

129. Before the issue of a Final Occupation Certificate, the Certifying Authority must be satisfied that all landscape works including the planting of street trees have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

130. Before the issue of an Occupation Certificate the person acting on this consent must notify Council's Manager, Environmental Services that the landscaping has been completed, and for inspection to be carried out by a biodiversity team member in Environmental Services.

Reason: To ensure that the landscape works are consistent with the development consent.

131. The project Arborist must confirm in writing to the Certifying Authority's satisfaction that the conditions relating to the removal, protection, management and planting of trees have been fully complied with. Any departure from or breach of the conditions must be reported to Marrickville Council.

Reason: To ensure that conditions of consent are complied with and that trees are appropriately managed.

132. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and prior to the occupation of the development a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets standards identified in the Inhabit Australasia Pty Ltd Acoustic Impacts Assessment Report; and

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

Reason: To ensure that the noise attenuation measures incorporated into the development satisfactorily comply with the recommendations of the Acoustic Consultant.

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

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

134. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.

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

135. Street numbers must be placed at the entries to the site in a readily visible location, (numbers having a height of not less than 75mm) before the issue of a final Occupation Certificate.

Reason: To ensure that the building to be easily identifiable.

136. Before the issue of an Occupation Certificate or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

Reason: To ensure that suitable waste management facilities and management practices relating to use of the site has been arranged.

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

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

138. 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 and undertaken before the issue of an Occupation Certificate.
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.
139. 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 are permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
Reason: To ensure there is no encroachment onto Council's road.
140. The existing stone kerb adjacent to the site is of local heritage value and must be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of an Occupation Certificate. Any sandstone kerb and guttering approved for removal must be carefully stacked and delivered to Council's materials storage yard in Bellevue Street, St Peters before the issue of an Occupation Certificate and at no cost to Council. Council's Overseer, Mr Joe Borg can be contacted on 0412 645 115 to arrange for delivery.
Reason: To ensure that items of local heritage value are preserved.
141. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" must be constructed at the vehicular access locations before the issue of an Occupation Certificate and at no cost to Council.
Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.
142. All redundant vehicular crossings to the site must be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of an Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone.
Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.
143. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site must be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of an Occupation Certificate.
Reason: To provide suitable means of public road vehicle and pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.
144. All works required to be undertaken on public roads must be designed and constructed in accordance with Council's standard plans and specifications. The works must be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and must state that the works have been constructed in accordance with the approved plans and specifications before the issue of an Occupation Certificate. In addition, full works-as-

executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, must be submitted to Council upon completion of the works.

Reason: To ensure that works are carried out to a proper standard.

145. Before the issue of the Occupation Certificate written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work (including rainwater tanks, water re-use and Bio-filtration systems) have been constructed in accordance with the approved plans must be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, must be submitted to Council. Those plans must include levels for all drainage structures, on-site detention volumes, Bio –filtration areas, overland flow paths and buildings (including floor levels), finished ground levels and pavement surface levels. In addition Council's newly constructed stormwater drainage lines must be inspected by Closed Circuit Television (CCTV) and a video copy provided to Council.

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

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

- a) The proprietor of the property is responsible for maintaining the stormwater treatment facility as outlined in the approved WSUD Strategy Report;
- b) The Proprietor must have the stormwater quality treatment facilities inspected by a competent person in accordance with the requirements of the approved WSUD maintenance plan and must keep a record all of the inspections; and
- c) The Council must have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all elements of the stormwater quality treatment facilities to ensure that the water quality targets provided in the design of the system are achieved and recover the costs of any such works from the proprietor.

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

147. With the regard to the On Site Detention System (OSD) and overland flow paths through the site, "restrictions as to user" and Positive Covenants in accordance with supplement 7 of Marrickville Council Stormwater and On Site Detention Code must be placed on the Title in favour of Council before the issue of an Occupation Certificate.

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

148. A public right-of-way for vehicular access must be created over the whole length of the proposed South Lane before the issue of any Occupation Certificate (interim or final) so as to allow alternative access to Constitution Road.

Reason: To provide for pedestrian safety by providing alternative access to Constitution Road that does not require vehicles to perform a reverse manoeuvre to exit Constitution Road.

149. A public right-of-way for pedestrian and bicycles must be created over the whole length of the shared pedestrian/cycleway along the western boundaries of the site adjacent to the rail corridor providing connection to Constitution Road/Arlington Square and the Hill Street and Grove Street must be provided and registered on the Certificate of Title before the issue of any Occupation Certificate (interim or final) so as to allow access through the site for the general public.

Reason: To provide for public access through the site.

150. A right-of-way for future vehicular access must be created in accordance with the Survey Plans prepared by Mark John Andrew through the Basement and Basement Level 1 listed in Part B Condition 1 before the issue of any Occupation Certificate (interim or final) so as to allow access through the site to Nos. 2 – 4 Grove Street.

Reason: To provide for future development and access of the adjacent sites.

151. All instruments under Section 88B of the Conveyancing Act 1919 used to create easements or right-of-ways must include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.

Reason: To ensure Council's interests are protected.

152. The person acting on this consent must provide security, in a manner satisfactory to Council for the proper maintenance of the road/drainage works in an amount of \$18,000 for a period of 12 months from the date of completion of the Road/Drainage works as surety for the proper maintenance of the Road/Drainage works. The Bond must be paid to Council before the issue of an Occupation Certificate.

Reason: To provide security for the maintenance of Road/Drainage works for a 12 month maintenance period.

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

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

154. Before the issue of an Occupation Certificate, the person acting on this consent must contact RailCorp and confirm the requirement for and if necessary undertake a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the person acting on this consent. Those dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of concurrence.

155. Before the issue of an Occupation Certificate, the person acting on this consent must provide as-built drawings and survey locating the development with respect to any rail boundary, RailCorp easement and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative. The as-built survey is to confirm that there has been no encroachment into any RailCorp land or easement area.

Reason: To ensure the protection of RailCorp's assets and confirm the terms of concurrence.

156. The developer must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan must be submitted to RailCorp before the issue of an Occupation Certificate. The Principal Certifying Authority must not issue an Occupation Certificate until written confirmation has been received from RailCorp advising that the maintenance plan has been prepared to its satisfaction.

Reason: To confirm the terms of RailCorp's concurrence.

157. Where a condition of consent requires RailCorp's endorsement the Principal Certifying Authority must not issue an Occupation Certificate, as the case may be, until written confirmation has been received from RailCorp that the particular condition has been complied with.

Reason: To confirm the terms of RailCorp's concurrence.

158. Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery to arrange the following number of bins in relation to the residential component of the approved development:

- 33 x 660L bins for general waste streams;
- 33 x 660L bins for recycling waste streams; and
- 124 x 240L green waste bins.

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

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

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

160. The use and operation of the required car share spaces must be managed by the owner or contracted by the owner to a car share operator to the satisfaction of Council. The use and operation of the car share spaces must be accommodated in the titling and management of the development, including covenants, building or strata management statement, by laws and other instruments before the issue of an Occupation Certificate, and must provide for:

- a) Free use of the car share spaces;
- b) Public access at all times to car share vehicles; and
- c) Insurances, including public liability.

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

161. Before the issue of an Occupation Certificate, the person acting on this consent must demonstrate that the car share scheme is operational.

Reason: To ensure that the car share vehicles are made available in accordance with this consent.

162. The works to the public domain are to be completed in accordance with the approved plan and any relevant Public Domain Code (draft or final) before the issue of an Occupation Certificate.

Reason: To ensure that the necessary and agreed works to the Public Domain are completed.

ADVISORY NOTES

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

• Useful Contacts

BASIX Information	☎ 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 131441 www.lspc.nsw.gov.au
Marrickville Council	☎ 9335 2222 www.marrickville.nsw.gov.au Copies of all Council documents and application forms can be found on the web site.
NSW Food Authority	☎ 1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro

www.diysafe.nsw.gov.au

Information on asbestos and safe work practices.

NSW Office of Environment and Heritage

☎ 131 555

www.environment.nsw.gov.au

Sydney Water

☎ 13 20 92

www.sydneywater.com.au

Waste Service - SITA
Environmental Solutions

☎ 1300 651 116

www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS)

www.waterrating.gov.au

WorkCover Authority of NSW

☎ 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

B. THAT those persons and the head petitioner who lodged submissions in respect to the proposal be advised of the Council's determination of the application.

C. THAT the Department of Planning and Environment be advised, as part of the quarterly review of the monitoring of Clause 4.6 of Marrickville Local Environmental Plan 2011 – Exceptions to Development Standards, that the Sydney East Joint Regional Planning Panel has agreed to the variation of the following development standard:

Premises: 6-26 Grove Street and 60-64 Constitution Road, Dulwich Hill

Applicant: Stamford Property Services

Proposal: To consolidate 16 lots, demolish all existing improvements and remediation of land followed by comprehensive redevelopment of the site to contain 246 dwellings and 1 ground floor retail premises within 4 buildings of heights varying from 3 to 8 storeys over 2 levels of basement for 269 vehicles combined with ancillary development works to include civil works, internal road construction, tree removal and landscaping.

Determination: Deferred Commencement Consent

DA No: 201300375

Lot and DP: Lot 1 DP804112; Lots 1 & 2 DP81275; Lot 2 DP104552; Lot 1 DP104551; Lot 2 DP774830; Lot 3 DP512916; Lot 1 DP587480; Lot 1 DP797072; Lots A, B & C DP443420; Lot 1 DP633309; Part Lot 11 DP563564; Lot 1 DP715815; and Part Lot 1 DP774830

Category of Development: 9. Mixed

Environmental Planning Instrument: Marrickville Local Environmental Plan 2011

Zoning of Land: R1 General Residential

Development Standard(s) varied: Clause 4.4 – Floor space ratio

Justification of variation:

Strict compliance with the FSR development standard is unnecessary;

The development complies with the height of building development standard applying to the land;

The development is generally consistent with the objectives of the Master Plan for urban renewal of the land; and

The additional FSR does not contribute to additional adverse impacts on adjacent development.

Extent of variation:

16.5%

Concurring Authority:

Council under assumed concurrence of the Secretary
Department of Planning and Environment

Date of Determination:**ATTACHMENTS**

1. **Planning Assessment Report considered by JRPP on 24 April 2014**
2. **Traffic and Parking Assessment Report regarding car share prepared by Traffix**
3. **Amended Clause 4.6 Assessment provided by the applicant**
4. **Letters of Public Comment**

**ATTACHMENT 1 - PLANNING ASSESSMENT REPORT CONSIDERED BY JRPP
ON 24 APRIL 2014**

**ATTACHMENT 2 - TRAFFIC AND PARKING ASSESSMENT REPORT REGARDING
CAR SHARE PREPARED BY TRAFFIX**

**ATTACHMENT 3 - AMENDED CLAUSE 4.6 ASSESSMENT PROVIDED BY THE
APPLICANT**

ATTACHEMENT 4 - LETTERS OF PUBLIC COMMENT