

MAJOR DEVELOPMENT - PART 3A CONCEPT PLAN

File Ref: DA201400354

Manager Development Assessment reports:

Summary

The Development Application (DA) seeks approval in accordance with Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for the major project approved in the Part 3A Concept Plan (CP) No.MP08_0195 determined with conditions by the Planning Assessment Commission (PAC) on 15 March 2012.

The proposal has a capital investment value of \$89,535,608.00 and the Joint Regional Planning Panel (JRPP) is therefore the determining body with Council as the consent authority.

The proposal is Integrated Development, as defined under Section 91 of the Environmental Planning and Assessment Act 1979, and the General Terms of Approval (GTA) have been received from the NSW Office of Water and the Roads and Maritime Service. The concurrence of Sydney Trains (RailCorp) has been sought pursuant to Section 86 of the State Environmental Planning Policy (Infrastructure) 2007 and issued imposing deferred commencement conditions and operational conditions.

The proposal is to construct a mixed use development comprising 7 multi-storey buildings, between 4 and 10 storeys, over 2 levels of basement car parking, containing 298 dwellings (4 affordable housing units), 113m² retail tenancy, 120m² community facility, 248 car parking spaces, dedication and embellishment of public open space, road works and new pedestrian access routes, which are to be constructed in 5 stages via Construction Certificates for each stage. The development comprises a total Gross Floor Area (GFA) of 26,094m² and represents a Floor Space Ratio (FSR) of 1.99:1 on the 13,133m² site.

A draft Voluntary Planning Agreement (VPA) accompanies the application which has been publicly exhibited, and has been considered by Marrickville Council on 9 December 2014 under separate cover.

The application was notified for 30 days, and 12 submissions were received during the exhibition process administered by Clause 89(3)(b) of the Environmental Planning Regulation 2000 for *nominated integrated development* due to Section 91F of the Water Management Act. After closing of the exhibition total of 5 submissions were received.

The application was referred to Roads and Maritime Services (RMS), Transport for NSW, Sydney Trains (RailCorp), Sydney Water Corporation, NSW Police, and NSW Office of Water (NOW) for comment.

This development has been classified as being:

- Major Project - Clause 13 of Schedule 1 of State Environmental Planning Policy (Major Projects) 2005
- Nominated Integrated Development (under Section 91 of EP&A Act 1979)
- Other Advertised Development (under Section 79A of EP&A Act 1979)
- Traffic Generating Development (under EP&A Regulation 2000)
- Development requiring Concurrence

Public infrastructure improvement works that address drainage, local road upgrades and the site demolition works were approved by Council in DA No. 201400029 on 27 March 2014. The undertaking of those works is underway at the site.

Site remediation de-contamination works and electricity network infrastructure works have been done as exempt development.

The proposal is generally in accordance with the Part 3A Concept Plan No.MP08_0195, and the relevant objectives and controls contained in the Residential Flat Design Code (RFDC), the Marrickville Local Environmental Plan (MLEP) 2011, and the Marrickville Development Control Plan (MDCP) 2011. The heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, have been taken into consideration in the assessment of the application and the proposal is considered suitable for approval subject to a deferred commencement consent including the imposition of appropriate terms and conditions.

PART A - PARTICULARS

Location: Lot 11 DP 774322 & Lot 6, Lot 7, Lot 8, DP 977044, Part of closed Browns Road at 78-90 Old Canterbury Road, and William, Brown, and Hudson Streets, Lewisham



Image 1: Location Map

JRPP No:	2014SYE089
D/A No:	201400354
Application Date:	23 Jul 2014. Additional information submitted on 30 October 2014.
Proposal:	Construct a mixed use development comprising 7 multi-storey buildings, between 4 & 10 storeys, over 2 levels of basement car parking, containing 298 dwellings, 113m ² retail tenancy, 120m ² community facility, 248 car parking spaces, dedication and embellishment of public open space, road works and new pedestrian access routes, to be undertaken in 5 stages.
Applicant:	Karimbla Constructions Services (NSW) Pty Ltd
Estimated Cost:	\$89,535,608
Zoning:	High Density Residential

PART B - THE SITE AND ITS CONTEXT

Improvements: Existing road (Hudson Street); vacant site (78-90 Old Canterbury Road); and rail corridor

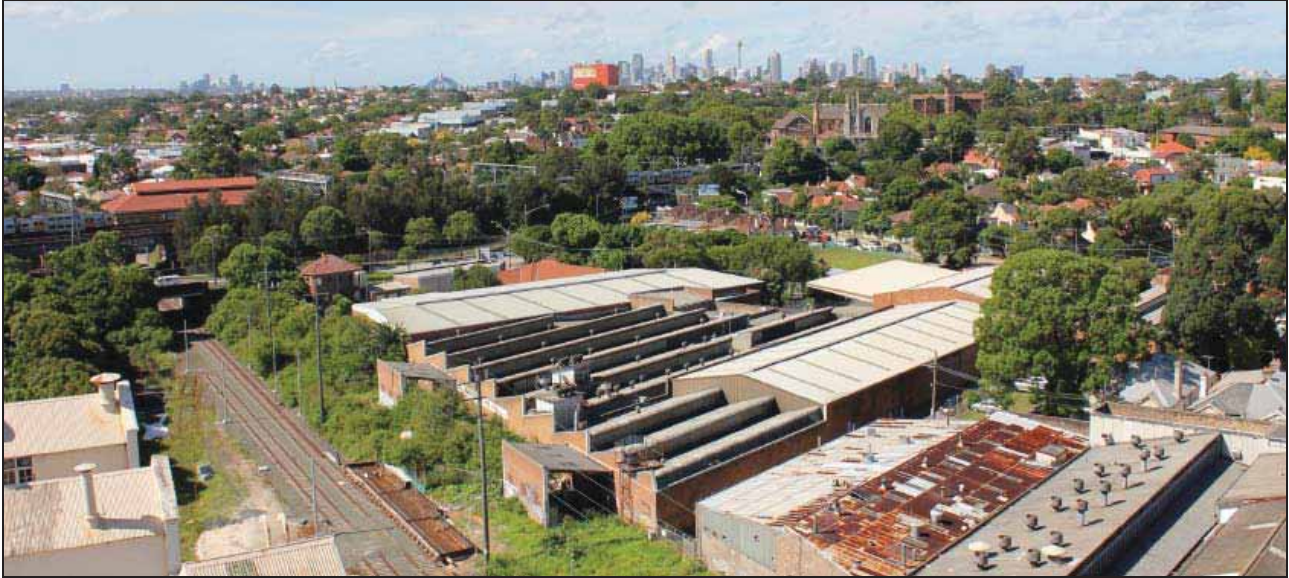


Image 2: Site View (prior to demolition)



Image 3: Site View (post demolition)



Image 4: Aerial Site View (post-demolition)



Image 5: Aerial View (pre-demolition)

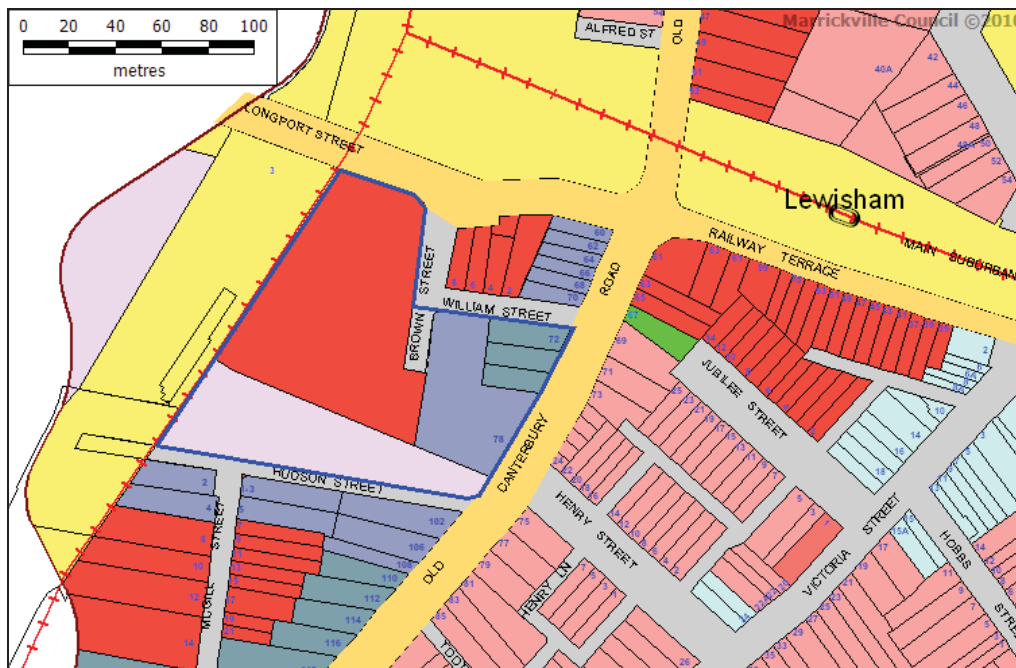


Image 6: Zoning Map

Current Use: Industrial

Prior Determinations:

Determination	Decision	Date
Complying Development Certificate No. CDC201200071 - demolish structures fronting Longport and Brown Streets	Approved	19/02/2013
DA No. 201200588 - Lewisham Estate at 72 to 100 Old Canterbury Road - JRPP Ref. No. 2013SYE022	Refused	11/07/2013
DA No. 201400029 – Public Infrastructure and Site Demolition Work	Approved	27/03/2014
Section 96 Modification - No. 201400029.01 – Public Infrastructure and Site Demolition Work	Approved	9/07/2014

Environment: The environment is a former industrial precinct that is undergoing transition to medium to high density residential mixed use developments. The site is visually prominent due to its position and because it has substantial passing traffic as it is bounded by state and regional classified roads to its north and east, as well being adjacent the heavy rail and light rail corridors.

PART C - REQUIREMENTS

1. Zoning

Is the proposal permissible under zoning provisions?

Not applicable

The subject property is located within 4 different zones under Marrickville LEP 2011:

- IN2 Light Industrial;
- R4 High Density Residential;
- B4 Mixed Use;
- B5 Business Development and
- SP2 Rail Infrastructure Facilities

2. Development Standards (Statutory Requirements):

Type	Required	Proposed
Height of Building (max)	32 metres	34.2 metres (maximum)
Floor Space Ratio (max)	1.7:1	1.99:1

4. Community Consultation:

The application was notified for 30 days, and 12 submissions were received.

5. Other Requirements:

NSW 2021 – State Plan
 Metropolitan Plan for Sydney 2036
 Draft South Subregional Strategy, Sydney Metropolitan Strategy
 Integrated Land Use and Transport Policy Package
 Major Projects Community Consultation Guidelines (2007)
 Marrickville Employment Lands Study (2008)
 Marrickville Urban Strategy (2007)
 Contaminated Land Management Act 1997
 Airports Act 1996 and the Airports (Protection Airspace) Regulations 1996
 Water Management Act 2000
 Water Act 1912
 Roads Act 1919
 Protection of the Environment Administration Act 1991
 Protection of the Environment Operations Act 1997
 Heritage Act
 Threatened Species Conservation Act 1995
 Statement Environmental Planning Policy (Major Projects) 2005
 State Environmental Planning Policy (State and Regional Development) 2011
 State Environmental Planning Policy (Infrastructure) 2007
 State Environmental Planning Policy No. 55 – Remediation of Land
 State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
 State Environmental Planning Policy (Affordable Housing)
 Draft SEPP 66 – Integration of Land Use and Transport
 Marrickville Section 94/94A Contributions Plan 2014
 Sydney Airport 2029 Australian Noise Exposure Forecast
 National Construction Code (Building Code Australia)
 Civil Aviation (Building Control) Authority
 Marrickville Voluntary Planning Agreement Policy 2014
 DECC Threatened Species Assessment Guidelines
 RTA's Guide to Traffic Generating Development
 NSW Flood Plain Development Manual (2005)
 Interim Guidelines for Development near Rail Corridors and Busy Roads

PART D – BACKGROUND

1. Strategic Planning

The Part 3A Concept Plan approval process was administered by the Department of Planning. Consideration of the major project in the context of the following high level strategic planning documents was made:

- NSW 2021
- Sydney Metropolitan Plan 2036
- Draft South Subregional Strategy
- Marrickville Urban Strategy 2007
- Marrickville Integrated Transport Strategy 2007

The proposal is deemed consistent with the goals and objectives of the strategic policies because:

- the NSW 2021 goal of building liveable centres is met by the site proximity to Lewisham West light rail stop and the Lewisham railway station;
- the Sydney Metropolitan Plan 2036 environmental targets are met by access to public transport and local services;
- the Draft South Subregional Strategy key directions for Category 3 employment lands are met by the mixed use development that retains employment land uses;
- the Marrickville Urban Strategy 2007 objectives are met by increasing residential density adjacent to public transport; and
- the Marrickville Integrated Transport Strategy 2007 objective to promote sustainable transport are met by:
 - the restrained on-site car parking discouraging car ownership and encouraging public transport use; and
 - the designated car share space; and
 - the implementation of a travel plan for the development.

2. McGill Street Precinct Masterplan

On 10 November 2009, Council adopted the McGill Street Precinct Masterplan. The Masterplan was prepared in accordance with the objectives of the Marrickville Urban Strategy which identifies the site as an existing industrial site suitable for redevelopment to meet increased housing demand.

Key features of the masterplan include:

- 46,500m² of residential floor space (500 dwellings)
- 3,000m² of retail
- 6,400m² of commercial floor space
- 4 storey building scale
- higher density development (up to 9 storeys) along the light rail corridor
- road upgrades to enhance permeability to light rail
- creation of a new centrally located local park
- Hudson Street extending to connect to Henry Street to be active mixed use streets
- commercial and retail uses at ground level to create street level activity
- building envelopes to define streets and density in the precinct
- public domain upgrades
- best practice ESD across the precinct.

The adopted land uses, buildings heights and FSR within the Masterplan have been translated into zoning, height and FSR development standards within the Marrickville LEP 2011.



Image 7: McGill Street Masterplan Map

The Masterplan provides an indicative layout to guide the redevelopment of the precinct, and the traffic management planning included:

- new traffic signals at Henry Street
- a proposed new street to the north of the open space
- maintained right turn bans during peak hour in and out of William Street
- one way traffic flow in the eastern section of the streets
- right turns ban out of Brown Street into Longport Street
- McGill Street and Old Canterbury Road intersection to remain uncontrolled
- the existing traffic signals at Toothill Street provide direct access into the precinct
- a 10kmph shared zone adjacent to the light rail corridor.

The proposal is located on the largest landholding within the precinct. The development site is outlined in the masterplan as follows:

- a mix of land uses including residential (20,344m²), retail (636m²) and commercial (1,257m²) and a new local park;
- a new street to the north of the local park, extension of Brown Street and a new north-south street along the GreenWay and light rail corridor;
- maximum FSR of 1.7:1;
- building heights ranging from 3 storeys north of the local park up to 9 storeys adjacent to the light rail corridor/GreenWay; and
- indicative building envelopes with a strong perimeter edge, internal private open space and maximum building depths of 20 metres.

The Part 3A Concept Plan approved by the PAC adopted site specific development assessment criteria and the Masterplan is no longer a consideration for the assessment of the development.

Part 3A Concept Plan criteria include a mix of residential and retail land uses, provision of a new local park, upgrades to Hudson Street, a new north-south street dead-end street alongside the light rail corridor, a maximum FSR of 3:1, up to 430 residential units, minimum retail floor space, building heights ranging from 4 to 10 storeys, building envelopes, buildings depths, and residential parking and amenity criteria.

3. Continuing operation of Part 3A

Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act), as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the EP&A Act, continues to apply to transitional Part 3A projects. Director-General's environmental assessment requirements (DGR) were issued in respect of this project prior to 8 April 2011 and the project is therefore a transitional Part 3A project.

The (former) Department of Planning and Infrastructure (DP&I) considered the Concept Plan proposal pursuant to the requirements of Part 3A and associated regulations, and the Minister (or his delegate) had power to make a determination to carrying out of the project under Section 75O of the EP&A Act.

4. State Significant Major Project

The proposal is a major project under Part 3A of the EP&A Act because it is development for the purpose of residential, commercial or retail project under the former provisions of Clause 13 of Schedule 1 of State Environmental Planning Policy (Major Projects) 2005. The proposal has a capital investment value over \$50 million and is considered to have State or regional planning significance.

Consequently, the Minister for Planning & Infrastructure was the approval authority for the Part 3A Concept Plan proposal. The Minister delegated the functions to determine the Part 3A Concept Plan proposal to the Planning Assessment Commission (PAC).

The proponent Tony Owen NDM applied for approval of the Part 3A Concept Plan proposal under section 75M of the Environmental Planning & Assessment Act 1979 on 22 January 2009. Council lodged a submission objecting to the proposal and 178 and 130 submissions were received from the public during exhibition of both the Environmental Assessment (EA) and the Preferred Project Report (PPR) respectively.

The Part 3A Concept Plan approval for the site was issued by the PAC subject to modifications (MOD) and Future Environmental Assessment Requirements (FEAR) on 15 March 2012 under section 75O of the EP&A Act.

The Part 3A Concept Plan comprises the hyperlinked documents listed at Attachment 4.

5. Section 75W Modifications

A number of S75W Modifications to the Part 3A Concept Plan approval have since been considered and approved by the (former) DP&I. The proposed modifications can be summarised as follows:

Determination	Decision	Date
Part 3A Concept Plan No. MP08_0195	Approved	15/03/2012
Modification No. MP08_0195 (Mod 1)	Approved	05/07/2013
Part 3A Concept Plan MP08_0195 (Part B Modifications)	Approved	19/07/2013
Modification No. MP08_0195 (Mod 2)	Approved	13/11/2013
Modification No. MP08_0195 (Mod 4)	Approved	08/01/2014
Modification No. MP08_0195 (Mod 5)	Approved	14/04/2014
Modification No. MP08_0195 (Mod 6)	Approved	15/08/2014

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Details of the Part 3A Concept Plan approval and its related modifications are set out below:

No	Lodged	Application	Decision	Description
D112/12	18/01/2012	MP08_0195	Approved	<p>Major Project – Part 3A Concept Plan approval:</p> <p>For a maximum of 430 residential units and 39,896m² of GFA and included plans illustrating the building footprints, traffic access and parking arrangements, approved land uses, and maximum building heights.</p> <p>A plan illustrating Green Space calculations was also included and forms part of the approval.</p>
D231/13	28/06/2013	MP08_0195 (MOD 1)	Approved	<p>To modify the Part 3A Concept Plan in relation to:</p> <ul style="list-style-type: none"> • Terms of Approval • Statement of Commitments • Building heights, separation, footprints, • Open space and public domain, • Commercial and retail uses, • Solar access, • Affordable housing.
		MP08_0195 (MOD B1 B2 B3)	Approved	<p>To amend plans to satisfy the modification requirements imposed by the Planning Assessment Commission on the above Part 3A Concept Plan approval to satisfy the requirements of Part B - Modification requirements B1, B2 and B3 of the Concept Approval.</p>
MOD 2	13/02/2013	MP08_0195 (MOD 2)	Approved	<p>To modify Condition A3 relating to timing of the required Voluntary Planning Agreement (VPA).</p> <p>Rather than requiring that the VPA be entered into prior to the first development application being lodged, it required that negotiations shall be underway by the time of the first DA.</p>
D269/14	11/02/2014	MP08_0195 (MOD 4)	Approved	<p>To modify the terms of the Part 3A Concept Plan approval to reduce the solar access requirements for the open space.</p> <p>The existing terms of approval specify that: “at least 50% of the central open space must receive a minimum of 2 hours solar access in mid winter”.</p> <p>The Proponent sought to reduce this to 30% of the central open space.</p> <p>The modification was not supported by the PAC because the current arrangements achieved an appropriate balance between amenity in the central open space area and the residential floor space on the remainder of the site, noting the FSR is still higher than Council’s controls for the site.</p> <p>The assessment report recommended that if the PAC refused the modification, it should add a requirement for revised plans to be submitted for approval to demonstrate compliance with the 50% solar access requirement.</p> <p>The recommendation was carried on 11 February 2014 when the proponents modification was refused, and instead an approval was granted by the Planning Assessment Commission inserting a requirement that amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Director General.</p> <p>N.B. There was a clerical error in the numbering of the modifications and there is no MOD 3.</p>

No	Lodged	Application	Decision	Description
D287/14	03/04/2014	MP08_0195 (MOD 5)	Approved	<p>To modify Terms of Approval (TOA) A3 – Voluntary Planning Agreement (VPA) and Further Assessment Requirements (FEAR) 20 - Section 94 Contributions.</p> <p>The amendments are proposed following detailed discussions (since November 2012) between the proponent and Marrickville Council and the inability to finalise negotiations between the parties.</p> <p>The proposed changes can be categorised as:</p> <ul style="list-style-type: none"> • modifications to clarify the scope of works to be included in the VPA by itemising specific works or upgrades and that works are to be generally in accordance with specific plans now to be referenced in the TOA; • requiring that nominated proportions of costs associated with the works are offset against s94 contributions; . specifying the timing of the execution of the VPA; • specifying the method to establish the cost of the works (and therefore the offsets); and o deleting the requirement that the VPA be negotiated in consultation with Transport for NSW. • TOA A3 and FEAR 20 are amended
D314/14	14/08/2014	MP08_0195 (MOD 6)	Approved	<p>To modify Future Environmental Assessment Requirement (FEAR) 11 of the approved Part 3A Concept Plan to permit through site links and drainage reserves in the calculation for a minimum provision of 3,000m² of central open space.</p> <p>Amendment to Future Assessment Requirement 7 relating to the minimum floor level for buildings above the flood level for the site.</p>

Table 1: Part 3A Concept Plan and 75W Modifications Summary Table

6. 75R Order

Section 75R of the EP&A Act allowed the Minister to permit components of the proposal currently prohibited by making an appropriate Order under section 75R(3A) of the EP&A Act to amend the Marrickville Local Environmental Plan 2011 to authorise the carrying out of development in accordance with this Concept Plan.

7. Marrickville Local Environmental Plan 2011

The Marrickville Local Environmental Plan 2011 commenced on 12 December 2011. The authorisation of a Part 3A Concept Plan allows for the proposal to be considered independently of landuse prohibitions at the site under Marrickville LEP 2011.

8. Draft Voluntary Planning Agreement

The applicant has lodged a draft Voluntary Planning Agreement (VPA) to:

- dedicate land to Council for use as public open space;
- embellish the dedicated open space land by way of landscaping, play equipment, BBQ facilities, integrated public art and related matters appropriate to a public park as detailed in the Planning Agreement;
- upgrade pedestrian links between the light rail station at Lewisham West, the Land, Lewisham train station and the surrounding street network;
- dedicate a strata unit within the development to be used as a community facility with associated toilets and parking;
- dedicate 4 affordable housing units (1 x studio apartment, 2 x 1 bedroom apartments and 1 x 2 bedroom apartment) to be managed by a recognized affordable housing provider; and
- monetary payments which, in part, cover contributions that would otherwise have been payable as a consequence of the Proposed Development by virtue of section 94 of the Act.

9. Architectural Design Competition

An architectural design competition was held on 7 March 2014 to ensure the Part 3A Concept Plan FEAR No. 1 to achieve design excellence in accordance with the Director General's Design Excellence Guidelines is met in the proposal.

The architectural design competition was assessed by a jury panel made up of 3 judges including a representative Marrickville Council. The jury panel assessed three selected team submissions having regard to the objectives of the design brief and brought down its decision on 28 March 2014 in favour of the submission by PTW Architects.

The jury recognised that some of the decisions made in the approved Part 3A Concept Plan have made the task of producing design excellence on this site difficult in terms of achieving variety in the built form, height, mass, good amenity within the public domain and permeability through the site-linking into the surrounding street network.

The jury panel supported the submission from PTW Architects mainly because of:

- the scheme being founded on a strong analysis of the existing site conditions and the principle of responding to the scale and character of the adjacent neighbourhoods
- the proposed permeability through the site as a strength of the scheme
- the appropriate use of an industrial aesthetic
- the location of taller/stronger forms adjacent to the allied mills, articulated to break down the large scale of the western elevation of buildings A and B
- the removal of the carpark entrance ramp from the public pedestrian through-link between buildings B and D and its relocation to the west of building A

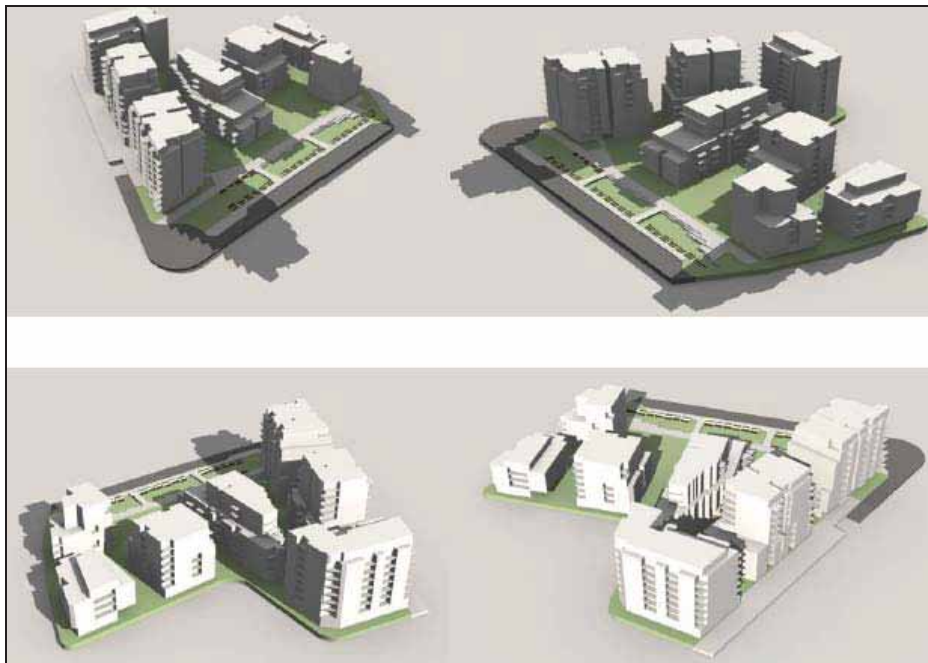


Image 8: Design Competition 3D Modelling



Image 9: Design Competition – Site Plan



Image 10: Design Competition – Old Canterbury Road – Building E - Photomontage



Image 11: Design Competition – Park View Photomontage

The jury recommended that the PTW scheme be endorsed as the competition winner indicating:

- site levels to ensure at-grade pedestrian permeability
- ensure passive surveillance at public/private interface
- built forms to include distinctly different architectural languages.

The proponent has elected to commission PTW Architects to prepare the architectural documentation for the proposal under consideration in this report. PTW Architects have certified that the design is substantially the same and retains the design excellence exhibited in the winning submission.



Image 12: Design Competition – West Elevation

PART E - ASSESSMENT

1. The Site and Surrounds

• *The Site*

The land is made up of 4 individual titles legally described as Lot 11 DP 774322, Lot 6 DP 977044, Lot 7 DP 977044 and Lot 8 DP 977044 and has an area 13,133m². The site has an approximate 2.8% gradient change falling from 12.6 metres RL at its south-east corner adjacent Hudson Street to 9.2 metres RL at the northwest corner adjacent the light rail corridor, or a vertical change of 3.4 metres. The site was previously occupied by a number of dwellings and low scale warehouse buildings. Clearing and demolition works (via a Complying Development Certificate) have been completed.



Image 13: View looking South from Longport Street to light rail and south to Allied Mills



Image 14: View looking west from Hudson Street to Allied Mills



Image 15: View of south boundary looking east toward Old Canterbury Road

- *The Immediate Surrounds*

The site has no directly abutting neighbouring properties, and is entirely bounded either by State, regional or local roads on its north, east, and south sides, and a rail corridor beyond its western boundary. The north the site is bound by Longport Street, which is a regional road, and William Street which is a local road. To the east of the site is Brown Street which is a local road and Old

Canterbury Road, which is a four lane State road. A group of low density single storey dwelling house exist in a block of 11 allotments bounded these four roads. These residents are the nearest neighbours to the site. The south the site is bound by Hudson Street, which is a one-way no through local road intersecting with Old Canterbury Road at its eastern end, and terminating at the Lewisham West light rail stop at its western dead-end. To the west, the site adjoins the light rail corridor and the Lewisham West light rail stop.



Image 16: View of Allied Mills and Lewisham West Light Rail Stop



Image 17: View of Lewisham West Light Rail stop and west site boundary north to Longport Street

- *The Locality*

On the northern side of Longport Street is the western railway line. Further west of the light rail line is the former Allied Mills site that has a Part 3A Concept Plan approved for redevelopment from 2-11 storeys.



Image 18: Photomontage – Allied Mills Part 3A Concept Plan modification

East of Old Canterbury Road is a Heritage Conservation Area, with a mix of detached and attached dwellings. South of Hudson Street re-development is occurring with undetermined multi-storey unit development up to 4 to 6 storeys, and approved development on the corner of McGill Street and Old Canterbury Road up to 4 to 6 storeys (under construction).



Image 19: Photomontage - DA on south side of Hudson Street



Image 20: Photomontage- Under construction corner of McGill Street and Old Canterbury Road



Image 21: Photomontage- Under construction corner of McGill Street and Old Canterbury Road

2. The Proposal

The proposal involves construction of a mixed use development comprising 7 multi-storey buildings, between 4 & 10 storeys, over 2 levels of basement car parking, containing 298 dwellings, 113m² retail tenancy, 248 car parking spaces, dedication and embellishment of public open space, road works and new pedestrian access routes, to be undertaken in 5 stages as follows:

Residential
Mixed-use
Development

- Construction of 7 residential mixed-use apartment buildings
- Height 4 & 10 storeys
- Mixed-Use - Building A, C, & D
- Building A - ground level retail
- Building C - ground level recreation facility
- Building D - ground level community facility
- Building E - ground level SOHO
- 26094m² GFA
- 33801m² GBA
- 1.99:1 Floor Space Ratio
- Total 298 residential dwellings units
- 2 x studio units; 113 x 1 bedroom units; 148 x 2 bedroom units, 35 x 3 bedroom units;
- 19 x SOHO,
- 60 adaptable units,
- 4 affordable housing units
- 149 Bins - 240 ltr. - Residential Waste - Recycling,
- 149 Bins - 240 ltr. - Residential Waste - Landfill

Building A

- 6,062m² GFA
- 10 Storeys
- 70 dwelling units –comprising 1 x studio, 31 x 1 bedroom, 33 x 2 bedroom, 5 x 3 bedroom
- 20 adaptable units – comprising 20 x 2bedroom
- 5 ground level units

Building B

- 4,958m² GFA
- 10 Storeys
- 59 dwelling units - comprising 0 x studio, 14 x 1 bedroom, 44 x 2 bedroom, 1 x 3 bedroom
- 11 adaptable units – comprising 8 x 1 bedroom, 8 x 2 bedroom
- 7ground level units

Building C

- 4,339m² GFA
- 7 Storeys
- 46 dwelling units – comprising 0 x studio, 16 x 1 bedroom, 18 x 2 bedroom, 12 x 3 bedroom
- 2 adaptable units – comprising 2 x 3 bedroom
- 9 ground level units

Building D

- 4,747m² GFA
- 9 Storeys
- 50 dwelling units – comprising 0 x studio, 15 x 1 bedroom, 22 x 2 bedroom, 13 x 3 bedroom
- 11 adaptable units – comprising 10 x 2 bedroom, 9 x 3 bedroom
- 1 ground level units

Building E

- 1,561m² GFA
- 7 Storeys
- 50 dwelling units – comprising 0 x studio, 11 x 1 bedroom, 7 x 2 bedroom, 1 x 3 bedroom
- 0 adaptable units
- 5 ground level units

Building F

- 2,676m² GFA
- 7 Storeys
- 33 dwelling units – comprising 0 x studio, 16 x 1 bedroom, 17 x 2 bedroom, 0 x 3 bedroom
- 5 adaptable units – comprising 5 x 2 bedroom
- 4 ground level units

Building G

- 1,751m² GFA
- 5 Storeys

- | | |
|--|--|
| <p><u>Non-Residential</u></p> | <ul style="list-style-type: none"> - 21 dwelling units – comprising 1 x studio, 10 x 1 bedroom, 7 x 2 bedroom, 3 x 3 bedroom - 3 adaptable units – comprising 3 x 3 bedroom - 1 ground level units • 120m² community building • 113m² retail • Indoor swimming pool and gym • 2 basement levels containing: • 248 car parking spaces, 180 bicycle spaces, 12 motorcycle space, • 1 service loading dock • 298 bins • 7 waste storage rooms |
| <p><u>Public Infrastructure Works</u></p> | <ul style="list-style-type: none"> ▪ Public infrastructure upgrading works to be completed in accordance with Voluntary Planning Agreement including: ▪ dedicate land to Council for use as public open space; ▪ embellish the dedicated open space land by way of landscaping, play equipment, BBQ facilities, integrated public art and related matters appropriate to a public park as detailed in the Planning Agreement; ▪ upgrade pedestrian links between the Lewisham West light rail station at Lewisham West, the Land, Lewisham train station and the surrounding street network; ▪ dedicate a strata unit within the development to be used as a community facility with associated toilets and parking; ▪ dedicate 4 affordable housing units (1 x studio apartment, 2 x 1 bedroom apartments and 1 x 2 bedroom apartment) to be managed by a recognized affordable housing provider; and ▪ monetary payments which, in part, cover contributions that would otherwise have been payable as a consequence of the Proposed Development by virtue of section 94 of the Act. |
| <p><u>5 Stages of Construction</u></p> | <p>Works to be undertaken in 5 Construction Certificate stages.</p> <ul style="list-style-type: none"> • Stage 1: Early works under D201400029 including drainage and road upgrades; and • Stage 2: Construction of the entire basement including the roof over and associated access points; and • Stage 3: Construction of Building D (on the corner of Longport and Brown Streets) and associated landscape surrounds, footpaths and pedestrian access plus all relevant works to allow the function and operation of the loading dock / waste collection area; and • Stage 4: Construction of Buildings A, B, C, E, F, G and associated landscape surrounds, footpaths and pedestrian access relevant to each individual building; and • Stage 5: Construction and dedication of the Developers Works in accordance with the provisions of the Voluntary Planning Agreement. <p>NOTE</p> <ol style="list-style-type: none"> i. Two individual Construction Certificates shall be issued for Building A, B, C, D, E, F, and G as follows: <ul style="list-style-type: none"> • one for the super-structure including external finishes; and • one for the internal fit-out. ii. Building D will be occupied 1st so that the waste collection process is operational prior to 1st occupation of the development. |

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



Image 22: Site Plan

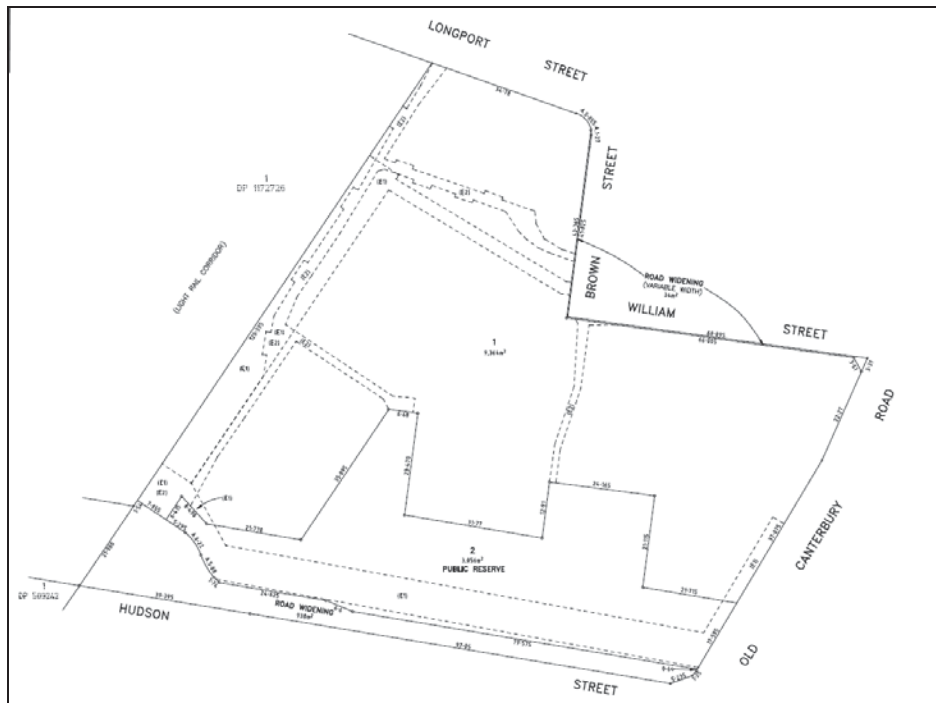


Image 23: Easements Plan – Access and Services

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM



Image 24: Public/Private Space Plan



Image 25: Landscape Site Plan

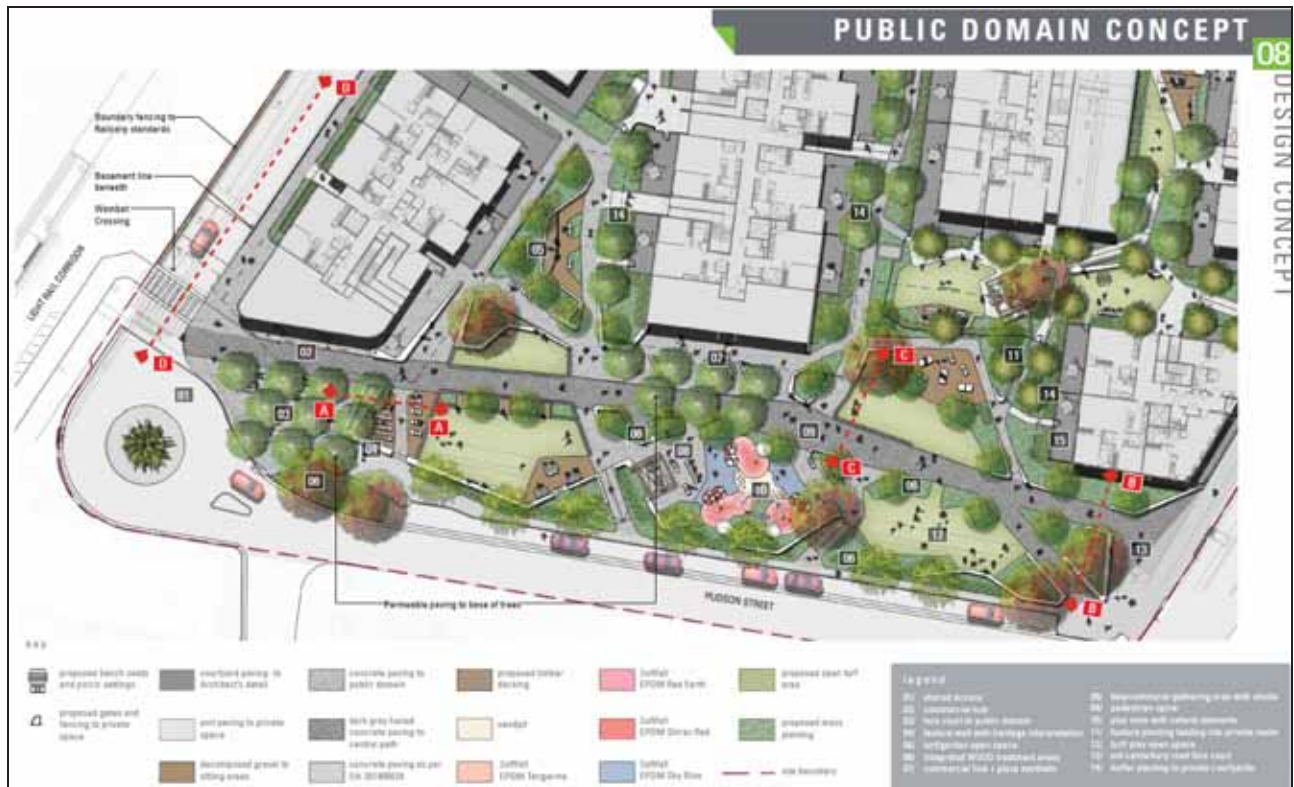


Image 26: Public Park Landscape Site Plan



Image 27: Playground Concept Plan



Image 28: Public Art Concept Plan



Image 29: Public Domain Landscape Materials Concept



Image 30: Private Domain Landscape Materials



Image 31: North West View 3D Model



Image 32 North East View 3D Model



Image 33: South West View 3D Model



Image 34: South East View 3D Model



Image 35: Photomontage – Dedicated Parkland (North-east view)



Image 36: Photomontage – William Street Intersection (South-west view)



Image 37: Photomontage – Hudson Street Intersection (West view)



Image 38: Photomontage – Hudson Street (North-east view)



Image 39: Photomontage – Brown Street Intersection (South view)



Image 40: Old Canterbury Road Elevation (east elevation) Plan



Image 41: Hudson Street Elevation (north elevation) Plan



Image 42: Light Rail Corridor Elevation (west elevation) Plan



Image 43: Brown Street Elevation (west elevation) Plan



Image 44: Longport and William Street Elevation (south elevation) Plan

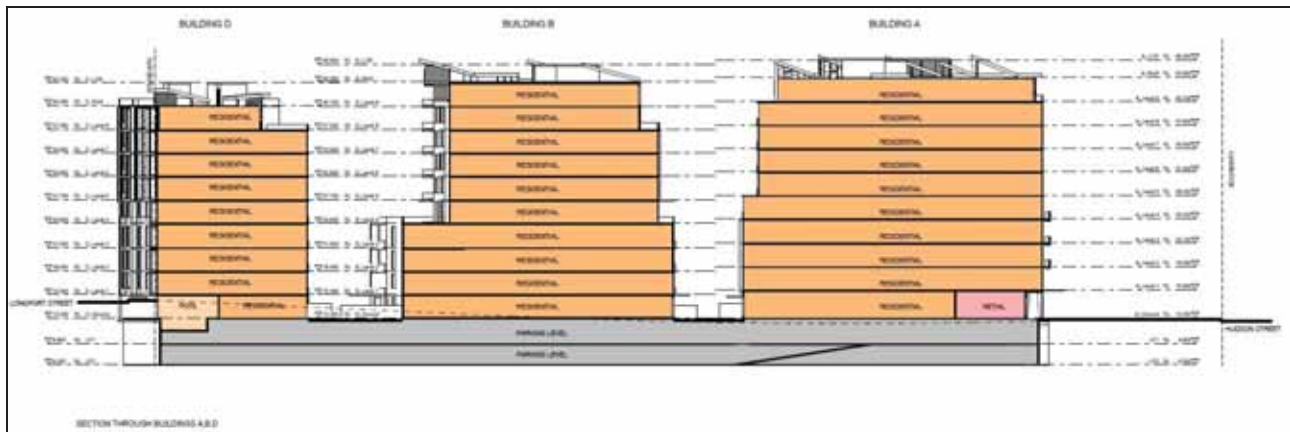


Image 45: Sections Building D, B, A Plan

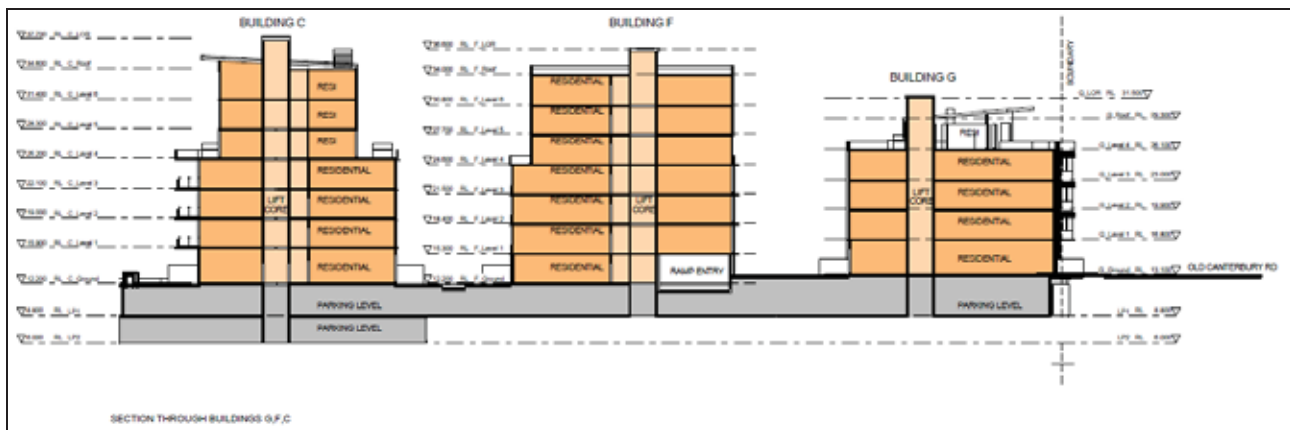


Image 46: Sections Buildings C, F, G Plan

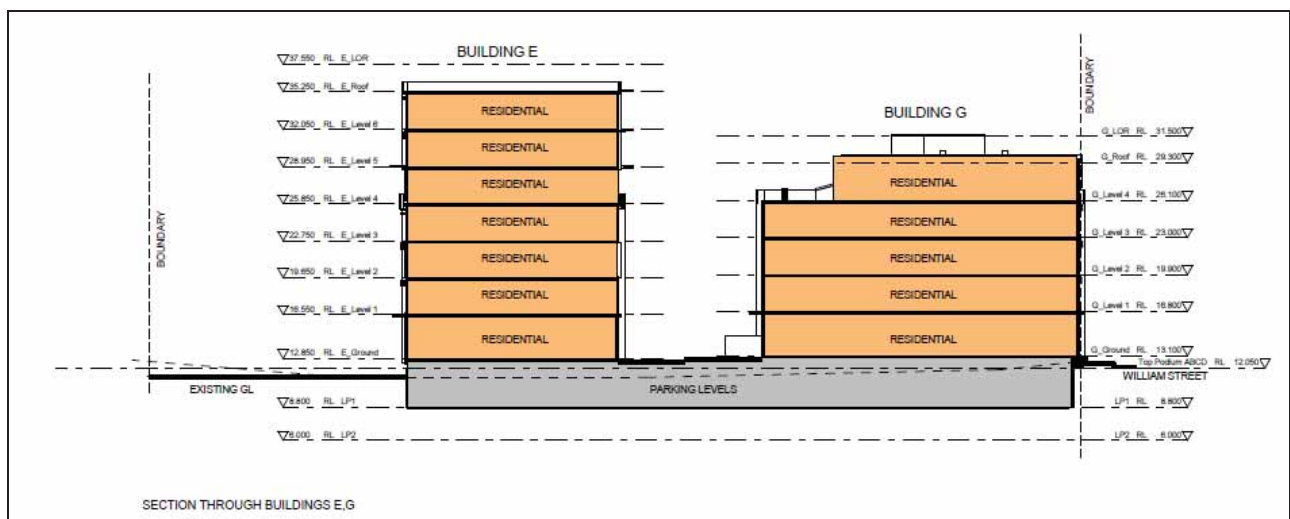


Image 47: Sections Building E and G Plan

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

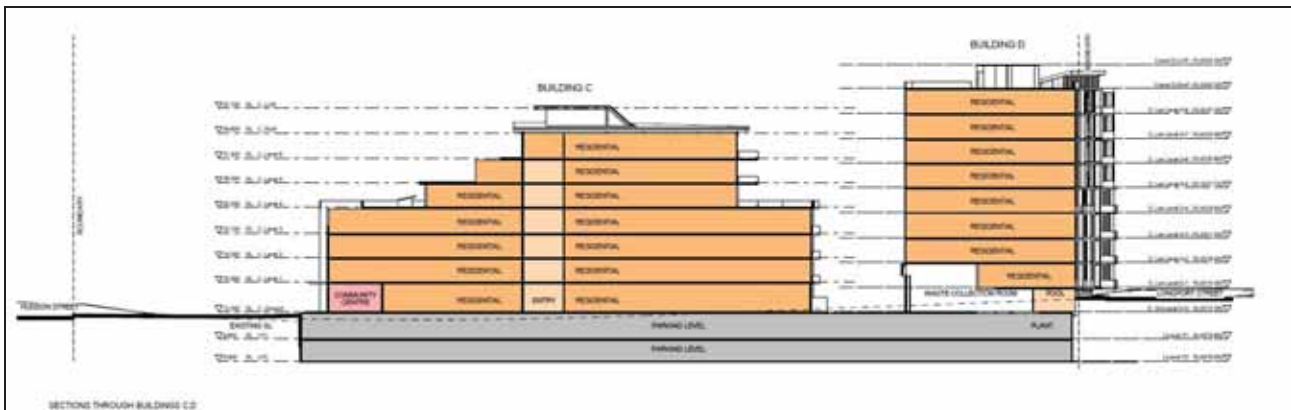


Image 48: Sections Building C and D Plan



Image 49: External Materials and Finishes Plan



Image 50: Masterplan Levels Plan



Image 51: WSUD Concept Plan



Image 52: Wayfinding Strategy Plan

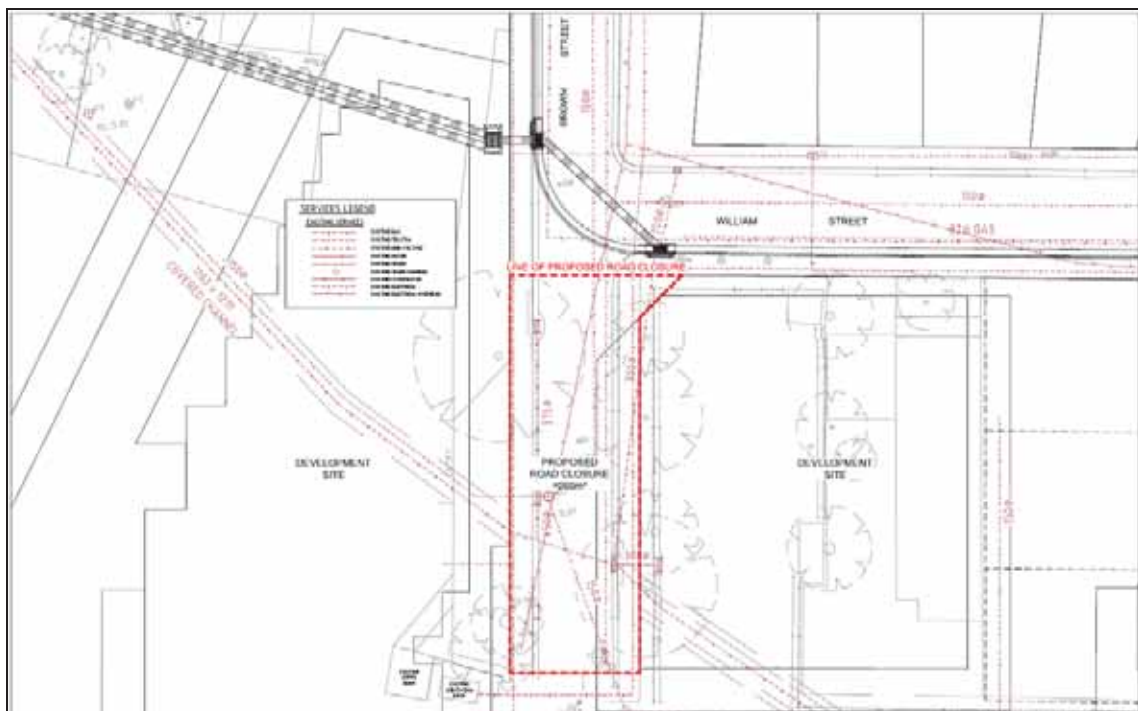


Image 53: Brown Street Road Closure Plan

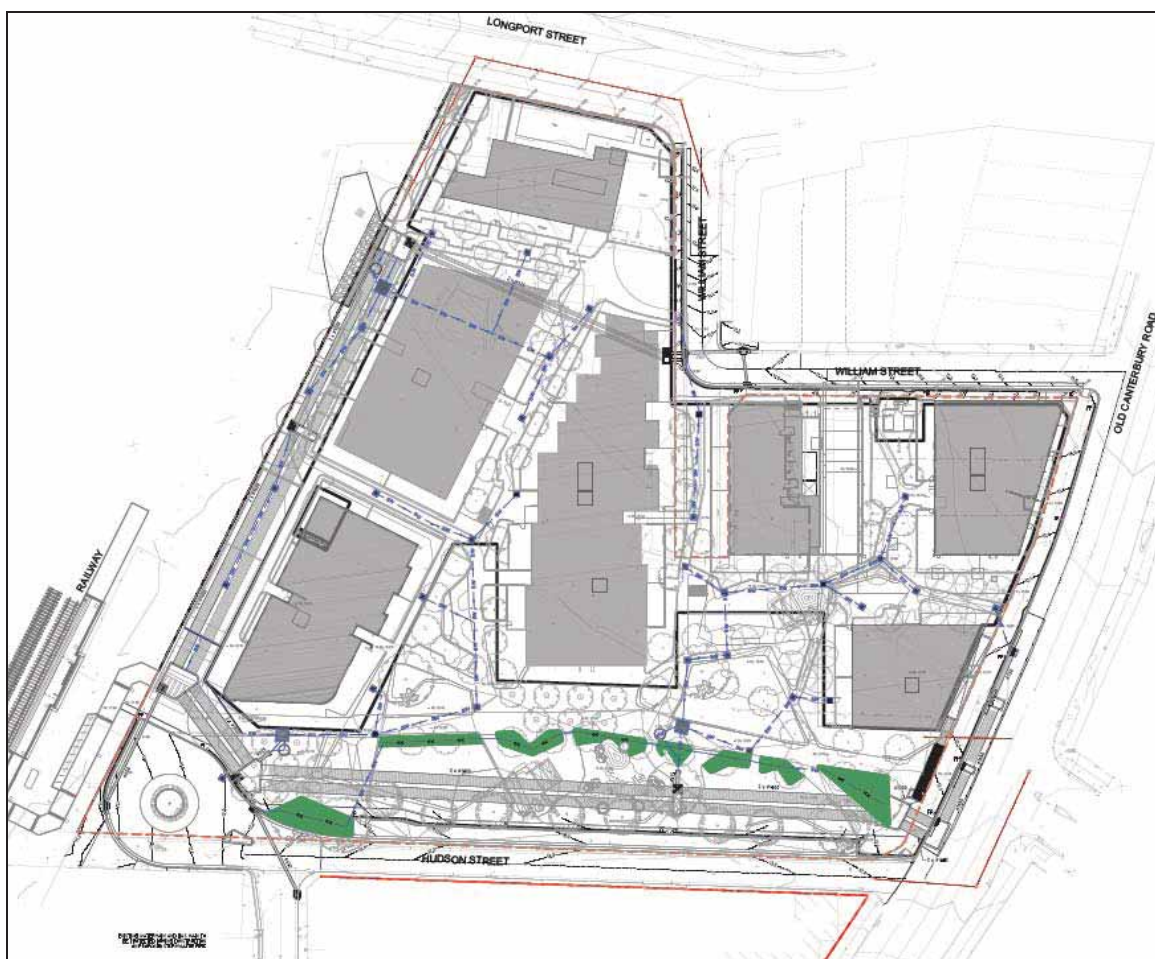


Image 54: Drainage Concept Plan

3. Part 3A Concept Plan Compliance

The proposed development is generally consistent with the approved Part 3A Concept Plan with the requirements listed at **ATTACHMENTS 1, 2 and 3**. The compliance regime and comments about any inconsistencies are included in the attachments, along with citing the conditions imposed to address the Part 3A Concept Plan approval.

The Part 3A Concept Plan approval and the response in the development proposal are summarised below:

Aspect	Part 3A Concept Plan requirements	Proposal
Project Summary	<p>Part 3A Concept Plan for a mixed use development:</p> <ul style="list-style-type: none"> • use of the site for residential, retail, commercial and public open space; • indicative building envelopes for 7 separate buildings with heights ranging from 4 to 10 storeys; • basement level and at grade car parking; • internal and external road works; • public pedestrian and cycle pathways. Providing connections to the surrounding area, the Lewisham railway station and Lewisham West light rail stop. 	<p>To construct a residential mixed use development comprising 7 multi-storey buildings, between 4 & 10 storeys, over 2 levels of basement car parking, containing 298 dwellings, 113m² retail tenancy, 248 car parking spaces, dedication and embellishment of public open space, road works and new pedestrian access routes, to be undertaken in 5 stages.</p>

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Aspect	Part 3A Concept Plan requirements	Proposal
Terms of Approval	<ul style="list-style-type: none"> - Design excellence in accordance with the Director General's Design Excellence Guidelines - Footprints of Buildings A, B, C, D, E, F & G - Building heights, and - Car park access arrangements - Public and private open space - Approvals from Sydney Airports Commission and Air Services Australia, - ESD commitments. 	Architectural Design Certification Compliant: <ul style="list-style-type: none"> - footprints of Buildings A, B, C, D, E, F & G - building heights, - car park access arrangements - public and private open space - approvals from Sydney Airports Commission and Air Services Australia, - ESD commitments.
Building envelopes	Seven building envelopes with heights between 4 and 10 storeys: <ul style="list-style-type: none"> • 4 storey building height at Old Canterbury Road frontage; • 7 storey building height at Longport Street frontage; • 4-7 storey building height at the William Street frontage; • 7-10 storey building heights adjacent to the light rail corridor; and • 5-7 storey building heights to the north of the proposed open space. 	Seven Buildings with storeys up to: <ul style="list-style-type: none"> ▪ 10 - Building A ▪ 10 - Building B ▪ 7 - Building C ▪ 9 - Building D ▪ 7 - Building E ▪ 7 - Building F ▪ 5 - Building G
Gross floor area (GFA)	<ul style="list-style-type: none"> • Residential 38,533.11m² • Retail 643.46m² • Commercial (ground floor of SOHO apartments) 720m² • Storage 1,110.7m² • Total GFA (excluding storage) 39,896.57m² 	<ul style="list-style-type: none"> ▪ Residential 26,094m² ▪ Retail 113m² ▪ Community 120m² ▪ Total GFA (excluding storage) 33,801m²
Floor space ratio (FSR)	3:1	1.99:1
Residential component	430 Units 7 x studio; 46 x 1 bedroom; 306 x 2 bedroom; 52 x 3 bedroom; and 19 SOHO (small office/home office) apartments (ground floor office, first floor residential)	298 Units 2 x studio units; 113 x1 bedroom units; 148 x 2 bedroom units; 35 x 3 bedroom units; 19 SOHO ground floor apartments
Retail component	Proposed café adjacent to the Lewisham West light rail stop and public open space and 10 indicative ground floor retail tenancies within Buildings A and C.	Building A – Retail Building C - Community facility
Commercial component	Commercial floor space within the ground floor of 19 SOHO apartments	19 SOHO Building D – Gym
Traffic arrangements and vehicular access	Proposed left in/left out arrangements to the site at Hudson Street, William Street and Brown Street. Retention of existing road network and creation of a private road adjacent to the light rail corridor. Vehicular access to the basement car park from William Street and the proposed private road.	DA20140029 - Proposed left in/left out arrangements to the site at Hudson Street, William Street and Brown Street.
Car parking	Two levels of basement parking for 448 vehicles	Two levels of basement parking for 248 vehicles

Aspect	Part 3A Concept Plan requirements	Proposal
Open space	Provision of publicly accessible open space and through site links totalling 3097m ²	Provision of publicly accessible open space and through site links totalling 3140m ²

Table 2 - Project Summary Table



Image 55: Part 3A Concept Plan approval – Concept Plan



Image 56: Part 3A Concept Plan approval – Traffic, Parking and Access Plan

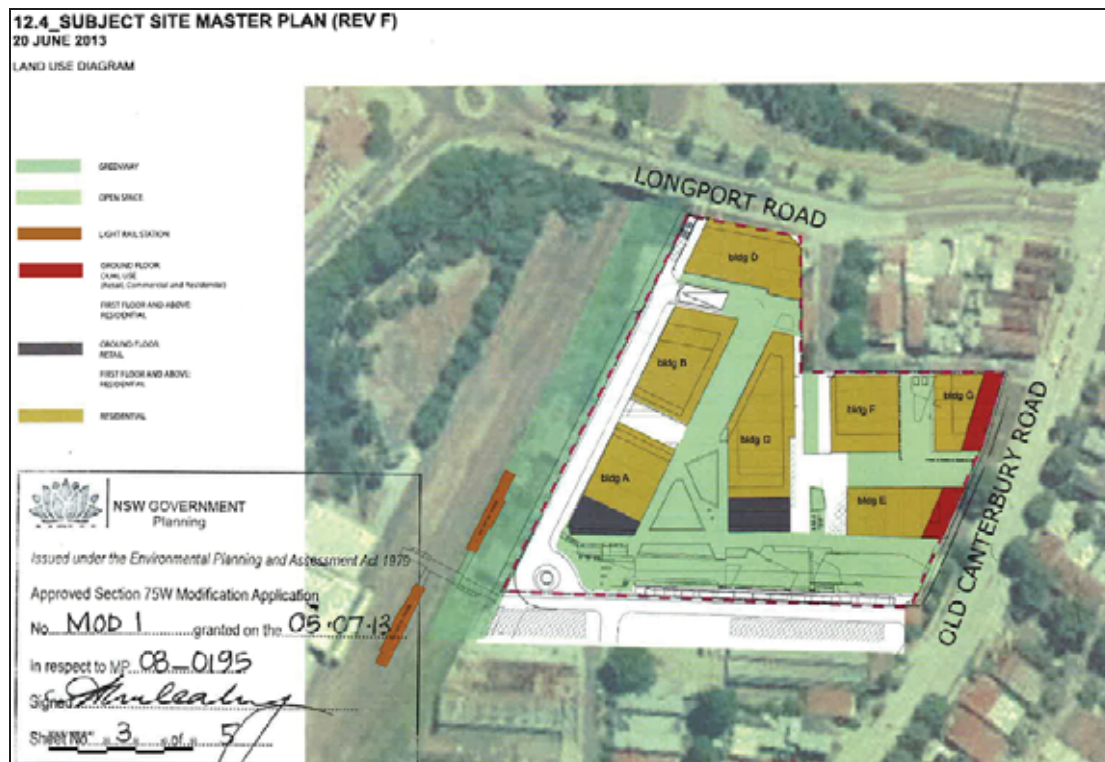


Image 57: Part 3A Concept Plan approval – Land Use Plan

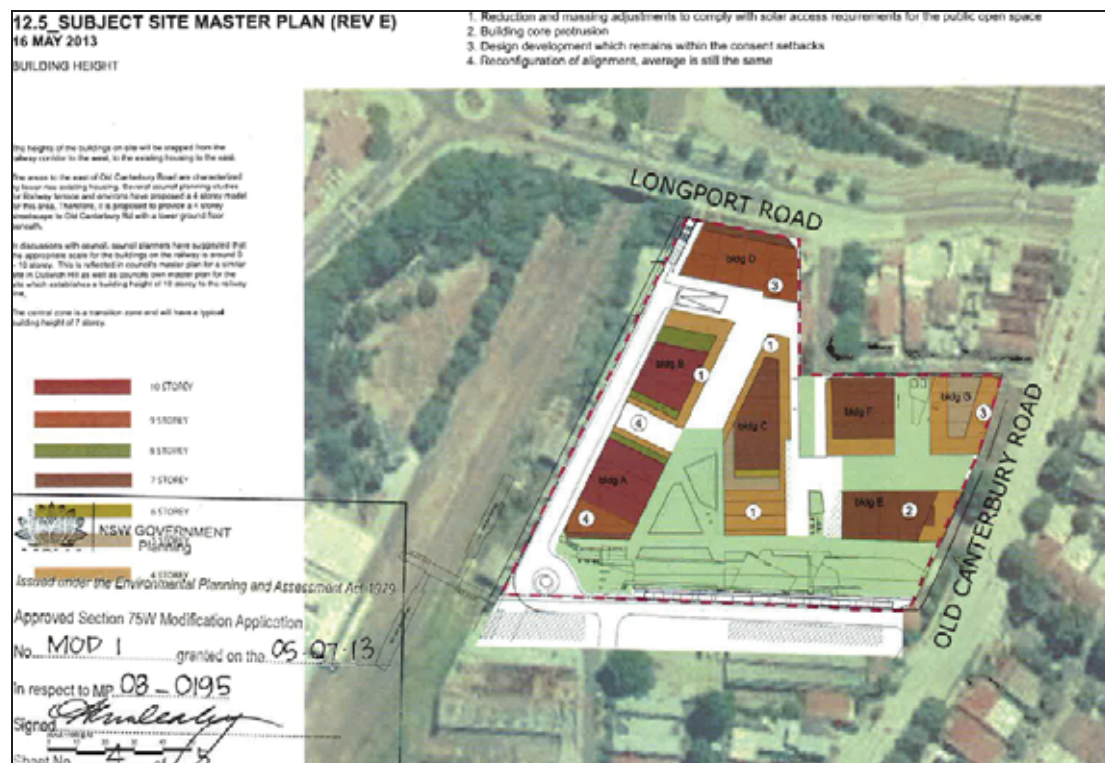


Image 58: Part 3A Concept Plan approval – Building Height Plan

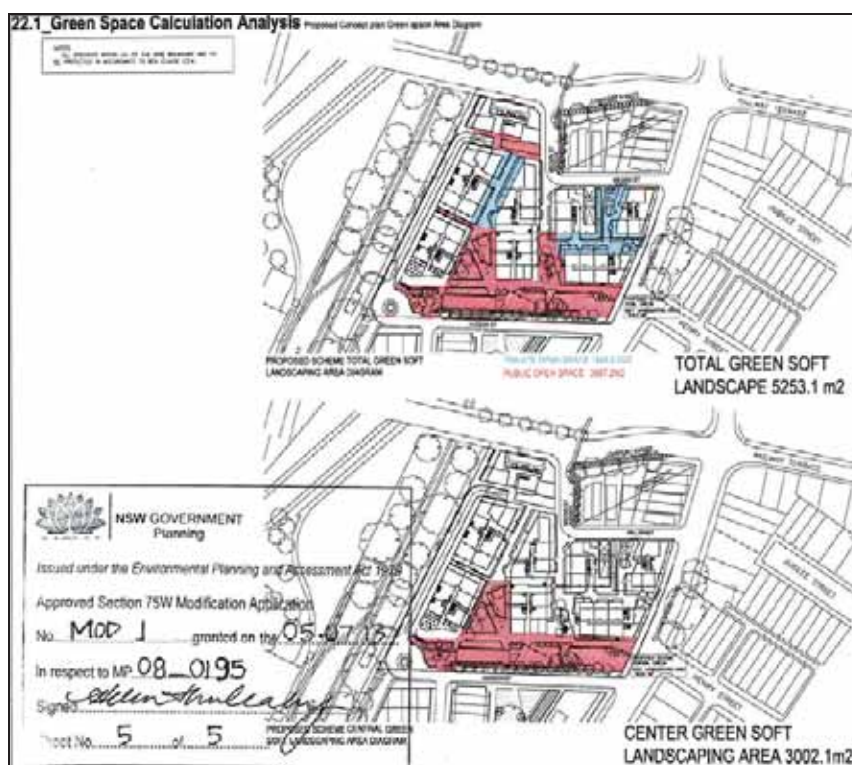


Image 59: Part 3A Concept Plan approval – Green Space Calculation Plan

Part A – Terms of Approval

Schedule 2 of the Part 3A Concept Plan Approval includes the Terms of Approval (TOA) and required Modifications (MOD). Compliance with these requirements is outlined in the Table at Appendix 1.

There is an inconsistency with the proposal and TOA No. A2 because of a difference with the following Part 3A Concept Plan drawings:

- Dwg No. 12.2 (Rev E) - Concept Plan - Tony Owen Partners dated 16 May 2013
- Dwg No. 12.3 (Rev E) - Traffic, Access & Parking - Tony Owen Partners dated 16 May 2013

The difference is that:

- the proposal differs from the access requirements of Dwg No. 12.2 (Rev E) and Dwg No. 12.2 (Rev E);
- the proposal does not provide for the new private road connection to Hudson Street adjacent to western boundary to the west of Building A & B;
- the proposal does not provide for the basement entry ramp between Building B and D; and

There are no other significant inconsistencies, variations, and non-compliances in relation to TOA No.A1, A3, A4, A5, A6, A7, A8, and A9.

Part B – Modifications

There are no significant inconsistencies, variations, and non-compliances in relation to MOD No. B1, B2, B3.

Part C – Further Environmental Assessment Requirements

Schedule 3 of the Part 3A Concept Plan Approval includes the Future Environmental Assessment Requirements (FEAR) to be achieved in future development applications. Compliance with these requirements is outlined in the Table at **ATTACHMENT 1**.

There are non-compliances with proposal and FEAR Nos. 18(d), 19, and 29 which require:

Roadworks

18. Future Development Applications shall provide for minimum road widths as follows:

- (a) The William Street carriageway width shall be a minimum of 6 metres. A new 1.8 metre wide footpath shall be constructed along the southern side of the street along the entire length of the Concept Plan site;
- (b) The Brown Street carriageway shall be a minimum of 6 metres. A new 1.8 metre wide footpath shall be constructed along the western side of the street along the entire length of the Concept Plan site;
- (c) Hudson Street shall be a minimum of 6 to 8.5 metres (6 metre carriageway and 2.5 metre indented parking bays); and
- (d) the north-south street (private road) shall be a minimum of 9.5 metres (5.5 metre carriageway, 3 metre footpath on the eastern side and 1 metre footpath on the western side).

Note: Appropriate arrangements shall be made for those parts of the new footpaths on the southern side of William Street and the western side of Brown Street that are currently on private land, to be dedicated to Council.

19. Future Development Applications shall provide for left in left out access to the development via Hudson, William, Brown and McGill Streets at all times. The proponent shall comply with the Local Traffic Committee requirements in relation to banning right turns at these intersections.
29. Future development applications shall demonstrate a suitable design treatment to the loading dock on the ground floor, at the eastern end of Building D and which addresses the following matters:
 - (a) the means of minimising visual impacts on the public domain;
 - (b) noise management measures to preserve the amenity of adjoining dwellings, including proposed hours of operation;
 - (c) full details of swept paths demonstrating the ability of service vehicles to safely manoeuvre in and around the facility without adversely impacting traffic flows in William and Brown Streets.

Implications of Non-compliance

The implications of the differences between the proposal and Part 3A Concept Plan TOA No.A2 and FEAR No. 18(d), 19 and 29 are:

The intention of the new private road shareway along the western boundary is maintained even with its proposed removal because:

- there is no loss of pedestrian permeability along the western boundary from Longport Street
- there is no loss of pedestrian access from Brown Street to the western boundary
- there is no loss of pedestrian connection from the north to the Lewisham West light rail stop
- there is no loss of public access to activate the site
- there is no loss of the 10 metre width allocated for the share way
- there is no loss of landscaping

Additional urban design benefits are achieved along the western boundary from the proposed removal of the new private road shareway including:

- the removal of potential for pedestrian and vehicular conflict along the share-way
- increased area for landscaping in the 10 metres setback is achievable
- the design of the entry statements to Buildings A and B are strengthened
- adverse amenity impacts on residents from vehicle headlight glare and noise is avoided
- enhanced visual interest is provided to Buildings A, B and D
- increased deep-soil planting area available

- increased water penetration is achieved from the removal of the hardstand surface
- ecological outcomes for the Long-nosed bandicoot are improved by:
 - landscape embellishment of the light rail corridor are included as a condition in the recommendation
 - edge effects from vehicles and the road are removed
- a dedicated waste transfer lift between the basement and the Building D loading dock is included as a condition in the recommendation achieving:
 - the intentions of FEAR No. 29(a) and 29(b)
 - maintaining residential amenity external to the site
 - improved residential amenity internal to the site
 - the removal of the intensive transfer of up to 300 bins between the basement and the loading dock via William Street by vehicles with trailers

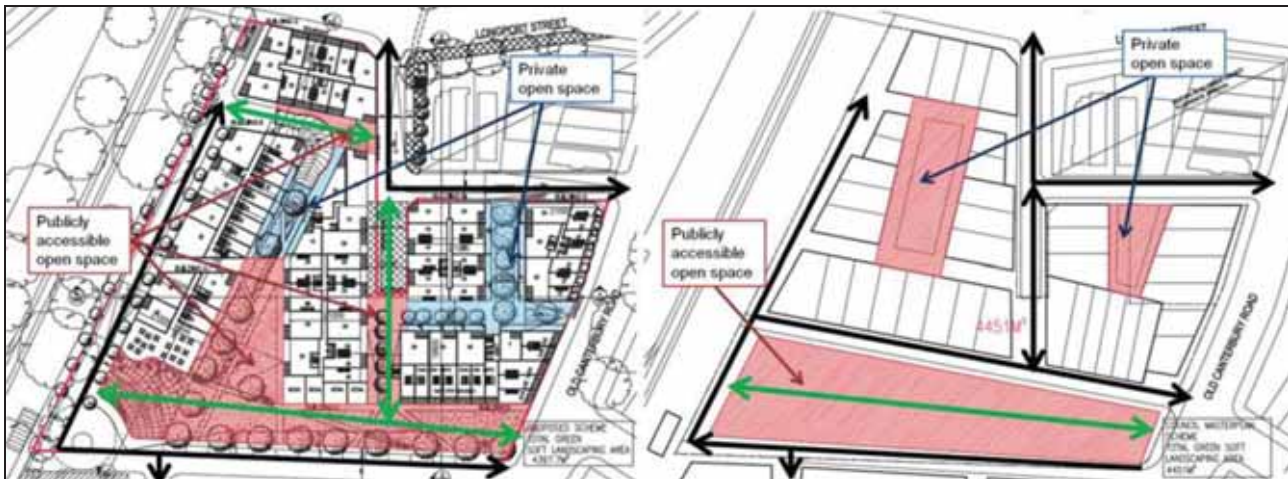


Image 60: Site Linkage Comparison with Masterplan

The pre-existing requirements of FEAR No.18(a) and 18(b) are proposed to be met including:

- a new 1.8 metre wide footpath along William Street
- Williams Street constructed to a width of 6 metres
- a 1.8 metre wide footpath along Brown Street
- Brown Street constructed to a width of 6 metres
- The pedestrian only north-south connection from Brown Street to parkland
- The central pedestrian east-west through-site-link
- Upgrading of pedestrian and cycle-way links between the Lewisham West Light rail stop and the Lewisham Train Station

The intention of FEAR No. 19 requiring left in left out access to the development via Hudson, William, Brown and McGill Streets at all times is maintained because:

- the turning restrictions are already approved by Council under DA201400029.01
- William Street has afternoon and morning turning restrictions presently
- Hudson Street has permanent turning restrictions presently

The intention of FEAR No. 19 requiring left in left out access to the development via Hudson, William, Brown and McGill Streets at all times and whether the should be imposed needs reconsideration by Marrickville Traffic, Pedestrian and Cycling Advisory Committee and the RMS because:

- the turning restrictions are a precinct-wide issue
- the need for the turning restrictions may not be solely and directly attributable to the proposal
- the turning restrictions were imposed for a yield of 430 units and about 40,000m² of GFA
- the turning restrictions may not be necessary because:
 - the traffic generation is 30% less due to the reduced density proposed
 - the restrictions are not part of the proposal and the traffic impacts are accepted by the RMS
- other developers are seeking similar density in the precinct
- s94 contributions (or RMS funding) are available to be used to address the issue due to the implications for the precinct
- similar broad public benefits are not provided by the other development proposals in the precinct
- imposing the turning restrictions may have deleterious affects on the performance and function of the local road network

Nonetheless, a consent condition has been included in the recommendation that addressed the requirement of FEAR No.18 prior to the release of a construction certificate for Stage 3 construction works.

Overall the non-compliance with the Part 3A Concept Plan TOA No.A2 and FEAR No.18(d), 19 and 29 is supported because:

- the proposed development is generally in accordance with the approved plans and documents
- the proposal is qualitatively and quantitatively consistent with the Part 3A Concept Plan approval by:
 - the high quality architectural outcomes from the Design Completion are carried through into the proposal
 - the winning architecture firm from the Design Completion being commissioned
 - the Director General's Design Excellence Guidelines being met including certification of the design by the architect
 - the building height, separation, depths and envelopes being consistent
 - the distribution of open space being consistent
 - land use mix being consistent
 - the relationship to surrounding public and private land being consistent
 - the site configuration of Buildings A, B, C, D, E, F and G being consistent
 - all other requirements of the Part 3A Concept Plan approval being generally met
 - the permitted floor space being 30% less
 - the permitted unit yield being reduced from 430 to 298 or 30% less
- the proposal includes public infrastructure upgrades include new roads, street parking, parks, pedestrian links, drainage for the benefit of precinct and locality

There are no other significant inconsistencies, variations, and non-compliances in relation to the Further Environmental Assessment Requirements.

Part D – Statement of Commitments

Schedule 4 of the Part 3A Concept Plan Approval includes the Statement of Commitments (SOC) to be achieved in future development applications.

Compliance with these requirements is outlined in the Table at **ATTACHMENT 3**.

There are no significant inconsistencies, variations, and non-compliances in relation to the SOC.

Part 3A Concept Plan Compliance Conclusion

In summary the development application generally complies with requirements in relation to:

- Design excellence
- High standard of architectural design
- Voluntary Planning Agreement
- Building Envelopes
- Central Open Space
- Built Form
- Residential Amenity
- ESD
- Flooding
- Car Parking
- Public Access
- Pedestrian linkages
- Roadworks
- Noise and Vibration
- Traffic Management
- Groundwater and Stormwater
- Affordable Rental Housing
- Site Servicing
- Construction Management
- Site Contamination
- Flora and Fauna
- Landscaping
- Community and Cultural
- Sydney Airport, RMS, RailCorp, NOW and Sydney Water requirements.

Any development application submitted for the subject site which seeks to rely on the Part 3A Concept Plan approval must be in accordance with that Approval. The subject application is generally consistent with the Part 3A Concept Plan approval and is therefore recommended subject to conditions.

4. Legislative Framework

The following Commonwealth, State and Local government legislative framework applies to the GSCP Facility:

- Contaminated Land Management Act 1997
- Airports Act 1996 and the Airports (Protection Airspace) Regulations 1996
- Water Management Act 2000
- Water Act 1912
- Roads Act 1919
- Protection of the Environment Administration Act 1991
- Protection of the Environment Operations Act 1997
- Heritage Act
- Threatened Species Conservation Act 1995
- Statement Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Affordable Housing)
- Marrickville Local Environmental Plan 2011

- Marrickville Development Control Plan 2011
- Sydney Airport 2029 Australian Noise Exposure Forecast
- Civil Aviation (Building Control) Authority
- Marrickville Voluntary Planning Agreement Policy 2014
- Marrickville Section 94/94A Contributions Plan 2014
- National Construction Code (Building Code Australia)

The application was referred to various external agencies as listed in Table 1.

Organisation	Reason	Legislation
Transport for NSW / RailCorp (Sydney Trains)	Development immediately adjacent to rail corridors	<i>SEPP Infrastructure</i> , Clause 85
Transport for NSW / RailCorp (Sydney Trains)	Excavation in, above or adjacent to rail corridors	<i>SEPP Infrastructure</i> , Clause 86
Roads and Maritime Services (RMS)	Frontage to a Classified Road	<i>SEPP Infrastructure</i> , Clause 101
Roads and Maritime Services (RMS)	Traffic Generating Development	<i>SEPP Infrastructure</i> , Clause 104
Department of Primary Industries (Office of Water)	Aquifer interference approval	<i>Water Management Act 2000</i> , Clause 91
NSW Department of Transport	Road and Rail Transport advice	<i>Advisory</i>
NSW Police Force	Crime Prevention Through Environmental Design	<i>Advisory</i>
Sydney Water Corporation	Water and Sewerage Supply Network Implications	<i>Advisory</i>
Ausgrid	Electricity Network Implications	<i>Advisory</i>

Table 3: External Referral Agencies

5. Environmental Planning and Assessment Act 1979

The development requires approval under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). This proposal has been classified as being:

- ‘State Significant Major Project Development’ (under Part 4A of EP&A Act 1979);
- ‘Nominated Integrated Development’ (under Section 91 of EP&A Act 1979);
- ‘Other Advertised Development’ (under Section 79A of EP&A Act 1979);
- ‘Traffic Generating Development’ SEPP (Infrastructure) 2007.

An assessment of the development proposal has been made under Section 79C of the EP&A Act 1979 with matters for consideration of relevance discussed below.

Decisions made under the EP&A Act must have regard to the objects of the EP&A Act, as set out in Section 5 of the EP&A Act. The overarching Part 3A Concept Plan approval process assessed the broader economic, social and environmental impacts of the development as a precursor to the detailed Section 79C assessment. It is considered that the proposal is consistent with the objectives of the EP&A because:

- it benefits the supply of housing stock within a highly accessible location, in close proximity to public transport, services, facilities and employment opportunities;
- it provides renewal of a former industrial precinct for mixed use development achieves orderly and economic use and development of the site;
- it provides public open space, including connections through the site to the light rail corridor and Lewisham West light rail stop achieves provision of land for public purposes; and
- it includes a mix of apartment sizes and types will provide a range of housing options for future residents of varying income levels and household size.

6. Ecologically Sustainable Development

The Part 3A Concept Plan Approval included Further Environmental Assessment Requirement (FEAR) No. 6 requiring the proposal incorporate best practice ESD measures. Information has been provided that demonstrate the proposal is consistent with the principles of ESD. Conditions have been included the recommendation accordingly.

7. Contaminated Land Management Act 1997

The site has a known and documented history of industrial use. A Remediation Action Plan (RAP) has been prepared.

An NSW Environment Protection Authority (EPA) Accredited Site Auditor is appointed to the site. The implications of the Contaminated Land Management Act 1997 are discussed under the heading 'State Environmental Planning Policy No. 55 - Remediation of Land' section of the report.

8. Airports Act 1996 and the Airports (Protection Airspace) Regulations 1996

This issue is discussed below under the heading 'Obstacle Limitations' in the MLEP2011 section of the report.

9. Water Management Act 2000;

The proposal is Integrated Development, as defined under Section 91 of the Environmental Planning and Assessment Act 1979, and the General Terms of Approval (GTA) have been requested from the NSW Office of Water (NOW).

Based on the information provided, the NOW considered that the project proposal will intercept the local groundwater table to permit the construction of the basements. This will involve excavations to depths of generally 8 to 10 metres below existing ground levels. The assessment indicates the groundwater table will be intercepted as a result of the excavation works.

The construction dewatering proposed for the project is deemed to be an aquifer interference activity in accordance with the definition in the *Water Management Act 2000*. An authorisation for the take of groundwater as part of the proposed dewatering and remediation of the site is required.

General Terms of Approval appropriate to the proposed aquifer interference activity been issued under s.91A (2) of the *Environmental Planning and Assessment Act 1979* and conditions of consent have been included in the recommendation accordingly.

10. Roads Act 1919

The implications of the Roads Act 1919 are discussed below under the heading 'State Environmental Planning Policy (Infrastructure) 2007' section of the report.

11. Heritage Act 1977

The implications of the Heritage Act 1977 are discussed under the heading 'Heritage Conservation' in the MLEP2011 section of the report.

12. Threatened Species Conservation Act 1995

The implications of the Threatened Species Conservation Act 1995 are discussed under the heading 'Terrestrial Biodiversity' in the MLEP2011 section of the report.

13. Statement Environmental Planning Policy (Major Projects) 2005

The development has an approximate capital investment value of \$89 million dollars.

Clause 3 in Schedule 4A of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979) provides that general development with a capital investment value of more than \$20 million must be determined by the relevant Joint Regional Planning Panel, pursuant to the provisions of Section 23G (4) and Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011.

14. State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55) prescribes the statutory process for the identification and remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The site has a known and documented history of industrial use. A Remediation Action Plan (RAP) has been prepared following the completion of these documents:

- Environmental Site Assessment (October 2009)
- Additional Environmental Investigation and Remediation Action Plan (October 2012)
- Additional Environmental Assessment Report (October 2013)

A review and reappraisal of these reports was required by the appointed NSW EPA Accredited Site Auditor who has issued two interim audit advice notes relating to the above reports:

- Site Audit Interim Advice No. 1: Review of Existing Reports for 78-90 Old Canterbury Road, Lewisham (20 May 2013)
- Site Audit Interim Advice No. 2: Review of Additional Environmental Assessment Report for 78-90 Old Canterbury Road, Lewisham (10 February 2014)

Site Audit Interim Advice No. 2 identified a number of outstanding issues and required the preparation of a revised Remedial Action Plan addressing:

- i. Waste Classification of the material across the site;
- ii. Assess the existing site data;
- iii. Review the existing information relating to the Underground Storage Tanks (UST) and determine whether they have been removed and validated or remain in situ (results indicate 3 UST on site and 1 un-locatable);
- iv. Assess groundwater quality down-gradient from the off-site dry cleaners (results indicate no pollution and cleaners are unlikely creating an on-site risk);
- v. Compile all information for review by the Site Auditor;
- vi. Review waste classification data for 3 stockpiles on the eastern portion of the site;
- vii. Provide methodology for dealing with groundwater ingress during basement construction.

The RAP is applicable for the duration of the earthworks being undertaken across the site. It may be necessary to revise and re-issue the RAP in order to reflect changes to the project objectives, parties responsible for actioning the RAP, or changes to planning or statutory requirements. If revising and reissue of the RAP becomes necessary the following procedures should be followed:

- i. Review of the RAP and the revisions necessary by an experienced environmental scientist/engineer in consultation with Council;
- ii. Update the RAP to address the changed conditions requiring the revisions to be made; and
- iii. Re-issue the RAP.

Once activated, the development would be subject to validation requirements which have been included in the conditions in the recommendation to ensure that the remediation is undertaken in accordance with industry standards.

It is concluded that if the RAP is implemented the site will be suitable for the residential and recreational/open space land-use.

15. State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65) prescribes ten design quality principles to guide architects designing residential flat buildings and to assist councils in assessing such developments. The ten principles relate to key design issues including the context, scale, built form and building density, resource, energy and water efficiency, landscape design, amenity, safety/security, social impacts and aesthetics.

As required by the SEPP, a Design Verification Statement was submitted with the application indicating that a registered Architect directed the design of the proposed residential flat development and that the proposal generally satisfies the design quality principles set out in Part 2 of SEPP 65.

A design verification statement from PTW Architects was submitted with the application. The statement verifies PTW Architects has completed the design of the residential flat development, and achieves the design quality principles set out in Part 2 of SEPP 65 — Design Quality of Residential Flat Development.

The Statement concludes that the proposal is generally considered acceptable having regard to the ten design quality principles. It is therefore considered that the proposal satisfies the Design Verification Statement requirement.

Principles	Assessment
<u>Principle 1:</u> <u>Context</u>	<ul style="list-style-type: none"> It is considered that the proposal responds and contributes to its context adjacent to the planned Lewisham West light rail stop. The proposed building heights increase towards the light rail corridor and the proposed publicly accessible open space and a through site links will provide links between the surrounding area and the Lewisham West light rail stop. The proposal will contribute to the identity of the area.
<u>Principle 2:</u> <u>Scale</u>	<ul style="list-style-type: none"> The proposal involves building heights ranging from 4 to 10 storeys. The proposed heights provide a transition from the surrounding low density residential area up to the light rail corridor. The transition of heights is generally consistent with Council's Masterplan for the area which sets the context for the desired future character of the site within the McGill Street precinct. The department had the Part 3A Concept Plan modified to increase the separation between buildings through increased setbacks which will assist in achieving an acceptable bulk and scale.
<u>Principle 3:</u> <u>Built Form</u>	<ul style="list-style-type: none"> It is considered that the proposed building envelopes, subject to modifications recommended within this report, will provide an appropriate built form outcome as outlined in Section 5.3 of this report. Future assessment requirements have been recommended to ensure a high quality architectural design of future buildings.
<u>Principle 4:</u> <u>Density</u>	<ul style="list-style-type: none"> The provision of up to 298 apartments on the site is consistent with local and regional planning strategies which seek to locate housing within centres with access to transport, jobs and services.

<u>Principle 5: Resource, Energy and Water Efficiency</u>	<ul style="list-style-type: none"> ▪ The Part 3A Concept Plan FEAR No. 4 to maximise solar access and natural ventilation opportunities to reduce reliance on artificial heating and cooling. ▪ ESD measures are incorporated into the future design, construction and operation of the development.
<u>Principle 6: Landscape</u>	<ul style="list-style-type: none"> ▪ The Concept plan provides for landscaping between buildings and within areas of open space throughout the site. ▪ The landscape design to enhances the appearance and amenity of the development.
<u>Principle 7: Amenity</u>	<ul style="list-style-type: none"> ▪ The proposal has been assessed in terms of solar access, and ventilation including consideration of additional detailed information that concludes the amenity of the development is of a high standard.
<u>Principle 8: Safety and Security</u>	<ul style="list-style-type: none"> ▪ The proposal provides for the activation of the main areas of open space by retail and commercial ground floor uses. ▪ The building separation is considered sufficiently wide enough to created a feeling of safety within the development allowing windows/balconies to achieve daylight penetration through the site. ▪ A CPTED Report was submitted. ▪ NSW Police considered the application and raised no objection to the development
<u>Principle 9: Social Dimensions and Housing Affordability</u>	<ul style="list-style-type: none"> ▪ The proposed provides for a mix of apartment types which would encourage a diverse social mix within the area. ▪ The Statement of Commitments requires that the application provide a level of affordable housing and 4 dwellings are proposed to be dedicated to Council under the draft VPA ▪ Adaptable housing will also be provided in accordance with Council's DCP which requires 20% of dwellings to be designed as adaptable dwellings. ▪ 60 adaptable units are proposed which complies with the DCP
<u>Principle 10: Aesthetics</u>	<ul style="list-style-type: none"> ▪ The elevations of the proposed building envelopes provide a high level or articulation as well as varied and high quality textures, materials and colours to make a positive contribution to the streetscape and amenity of open spaces. ▪ A design competition was undertaken and the proposed is certified by the winning architect as being consistent with the architectural qualities of the competition outcomes.

Table 4: Design Quality Principles Table

The provisions of SEPP 65 apply to the proposed development and in particular the FEAR No.4 requires:

Future Development Applications shall demonstrate compliance with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002, except where modified by the Part 3A Concept Plan approval.

In particular, future applications shall demonstrate that:

- a) a minimum of 70% of apartments within each building receive a minimum of 3 hours solar access to living areas and balconies in mid winter; and
- b) a minimum of 60% of apartments within each building are capable of being naturally cross ventilated.

Residential Flat Design Code

The Residential Flat Design Code (RFDC) is a set of guidelines that provide benchmarks for better practice in the planning and design of residential flat buildings to achieve environmental sustainability, improved energy efficiency and residential amenity and higher design quality to improve the presentation of the building to the street. The Code achieves this by providing controls to ensure that developments respond to their local context, and provide a suitable site analysis and quality design.

The controls contained in the Code are required to be addressed in any Development Application except where modified by the Part 3A Concept Approval.

A compliance statement against the Residential Flat Design Code was prepared by Planning Ingenuity.

A detailed assessment against the RFDC has been undertaken and an outlines is provided below of the proposals performance:

Aspect	Control	Proposal	Complies
Building Separation	MOD Condition B1	Complies with concept approval building envelopes.	Yes
Building Depth	Depth should be between 10-18m	Complies with concept approval building envelopes.	Yes
Minimum apartment sizes	1 bedroom apartment 50m ² 2 bedroom apartment 70m ² 3 bedroom apartment 95m ²	Generally complies.	Yes
Storage	Studios 6m ³ 1 bedroom 6m ³ 2 bedroom 8m ³ 3 bedroom 10m ³	Generally complies.	Yes
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	Generally complies. A number of units have balconies with depth less than 2 metres.	Yes
Ceiling heights	Minimum 2.7m Minimum 3.3m for GF	Generally complies. 3.1m (upper levels) 3.1m (ground floor)	Yes
Open Space	The area of communal open space should be between 25-30% of the site area.	Complies with concept approval.	Yes
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone	Complies with concept approval.	Yes
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	Generally complies.	Yes

Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice	Complies with concept approval	Yes
Daylight Access	Max. 10% single aspect apartments with southerly aspect	Complies with concept approval	Yes
Daylight Access	Single aspect apartments maximum depth 8m	Generally complies.	Yes
Natural ventilation	60% of units should be naturally cross ventilated	Generally complies.	Yes
Natural ventilation	The back of a kitchen should be no more than 8m from a window	Generally complies.	Yes

Table 5: RFDC General Compliance Table

The proposal generally complies with the “rules of thumb” contained within the RFDC. The statements and the proposal were reviewed by Council staff as part of the merit assessment of the proposal. Details of that assessment are provided below, and conclude that the proposal maintains adequate solar access and privacy to adjoining properties, and provides adequate internal amenity in terms of solar access, private open space, apartment size and storage in accordance with SEPP 65. The proposal satisfies the provisions of SEPP 65.

Whilst the majority of the provisions contained in the RFDC are generally covered by Marrickville Development Control Plan 2011 (MDCP 2011) and are considered as part of the assessment of the application presented throughout this report, the RFDC contains the following requirements that are not specifically addressed in Marrickville Development Control Plan 2011:

- *Building Separation*

The RFDC recommends minimum building separation distances, dependent on building height, in order to maximise visual and acoustic privacy between residential flat buildings and to minimise the bulk and scale of buildings.

The RFDC recommendations for minimum separation between buildings are outlined in below:

BUILDING HEIGHT	MINIMUM SEPARATION (METRES)		
	Habitable rooms	Habitable rooms and non habitable rooms	Non habitable rooms
Up to 4 storeys (12 metres)	12	9	6
Between 5 and 8 storeys (12 to 25 metres)	18	13	9
Exceeding 8 storeys (25 metres)	24	18	12

Table 6: RFDC Building Separation

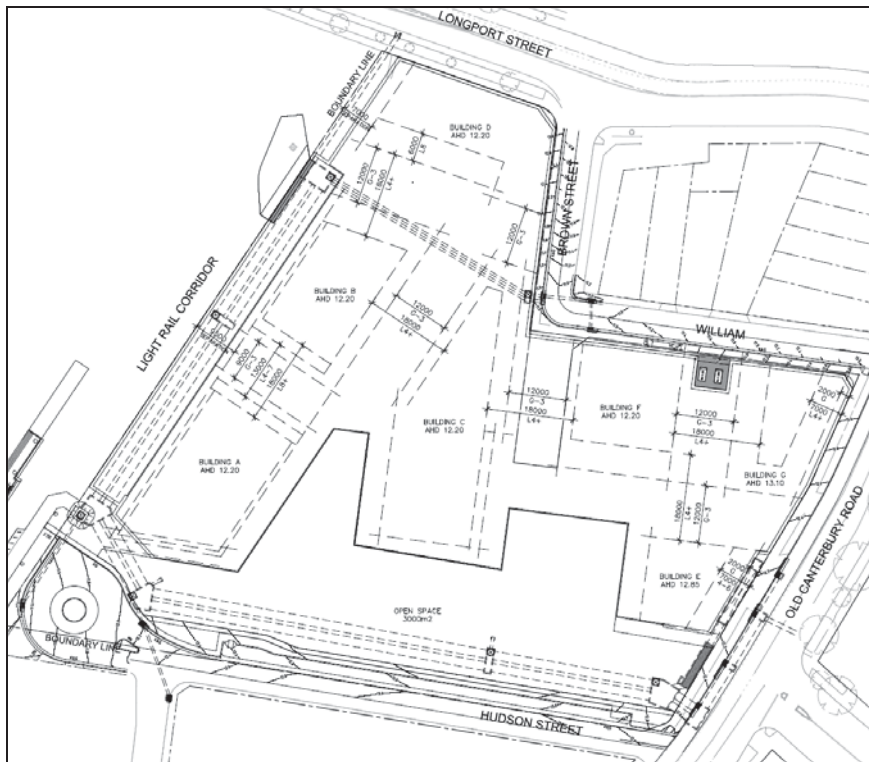


Image 61: Site and building Setback Plan

The proposal complies with the recommended minimum separation in the following locations as outlined in the table below:

Building Interface	Assessment
<u>Buildings A and B</u>	<ul style="list-style-type: none"> The separation in this location is a minimum of 9 metres at the ground level up to 4 storeys, 13 metres between 5 and 8 storeys and 18 metres above 8 storeys. The separation is sufficient to allow window openings on either façade resulting in good amenity for the apartments in these buildings. The buildings do not appear as one monolithic structure and are sufficiently modulated. The design solution to provide privacy between buildings by providing off-set windows, some, blank walls, and a combination of habitable and non-habitable uses offers passive surveillance and the space creates sufficient residential amenity. The proposal provides a wide, functional space between the buildings at ground level, and provides a visual break between the buildings, and allows the inclusion of windows, particularly on the northern elevation of Building A. The space between the buildings is usable with desirable, sufficiently wide enough to avoid adverse amenity conditions by way of shadow and wind. While this is less than the RFDC recommendations of 12, 18 and 24 metres for elevations with habitable rooms, additional measures including offset windows and non-habitable uses of the intervening rooms have been utilised to provide visual and acoustic privacy to apartments.

Building Interface	Assessment
<u>Buildings B and D</u>	<ul style="list-style-type: none"> ▪ The separation between Buildings B and D is 12 metres up to 4 storeys, 18 metres between 5 and 8 storeys and 24 metres above 8 storeys to provide residential amenity, outlook and reduce the visual bulk of the buildings. ▪ This is consistent with the RFDC recommended separation of 12, 18 and 24 metres. ▪ The separation at ground level provides a sufficient level of amenity to future residents with an outlook over the light rail corridor with setbacks provided for landscaping. ▪ The overall separation provided is also sufficient to reduce the bulk of the group of buildings which is visible from Longport Street and the light rail corridor. ▪ The visual and acoustic privacy is sufficient between the north elevation of Building B and the south elevation of Building D which both contain balconies that do not directly face one another.
<u>Buildings B and C</u>	<ul style="list-style-type: none"> ▪ The separation in this location is a minimum of 12 metres at the ground level up to 4 storeys, 18 metres between 5 and 8 storeys. ▪ The separation is sufficient to allow window openings on either façade resulting in good amenity for the apartments in these buildings. ▪ The buildings do not appear as one monolithic structure and are sufficiently modulated. ▪ The design solution to provide privacy between buildings by providing off-set windows, some, blank walls, and a combination of habitable and non-habitable uses offers passive surveillance and the space creates sufficient residential amenity. ▪ The proposal provides a wide, functional space between the buildings at ground level, and provides a visual break between the buildings, and allows the inclusion of windows, particularly on the northern elevation of Building A. ▪ The space between the buildings is usable with desirable, sufficiently wide enough to avoid adverse amenity conditions by way of shadow and wind. ▪ While this is less than the RFDC recommendations of 12, 18 and 24 metres for elevations with habitable rooms, additional measures including offset windows and non-habitable uses of the intervening rooms have been utilised to provide visual and acoustic privacy to apartments.
<u>Buildings C and D</u>	<ul style="list-style-type: none"> ▪ The separation between Buildings C and D is 12 metres up to 4 storeys, 18 metres between 5 and 8 storeys and 24 metres above 8 storeys to provide residential amenity, outlook and reduce the visual bulk of the buildings. ▪ This is consistent with the RFDC recommended separation of 12, 18 and 24 metres. ▪ The separation at ground level also provides a sufficient level of amenity to future residents with an outlook over Brown and William Streets and internal to the site. ▪ The overall separation provided is also sufficient to reduce the bulk of the group of buildings which is visible from Longport Street and the light rail corridor. ▪ The visual and acoustic privacy is sufficient between the north elevation of Building C and the south elevation of Building D which both contain balconies, do not directly face one another. ▪ The visual and acoustic implications of the ground level waste servicing loading dock in Building D has been dealt with by including conditions in

Building Interface	Assessment
	<p>the recommendations to require that the servicing occur with dock door closed, that the activity occur within business hours (i.e. 9:00am to 5:00pm), and to add fin walls over and beside the door to provide visual relief from a large exposed door in the faced.</p>
<p><u>Buildings C and E.</u></p>	<ul style="list-style-type: none"> ▪ The separation between Buildings C and E is 12 metres up to 3 storeys, 18 metres above 4 storeys to provide residential amenity, outlook and reduce the visual bulk of the buildings. ▪ The separation at the ground and upper levels provides and increased feeling of space within the development and reduces visual bulk from key vantage points in and around the site. ▪ The separation at the ground floor has been used to provide opportunities for landscaping to soften the appearance of the development and improve view corridors through the site and pedestrian friendly spaces between buildings. ▪ The separation of balconies and windows provides visual interest to elevations and the external appearance of buildings and outlook from other buildings. ▪ The separation provides for passive surveillance over the various publicly accessible and private open spaces between buildings.
<p><u>Buildings E and F</u></p>	<ul style="list-style-type: none"> ▪ The separation between Buildings E and F is 12 metres up to 3 storeys, 18 metres above 4 storeys to provide residential amenity, outlook and reduce the visual bulk of the buildings. ▪ The separation at the ground and upper levels provides and increased feeling of space within the development and reduces visual bulk from key vantage points in and around the site. ▪ The separation at the ground floor has been used to provide opportunities for landscaping to soften the appearance of the development and improve view corridors through the site and pedestrian friendly spaces between buildings. ▪ The separation of balconies and windows provides visual interest to elevations and the external appearance of buildings and outlook from other buildings.
<p><u>Buildings E and G</u></p>	<ul style="list-style-type: none"> ▪ The separation between Buildings E and G is 12 metres up to 3 storeys, 18 metres above 4 storeys to provide residential amenity, outlook and reduce the visual bulk of the buildings. ▪ The separation at the ground and upper levels provides and increased feeling of space within the development and reduces visual bulk from key vantage points in and around the site. ▪ The separation at the ground floor has been used to provide opportunities for landscaping to soften the appearance of the development and improve view corridors through the site and pedestrian friendly spaces between buildings. ▪ Windows and balconies are designed to be generally offset and provide sufficient residential amenity in terms of cross ventilation and solar access. ▪ The separation provides for passive surveillance over the various publicly accessible and private open spaces between buildings.

Table 7: Building Separation Compliance

- *Building Depth*

The RFDC recommends building depths be no greater than 18 metres (glass line to glass line). Should building depths be more than 18 metres, satisfactory daylight and natural ventilation are to be achieved. The aim of the control is to maintain residential amenity within the units and to reduce the bulk and visual appearance of buildings. The proposed building depth varies from 19 metres to 22 metres.

The proposal complies with the proposed building envelopes and the apartment depths are acceptable, noting that the building separation results in some reduction in building depth in Building C, G and E. However, the provision of a central lift core and circulation corridor within the buildings results in apartment depths generally 10 metres or less which ensures that the units will receive satisfactory daylight and natural ventilation.

- *Natural Ventilation and Solar Access*

The FEAR No.4 requirement is to ensure that a minimum of 60% of apartments in each building are capable of being naturally cross ventilated and 70% of apartments in each building receive a minimum of 3 hours solar access to living areas and balconies in mid winter.

This exceeds the RFDC recommendations, and the cross ventilation and solar access calculations submitted demonstrate that the proposal achieves adequate solar access.

The RFDC recommends that 60% of units should be naturally cross ventilated. The floor layouts submitted demonstrate that all apartments are naturally cross ventilated.

The RFDC also recommends that 70% of living rooms and private open spaces of units receive a minimum of 3 hours direct sunlight between 9am and 3pm mid winter. The proponent submitted a solar access study which demonstrates the apartments will achieve the recommended 3 hours of direct sunlight.

- *Open Space and Deep Soil Planting*

The RFDC recommends that 25% of the site be communal open space, with 25% of this space being a deep soil zone.

The proposal includes at least 24% of the 13,133m² site area as communal open space as the proposal provides a 3,140m² area or 24% of publicly accessible open space and through site links. The remainder of the site has an area of 9,993m². The landscape area dedicated to planting in this area is 1250m² or 13% of the area. Ground level private open space areas are 1260 m² or 13% of the area. The area of hardstand pathways and impervious surfaces is 2956 m² or 29% with the building footprints covering 4527m² or 45% of the site.

Given that all apartments have private open space in the form of balconies or courtyards, and future residents will have excellent access to a significant area of public open space, the proposal is considered to satisfy the provision of communal open space incorporating deep soil planting.

- *Ground floor apartments*

The RFDC provides recommendations on the special treatment required for ground level apartments to contribute to streetscapes and increase residential amenity. In particular the RFDC recommends that where appropriate ground floor apartments are provided with individual entries and private courtyards. Where apartments are provided with a zero setback, they are to be located 1.2 metres above the footpath level to maintain privacy.

The proposal involves some apartments at the lower ground level. Where these apartments adjoin public streets and/or publicly accessible open space a suitable design treatment is included to provide an appropriate interface with the public domain while maintaining privacy to

the apartment. This particularly relates to Buildings D, F and G which propose zero metre setbacks to Longport, William and Brown Streets and to Buildings A, C, E and F which have elevations which front publicly accessible through site links.

- *Visual Privacy*

In general the proposal is considered to achieve suitable privacy between dwellings within the site and to those adjoining through the following:

- The separation distances between built elements complies with the requirements of the RFDC and the Part 3A Concept Plan Approval;
- the architecture of the buildings has used staggered and articulated building elements to alter the directional view of windows and/or orientated apartments away from each other ensuring direct lines of sight between habitable spaces are sufficiently off-set;
- The buildings facing Old Canterbury Road (Building E and G) have been designed to activate the streetscape with ground and upper level dwellings facing active living spaces to the street.
- All other levels of Buildings A, B, C, D, and F have passive habitable living rooms orientated to ensure that existing residential premises are afforded greater privacy. This is strengthened through the metres separation between the buildings;
- The general design of Building A, C and E promotes positive ground level activation allowing for a defined building edge to encourage surveillance of the dedicated park and promote casual surveillance without compromising privacy; and
- Public open space as a shared asset generally benefits from a sense of overlooking by dwellings.

As such, the design and orientation of the development optimises the outlooks to the light rail link, heritage bridge and public open space, and surrounding local streets of Longport Road, William and Brown Streets, Old Canterbury Road, and the pedestrian through site links. This design response is considered to be positive in activating the west facing elevations as well as contributing to passive casual surveillance of public land promoting the principles of Crime Prevention Through Environmental Design (CPTED).

The development will not result in any unreasonable adverse privacy impacts.

- *Acoustic Privacy*

The development has been designed to ensure residential amenity with respect to the following:

Units orientated west towards the light rail have acoustic ameliorative façade treatments for the apartments facing the rail noise source. A noise impact assessment was submitted with the application that concludes that a 19dBA reduction is required to ensure preservation of residential amenity. The assessment resolves that this is achievable through the use of 6mm monolithic glass in sliding doors and windows; and

Old Canterbury Road carries high traffic volumes likely to cause adverse residential acoustic amenity impacts associated with high volume road networks. The apartments have acoustic ameliorative façade treatments for the apartments facing the road noise source in Building E and G are addressed by the outcomes of the noise impact assessment.

Conditions are included in the recommendation in relation to the attenuation measures for dwellings included in the acoustic assessment.

16. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the application indicating the proposal achieves full compliance with the BASIX requirements. If recommended for approval appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the development.

17. State Environmental Planning Policy (Infrastructure) 2007

In accordance with Clause 85 and Clause 86 of State Environmental Planning Policy (Infrastructure) 2007, the application was referred to RailCorp (Sydney Trains) for concurrence. RailCorp (Sydney Trains) have reviewed the application and granted their concurrence in a letter, dated 18 November 2014. RailCorp (Sydney Trains) requirements have been included in the recommendation including the imposition of deferred commencement conditions.

Development immediately adjacent to rail corridors (Clause 85)

This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development:

1. is likely to have an adverse effect on rail safety, or
2. involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
3. involves the use of a crane in air space above any rail corridor.

The proposal triggers consideration of all of these requirements. The applicant has provided noise impacts assessment reports, crane applications, and geotechnical reports, as well as civil drawings of the excavation works, and stormwater works in proximity to the light rail corridor.

RailCorp have provided a response imposing deferred commencement conditions in relation to the detail design and management plans to ensure that the works have no impact on the adjacent light rail network/line. RailCorp's deferred commencement conditions and operational conditions are included in the recommendation.

Excavation in, above or adjacent to rail corridors (Clause 86)

The site is located immediately adjacent to a rail corridor. Clauses 85 and 86 of State Environmental Planning Policy (Infrastructure) 2007 provide guidelines for development immediately adjacent to rail corridors including excavation in, above or adjacent to rail corridors. The application involves excavation 8 metres below the existing natural ground level to accommodate the basement car park. The basement car park excavation works will occur within 25 metres of the rail corridor.

Clause 86 requires the concurrence of RailCorp for excavation to a depth of 2 metres or greater within the rail corridor or within 25 metres of a rail corridor. In this regard RailCorp advised Council on 27 August 2014 that it had "stopped the clock" on the subject application until such time as the applicant addresses its concerns. RailCorp's concerns in relation to:

- the requirement in the Part 3A Concept Plan approval that a number of documents be submitted to RailCorp for approval prior to the submission of any development application
- the applicant's proposal to construct a drainage swale within the rail corridor including a surcharge pit which would overflow into the corridor causing flooding
- the finding contained within the flooding report that the proposal would result in flooding near the Lewisham West light rail station during the 1:100 year event
- the applicant's proposal to undertake excavation in the rail corridor to create a batter during the excavation of the development site
- the proposed use of rock anchors within RailCorp's land, and
- the proposed use of cranes which will extend over the rail corridor and overhead power lines.

In response the applicant has submitted additional documentation to RailCorp in support of the application.

RailCorp have provided a response imposing deferred commencement conditions in relation to the detail design and management plans to ensure that the works have no impact on the adjacent light rail network/line. RailCorp's deferred commencement conditions and operational conditions are included in the recommendation.

Impact of rail noise or vibration on non-rail development (Clause 87)

Clause 87 of the SEPP relates to the impact of rail noise or vibration on non-rail development, and for a development for the purpose of a building for residential use, requires appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded. In this regard those measures are to ensure that the following LAeq levels are not exceeded:

- (a) *in any bedroom in the building - 35 dB(A) at any time between 10.00pm and 7.00am,*
- (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.*

An acoustic report has been submitted with the application which identifies construction techniques and materials to provide adequate acoustic attenuation. A detailed assessment of this report has been undertaken and the application is recommended for approval.

As noted above an acoustic report has been submitted with the application which proposed noise attenuation measures and conditions of consent have been included in the recommendation to ensure the recommendations are carried through the construction of Buildings A, B and D adjacent to the light rail corridor.

Development with frontage to classified road (Clause 101)

The site has a frontage to Old Canterbury Road and Longport Street, both classified roads. Under Clause 101 (2) of SEPP Infrastructure the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road."*

Vehicular access to the property is proposed from Hudson Street and William Street and as such "is provided by a road other than the classified road." It is therefore considered that the proposed development would not affect "the safety, efficiency and ongoing operation of the classified road" with respect to the direct access locations not being from a classified road.). Loading and unloading will occur within the Building D via informal loading arrangements.

The application was referred to Roads and Maritime Services (RMS) for comment. Roads and Maritime Services (RMS) raised no objections with the application in a letter dated 27 August 2014 with regard to ingress and egress to the site which remains adequate to support the intended vehicle movements by road.

Conditions relating to the loading dock have been included in the recommendations to address the Part 3A Concept Plan approval FEAR No. 18, 19 and 29, with discussion on this issue above under the heading “Part 3A Concept Plan compliance”.

Impact of road noise or vibration on non-road development (Clause102)

The site is also located in or adjacent to classified road corridors. Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 relates to the impact of road noise or vibration on non-road development on land in or adjacent to a road corridor.

Under that Clause, a development for the purpose of a building for residential use, requires that appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded. In this regard those measures are to ensure that the following LAeq levels are not exceeded:

- (a) *in any bedroom in the building - 35 dB(A) at any time between 10.00pm and 7.00am,*
- (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.*

The applicant submitted a Noise Assessment Report with the application that demonstrates that the development will comply with the LAeq levels stipulated in Clause 102 of the SEPP.

RMS having reviewed the proposal has raised no objection to the development and provided design and construction conditions for inclusion in the determination.

Excavation in or immediately adjacent to corridors (Clause103)

The development involves excavation for the purposes of remediation and the construction of underground parking. The applicant has provided geotechnical reports, as well as civil drawings of the excavation works, and stormwater works in proximity to the classified road corridors. RMS having reviewed the proposal has raised no objection to the development and provided design and construction conditions for inclusion in the determination.

Traffic-generating development (Clause104)

The local road network in the vicinity of the site is subject to high volumes of traffic during peak hours. Access to the site is via Old Canterbury Road and Longport Street which experience traffic congestion in the morning and evening peak periods.

Old Canterbury Road carries approximately 20,000 vehicles per day. Old Canterbury Road generally provides 2 lanes in each direction. However, north of Longport Street a single northbound lane is provided, requiring vehicles to form a single lane at the railway underpass. Longport Street is a regional road carrying approximately 20,000 vehicles per day.

During assessment of the Part 3A Concept Plan the traffic management of the major project was a key consideration. A series of traffic management proposals and related investigations were carried out including:

- The proponent providing information prepared by a traffic consultant including:
 - i. a Traffic Management and Accessibility Plan (TMAP)
 - ii. a Traffic and Parking Study
 - iii. a Cumulative assessment of traffic generation incorporating other future developments in the McGill Street precinct and at the former allied mills site

- iv. Modelling to demonstrate the traffic volumes could be accommodated within the local road network subject to left in left out restrictions to Hudson Street, William Street and Brown Street, with all movements permitted at McGill Street
- Council engaged a traffic consultant to undertake a review of the TMAP who provided the following comments:
 - a. the proposal has excellent access to public transport;
 - b. parking provision should discourage private vehicle use;
 - c. micro simulation modelling should be undertaken;
 - d. agreed with the RTA on the inadequacy of proposed traffic management measures;
 - e. a cumulative assessment of the traffic impacts of the proposal, the future development of the remainder of the McGill Street precinct and the proposal on the former Allied Mills site should be undertaken;
 - f. a pedestrian safety audit should be undertaken.

The (former) DP&I commissioned a traffic consultant to do an independent assessment of the traffic impacts which involved:

1. a review of the TMAP commissioned by the proponent of the site
2. a review of the TMAP commissioned by the proponent of the Allied Mills site
3. an independent assessment of the cumulative impacts
4. a potential reduction in the TMAP traffic generation of 27% (the site) and 18% (Allied Mills) due to Transit Oriented Development (TOD)
5. identifying safety issues with right turn movements in and out of McGill Street
6. a qualification that right turns in and out of McGill Street are safe only if Old Canterbury Road is adjusted to provide a protected right turn bay
7. banned right turns in and out of McGill Street until alternate controls are in place
8. supporting the proposed increased density in the precinct anyway because:
 - o the pre-existing industrial purpose would generate similar traffic volumes with more heavy vehicles
 - o industrial development is incompatible in the context of the residential area
 - o of the light rail extension
 - o transit oriented development (TOD) meet state government objectives to reduce car dependency
 - o suppressed parking rates could be imposed
 - o congestion will divert traffic away improving the situation at the site; and
 - o the road network would be satisfactory with the removal of the pinch point at New Canterbury Road and Gordon Street.

The Part 3A Concept Plan approval includes FEAR No. 19 which states:

19. Future Development Applications shall provide for left in left out access to the development via Hudson, William, Brown and McGill Streets at all times. The proponent shall comply with the Local Traffic Committee requirements in relation to banning right turns at these intersections.

In accordance with Column 2 in Schedule 3 of Clause 104 of SEPP (Infrastructure) 2007 in relation to traffic generating development the application was referred to Roads and Maritime Services (RMS). RMS reviewed the proposal and raised no objection to the proposal in the absence of the right turn restrictions required by FEAR No. 19.

The intention of FEAR No. 19 requiring left in left out access to the development via Hudson, William, Brown and McGill Streets at all times is maintained because:

- the turning restrictions are already approved by Council under DA201400029.01
- William Street has afternoon and morning turning restrictions presently
- Hudson Street has permanent turning restrictions presently

The intention of FEAR No. 19 should be reconsidered by Marrickville Traffic, Pedestrian and Cycling Advisory Committee in the future and the RMS because:

- the turning restrictions are a precinct-wide issue
- the need for the turning restrictions may not be solely and directly attributable to the proposal
- the turning restrictions were imposed for a yield of 430 units and about 40,000m² of GFA
- the turning restrictions may not be necessary because traffic generation is likely halved because:
 - the traffic generation is 30% less due to the reduction in density proposed
 - combined with the TOD factor effectively halves the traffic generation at the site
- S94 contributions (or RMS funding) are available to address the issue in the precinct

In any case a consent condition has been included in the recommendation that addressed the requirement of FEAR No.19 prior to the release of a construction certificate for Stage 3 construction works.

As no new access is proposed to connect to State roads under the management of RMS, consent for their construction is not required or necessary under the *Roads Act 1993*.

18. State Environmental Planning Policy (Affordable Housing)

The proponent has committed to include affordable housing units in the development of the site which is supported because a greater range of unit types including smaller units which provide more affordable housing options in the locality become available from the proposal. The affordable housing units are proposed on the ground floor of Building A and C to provide equitable access for the future occupants. The affordable housing units are provided through the VPA which meets the intention of FEAR No. 28.



Image 62: Affordable Housing Units

19. Marrickville Local Environmental Plan 2011

An assessment of the development having regard to the relevant provisions of Marrickville Local Environmental Plan 2011 (MLEP) is provided below.

Land Use Table and Zone Objectives (Clause 2.3)

The development is considered to meet with the objectives of the zone, other than the IN2 zone. Compliance with zone objectives in the MLEP 2011 is not required because the site is subject to Part 3A Concept Plan approval that is complied with in relation to the mixed-uses permitted at the site, comprising residential, retail, and community facilities.

The LEP generally implements the recommendations of the McGill Street Masterplan and provides the following zonings for the property:

- R4 High Density Residential (in the central and western portions of the site adjacent to the light rail corridor);
- B4 Mixed Use (primarily along the Old Canterbury Road frontage);
- B5 Business Development (at the intersection of Old Canterbury Road and William Street (residential development is only permitted on this land if it is part of a mixed use development in accordance with the 'key sites map'); and
- IN2 Light Industrial (to the north of Hudson Street - the proposed IN2 zoned area retains the former light industrial zoning under LEP 2001 as this area is to be investigated as future open space by Council).

The proposed uses are generally permissible within the current zonings, with the exception of some retail uses within the R4 zone and residential and retail uses within the IN2 zone which are prohibited. While the proposed land uses are not strictly in accordance with the LEP, the mix of residential, retail and commercial uses is generally consistent with the objectives for the locality.

The provisions relevant to FSR and Height development standards are not operative for the purpose of the Section 79C assessment due to the Part 3A Concept Plan approval effectively 'switching' them off. Information for comparative purposes is provided below:

Element	Permitted/Required	Proposed
Site Area	13,133m ²	
Gross Floor Area	22,326m ²	26,094m ²
Floor Space Ratio	1.7:1	1.99:1
Height of Buildings	4 to 10 storeys	4 to 10 storeys
<u>Flood Planning (Clause 6.3)</u>	1:100 ARI affection	Floor Levels 3.2m AHD
<u>Earthworks (Clause 6.2)</u>	permitted with consent	Excavation 8 to 10 metres
<u>Terrestrial Biodiversity (Clause 6.4)</u>	Wildlife Corridor	No threatened species on site

Table 8: MLEP 2011 Comparison Table

Subdivision (Clause 2.6)

Clause 2.6 of MLEP 2011 states that land to which the Plan applies may be subdivided, but only with development consent.

The development involves consolidation of 4 individual titles to form 2 lots. The creation of a dedicated public park, with the remainder to be private land with public access over the proposed shared pedestrian/cycleway along the western boundary green corridor other links in the location of the land comprising Brown Street that has been closed and transferred, which will require the registration of interests and encumbrances on the new title. Conditions relating to those matters are included in the recommendation.

Preservation of Trees or Vegetation (Clause 5.9)

All trees have been removed from the site. There are street trees in Old Canterbury Road that are to be removed and replaced. Conditions of consent have been included in the recommendation to manage the tree removal and replanting strategy.

Heritage Conservation (Clause 5.10)

There are two state significant heritage items in the vicinity of the site identified in *Table 8: State Significant Heritage Items* below and located directly to the north of the site.

The Statement of Environmental Effects submitted with the application satisfactorily addresses the relevant heritage conservation provisions contained in Clause 5.10 of MLEP 2011. Overall, the development would not have any significant impacts on the heritage item, the nearby heritage item / the heritage conservation area because visually intervening landscape screening has been introduced as required by the Part 3A Concept Plan Approval and complies.

Locality	Item Name	Address	Significance	Item No
Lewisham	Lewisham Sewage Aqueduct (Sydney Water heritage asset no 4570955)	Longport Street (vicinity)	State	I54
Lewisham	Long Cove Creek railway viaducts (formerly adjacent girder bridges)	Longport Street (vicinity)	State	I229

Table 9: State Significant Heritage Items

Earthworks (Clause 6.2)

Clause 6.2 requires Council to consider the impact of a proposed development, involving earthworks, to:

- (a) ensure that works do not have a detriment effect on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land; and
- (b) allow earthworks of a minor nature without requiring a separate development consent.

The development involves excavation of up to 8 to 10 metres to permit the construction of a 2 parking levels. A preliminary geotechnical report was submitted in support of the application. The bulk of the proposed excavation and earthworks are close to the site boundaries with the exception the works proposed to park land to be dedicated to Council.

Conditions are included in the recommendation requiring the person acting on the consent to undertake dilapidation surveys of 2 dwellings closest to the site in William Street to ensure that if damage arises as a result of the works, the owners of adjacent properties are suitable protected.

Flood Planning (Clause 6.3)

Whilst the property is not currently identified as land that is shown as “Flood Planning Area” on the MLEP 2011 Flood Planning Area Map, or land at or below the flood planning level, the land is located in the Hawthorne Canal Flood Study.

A flood management plan has been prepared for the proposal which assesses the impact of flooding from the Hawthorne Canal and localised overland flooding. The redirection of overland flows through the site has also been assessed and stormwater infrastructure augmentation works designed, approved, and are currently under construction under DA201400929.

The report confirms that the proposal does not impact on flood levels of the Hawthorne Canal. The whole site is affected by the probable maximum flood (PMF) and a portion of the site is affected by the 1 in 100 year flood. In response finished floor levels of RL 12.2 are required for the development, including all entries to the basement.

A Stormwater Management Report has been prepared which satisfactorily addresses the proposed design of the stormwater system and the proposed flood protection measures.

All floor levels of the development including protection to the underground carpark have been set 500mm above the worst case scenario of the 1 in 100 year flood from the Hawthorne Canal and the 1 in 100 year ponding levels at Old Canterbury road and Brown Street.

The Stormwater Management Report provides the adopted Flood Planning Levels (minimum floor levels) at RL12.2 metres for Buildings A, B, C, D and F on the low side of the site, and RL12.85 metres for Building E and RL13.10metres for Building G both fronting Old Canterbury Road, which are satisfactory.

It should be noted that all the flood management works proposed by the development have been approved by an early road and drainage works Development Application DA201400029.01.

Relevant conditions have been included in the recommendation to ensure the stormwater civil design is verified prior to the issue of a Construction Certificate and a survey sets the floor levels, and FEAR No. 7 is addressed which says:

7. Future Development Applications shall comply with the Cardno Flood Management Report dated 30.11.11, future flood studies by the proponent endorsed by Council and relevant state policies at the time of lodgement of the application to demonstrate the finished floor levels of the buildings will be not less than 0.5 m above the 100 year ARI flood level for the site and that the development will not adversely impact on any surrounding property (including the light rail corridor) by redirection of flood waters or loss of flood storage.

Airspace Operations (Clause 6.6)

This provision within the MLEP2011 has no affect because the Part 3A Concept Plan FEAR No. 21 the requires:

Future applications shall demonstrate all necessary applications have been made to Sydney Airports Commission and Air Services Australia.

The proposal complies with FEAR No. 21 as the crane applications have been submitted.

The development has a maximum height of RL46.4 metres AHD, which is below the Obstacle Limitation Surface RL70 applying to the land. Should the development exceed 79 metres above Australian Height Datum (AHD), a new application must be submitted. Should the height of any temporary structure and/or equipment be greater than 150 feet (45.72 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161. A condition has been included in the recommendation to ensure this occurs.

Terrestrial Biodiversity (Clause 6.4)

The property is identified on the MLEP 2011 Natural Resource - Biodiversity Map as being part of the Bandicoot protection area and wildlife corridor. The application was supported by an Assessment of Significance (seven part test) undertaken in accordance with Section 5A of the EP&A Act 1979.

Investigations were conducted during the Part 3A Concept Plan Approval, and the report concludes that the development will not have an adverse impact on the local Long Nose Bandicoot population and makes recommendations to ensure appropriate management of the site throughout the development phase.

Conditions are included in the recommendation to promote the establishment of complex habitat structure for planting within the light rail corridor along the western perimeter of the site within the adjacent to the light rail corridor as a means of promoting effective habitat and encouraging the local bandicoot population. The Part 3A Concept Plan approval SOC requirement for flora and fauna have been met which says:

- The recommendations of the Flora and Fauna Report attached at Annexure K of the EA will be adopted and reflected in future Project/Development Applications. In consideration of competing constraints on the site and adjacent Green Way, the development will be designed where practicable to be sensitive to the needs of the fauna of the Green Way including:
 - Provision of appropriate lighting which minimises impacts on nocturnal fauna and the Green Way generally; and
 - Reinforcement of permeability between the Green Way and the built environment for local fauna, wherever practical (e.g. raised footpath/cycle way sections at appropriate locations).

20. Draft Marrickville Local Environmental Plan 2011 (Amendment 2)

Draft Marrickville Local Environmental Plan 2011 (Amendment 2) (the Draft LEP Amendment) was placed on public exhibition commencing from 31 July 2014 to 6 October 2014 and accordingly is a matter for consideration in the assessment of the application under Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The assessment considers the proposal having regard to the amended provisions contained in the Draft LEP Amendment and there are no issues of relevance arising from the amendments.

21. Marrickville Development Control Plan 2011

The provisions listed below within the MDCP2011 has no affect on the assessment because the Part 3A Concept Plan covers the design outcomes and assessment requirements in the TOA, MOD, FEAR and SOC:

Part 2 – Generic Provisions

- Site and Context Analysis (part 2.3)
- Acoustic and visual Privacy (part 2.6)
- Solar access (part 2.7)
- Parking (part 2.10)
- Biodiversity (part 2.13)
- Water Sensitive Urban Design (part 2.17)
- Landscaping and Open Spaces (part 2.18)
- Flood Management (part 2.22)
- Contaminated Land (part 2.24)

Part 5 - Commercial and Mixed Use Development

Part 3 -Subdivision, Amalgamation and Movement Networks

- Stormwater Management (part 2.25)
- Infill Development (part 5.1.2.4)
- Building Form (part 5.1.3)
- Floor Space Ratio (part 5.1.3.1)
- Height (part 5.1.3.2)
- Massing and Setbacks (part 5.1.3.3)
- Building Depth (part 5.1.3.4)
- Building Separation (part 5.1.3.5)
- Corners, Landmarks and Gateways (part 5.1.3.6)
- Building Detail (part 5.1.4)
- Building Frontages (part 5.1.4.1)
- Active Street Frontage Uses and Shopfront Design (part 5.1.4.2)

- Building Use (part 5.1.5)
- Mixed Use Development (part 5.1.5.1)
- Ceiling Heights (part 5.1.5.3)
- Part 8 - Heritage
- Part 9 - Strategic Context

For comparative purposes the overall development statistics performance with the relevant MLEP MDCP2011 requirements are summarised in the table below.

Element	Permitted/Required	Proposed
Site Area	13,133m ²	
Gross Floor Area	22,326 m ²	26,094m ²
Floor Space Ratio	1.7:1	1.99:1
Height of Buildings	32 metres	34.2 metres (maximum)
Storeys	Variable between 4 – 9	Variable 4 – 10
Apartment mix		
Studio	5 - 20% or 15 – 60 apartments	8% (2 apartments)
1 bedroom	10 - 40% or 30 – 119 apartments	38.9% (113 apartments)
2 bedroom	40 - 75% or 119 - 223 apartments	50% (148 apartments)
3 bedroom	10 – 45% or 30 – 134 apartments	2.4% (35 apartments)
Adaptable dwellings	60 apartments (20%)	60 apartments
Retail Floor Space	No minimum requirement	113m ²
Car parking spaces		
Standard	188 spaces	188 spaces
Accessible	60 spaces	60 spaces
Service bays	1 spaces	0 spaces in basement 1 at grade east of Building D
Motorbikes	12 spaces	12 spaces
Bicycle spaces	149 resident; and 30 residential visitor 1 retail	149 resident; 30 residential visitor 1 retail
Public Open Space Area	24% (3140m ²)	24% (3140m ²)

• *Table 10: Key Development Statistics Table*

The provisions listed below within the MDCP2011 remain relevant to the assessment because the Part 3A Concept Plan does not cover the design outcomes or assessment requirements in the TOA, MOD, FEAR and SOC:

- Urban design (part 2.1)
- Equity of access and mobility (part 2.5)
- Overshadowing (part 2.7)
- Social impact assessment (part 2.8)
- Community safety (part 2.9)
- Signage and advertising structures (part 2.12)
- Tree management (part 2.20)
- Site facilities and waste management (part 2.21)
- Dwelling mix (part 5.1.5.2)

An assessment of the development having regard to the relevant provisions of Marrickville Development Control Plan 2011 (MDCP 2011) is provided below.

PART 2 - GENERIC PROVISIONS

Urban Design (Part 2.1)

The development is considered acceptable having regard to the relevant aspects of the 12 urban design principles due to the following:

- The site layout slightly alters the envisaged PAC Part 3A Concept Plan approval for the site by removing the private road along the western boundary and instead proposing a basement entry ramp approximately 25 metres north of the Hudson Street cul-de-sac turning head providing alternative street and pedestrian linkages with the existing and future networks.
- The site layout and design facilitates and promotes access and legibility to and through the site, pedestrian walkways and vehicle entries as well as allowing for public access links through the site along the greenway corridor connecting to the Lewisham West light rail station.
- The development is predominantly residential in nature with a small complimentary retail premises located adjacent to the Lewisham West light rail station.
- The increased density above Council's control does not result in negative external impacts.
- The inclusion of a small retail premises adjacent to the Lewisham West light rail station and proposed public domain improvement work will activate public spaces.
- The provision of an accessible and shared pedestrian/cycleway, a rain garden and passive recreation spaces across the site will activate common areas.
- The use of face brick materials establishes a visual link between the new development form and the established character without replicating architectural building forms or styles.
- The architecture of the buildings and structured formal landscaped areas work together to create a strong character, combined with less formal landscaping elements provided along the western boundary as part of the light rail corridor which soften the development and establish active links to adjacent future development sites and the public domain.

Mobility of Access and Equity (Part 2.5)

The proposal satisfies the requirements of Part 2.5 of MDCP 2011.

The development provides 60 adaptable dwellings and the necessary accessible resident and visitor parking. The site is relatively level providing on-grade access to all area of the development. Lift cores are centralised in all buildings, and equitable access is available to all building entries.

Overshadowing (Part 2.7)

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent properties and demonstrate that the development complies with Council's overshadowing controls, which are of little consequence due to the pre-existing industrial context.

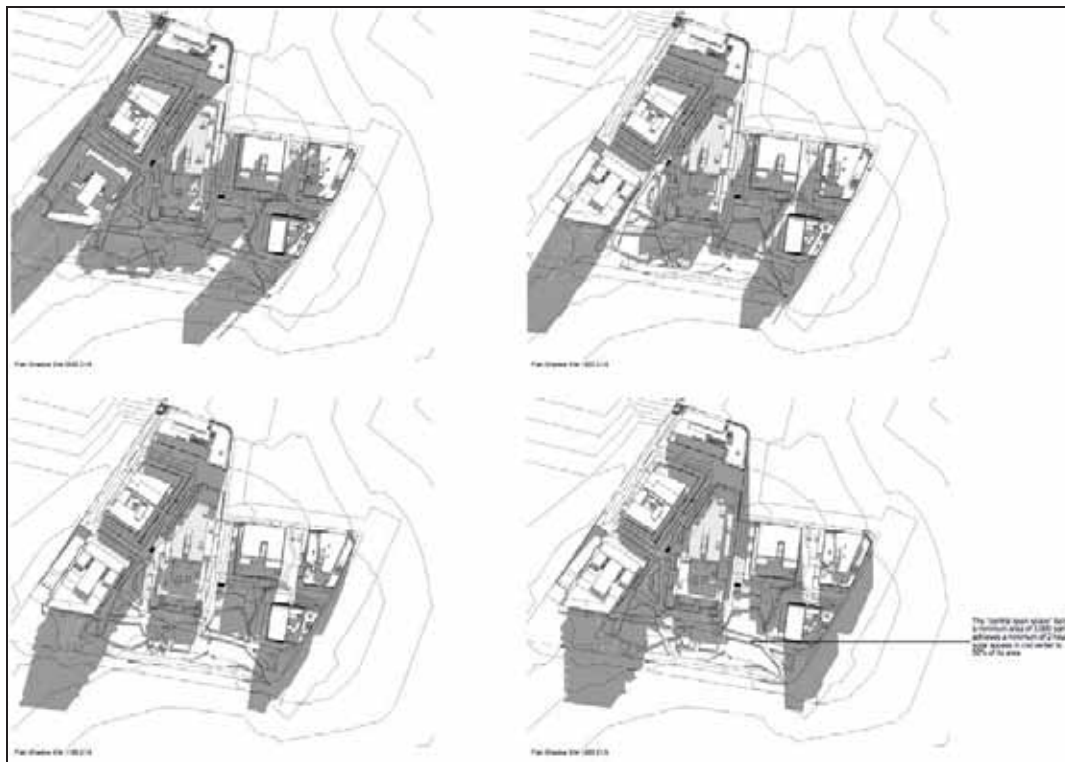


Image 63: Overshadowing Mid-winter 9:00am to 12:00 noon



Image 64: Overshadowing Mid-winter 1:00pm to 3:00pm

- **Solar access – adjacent land**

The most affected properties are those located to the south of the site, including No.102 Old Canterbury Road, No.1-3 McGill Street and No.2 McGill Street. These properties mostly contain industrial buildings and will receive or retain 2 hours of solar access in the morning.

Notwithstanding the impact 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 McGill Street Precinct masterplan area and the impacts are considered acceptable in the context of those sites being redeveloped in the future.

- *Solar access – dedicated park land*

The Part 3A Concept Plan approval includes MOD No. B2 which states

2. The "central open space" must have a total area not less than 3,000m² and the area north of Hudson Road must have a minimum width of 20m (excluding on-street parking and adjacent footpath). At least 50% of the "central open space" must receive a minimum of 2 hours solar access in mid winter.

Amended plans demonstrating compliance with this modification shall be submitted to and approved by the Director General.

The shape of the parkland shape and the maximum height area of Building E have been adjusted to ensure the proposal complies with this requirement. No inconsistency arises, however, the design change is one of many made to reduce the density of the development inside the approved building envelopes.

Social Impact Assessment (Part 2.8)

In accordance with Part 2.8 of the MDCP the application was supported by a Social Impact Statement (SIS). The SIS concludes that the development would have a positive impact on the local community:

- *Urban renewal:*

Urban renewal of existing industrial land for residential purposes will enhance the built form of the site and connectivity to local infrastructure including Lewisham Rail Station and Lewisham West Light Rail Station, and TOD.

- *Improved amenity:*

Improved amenity of the area is achieved through landscaped treatment complementing the existing character and environment.

The SIS also raises potential adverse impacts on existing residents in respect to changes to traffic conditions. In particular the potential affects of increasing vehicular movements on the safety and residential amenity on William and Brown Street.

The potential social impacts raised in the recommendations have been considered in the assessment of the application. Matters relating to traffic and pedestrian safety are planning and traffic impacts have been considered.

The development is recognised as contributing to the availability of new housing stock within a well serviced location adjacent to public transport routes.

Community Safety (Part 2.9)

The development complies with the requirements of Part 2.9 Community Safety.

The development has been considered against the principles of Crime Prevention Through Environmental Design and considered to be consistent based on the following:

- *Casual surveillance*

Casual surveillance is promoted through units designed and laid out to overlook common areas and the adjoining street network. Surveillance will be enhanced by appropriate lighting at night;

- *Pedestrian networks*
Pedestrian networks through the site are visible from adjoining dwellings, running in a direct linear path with minimal gradient changes and blind corners;
- *View Corridors*
View Corridors within common spaces are preserved by low level planting to preserve visibility and avoid concealment. Low level lighting used at night will enhance visibility and not produce glare;
- *Access control*
Access control is achieved through the use of clear and legible pedestrian entries that direct residents, visitors and the general community through the site combined with security controlled access buildings and car parks;
- *Territorial reinforcement*
Territorial reinforcement is achieved through the provision of a clear and legible pedestrian network that directs residents, visitors and the general community through the site; and
- *Space management*
Space management including maintenance of common areas will be provided by the future body corporate who would be responsible for the ongoing maintenance of the site. Allowing public access to the site for local residents will foster a sense of community ownership.

Parking(Part 2.10)

The calculations of the car parking requirements and the extent of compliance are outlined in the tables below.

The Part 3A Concept Plan approval includes car parking requirements at FEAR No.8 which are

- Future Development Applications shall provide on-site car parking at the following rates:
 - 1 space per 4 studio / 1 bedroom apartment
 - 1 space per 2/3 bedroom apartment
 - 1 visitor space per 10 apartments; and
 - 1 space per 45m² of retail GFA.

For parking requirements where the PAC approval is silent (bicycle parking, motorcycle parking, load up and adaptable parking generation), Council's DCP requirements are discussed below.

COMPONENT		RATE	MEASURE		SPACES		COMPLY
DWELLINGS	part 3A rate/unit	ADAPTABLE DCP rate/unit	UNITS		SPACES		COMPLY
				Mobility		Mobility	
Studio	0.25	1	2	0	0.5	0	
1 Bedroom	0.25	1	110	3	27.5	3	
2 Bedroom	1	1	105	43	105	43	
3 Bedroom	1	1	21	14	21	14	
Visitor	0.1	0.25	138	60	13.8	15	
Sub-Total Required					168	75	
TOTAL REQUIRED					243		
TOTAL PROPOSED					243		YES

COMMERCIAL	DCP RATE (per m ²)	AREA (m ²)	SPACES	
Business (sml)	1 per 45	233	5	
TOTAL REQUIRED			5	
TOTAL PROPOSED			5	

LOADING	DCP RATE (per m ²)	AREA (m ²)	SPACES	
---------	--------------------------------	------------------------	--------	--

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Loading (shops)	1 per 400 < 2000	233	1	
Loading (shops)	+ 1 per 1000 > 2000			
	(per unit)	UNITS		
Loading (RFB)	1 per 50 > 50 to 200	150	3	
Loading (RFB)	+ 1/100 > 200	98	1	
TOTAL REQUIRED			4	
TOTAL PROPOSED			4	YES

MOTORCYCLE	DCP RATE (per total car spaces)	CAR SPACES	SPACES	
Motorcycle	1 per 20	248	12	
TOTAL REQUIRED			12	
TOTAL PROPOSED			12	YES

BICYCLES (RFB)	DCP RATE (per units)	UNITS	SPACES	
Bicycle (RFB)	1 per 2	298	149	
Bicycle (visitors)	1 per 10	298	29.8	
Sub-total			179	
BICYCLES (other)	DCP RATE (per m ²)	AREA (m ²)	SPACES	
Bicycle (shops)	1/300	233	1	
Sub-total			180	
TOTAL REQUIRED			180	
TOTAL PROPOSED			180	YES

Table 11:- Parking Allocation Table

- *Car Parking:*
The development is required to provide a total of 248 car parking spaces, comprising 214 residential parking spaces, 29 residential visitor parking spaces and 5 commercial parking spaces. The proposal complies fully with FEAR No. 8. The proposed parking spaces are adequately labelled on the submitted plans and a condition is included in the recommendation to ensure that the proposed parking spaces are allocated appropriately.
- *Bicycle Parking:*
The development would require the provision of a total of 180 bicycle parking spaces, (1 for the commercial component and 179 for the residential component) under Part 2.10 of MDCP 2011.

Various areas within the under croft parking area has been dedicated for bicycle parking. A condition has been included in the recommendation to ensure 180 bicycle parking spaces are provided.
- *Motorcycle Parking:*
The development would require the provision of a total of 12 motorcycle parking space. The proposal includes the provision of 12 motorcycle parking space adjacent to the lift entry in the basement parking areas and is considered acceptable in this regard. A condition has been included in the recommendation to ensure 1 motorcycle parking space is provided.
- *Adaptable Park Space Allocation*
60 spaces are allocated with the total number of parking spaces which is acceptable.
- *Vehicle Service and Delivery Areas:*
The application includes the provision of a loading bay, accessed via William and Brown Streets, which is satisfactory.

Traffic (Part 2.10.6)

In accordance with Part 2.10.6 the application was accompanied by a Traffic Impact Statement considered compliance with the Part 3A approval and Council's parking requirements, potential affects of the additional traffic on the local road network, public transport availability and the internal road layout.

The report was reviewed by Council's Traffic Engineers and reported to Council's Pedestrian, Cyclist and Traffic Calming Advisory Committee. The following sections address each of the relevant components in turn.

- *Car share spaces*
Part 2.10.9 of MDCP 2011 encourages the provision of car share spaces in large scale residential developments.

The Part 3A Concept Plan approval FEAR No. 17 requires:

17. Future Development Applications shall require the provision and implementation of a car share scheme.

The development should provide for at least 1 dedicated car share space within the Hudson Street parking provided in DA201400029.01. Conditions have been imposed to confirm the number of spaces and requiring the developer to facilitate the implementation of facilities to support the car share spaces.

- *Access-ways*

The development involves the construction of 3 new access-ways as follows:

- William Street Basement Entry/Exit– a two way ramp connecting to the about the midpoint with William Street with entry into under Building F. A 1.8 metre wide footpath crosses the basement entry ramp.
- Westside Basement Entry Lane – a 2 way private access-way with raised pedestrian crossing connecting to the western end of Hudson Street cul-de-sac head providing the main basement entry ramp, that includes a turn in the ramp to be into under Building A.
- Brown Street pedestrian shareway/loading dock manoeuvring zone - this access-way will serve a dual purpose as both the main service vehicle entry to the loading dock inside Building D for waste collection servicing, and an east-west pedestrian connection through the site.

The road layout and concept design has been reviewed by Council's Development and Traffic Engineers, who are generally supportive, and concluded that the internal roads were suitably designed to meet their intended functions.

- *Pedestrian Safety*

The intersection with Longport Street and Old Canterbury Road will become increasingly active as a result of the new Lewisham West light rail stop and the upgraded connections with the Lewisham for pedestrian connection leading from and through the development site.

The proposed arrangement has been designed with full regard to RMS and Austroads design guidelines and standards as follows:

- the pedestrian crossing will be marked in accordance with the standards with associated signage
- the marked pedestrian crossing will be located on a raised threshold designed to accord with the standards
- the sight lines for drivers and pedestrians will accord with the AS2890.1 design requirements particularly as the speed of accessing cars will be constrained by the raised threshold

Fencing (Part 2.11)

Fencing detail is consistent with the architectural design and form of the development. The internal fence design to ensure some interaction between public and private domain, suitable and effective casual surveillance of adjacent street frontages and common areas.

Detailed design of fencing along the western boundary adjacent to the rail corridor has not been provided. A condition is included in the recommendation requiring a 1.8 metre high, dark toned open style palisade fence to ensure safety and maintain a visually recessive appearance.

Biodiversity (Part 2.13)

- *Protection of Endangered/Threatened Species & Wildlife Corridors*

These matters have been considered earlier under Section 9 of this report in relation to Terrestrial Biodiversity.

Energy Efficiency(Part 2.16)

Part 2.16 of MDCP 2011 contains controls and objectives for energy efficiency targets for non-residential development. In particular Part 2.16.3 relates to development for retail premises between 100m² and 1,000m².

The development includes a 113m² retail premises intended for use as a food and drink premises. The provision of energy efficient devices and fittings is a matter for detailed design that will be certified at Construction and Occupation Certificate Stage. Conditions are included in the recommendation to address those matters.

Combined with the above the applicants have provided an assessment of the café element (being the only non-residential component) carried out in accordance with Part J of the Building Code of Australia contained within the National Construction Code.

Landscaping and Open Spaces (Part 2.18)

Part 2.18.11.7 of MDCP 2011 prescribes landscaped area, private and common open space controls for mixed use developments.

The outcome of the assessment is summarised as follows.

- 95 % of apartments are provided with compliant areas of private open space;
- 27 units with a floor area greater than 85m² are included requiring the provision of 10% common open space.
- The development is supported by a network of plazas and passive recreation spaces that enhance the buildings' setting and complement private open spaces. The network of courtyards, plazas, greenway space and pedestrian paths account for approximately 48 %of the site; and
- Landscaped area of 2,3810m² (23.5 %of the site) incorporating passive recreation elements has been provided.

The development does not comply with the required provision for common landscaped area and has developed an alternate masterplan that allocates preference to the design and orientation of building forms to favour individual residential amenity over the provision of common open space.

On balance, this outcome is considered acceptable. The design and layout of the buildings do not increase external impacts on neighbouring sites and maintains and enhances the public domain and streetscape interfaces.

Part 2.20 - Tree Management

The conditions recommended by Council's Tree Management Officer are included in the recommendation.

This matter has been discussed earlier in this report.

Conditions have been included in the recommendation requiring the replacement of existing street trees in Old Canterbury Road in accordance with Council requirements.

Site Facilities and Waste Management (Part 2.21)

- *Clothes drying facilities*
The plans submitted with the application do not indicate the provision of clothes drying facilities. A condition is included in the recommendation requiring the submission of details of indoor clothes drying facilities.
- *Public utilities*
A condition is included in the recommendation advising the person acting on the consent to liaise with the relevant authorities/service providers for public utilities (Sydney Water Corporation, Ausgrid, AGL and Telstra) concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.

- *Building identification numbers*
A condition is included in the recommendation requiring appropriate numbering details to be submitted in accordance with Part 2.21.5 of MDCP 2011.
- *Telecommunication facilities*
A condition is included in the recommendation requiring the provision of suitable telecommunication facilities in accordance with Part 2.21.6 of MDCP 2011.
- *Recycling and Waste Management Plan*
A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application and is considered to be adequate.
- *Residential Waste*
A minimum of 194 x 240 litre recycling, 97 x 240 litre general waste bins and 20 x 240 litre green waste bins and a 12m³ area dedicated for the temporary storage of discarded bulky items are required to be provided for the development.
- *Commercial Waste*
The proposed commercial tenancies would generate enough waste to require approximately 3 x 240 litre bins per day. The proposal provides separate waste storage areas for the residential and commercial components.
- *Waste Management (Collection)*
Collection of residential waste will occur from the loading dock with Council's trucks entering via Brown Street. The waste storage room has been designed to facilitate Council access to the waste storage area to overcome the need to leave bins on the street.

Trucks will be able to manoeuvre onsite to enter and exit the site in a forward direction and retrieve bins from the loading dock. Collection of non-residential waste will be via a private contractor service.

As Council waste collection staff will need to enter the building, conditions have been included in recommendation to ensure the necessary access rights, insurances, and waivers for any damages claims against Council from an incidents arising from Council entering the building.

The loading dock waste collection servicing includes a purpose built 60m² bin holding, shuffling and collection space designed to allow Council waste collection staff to retrieve bins from inside the building for the benefit of both domestic and commercial waste management functions. This means up to 100 x 240 litres bins no longer need to be placed outside for collection.

However, it is proposed to transfer the bins to the loading dock in Building D from the basement bin storage rooms located around each buildings waste chute using a buggy with 8 bins loaded in each trailer. The buggy will exit the basement into William Street and then travel along the public road and re enter the site from Brown Street, enter the loading dock and unload the bins.

This arrangement is not supported due to the adverse impacts on the residential amenity of the neighbourhood and internal to the site from the continual opening and closing of the loading dock door and the traversing backwards and forwards along the public road by the bin mover between the basement and the loading dock.

Part 3A Concept Plan approval FEAR No. 29 is not complied with by this arrangement.

28. Future development applications shall demonstrate a suitable design treatment to the loading dock on the ground floor, at the eastern end of Building D and which addresses the following matters:

- (a) the means of minimising visual impacts on the public domain;
- (b) noise management measures to preserve the amenity of adjoining dwellings, including proposed hours of operation;
- (c) full details of swept paths demonstrating the ability of service vehicles to safely manoeuvre in and around the facility without adversely impacting traffic flows in William and Brown Streets.



Image 65: Typical Bin Mover – 12 Bin Capacity

Considering that the opportunity to carry out this management strategy for bin transfer onsite has been frustrated by the proposed removal of the new private road required by the Part 3A Concept Plan approval TOA No. A2, imposing this function on the public domain is not considered to be reasonable on amenity grounds. Had the new private road been maintained in the scheme the bin transfer could have been managed on-site, and would have resulting in adverse impacts on the internal residents from the transfer activities and the opening and closing of the door.

To overcome the poorly designed bin transfer management arrangement a condition of consent has been included in the recommendation to provide a dedicated bin transfer platform lift in the loading dock down to the basement that is directly below.

- *Waste Management (Disposal)*
A Recycling and Waste Management Plan (RWMP) was submitted with the application. In general the waste management arrangements for the site are acceptable subject to amendments to the deletion of all references to use of compaction system within the RWMP prepared by Elephants Foot;
- *Waste storage facilities*
The applicant has proposed the use of 240L bins to service the site. Agreement from Council's Waste Services Section has been negotiated subject to collect on-site.

A bin storage area, and holding space is proposed within the ground floor level of the development with a capacity to accommodate the required waste facilities for recycling and general waste under Part 2.21.

The plans depict 100 x 240 litre waste bins in the loading dock and this is acceptable in the loading dock if transfer up from the basement occurs during collection based on the weekly frequency of servicing that will require the inclusion of a dedicated lift to manage the total of 300 bins during collection. The development is not anticipated to generate significant green waste as the development proposes minimal landscaping of the side/rear setbacks and for the roof top the communal open space area.

- *Residential Component*

A minimum of 97 x litre recycling, 194 x litre general waste bins and 20 x green waste bins are required to be provided for the development.

The garbage storage room has been designed in accordance with the requirements specified in Part 2.21 of MDCP 2011 and is capable of accommodating the minimum number of bins required.

In addition, a garbage chute is required to be provided to any part of the building which is 4 storeys in height which is complied with.

Council's Waste Services Section have reviewed and accepted the plans provided in support of the development. Conditions are included in the recommendation concerning the required amendments and detailed information to ensure on site management.

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application and is considered to be adequate.

To improve safety onsite, the operation of the loading dock access doors should include installation of a beacon light (that operates when the doors are open) and signage installed above the doors to warn any passing pedestrians of the potential hazard trucks manoeuvring in the shared pedestrian zone. Collection in the morning could occur when pedestrian movements are busiest, therefore the safety of the general public using the footpaths and collection staff arriving in trucks justify the imposition of this measure to minimise the risks of conflict and injury as much as possible.

As Council waste collection staff will need to enter the building, conditions have been included in recommendation to ensure the necessary access rights, insurances, and waivers for any damages claims against Council from an incidents arising from Council entering the building.

Flood Management (Part 2.22)

- *Flood affectation*

The land is located within the Hawthorne Canal Flood Study area and is known to experience inundation related to overland flow and flooding. Accordingly, the applicant was directed to provide a flood report to address the potential impacts associated with the redirection of flood waters.

A satisfactory flood report has been submitted establishing acceptable floor levels for the development to ensure the protection of property the sub-level car park to prevent flooding. The report suitably demonstrates that no adverse impacts on adjacent properties or Council's road network will occur as a result of the development following completion of flood mitigation works approved in DA201400029 to redirect overland flood flows around the development.

Detailed design has been completed in relation to the overland flow paths to ensure the flow of water is captured and transported around the site (as intended) without impacting on adjacent land. Appropriate conditions are included in the recommendation in relation to those matters.

- *Stormwater management*

The diversion of Council's stormwater pipe in Hudson Street is acceptable subject to conditions which are included in the recommendation.

PART 3 -SUBDIVISION, AMALGAMATION AND MOVEMENT NETWORKS

The development includes the consolidation of 4 separate title lots into 1 lot and involves the construction of the following vehicle and pedestrian networks:

The proposed consolidation and movement networks are considered in detail in the context of the Masterplan controls of Part 9 of MDCP 2011. The applicant has indicated that public rights for access and shared pedestrian/cycle way will be covered by a right of carriageway/entry registered on the title for the benefit of the public.

Conditions are included in the recommendation requiring that the public right of way be established before the issue of any Occupation Certificate.

PART 5 - COMMERCIAL AND MIXED USE DEVELOPMENT

Part 5.1.3.3 contains massing and setback controls for commercial and mixed use developments. However the strategic context controls contained in Part 9 of the DCP provide more site specific massing and setback controls.

- *Active Use – Design and Layout*

Building A includes a ground floor retail component with residential above requiring assessment against the relevant provisions in Part 5 of the MDCP 2011. In this instance as the building form is guided by Part 9 strategic context controls only those matters not addressed in Part 4 or Part 9 of MDCP 2011 have been included in the assessment.

Council's active street front controls are designed to ensure new infill development is consistent with the prevailing streetscape of established commercial precincts. In this instance, the commercial component of the development is limited to the southern end of the precinct site adjacent to the light rail corridor. The proposal is compliant with the standard controls for active ground floor uses within a mixed use development as the proposed space is considered to be appropriately located and designed to enhance both the development and the public domain.

- *Active Use – Operation*

In accordance with recent amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, first use applications are no longer required for certain forms of commercial premises operations.

Consequently, operational aspects of the future tenancy and any likely impacts have been considered in the assessment of the application.

The plans indicate that the retail premises will operate as a café. Conditions are included in the recommendation to control the potential amenity impacts that may arise in relation to the operation of an active use within an otherwise residential environment.

Dwelling mix (Part 5.1.5.2)

Part 5.1.5.2 of MDCP 2011 prescribes the following dwelling mix requirements for mixed use developments containing 6 or more dwellings:

“C54 New developments with six or more dwellings must provide the following mix of dwelling types:

- | | | |
|------|---------------------|----------------|
| i. | Studio | 5% - 20% |
| ii. | 1 bedroom | 10% - 40% |
| iii. | 2 bedroom | 40% - 75%; and |
| iv. | 3 bedroom or bigger | 10% - 45%.” |

The residential component of the development includes 2 x studio dwellings (1% of 298), 113 x 1 bedroom dwellings (38% of 298), 148 x 2 bedroom dwellings (49% of 298) and 35 x 3 bedroom dwellings (12% of 298). The development generally complies with the unit mix requirements.

22. Marrickville Section 94/94A Contributions Plan 2014

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A Voluntary Planning Agreement (VPA) has been negotiated and accompanies this Development Application (in lieu of Section 94 Contributions).

23. Any planning (or draft planning) agreement under Section 94F of the EP&A Act

The application includes a draft Voluntary Planning Agreement which the applicant intends to enter into with Council for the development.

The development contribution is to be provided to Council at various stages but generally prior to the issue of an Occupation Certificate for the final residential building within the development, except as provided for in the draft VPA. In accordance with section 93F(2)(c) of the Act, the Planning Agreement has the following public purposes:

- the provision of public open space;
- the provision of affordable housing;
- the provision of community facilities;
- improved transportation links; and
- monetary development contributions for continued delivery and maintenance of public amenities and services.

The Council and the applicant have assessed the draft VPA and both hold the view that the provisions of the draft VPA provide a reasonable means of achieving the public purposes set out above.

The specific details and an assessment of the draft VPA has been prepared by Council's General Counsel and is provided separately.

24. Any relevant matters prescribed by the Regulations

The development has been considered against Clause 92 of the Regulations and the following resolved:

- The land is not on land within a local government area identified in the Table of Clause 92;
- The land is not affected by a Government Coastal Policy;
- The development will be subject to conditions controlling the method of demolition to confirm compliance with AS 2601—1991: The Demolition of Structures, published by Standards Australia, and as in force at 1 July 1993; and
- The application does not relate to land the subject of a subdivision order made under Schedule 5 of the Act.

25. Any coastal zone management plan

No coastal zone management plans apply to the land.

26. The Likely Impacts

The potential impacts of the proposal have been addressed throughout earlier sections of this report.

27. The Suitability of the Site

This report has demonstrated that the site has sufficient capacity to accommodate the development with minimal adverse impacts on neighbourhood amenity. There are no significant natural or cultural constraints that would hinder the development, and accordingly the site is considered suitable for the proposed development.

28. External Agency Referrals

The application was referred to the following external agencies:

- RailCorp
- Roads and Maritime Services
- Department of Primary Industries – Office of Water (NOW)
- NSW Police - Marrickville Local Area Command
- Sydney Water Corporation
- Ausgrid

All agencies have responded and raised no objection to the proposal subject to the imposition of conditions which are included in the recommendation. Where necessary the comments provided by agencies have been included in the body of the report.

Agency	Response
RailCorp (Sydney Trains)	A request for further information and clarification was received by Council from RailCorp (Sydney trains) on 27 August 2014. RailCorp have since issued concurrence on 18 November 2014 raising no objection to the development subject to deferred commencement and operation conditions, which have been included in the recommendation.
Roads and Maritime Services (RMS)	Correspondence has been received dated 30 July 2014 and 19 August 2014. RMS concurrence will be required to be obtained post consent under Section 138 of the Roads Act 1919 to address FEAR 19 of the Part 3A Concept Approval 3 that restricts right-turn movements in and out of William, Brown, and Hudson, and McGill Streets. The RMS advised me that they have not addressed the concurrence issue because the arrangements were not proposed in the Traffic Management Plan, advising me that they were only identified as a possibility. RMS raised no objection to the development in these circumstances and the conditions provided from RMS have been included the recommendation
Department of Primary Industries (Office of Water)	Correspondence has been provided including General Terms of Approval (GTA) dated 5 September 2014 raising no objection to the development subject to conditions, which have been included in the recommendation..
NSW Police Force	A response has been received by Council from NSW Police dated 11 August 2014 raising no objection to the development subject to conditions, which have been included in the recommendation.
Sydney Water Corporation	Correspondence has been provided dated 25 August 2014 raising no objection to the development subject to conditions, which have been included in the recommendation.
Ausgrid	No response has been received.

Table 12:- Agency Referrals Table

29. Council Internal Referrals

The application was referred to the following internal departments and sections:

- Engineering (Civil and Traffic)
- Architectural Excellence Panel (AEP)
- Environmental Services (Contamination and Biodiversity)
- Waste Services
- Street Tree Managers
- Local Traffic Committee

Comments and conditions of the relevant sections are provided throughout the report as part of the assessment of issues relevant to their sections. In general most sections raised no objection to the proposal or matters raised have been resolved through the assessment process.

The AEP assessed the original proposal and provided comments primarily raising concern with the proposals inconsistency with the Architectural Design Competition outcomes, the loss of the new private road adjacent the western boundary, the appearance and function of the loading dock, and the level of comprising the submission. All of these issues have been resolved as discussed elsewhere in the report.

The issues raised above have been addressed in the body of the report that provides a detailed assessment of compliance.

30. Community Consultation

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. A total of 12 submissions were received.

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 have been discussed in the report. In particular, the concerns, which have already been discussed throughout the main body of this report:

- Compliance with SEPP 65;
- Compliance with MLEP Development standards;
- Traffic, access, parking and pedestrian safety;
- Solar access and overshadowing;
- Visual and Acoustic privacy;
- Built form;
- Building Height;
- Changing character of development;
- Tree removal and street trees; and
- Impacts on local fauna.

In addition to the above, the submissions raised the following concerns which are discussed under the respective headings below:

Context and Setting

- Development scale out of character with the local area
- Excessive height in the context of the area
- Excessive density in the context of the area
- Zero setbacks at the street edge provide no relief to the bulk and scale of the development in the context of the area

Comment:

The development is a significant increase in the density and scale of development that is predominant within the immediate locality. It is agreed that the realisation of the development will visibly alter the appearance of the site and the immediate locality and that the buildings are visually apparent.

Development along the street edges, in particular to Old Canterbury Road, is well designed and proportioned. Most objections are concerned with the visual impact of Building E and G orientated to Old Canterbury Road. This building presents to the street edge boundary and is setback above the 4th storey in accordance with the adopted control and is consistent with the envisaged storey height. The design attributes have been considered in detail within the body of the report.

Retail Use

- Insufficient retail space in the development to service the community

Comment:

The retail space generally meets the requirements of the Concept Plan and in the wider McGill Street Precinct adequate commercial/retail space is provided.

Inadequate Community Consultation

- Proponent has not adequately consulted the community on the impacts on local residential properties
- Need for community consultation on types of facilities/shops in the development

Comment:

The changes to zoning, development standards (height and FSR) and the strategic context controls of MDCP 2011 were exhibited as part of the Part 3A Concept Plan approval process. Advertising of the development application and draft Voluntary Planning Agreement has been undertaken in accordance with the requirements of the Environmental Planning and Assessment Regulations 2000.

The reduction in retail space in the Part 3A Concept Plan undertaken via a modification was supported by the Department of Planning and Infrastructure and the proposal complies with the retail floor space area requirements. The Part 3A Concept Plan and related modification process included community consultation.

Inconsistencies, Unclear and Illegible Documents

- Insufficient number of photomontages in the context for the community to understand the impacts of the development
- Photomontages do not depict development accurately compared to the plans
- Photomontages do not depict the context accurately
- Photomontages show shadow in William Street when sun is overhead
- 1:50 sections should be provided to precisely detail the construction materials to ensure the development is of high quality
- Number of storeys in the development exceeds to Part 3A Concept Plan approval by not counting the ground floor as a storey – 4 is 5, and 10 is 11 storeys
- Hudson Street basement access not shown on plans that included the William Street basement access
- Traffic generation implications are not accurately modelled in the context of surrounding development scale
- Concern the proponent will erode the quality of the approved development through subsequent modifications

Comment:

Detailed plans and materials have been provided in the amended development proposal submitted on 30 October 2014 that included certification from the design competition winning architect that the proposal is essentially the same. The concern about future modifications is speculative and is not a relevant matter for consideration.

31. The Public Interest

As demonstrated by this report, the proposed mixed use development will not result in any significant adverse impacts on adjoining properties or the locality, and will provide a high standard of residential living and deliver public benefit through the addition of new residential accommodation and provide new public access allowing for connectivity between the Lewisham Lewisham West light rail station and heavy rail station.

The development will cater to an increasing residential housing demand within the locality while also providing for the creation of new jobs through construction and a new retail component.

The proposal is not considered to be contrary to the public interest.

32. Conclusion

The application seeks consent in accordance with Section 79A of the Environmental Planning and Assessment Act 1979 to construct a mixed use development comprising 7 multi-storey buildings, between 4 & 10 storeys, over 2 levels of basement car parking, containing 298 dwellings, 113m² retail tenancy, 120m² community facility, 248 car parking spaces, dedication and embellishment of public open space, road works and new pedestrian access routes, to be undertaken in 5 stages.

The development proposal is Integrated Development, as defined under Section 91 of the Environmental Planning and Assessment Act 1979, as the applicant has sought on the application the general term of approval from the NSW Office of Water under Section 91 of the Water Management Act 2000, and required the concurrence from RailCorp under SEPP (Infrastructure). Both these requirements have been met and conditions have been recommended accordingly.

The heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of the application. The proposal generally complies with both the Part 3A Concept Plan approval subject to some items being met conditionally, and would not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered to merit approval.

Detailed plans and materials have been provided in the amended development proposal submitted on 30 October 2014 that included certification from the design competition winning architect ensuring that the proposal is essentially the same. The quality of architectural detailing, modulation, and façade treatment is evidently improved from the original submission.

The development is generally consistent with the principles promoted by SEPP 65 and the intentions of the MDCP 2011 providing for neighbourhood amenity and streetscape, visual and acoustic privacy, solar access and design for climate, stormwater, crime prevention, accessibility and waste management.

The traffic generated by the development can be accommodated by the existing road network subject to conditions due to perceivably a 50% reduction in the anticipated traffic generation from a 30% reduction in density compounded with the 30% reduction from the TOD factor. Additional parking, including 1 dedicated car share parking bays, is provided on site to mitigate potential impacts on on-street parking.

The application relies on an alternative access arrangement departing from the concept approval that will increase the amenity of the site, improve the ecological outcomes, building layout and open space connections without undermining the permeability at the site envisaged by the adopted Concept Approval. This outcome does require the inclusion of a dedicated lift for the transfer of waste from the basement to avoid unacceptable public domain impacts due to the private road being unavailable for waste transfer.

The adopted Part 3A Concept Plan approval provides a well-designed mixed development which satisfies the aims and intent of the context controls, through urban renewal of existing and fragmented industrial land providing a predominantly residential development consistent with the envisaged scale set amongst formal landscaped gardens and pedestrian networks promoting connectivity with the Lewisham West Light Rail Station.

Based on the assessment undertaken, approval of the development is recommended subject to the imposition of appropriate conditions suitable for the issue of a deferred commencement consent.

PART F - RECOMMENDATION

- A. THAT** the development application to construct a mixed use development comprising 7 multi-storey buildings, between 4 & 10 storeys, over 2 levels of basement car parking, containing 314 dwellings, 113m² retail tenancy, 246 car parking spaces, dedication and embellishment of public open space, road works and new pedestrian access routes, to be undertaken in 5 stages 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. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:
 - a. Final Geotechnical and Structural report/drawings that meet Sydney Trains 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.
 - c. Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.
 - d. Detailed Survey Plan showing the relationship of the proposed developed with respect to RailCorp's land and infrastructure.
 - e. If required by Sydney Trains, 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.
 - f. Any conditions issued as part of the Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Evidence of the above matters must be produced to the Council or its delegate within 1 years of the date of this Determination otherwise the Consent will lapse.

PART B - CONDITIONS OF CONSENT

Once operative this part of the consent is subject to the following conditions:

GENERAL

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
Dwg No. A001 Rev B	Cover Sheet	30.10.2014	PTW Architects	30.10.2014
Dwg No. A004 Rev A	Site Context Model	30.10.2014	PTW Architects	30.10.2014
Dwg No. A005-L00 Rev B	Site Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A006-L00 Rev B	Setback Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A005-L00 Rev E	Public/Private	30.10.2014	PTW Architects	30.10.2014
Dwg No. A008-P02 Rev B	Parking Level 02	30.10.2014	PTW Architects	30.10.2014
Dwg No. A009-P01 Rev B	Parking Level 01	30.10.2014	PTW Architects	30.10.2014
Dwg No. A010-L00 Rev B	Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A011-L01 Rev B	Level 1 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A012-L02 Rev B	Level 2 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A013-L03 Rev B	Level 3 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A014-L04 Rev B	Level 4 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A015-L05 Rev B	Level 5 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A016-L06 Rev B	Level 6 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A017-L07 Rev B	Level 7 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A018-L08 Rev B	Level 8 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A019-L09 Rev B	Level 9 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A020-RF Rev B	Roof Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A040 Rev B	Site Sections Buildings DBA & CD	30.10.2014	PTW Architects	30.10.2014
Dwg No. A041 Rev B	Site Sections Buildings GFC & EG	30.10.2014	PTW Architects	30.10.2014
Dwg No. A042 Rev B	Ramp Sections	30.10.2014	PTW Architects	30.10.2014

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
Dwg No. A049 Rev B	Finish Schedule & Colour Scheme	30.10.2014	PTW Architects	30.10.2014
Dwg No. A050 Rev B	BLDG_A,B&D West Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A050 Rev B	BLDG_A,B&D West Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A051 Rev B	BLDG_A,B&D East Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A051 Rev B	BLDG_A,B&D East Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A052 Rev B	BLDG_D, F&G North Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A052 Rev B	BLDG_A,B&D North Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A053 Rev B	BLDG_C&D East Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A054 Rev B	BLDG_A,C,E&F South Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A054 Rev B	BLDG_A,C,E&F South Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A055 Rev B	BLDG_B,C,F&G North Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A056 Rev B	BLDG_E&G East Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A056 Rev B	BLDG_E&G East Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A060 Rev B	BLDG_A-Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A061 Rev B	BLDG_B-Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A062 Rev B	BLDG_C-Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A063 Rev B	BLDG_D-Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A064 Rev B	BLDG_E-Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A065 Rev B	BLDG_F-Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A066 Rev B	BLDG_G-Elevations	30.10.2014	PTW Architects	30.10.2014
Dwg No. A110 Rev A	Affordable Housing Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. A200 Rev A	BLDG_A-Section Detail Sheet_01	30.10.2014	PTW Architects	30.10.2014
Dwg No. A201 Rev A	BLDG_A-Section Detail Sheet_02	30.10.2014	PTW Architects	30.10.2014
Dwg No. A202 Rev A	BLDG_A-Section Detail Sheet_03	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA010-L00 Rev B	Building A Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA011-L01 Rev B	Building A Level 1	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA012-	Building A Level	30.10.2014	PTW Architects	30.10.2014

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
L2-3 Rev B	2-3			
Dwg No. AA013-L04 Rev B	Building A Level 4	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA014-L5-7 Rev B	Building A Level 5-7	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA015-L08 Rev B	Building A Level 8	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA016-L09 Rev B	Building A Level 9	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA050 Rev B	Building A Adaptable	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA051 Rev B	Building A Adaptable	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA052 Rev A	Building A Adaptable	30.10.2014	PTW Architects	30.10.2014
Dwg No. AA053 Rev A	Building A Adaptable	30.10.2014	PTW Architects	30.10.2014
Dwg No. AB010-L00 Rev B	Building B Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AB011-L1-3 Rev B	Building B Level 1-3	30.10.2014	PTW Architects	30.10.2014
Dwg No. AB012-L04 Rev B	Building B Level 4	30.10.2014	PTW Architects	30.10.2014
Dwg No. AB013-L5-7 Rev B	Building B Level 5-7	30.10.2014	PTW Architects	30.10.2014
Dwg No. AB014-L8-9 Rev B	Building B Level 8-9	30.10.2014	PTW Architects	30.10.2014
Dwg No. AB051 Rev B	Building B Adaptable Units	30.10.2014	PTW Architects	30.10.2014
Dwg No. AC010-L00 Rev B	Building C Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AC011-L1-2 Rev B	Building C Level 1-2	30.10.2014	PTW Architects	30.10.2014
Dwg No. AC012-L03 Rev B	Building C Level 3	30.10.2014	PTW Architects	30.10.2014
Dwg No. AC013-L04 Rev B	Building C Level 4	30.10.2014	PTW Architects	30.10.2014
Dwg No. AC014-L05 Rev B	Building C Level 5	30.10.2014	PTW Architects	30.10.2014
Dwg No. AC015-L06 Rev B	Building C Level 6	30.10.2014	PTW Architects	30.10.2014
Dwg No. AC050	Building C Adaptable Units	30.10.2014	PTW Architects	30.10.2014
Dwg No. AD010-L00 Rev B	Building D Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AD011-L01 Rev B	Building D Level 1	30.10.2014	PTW Architects	30.10.2014
Dwg No. AD012-L2-4 Rev B	Building D Level L2-4 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AD015-L5-7 Rev B	Building D Level L5-7 Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AD018-L8 Rev B	Building D Level 8 Plan	30.10.2014	PTW Architects	30.10.2014

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
Dwg No. AD050	Building D Adaptable Units	30.10.2014	PTW Architects	30.10.2014
Dwg No. AD051	Building D Adaptable Units	30.10.2014	PTW Architects	30.10.2014
Dwg No. AE010-L00	Building E Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AE011-L1-2	Building E Level 1-2	30.10.2014	PTW Architects	30.10.2014
Dwg No. AE012-L3-4	Building E Level 3-4	30.10.2014	PTW Architects	30.10.2014
Dwg No. AE013-L5-6	Building E Level 5-6	30.10.2014	PTW Architects	30.10.2014
Dwg No. AF010-L00	Building F Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AF011-L01	Building F Level 1	30.10.2014	PTW Architects	30.10.2014
Dwg No. AF012-L2-3	Building F Level 2-3	30.10.2014	PTW Architects	30.10.2014
Dwg No. AF013-L4	Building F Level 4	30.10.2014	PTW Architects	30.10.2014
Dwg No. AF014-L5	Building F Level 5	30.10.2014	PTW Architects	30.10.2014
Dwg No. AF015-L6	Building F Level 6	30.10.2014	PTW Architects	30.10.2014
Dwg No. AF050	Building F Adaptable Units	30.10.2014	PTW Architects	30.10.2014
Dwg No. AG010-L00	Building G Ground Plan	30.10.2014	PTW Architects	30.10.2014
Dwg No. AG011-L1-3	Building G Level 1-3	30.10.2014	PTW Architects	30.10.2014
Dwg No. AG012-L04	Building G Level 4	30.10.2014	PTW Architects	30.10.2014
Dwg No. AG050	Building G Adaptable Units	30.10.2014	PTW Architects	30.10.2014
Dwg No. A210 Issue A	Typical Fence	11.11.2014	PTW Architects	14.11.2014
Letter by Darjo Spralja	Design Competition Certification	30.10.2014	PTW Architects	30.10.2014
Dwg No. CV-0200 Rev 1	Stormwater Drainage Key Plan	30.10.2014	En Struct	30.10.2014
Dwg No. CV-0201 Rev 1	Stormwater Drainage Plan Ground Floor Sheet 01	30.10.2014	En Struct	30.10.2014
Dwg No. CV-0202 Rev 1	Stormwater Drainage Plan Ground Floor Sheet 02	30.10.2014	En Struct	30.10.2014
Dwg No. C02 Rev 7	Bulk Earthworks Layout Plan Sheet 01	12.11.2014	En Struct	13.11.2014

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
Dwg No. C03 Rev 7	Bulk Earthworks Layout Plan Sheet 02	12.11.2014	En Struct	13.11.2014
Dwg No. ST-SK-0001 Revision 1	Site Plan and Sections	01.10.2014	En Struct	17.11.2014
Dwg No. C04 Rev 4	Bulk Earthworks Site Sections	12.11.2014	En Struct	13.11.2014
Old Canterbury Road Lewisham. Landscape DA	Site Strategy 01-05	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Old Canterbury Road Lewisham. Landscape DA	Design Concept 06-20	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Old Canterbury Road Lewisham. Landscape DA	Material Scheme 21-24	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Dwg no. DA_100 Issue D	Landscape Masterplan Plan	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Dwg no. DA_201 Issue D	Landscape Softworks Plan	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Dwg no. DA_202 Issue D	Landscape Softworks Plan	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Dwg no. DA_203 Issue D	Landscape Softworks Plan	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Dwg no. DA_204 Issue D	Landscape Softworks Plan	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Dwg no. DA_205 Issue D	Landscape Softworks Plan	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Dwg no. DA_301 Issue D	Details	30.10.2014	Arcadia Landscape Architecture	30.10.2014
Issue No. 02	BASIX Assessment	14.07.2014	Efficient Living Pty Ltd	23.07.2014
459245M_02	BASIX Certificate	14.07.2014	NSW Planning & Infrastructure	23.07.2014
459263M_02	BASIX Certificate	14.07.2014	NSW Planning & Infrastructure	23.07.2014
459268M_02	BASIX Certificate	14.07.2014	NSW Planning & Infrastructure	23.07.2014
459275M_02	BASIX Certificate	14.07.2014	NSW Planning & Infrastructure	23.07.2014
459278M_02	BASIX Certificate	14.07.2014	NSW Planning & Infrastructure	23.07.2014
459279M_02	BASIX Certificate	14.07.2014	NSW Planning & Infrastructure	23.07.2014
Ref no. 124672-PRSUBD Sheet 01	Draft Plans of Subdivision	29.10.14	JBW Surveyors Pty Ltd	30.10.2014

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
Ref no. 124672-PRSUBD Sheet 01	Draft Plans of Subdivision	29.10.14	JBW Surveyors Pty Ltd	30.10.2014

and details submitted to Council on 23 Jul 2014, 30 October 2014, 27 November 2014 with the application for development consent and as amended by the matters referred to in Part A of this Determination and the following conditions.

2. All works must be carried out in accordance with Development Consent No. 201400029.01 and as amended by the plans and requirements of the conditions of this consent.
Reason: To ensure that the requirements of this consent and Development Consent No. 201400029.01 are consistently applied.
3. The construction works of the development approved by this consent shall have the constructions certificates issued in accordance with the following 5 stages of construction work:
 - a. **Stage 1:** The drainage pipes approved in the DA201400029.01; and
 - b. **Stage 2:** Construction of the entire basement including the roof over and associated access points; and
 - c. **Stage 3:** Construction of Building D (on the corner of Longport and Brown Streets) and associated landscape surrounds, footpaths and pedestrian access plus all relevant works to allow the function and operation of the loading dock / waste collection area; and
 - d. **Stage 4:** Construction of Buildings A, B, C, E, F, G and associated landscape surrounds, footpaths and pedestrian access relevant to each individual building; and
 - e. **Stage 5:** Completion of all remaining works in DA201400029.01, and construction and dedication of the Developers Works in accordance with the provisions of the Voluntary Planning Agreement submitted in relation to DA201400354 and agreed to by Council on 9 December 2014 ("VPA").

NOTE:

- iii. Two individual Construction Certificates shall be issued for Building A, B, C, D, E, F, and G as follows:
 - one for the super-structure including external finishes; and
 - one for the internal fit-out.
- iv. Building D will be occupied 1st so that the waste collection process is operational prior to 1st occupation of the development.

Reason: To ensure all Construction Certificates and Occupation Certificates may be issued in a manner that allows the construction and occupation of the development to be staged over time whilst ensuring the required infrastructure, servicing, and amenity requirements of the development are met for each stage.

4. Where the Voluntary Planning Agreement (VPA) places pre-conditions on the issuing of a construction certificate or occupation certificate, no such certificate may be issued until such time as the relevant pre-conditions in the VPA have been satisfied.
Reason: To comply with the provisions of the Voluntary Planning Agreement.
5. Any development that is approved by this consent and which is the subject of the Voluntary Planning Agreement (VPA) must be carried out in compliance with the requirements of the VPA and this consent.
Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

6. 31 visitor car parking spaces required as part of the total parking required under this Determination must be provided and marked as visitor car parking spaces. A sign legible from the street must be permanently displayed to indicate that visitor parking is available on site.

Reason: To ensure that visitor car parking spaces are provided and marked accordingly and that visitors are advised and directed to such parking.

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

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

8. The use of the premises, including 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.

9. 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 the roller door to the car parking entries and loading dock is 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.

10. No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.

Reason: To prevent the public footpath from being obstructed.

11. All loading and unloading in connection with the use of the retail tenancy 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.

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

12. The hours of operation of the retail tenancy must be restricted to between the hours of 7.00am to 9.00pm Mondays to Saturdays, and 8.00am to 7.00pm on Sundays or Public Holidays.

Reason: To ensure that the operation of the premises does not interfere with the amenity of the locality.

13. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.

Reason: To ensure that the development is adequately serviced.

14. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).
15. Owners and occupants of the approved development are not 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.
16. The person acting on this consent shall provide security, in a manner satisfactory to Council for the proper maintenance of the road/drainage and public domain works in an amount of \$43,000.00 for a period of twelve (12) months from the date of completion of the works as surety for the proper maintenance of the road, drainage and public domain works. (If this bond has been provided in relation to DA201400029 then this additional bond will not be required).
Reason: To provide security for the maintenance of road, drainage and public domain works for a 12 month maintenance period.
17. The person acting on this consent shall, within fourteen (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 applicant.
Reason: To ensure all road, drainage and public domain works are maintained within a reasonable time limit during a 12 month maintenance period.
18. Prior to the issue of any Construction Certificate for Stage 3, amended landscape plans and details package shall be submitted to and approved by Council to ensure:
- a) the approved landscape concept plans are updated to construction standards before aboveground works commence on site; and
 - b) the approved landscape concept plans are updated to comply with the Further Design Works delivered from the Voluntary Planning Agreement; and
 - c) comply with the Marrickville Urban Forest Strategy; and
 - d) comply with the Marrickville DCP 2011, Clause 2.18 – Landscaping and Open Spaces; and
 - e) comply with the street tree replacement consent conditions; and
 - f) the soil depth shown on Dwg. No. DA301Rev 5 is stated as variable and must be adjusted in all planting areas so that:
 - i. the minimum soil depth on top of concrete slabs for all areas proposing the planting of turf is not less than 0.3 metres deep plus drainage material; and
 - ii. the minimum soil depth on top of concrete slabs for all areas proposing the planting of tree species is not less than 1 metre deep plus drainage material; and
 - iii. the minimum soil depth on top of concrete slabs for all for all areas proposing the planting of shrubs and groundcover species is not less than 0.4 metres deep plus drainage material; and
 - g) the Building D loading dock vehicle manoeuvring area is to be designed and constructed to be a pedestrian shared zone by detailing the pedestrian pathways in the manoeuvring area surface in a difference colour and material treatment than the remainder in order to guide people and show pathway links clearly to the pedestrian pathway connections at the perimeter of the area; and
 - h) each individual item of landscape furniture is precisely specified on the landscape plans including identifying each items location, height, width, length, construction materials, colours, durability, and manufacturer; and

- i) each individual item of public art is precisely specified on the landscape plans including identifying for each public art piece the type, size, location, height, width, length, construction materials, colours, durability, manufacturer, and how they are integrated into the landscape and streetscape; and
- j) each individual fence and gate is precisely specified on the landscape plans including identifying for each fence and gate the type, size, location, height, width, length, construction materials, colours, durability, manufacturer, and how that are integrated into the landscape and streetscape; and
- k) each individual walls is not higher than 0.6 metres is precisely specified on the landscape plans including identifying for each wall the type, location, height, width, length, construction materials, colours, durability, manufacturer, and how they are integrated into the landscape and streetscape; and
- l) all lighting is precisely specified on the landscape plans including identifying for each light the type, lux, size, location, height, width, length, construction materials, colours, durability, manufacturer, and how they are integrated into the landscape and streetscape, and comply with *Australian Standard AS/NZS1158.1.2:2010 - Lighting for roads and public spaces - Vehicular traffic (Category V) lighting - Guide to design, installation, operation and maintenance* and the principles of crime prevention through environmental design by not conflicting with landscape planting;
- m) each individual physical element of the way finding strategy is to be precisely specified on the landscape plans including identifying for each landscape features employed including for each element the type, location, height, width, length, construction materials, colours, durability, manufacturer, and how they are integrated into the landscape and streetscape; and
- n) all fencing within 20 metres of the light-rail corridor is to be approved by RailCorp (Sydney Trains) with documentary evidence of the RailCorp (Sydney Trains) approval supplied to Council with the landscape details package; and
- o) all lighting that generates light spill into the light-rail corridor is to be approved by RailCorp (Sydney Trains) with documentary evidence of the RailCorp (Sydney Trains) approval supplied to Council with the landscape details package
- p) the specifications for the landscape quality of the dedicated park land are matched into the landscaping specifications for the remainder of the site comprising proposed Lot 1 in the subdivision of Lot 11 DP 774322 & Lots 6, 7, 8 DP 977044 and the closed road being Part of Brown Street.

The provisions of Clause 161 of the Environmental Planning and Assessment Regulation 2000 do not apply to this condition, and the Principal Certify Authority is excluded from approving the plans to which this condition relates.

Reason: To ensure the landscape outcomes are coordinated and comply with the CPTED requirements.

19. The street trees approved to be removed shall be removed by an arborist with a minimum qualification of certificate 3 in arboriculture in compliance with WorkCover NSW Code of Practice: Amenity Tree Industry 1998. Trees shall be chipped, with the exception of any tree identified as having a contagious fungal or bacterial disease, and woodchip mulch shall be re-used.

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

20. That new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.

Reason: To ensure trees are properly planted at correct levels in suitable soil matrices.

21. All excavation works with 25 metres of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.

- Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
22. Sydney Trains or Transport for NSW (Transport for NSW), and persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
23. No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with Transport for NSW or the light rail operator.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
24. Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
25. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains, Transport for NSW, or the light rail operator and the Applicant. These 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 Sydney Trains.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
26. The person acting on this consent shall obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
27. No metal ladders, tapes and plant/machinery, or conductive material are to 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 comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
28. Drainage from the proposed works under this application shall not be discharged direct into the rail corridor.

- Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
29. 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's landscaping and planting plan should be submitted to Sydney Trains for review.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
30. To ensure that graffiti can be easily removed, the person acting on this consent shall ensure that the walls of the development facing the rail corridor are coated with anti-graffiti paint or other coating.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
31. Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
32. An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
Reason: To comply with the General Terms of Approval of NSW Office of Water
33. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
Reason: To comply with the General Terms of Approval of NSW Office of Water
34. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
Reason: To comply with the General Terms of Approval of NSW Office of Water
35. Prior to the issue of any Construction Certificate by any Principal Certifying Authority for any works in Stage 3 comprising construction of Building D (on the corner of Longport and Brown Streets) and associated landscape surrounds, footpaths and pedestrian access plus all relevant works to allow the function and operation of the loading dock / waste collection area, the Further Design Works required in the Voluntary Planning Agreement for the completion of detailed landscape plans affecting the public open space must be completed to the satisfaction of the Council.
Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

36. Prior to the issue of a Occupation Certificate for Stage 3 of the development the person acting on this consent must submit and have approved by the Principal Certifying Authority construction standard landscaping plans prepared for the issue of the Construction Certificates for Stage 4 landscaping works to provide the documented landscape details package for the entire development. The construction standard landscaping plans design specification shall be entirely consistent with the specifications agreed with Council arising from the Further Design Works completed in accordance with the provisions of the Voluntary Planning Agreement affecting the public open space.

Reason: To ensure the landscape outcomes in the public open space match with the landscape outcomes on the development site.

37. Prior to the issue of a Construction Certificate for Stage 3 of the development the person acting on this consent must submit and have approved by Sydney Trains (RailCorp) and Marrickville Council's Investigation and Design Section a detailed landscaping plan designed for landscape embellishment and planting of the eastern side within the Light Rail Corridor in the location described as follows:

- i. The vacant land:
 - a. directly adjacent to the common boundary; and
 - b. for the full length of the common boundary; and
 - c. for the entire area between the light rail track clearance zone and the common property; and
- ii. that meets with the area of land able to be landscaped as specified by Sydney Trains (RailCorp) and to the satisfaction of Sydney Trains (RailCorp).

The detailed landscaping plan must address the following requirements:

- a) The planting schedule must ensure a complex habitat structure is achieved with a clearly definable under, mid and upper vegetation storey; and
- b) Species selected and planted shall be sourced from community or wholesale nurseries that stock Sydney region native species; and
- c) 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
- d) The groundcover layer must be dense (6 plants per m²) to provide habitat for the Long-nosed bandicoot, which is a ground-dwelling mammal; and
- e) Provide visual screening of the basement entry ramp and any basement sidewalls exposed to view from passengers using the light rail corridor; and
- f) Be designed to discourage people from applying graffiti to any basement sidewalls exposed to view from the light rail corridor; and
- g) Include an ongoing maintenance schedule, and maintenance plan; and
- h) Meet with any other requirements including but not limited to the design, planting and maintenance requirements of Sydney Trains (RailCorp).

The approved landscaping plan shall be implemented by ensuring that the landscape planting and associated works is to be installed prior to the issue of any Interim or Final Occupation Certificate by any Principal Certifying Authority for Stage 3 - Building D, and maintained for a period of not less than 12 months and not more than 2 years.

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 augment the landscaping of the western side of the site; and provide visual screening of the development and underground basement entry ramp; and screen the state listed heritage items; and screen the light rail corridor; and provide anti-vandalism of any exposed basement sidewalls facing the light rail corridor.

38. The proposed development must be served by a drinking water extension off the 300mm main in Longport Street.
Reason: To satisfy the requirements of the Sydney Water Corporation.
39. The proposed drinking water infrastructure for this development will be sized & configured according to the Water Supply Code of Australia WSA 03-2011-3.1 (Sydney Water Edition - 2012).
Reason: To satisfy the requirements of the Sydney Water Corporation.
40. The wastewater main available for connection is the 150mm main constructed under CONT.739
Reason: To satisfy the requirements of the Sydney Water Corporation.
41. The proposed development site is traversed by a number of wastewater mains and the proposed works are in close proximity to a Sydney Water asset. The person responsible for acting on this consent may be required to carry out additional works to facilitate the development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets. Refer to your WSC for details of requirements.
Reason: To satisfy the requirements of the Sydney Water Corporation.
42. The proposed development must address:
- Prevention to impact on Sydney Water's remaining oviform stormwater pipe
 - Existing Sydney Water stormwater drainage to be removed
 - Stormwater easement on this property to be de-registered.
- Reason: To satisfy the requirements of the Sydney Water Corporation.
43. The person responsible for acting on this consent must follow the Sydney Water's guidelines for constructing buildings over or adjacent to stormwater assets guidelines and must ensure that:
- No building or permanent structure is to be constructed within 1m from the outside wall of the stormwater asset.
 - Ensure new Sydney Water stormwater assets are constructed away from any building and structurally independent from any structure.
- Reason: To satisfy the requirements of the Sydney Water Corporation.
44. Sydney Water notes that Sydney Water stormwater pit (downstream from pit B11) will be renewed and the remaining oviform stormwater channels through the light rail corridor must be protected.
This work must be carried out as per Sydney Water standard procedures including:
- Connection angles are to be no greater than 30 degrees in the direction of the channel flow.
 - Proposed connections that are 300mm or more in diameter require a qualified structural engineer to design the connection. A structural engineer's certificate is to be attached with the design drawings.
 - Proposed connections that are less than 300mm in diameter can use Sydney Water's standard drawings to design the connection drawings.
 - All drawings are to be submitted in Auto Cad to the Water Servicing Coordinator. The title of the drawings shall be as follows:[Suburb] Drainage Case No. [444444] SW[Catchment Name] SWC [##]
- Reason: To satisfy the requirements of the Sydney Water Corporation.
45. During construction if there is a need to connect to Sydney Water stormwater assets not shown on the works plans. The person acting on this consent must immediately consult with Sydney Water before any work is carried out.

Reason: To satisfy the requirements of the Sydney Water Corporation.

46. Removal of existing stormwater assets (150VC) in this property must be removed with care as per Sydney Water work procedures. The removal of stormwater assets must not impact on the structural integrity of any remaining Sydney Water assets. Sydney Water must be informed immediately of any damages. Any repair damages to remaining stormwater assets will be at the responsibility and the expense of the proponent.

Reason: To satisfy the requirements of the Sydney Water Corporation.

47. The person responsible for acting on this consent must consult with Sydney Water if during construction there is a need to connection to Hawthorne Canal.

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing stormwater connections to natural waterways.

48. The person responsible for acting on this consent must consider Sydney Water's guidelines for stormwater connections to natural waterways which outline the process and design requirements for such activities. As per the guidelines, the applicant must refer to the relevant guidelines for further detail on requirements and the process for approval.

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing stormwater connections to natural waterways.

49. Government agencies must be informed and notified by the person responsible for acting on this consent of the works required satisfy the requirements of Sydney Water Corporation including Council, Roads and Maritime Services, Sydney Trains, NSW Office of Water.

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing other agency notification.

50. As per standard application the applicant is to refer or resubmit the Flood Impact Assessment report based on a current flood model for the proposed development and identify flood hazards. As agreed with Council and Sydney Water the FIA must demonstrate that there are no potential adverse flood impacts offsite due to the development and evaluate the impacts of flooding on the proposed development

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing flooding impacts.

51. Refer to Stormwater Report 12 May 2014 prepared by Cardno and supporting documentation for DA 201400029. The report and documentation addressed Sydney Water's stormwater concerns regarding Sydney Water's assets, flood impacts, potential impacts to people, adjoining properties, infrastructure, utilities and services from the proposed Lewisham Estate at 78-90 Old Canterbury Road.

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing flooding impacts.

52. As per above report Sydney Water will not require On-site Detention (OSD) for this development. OSD was identified that due to the location of the site and changes in behaviour of local catchment flows OSD is not required if the trunk drainage system is upgraded. The trunk drainage upgrade will also prevent overland flows, have no significant impacts to peak flood levels and it will cater for future development south of Hudson Street

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing on-site stormwater detention.

53. The person responsible for acting on this consent must ensure Sydney Water's oviform stormwater pipe will not be impacted.

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing on-site stormwater detention.

54. Stormwater run-off quality from the site should meet Councils requirements. Alternatively it must meet appropriate quality and quantity before discharged into a Sydney Water stormwater system. Developments must demonstrate stormwater quality improvement measures that meet the following specified stormwater pollutant reductions:

Pollutant	Pollutant load reduction objective (%)
Gross Pollutants (>5mm)	90
Total Suspended Solids	85
Total Phosphorus	65
Total Nitrogen	45

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing stormwater quality.

55. Proponents must ensure Sydney Water and Marrickville Council agree on ownership of the stormwater assets that remain and created as per works plan.

Reason: To satisfy the requirements of the Sydney Water Corporation in addressing asset ownership.

56. Pursuant to Section 88B of the Conveyancing Act 1919 a restriction as to user is to be imposed on the title of proposed Lot 1 in the subdivision of Lot 11 DP 774322 & Lots 6, 7, 8 DP 977044 and the closed road being Part of Brown Street to give effect to the easements shown as (E2) - *Denotes Easement For Public Access Variable Width* on the approved plan titled "*Plan Showing the Concept of the Proposed Subdivision of Lot 11 DP 774322 & Lots 6, 7, 8 DP 977044 and the Closed Road Being Part of Brown Street*" by JBW Surveyors Pty Ltd – Plan Ref 124672-PRSUBD dated 29 October 2014 to give effect to the following:

- Any member of the general public shall be entitled to access the areas shown as (E2) *Denotes Easement For Public Access Variable Width*, on the land at any time, with no other legal restriction or binding limitation being imposed by the land owner to fetter those rights of access.

Reason: To satisfy the requirements of the Part 3A Concept approval No. MP08_0195 Schedule 3 - FEAR No. 15.

57. The owner and/or owners corporation of proposed Lot 1 in the subdivision of Lot 11 DP 774322 & Lots 6, 7, 8 DP 977044 and the closed road being Part of Brown Street shall hold at all times Public Liability Insurance to the value of \$20,000,000 to cover any claim for damage, loss, injury or incident to a member of the general public arising on the land.

Reason: To satisfy the requirements of the Part 3A Concept approval No. MP08_0195 Schedule 3 - FEAR No. 15.

58. To ensure the design of the proposal reduces opportunities for crime:

- a) the principles of Crime Prevention through Environmental Design are to be provided in the construction plans and specification details including design for natural and passive surveillance, territorial reinforcement, space management, and access control including:
 - i. installation of Closed Circuit Television (CCTV) system that:
 - a. captures high definition quality footage; and
 - b. is capable of storing up to 14 days of footage that can be exported to media such as CD Rom, external hard disk drive, flash drive or similar; and
 - c. has vandalism resistant cameras installed that provide video surveillance of:
 1. all areas of both of the basement car park levels; and
 2. all areas inside the ground level entry foyer in Buildings A, B, C, D, E, F and G; and
 - ii. a multi-layered automatic access control system incorporating resident control swipe system and/or keypad access for:
 - swipe system and keypad access outside each building at entry door hold points to the Buildings A, B, C, D, E, F and G; and

- iii. the ground level entry shall be designed to maximise surveillance opportunities to and from these areas from both inside the lobby, and from the residential units above and in the buildings opposite those entries for Buildings A, B, C, D, E, F and G; and
- iv. the placement and orientation of common entry areas for Buildings A, B, C, D, E, F and G including foyers, lobbies and lifts shall maximise opportunities for natural supervision by caretakers, tenants and other guardians; and
- v. the design of fences and gates to ensure passive surveillance is provided between public, semi-public and private spaces at ground level; and
- vi. all lighting is precisely specified including identifying for each light the type, lux, size, location, height, width, length, construction materials, colours, durability, manufacturer, and how they are integrated into the landscape and streetscape, and comply with *Australian Standard AS/NZS1158.1.2:2010 - Lighting for roads and public spaces - Vehicular traffic (Category V) lighting - Guide to design, installation, operation and maintenance* and do not conflict with landscape planting; and
- b) prior to the issue of any Construction Certificate for Stage 3 of the development the requirements of this condition must be submitted to and approved by the Principal Certifying Authority.
- c) All of the crime risk reduction measures are to be installed prior to the issue of any Occupation Certificate for the works in Stage 4, with the exception of the crime risk reduction requirements affecting the basement levels which must be installed prior to the issue of any Occupation Certificate for the works in Stage 3.
- d) All of the crime risk reduction measures are to remain installed and be maintained by the owners corporation for the life of the development.

Reason: To ensure the design of the proposal reduces opportunities for crime and the principles of Crime Prevention through Environmental Design and the requirements of NSW Police.

59. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations in Sections 4.1, 4.2.1, 4.2.3, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10 on pages 5 to 11 (excepting as modified by conditions of the consent) contained in Geotechnical Investigation, Reference No. 25985Zrpt2 Revision 01 - Preliminary Geotechnical Investigation prepared by JK Geotechnics, dated 9.11.2012 submitted to Council on 23.07.2014.

Reason: To ensure compliance with the recommendations of the Geotechnical Investigation accompanying the application.

60. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations in Sections titled: General Waste Volumes, Retail Areas, Common Areas, Waste Room Areas, Collection of Waste, Waste Chutes and Equipment, Garbage room Construction Requirements and Table 2 – Residential Waste Generation, Table 3 – Bin Requirements, Table 4 – Retail Waste Generation, Appendix 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, contained in the Waste Management Plan, Revision D Waste Management Plan dated November 2014 prepared by Elephants Foot Recycling Solutions submitted to Council 14.11.2014. The transfer of waste bins using a buggy and trailer from the basement to the loading dock in Building D is not permitted to occur via William and Brown Street. A dedicated platform lift is to be installed directly below the loading dock in Building D down to the basement and is to be used to transfer bins from the basement to the loading dock. The use of the Building D lift to the residential levels is not permitted to occur at any time.

Reason: To ensure compliance with the recommendations of the Waste Management Plan accompanying the application.

61. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations (excepting as modified by conditions of the consent) contained in Table 3, 4, 5, 6, 7, 8, 9, 10 and Sections 3.2, 4.1,

4.3, 5.1, 5.2, 5.3, 5.4, 6.1, 6.2, 6.3, 6.4, 7.1 and 7.2, of the Acoustic Investigation, 20120730.2/1312A/R3JR Revision 03 - Acoustic Assessment - 13.12.2013 prepared by Acoustic Logic submitted to Council on 23.07.2014.

Reason: To ensure compliance with the recommendations of the Acoustic Investigation accompanying the application.

62. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations (excepting as modified by conditions of the consent) contained in Section 11, 14, and 15 of the remediation action plan, CES131010- MG- AD Revision 01 Remediation Action Plan dated 24.06.2014 prepared by Consulting Earth Scientists submitted to Council on 23.07.2014 excepting as modified by conditions of this consent.

Reason: To ensure compliance with the recommendations of the Geotechnical Investigation accompanying the application.

63. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations (excepting as modified by conditions of the consent) contained in Section 5 in the geotechnical investigation, Ref no. GEOTLCOV25177AA-AB Geotechnical Investigation Report dated 15.10.2014 prepared by Coffey Geotechnics Pty Ltd and letter dated 16 October 214 submitted to Council on 18.11.2014.

Reason: To ensure compliance with the recommendations of the Geotechnical Investigation accompanying the application.

64. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations and findings (excepting as modified by conditions of the consent) contained in Section 4, 5, 6, 7, 9, 10 in the aeronautical assessment, Ref no. J0416 v1.0 Aeronautical Impact Assessment Report dated 23.06.2014 prepared by The Abidjii Group Pty Ltd and submitted to Council on 23.07.2014.

Reason: To ensure compliance with the recommendations of the Aeronautical Investigations accompanying the application.

65. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations and findings contained in Section 3, 4, 5, 6, 7, 8, in the access review, Ref no. FINAL Access Review Report dated 15.07.2014 prepared by Morris Goding Accesibility Consulting and submitted to Council on 23.07.2014.

Reason: To ensure compliance with the recommendations of the Access Review accompanying the application.

66. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations and findings (excepting as modified by conditions of the consent) contained in Section 6, in the arboricultural assessment, Ref no. 3439 Arboricultural Assessment Report dated 23.07.2014 prepared by TALC and submitted to Council on 23.07.2014.

Reason: To ensure compliance with the recommendations of the arboricultural assessment accompanying the application.

67. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations and findings (excepting as modified by conditions of the consent) contained in Section 4, 5, and 6 in the construction management plan, Ref no.CMP July 2014 Construction Management Plan Report dated July 2014 prepared by Karimbla Construction Services (NSW) Pty Ltd and submitted to Council on 23.07.2014.

Reason: To ensure compliance with the recommendations of the construction management plan accompanying the application.

68. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations (excepting as modified by conditions of the consent) contained in the stray rail current electrolysis risk report, Ref no. 810/M/14694R/Rev 2 Stray Rail Current Electrolysis Risk Report dated 22 August 2012 prepared by Savcor Pty Ltd and submitted to Council on 23.07.2014.

Reason: To ensure compliance with the recommendations of the stray rail current electrolysis risk report accompanying the application.

69. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations (excepting as modified by conditions of the consent) contained in the stormwater management report, Ref no. 59914017 Rev 2 Stormwater Management Report dated 12 May 2014 prepared by Cardno Pty Ltd and submitted to Council on 23.07.2014.

Reason: To ensure compliance with the recommendations of the stray rail current electrolysis risk report accompanying the application.

70. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations to avoid impacts on the Longnosed Bandicoot and Threatened bat species and general mitigation measures (excepting as modified by conditions of the consent) contained in the letter of 7 November 214, Ref no. 0232/13lt1 prepared by Planning Ingenuity Pty Ltd and submitted to Council on 17.11.2014.

Reason: To ensure compliance with the recommendations of the flora and fauna investigations accompanying the application.

71. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations to avoid impacts on the Longnosed Bandicoot and Threatened bat species and general mitigation measures (excepting as modified by conditions of the consent) contained in the letter of 7 November 214, Ref no. 0232/13lt1 prepared by Planning Ingenuity Pty Ltd and submitted to Council on 17.11.2014.

Reason: To ensure compliance with the recommendations of the flora and fauna investigations accompanying the application.

72. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations and findings (excepting as modified by conditions of the consent) contained in Section 9, 10, 11 and 12 in the social impact assessment, Ref no. July 2014 Social Impact Statement dated July 2014 prepared by Sarah George Consulting and submitted to Council on 23.07.2014.

Reason: To ensure compliance with the recommendations of the social impact assessment accompanying the application.

73. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations and findings (excepting as modified by conditions of the consent) contained in Section 9, 10, 11 and 12 in the traffic and parking impact assessment, Ref no. 14057 (Rev B) Assessment of Traffic and Parking Implications dated July 2014 prepared by Transport and Traffic Planning Associates and submitted to Council on 23.07.2014, and the supplementary letters of 29 October 2014, 17 and 27 November 2014.

Reason: To ensure compliance with the recommendations of the traffic and parking impact assessment accompanying the application.

74. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations and findings (excepting as modified by conditions of the consent) contained in Concepts Section in the Concept Design Assessment Report dated 30 October 2014 prepared by PTW Architects and submitted to Council on 30.11.2014.
Reason: To ensure compliance with the recommendations of the concept design assessment report accompanying the application.
75. Prior to the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations and findings (excepting as modified by conditions of the consent) contained in the Sections called Concepts Design, Material Scheme, and Planting Scheme in the Landscape DA Report dated October 2014 prepared by Arcadia Landscape Architects and submitted to Council on 30.11.2014.
Reason: To ensure compliance with the recommendations of the landscape concept design accompanying the application.
76. Upon the completion of any remediation works stated in the Remediation Action Plan (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
77. All heavy vehicles including waste service vehicles accessing the loading dock shall enter and leave the site via the intersection of Brown and Longport Streets.
Reason: To ensure that no heavy vehicles access the site via William Street.
78. A rotating beacon light and signage is to be installed on the external wall of the Building D adjacent to the loading dock doors, that is:
- a) To be positioned so that it readily visible by pedestrians in the vicinity;
 - b) Installed so that the light automatically switches on and begins flashing when the doors are open and switches off when they are shut;
 - c) A heavy duty sign/s is to be designed with dimensions of not less than 400mm (h) x 600mm (w), with black bold text, on a white background, with text not less than 100mm high on it's face which says: *Flashing Light - Caution Waste Collection Underway*.
 - d) The signage and lighting must be installed, maintained, and be operating for the life of the development. Plans and Specification details of the light and sign that meet the terms of this condition are to be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of any Construction Certificate for Stage 3 of the development, and be installed and operating in accordance with those plans and specifications prior to the issue of the Occupations Certificate for Stage 3 of the development.
 - e) Any variations required to made to the size and installation parameters stipulated for both the lighting and signage parameters set out in this condition arising from installation constraints must only be varied by preparing plans and specifications addressing the intentions of this condition are met and submitting them to and having them approved by the Infrastructure Works and Service Section of Council prior to the issue of an any Construction Certificate for Stage 3 of the development by the PCA.
- Reason: To allow trucks to safely enter and exit the loading dock in Building D to load and unload inside the site and service the development.
79. To provide access, safety, and limit the impact of waste collection services at the site the Building D loading dock must:
- a) Incorporate an access control system installed to the loading dock with an automatic opening and closing door; and
 - b) Have the arrangements of the access control system supplied to the Council to allow Council's waste collection staff to remotely control the opening of the loading dock door upon arrival in waste collection vehicles; and

- c) Be designed so that the loading dock door is to remain open while waste collection vehicles are entering and exiting through the door; and
- d) Be designed so that the loading dock door closes automatically once waste collection vehicles have entered or exited the loading dock; and
- e) Be designed so that the loading dock door remains closed for the duration of the waste collection functions; and
- f) The remote control system is to activate the orange heavy duty rotating beacon light to warn pedestrian in the vicinity of waste collection vehicles manoeuvring and reversing on-site to access and exit the loading dock; and
- g) Have purpose designed and dedicated lift installed providing solely for the transfer of waste bins between the basement and the loading dock internal to the Building D; and
- h) Not have waste bins transferred to it by any means that involves bins being carted between the basement and the loading dock via any vehicle using any public road; and
- i) Not be operated for waste collection services outside of the hours of 8:00am to 5:00pm Monday to Friday; and
- j) Have a fin wall installed across the top of the loading dock door and down each side of the loading dock door, that projects not less than 06.m from the wall of the building and is designed to ameliorate the visual impact of the door when viewed from the light-rail corridor, William and Brown Streets, and from residential units in Buildings B, C, F and G; and
- k) Be coloured in dark tinted natural tones complimenting the materials selection for the development;
- l) Be designed managed, construction, fit-out and operated to comply with the requirements of any approved acoustic reports, and must not give rise to any unreasonable adverse noise impact on residential amenity internal and external to the site; and
- m) Must not be serviced by using the Building D residential level lift core to transfer bins between the basement.

Prior to the issue of any Construction Certificate for Stage 3, plans and specification details that meet the terms of this condition are to be submitted to and approved by the Principal Certifying Authority (PCA), and be installed and operating in accordance with those plans and specifications for each stage of the development prior to the issue of the Occupations Certificate for each stage of the development.

Any variations required to made to parameters stipulated in this condition arising from installation constraints must only be varied by preparing plans and specifications addressing the intentions of this condition are met and submitting them to and having them approved by the Council prior to the issue of an any Construction Certificate for Stage 3 by the PCA.

Reason: To allow trucks to gain access to the building to load and unload adjacent to the site and service the development.

80. The applicant/owners/strata managers must provide to Council access rights permission for the Council staff to enter the building for the purpose of the delivery of Council's Waste Collection Services at the site as proposed in the development, and is to be maintained in place for the duration of the provision of the service by Council. The Council access rights permission is to be provided to the Infrastructure Works and Service Section of Council prior to the issue of any Occupation Certificate for Stage 3 of the development.

Reason: To ensure Council has legal entry to the building.

81. The applicant/owners/strata managers must provide a waiver to Council against any claims or liabilities made against Council and/or it's staff arising from any damages, accident, injury or any other incident arising as a result of the delivery of Council's Waste Collection Services at the site as proposed in the development, and is to be maintained in place for the duration of the provision of the service by Council.

The waiver is to be provided to the Infrastructure Works and Service Section of Council prior to the issue of any Occupation Certificate for Stage 3 of the development.

Reason: To ensure Council is indemnified against any claims.

82. The applicant/owners/strata managers must hold public liability insurance policy, in terms which are to the satisfaction of the Infrastructure Works and Service Section of Council, that covers the Council and it's staff that are permitted access rights to enter the building for the purpose of the delivery of Council's Waste Collection Services at the site as proposed in the development against any damages, accident, injury or any other incident, and is to be maintained in place for the duration of the provision of the service by Council. A copy of the public liability insurance is to be provided to the Infrastructure Works and Service Section of Council, prior to the issue of any Occupation Certificate for Stage 3 of the development.

Reason: To ensure Council is covered by insurance at property.

83. In order to ensure the design quality excellence of the development is retained:
- a) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - b) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - c) Evidence of the design architect's commission is to be provided to the Council prior to issue of a Construction Certificate for Stage 3 of the development.

The design architect of the project is not to be changed without prior notice and approval of the Council.

Reason: On the basis that the approved design is a result of a competitive design process mandated by the Part 3A Concept Approval and to ensure the design quality excellence of the development is retained.

84. Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Therefore any such crane activity that exceeds the height of the 79.0m AHD will require separate assessment.

Reason: To ensure the development meets with the requirements of the Department of Infrastructure and Regional Development.

85. To avoid impacts on the Long-nosed Bandicoots and threatened bat species that may roost or forage on the site, the following measures are to be implemented at all times during the construction of the project:

- a) The roof and internal spaces between walls of the construction site buildings on the subject site shall be checked for the presence of roosting bat species immediately prior to the demolition of the buildings. The inspections must be carried out by an appropriately qualified and experienced ecologist, who is responsible for evacuating any bats from the buildings on site prior to the building demolition; and
- b) One day before construction activities commence at the subject site (including areas under site buildings, under vehicles, in and under material stockpiles) shall be checked by an appropriately qualified and experienced ecologist for signs of occupancy of the site by bandicoots; and
- c) Construction workers on the subject site shall be instructed as part of their worksite induction program by an appropriately qualified and experienced ecologist about the importance of the site and the surrounding landscape as potential habitat for the inner western Sydney Population of the Long-nosed Bandicoot; and
- d) The induction program shall ensure that workers are able to identify:
 - i. Long-nosed Bandicoots; and

- ii. Indirect signs of Long-nosed Bandicoots activity; and
- iii. Areas within and adjacent to the subject site that are potential habitat for Long-nosed Bandicoots species; and
- iv. Know what actions to take in the event of a Long-nosed Bandicoot occurring on the site during the pre-construction and construction periods; and
- e) The construction site foreman shall ensure the site is checked each day before works commence at the subject site (including roof and internal spaces between walls of the construction site buildings, areas under site buildings, under vehicles, in and under material stockpiles) for signs of occupancy of the site by bandicoots and threatened bat species; and
- f) Bandicoot-proof fencing shall be erected around the entire perimeter of the subject site once the qualified ecologist is satisfied that there are no Long-nosed Bandicoots on the subject site; and
- g) If Long-nosed Bandicoots are found on the subject site just prior or during construction, then construction must stop and the landowner must contact the Department of Planning and the Department of Environment (DoP), Climate Change and Water (DECCW) immediately about the best course of action to take to prevent injury or mortality to individual bandicoots; and
- h) Silt fences and sediment ponds should be appropriately placed around construction areas on the subject site to prevent runoff of sediment and nutrient-enriched waters into nearby drainage lines and bushland areas. The effectiveness of these traps should be closely monitored during construction, ensuring that treated site run-off meets EPA guidelines.

Reason: To ensure the development implements to the provisions of the Threatened Species Conservation Act 1995.

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 National Construction Code (Building Code of Australia).

86. No work must commence until:

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

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

87. 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.

88. Sanitary facilities must 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 must be located so that they will not cause a nuisance.

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

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

Reason: To protect the amenity of the area.

90. 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.

91. 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.

92. 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.

93. Prior to work commencing on Stage 2 of the construction works, the person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person.

The reports are to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties.

If the consent of the adjoining property owner(s) can be obtained, the dilapidation reports are to be prepared for the buildings on the properties at No. 2, 4, 6, 8 William Street and No. 70 Old Canterbury Road, Lewisham.

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.

94. Before commencing works the person acting on this consent must provide a contact number on the site construction safety sign 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.
95. Alignment levels for the site at all pedestrian and vehicular access locations must be obtained from Council's Director, Infrastructure Services before the commencement of construction. The alignment levels must match the existing back of footpath levels at the boundary. Failure to comply with this condition will result in vehicular access being denied.
Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design or existing road and footpath levels.
96. The person acting on this Determination must ensure that all workers on the site, including subcontractors, as part of their site induction, are made aware of the potential presence of Long-nosed Bandicoots (including what they look like) and measures to avoid physical harm to bandicoots before commencing any works on site including site preparation works.
Reason: To ensure all workers on the site are made aware of the potential presence of Long Nosed bandicoots on the development site.
97. If new street numbers or a change to street numbers (this includes unit and shop numbers) are required, a separate application must be made to and approved by council prior to those street numbers being displayed.
Reason: To ensure that the building is easily identifiable
98. 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.
Reason: To ensure the civil works are constructed to Council's specifications.
99. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
Reason: To ensure all necessary approvals have been applied for.
100. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.
Reason: To ensure that all restoration works are in accordance with Council's Code.
101. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.
Reason: To secure the site and to maintain public safety

102. A detailed Traffic Management Plan to cater for construction traffic shall be submitted for approval to RMS and Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, hours of operation, number of trucks, truck routes and traffic control etc. In addition The Traffic Management Plan shall include Traffic Control Plans that adequately address pedestrian management for each stage of the works and relocation of the construction access away from Hudson Street due to the potential conflict with pedestrians and construction vehicles.
Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.
103. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.
Reason: To ensure the existing condition of Council's infrastructure is clearly documented.
104. Prior to the commencement of works, the Applicant shall peg-out the common boundary with the rail corridor and/or rail easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
105. Prior to the commencement of works appropriate fencing is to be installed along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
106. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
Reason: To comply with the General Terms of Approval of NSW Office of Water
107. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
Reason: To comply with the General Terms of Approval of NSW Office of Water
108. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
Reason: To comply with the General Terms of Approval of NSW Office of Water
109. Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the

report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.

Reason: To comply with the General Terms of Approval of NSW Office of Water

110. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes referred to as “tailwater”) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

Reason: To comply with the General Terms of Approval of NSW Office of Water.

111. Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the *Protection of the Environment Operations Act 1997* [POEO Act]). The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

Reason: To comply with the General Terms of Approval of NSW Office of Water

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 the Construction Certificate.

112. Prior to the issue of any construction certificate for works in Stage 3 the Council must be provided with written evidence to its satisfaction confirming that the Voluntary Planning Agreement (VPA) lodged in conjunction with the development application and endorsed by Marrickville Council on 9 December 2014 has been registered on the title to all parcels of land to which this consent applies.

Reason: To comply with the provisions of the Part 3A Concept Plan No.

113. 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.

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

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

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation - <http://www.lspc.nsw.gov.au>.

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

115. 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.

116. 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 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.

117. Bicycle storage with the capacity to accommodate a minimum of 180 bicycles must be provided in accordance with the 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.

118. 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.

119. Clothes dryers are to be included in each residential unit to provide indoor drying areas facilities for the development with details to be submitted demonstrating compliance with this condition to the Certifying Authority's satisfaction before the issue of a Construction Certificate for each respective stage of the construction.

Reason: To ensure adequate indoor clothes drying facilities are provided.

120. 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.

121. 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.

122. Reticulated gas infrastructure, with a separate meter for each dwelling must be provided to each dwelling in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To provide the potential to reduce greenhouse emissions.

123. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels and in accordance with details being submitted for stage 3 and 4 of the construction works to the Certifying Authority's satisfaction before the issue of a Construction Certificate for each stage of construction together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".
Reason: To reduce noise levels within the development from aircraft and rail noise.
124. Details of an anti graffiti treatment to all elevation(s) of the development must be submitted to and approved by Council before the issue of any Construction Certificate for Stage 3 of the development.
Reason: To ensure the proposed development remains free of graffiti.
125. Before the issue of a Construction Certificate for Stage 2 construction works the owner or builder must sign a written undertaking that they are responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the 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.
126. In order to provide satisfactory pedestrian access to the light rail station a raised pedestrian crossing shall be constructed as noted on Plan 010-L00 (Rev B). Full detailed construction plans and specifications shall be submitted to and accepted by Council before to issue of the Construction Certificate for Stage 2 construction works. The raised pedestrian crossing shall be designed to generally match the level of the light rail platform so as to provide for equitable access. If necessary the design levels of the adjacent cul-de-sac shall be amended to achieve this outcome. The design shall also check the stopping site distance for vehicles approaching the pedestrian crossing from the crest of the ramp. In addition the lighting at the raised pedestrian crossing and the cul-de-sac shall be checked for compliance with AS1158.
Reason: To provide for means of equitable public pedestrian access to the light rail station.
127. Before the issue of a Construction Certificate for Stage 3 construction works the person acting on this consent shall undertake a traffic study to investigate the provision of both a Right Turn Bay from Old Canterbury Road into McGill Street and Seagull Treatment (i.e. to allow right turns into McGill Street and right turn out of McGill Street). This study should include, but not be limited to modelling of these two proposals to determine potential delays and the level of service for each proposal and feasibility of physically implementing such proposals including road safety issues and loss of potential parking.
Reason: To provide for suitable and safe right turn access to the development for southbound traffic.
128. Before the issue of a Construction Certificate the person acting on this consent must provide detailed construction plans for the proposed 15m stormwater inlet pit adjacent to Building E at Old Canterbury Road. In addition a positive covenant shall be placed on the title requiring that this pit be adequately maintained in good working order.

Reason: To ensure sufficient inlet capacity is provided to capture the 1 in 100 year overland flows from Old Canterbury Road.

129. Detailed construction plans and specifications of the site stormwater drainage system generally in accordance with stormwater drainage plans CV-200 to CV-202 (Rev 1) by Enstruct Group P/L, and WSUD elements as proposed in the Stormwater Management Report prepared by Cardno (version 3 dated 31/10/14) shall be submitted to and approved by Council before the issue of a Construction Certificate for Stage 2 construction works for the basement and ground level drainage. Engineering details shall be submitted to and approved by Council before the issue of Construction Certificates at each subsequent stage of construction works for individual buildings.

The stormwater drainage system must include the following elements:

- i. Stormwater treatment and re-use measures as detailed in the MUSIC model 59914017_LEWISHAM_v03.sqz submitted to Council;
- ii. Details of all site drainage including roof and basement drainage. All drainage below a level of 12.2m AHD shall be pumped to the surface drainage system so as to prevent any possible surcharge during extreme storm events from the trunk drainage system;
- iii. Pits shall be located at the boundary between the development site and the public open space at all locations where the site stormwater pipes cross from the development site to the proposed public open space. The number of these crosses points shall be reduced where possible;
- iv. Hydrologic and hydraulic calculations including a Hydraulic Grade Line analysis; and
- v. Provision of suitable site overland land flow paths to ensure that the blockage of any internal site stormwater pits will not result in the flooding of the buildings or the underground carpark. This may require the adjustment to the proposed surface level design.

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 Marrickville DCP 2011

130. Payment of a Bond, in the sum of \$430,000.00 for the proper performance of road, drainage and public domain works before the issue of a Construction Certificate. The security may be provided in one of the following methods:

- i. in full in the form of a cash bond; or
- ii. by provision of a Bank Guarantee by an Australian Bank in the following terms:
 - (a) the bank must unconditionally pay the guaranteed sum to the Council if the Council so demands in writing.
 - (b) the bank must pay the guaranteed sum within seven (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;
 - (c) 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.

The bond shall be returned upon the satisfactory completion of the road, drainage and public domain works. The satisfactory completion of the works shall be as solely determined by Council. (If this bond has been provided in relation to DA201400029 then this additional bond will not be required).

Reason: To ensure all road, drainage and public domain works are completed within a reasonable time.

131. The person acting on this consent shall comply with the following requirements of Roads and Maritime Services (RMS) before the issue of a Construction Certificate:

- i. Before implementing the proposed right turn prohibition at the intersections of Old Canterbury Road & Hudson Street, Old Canterbury Road & William Street and Longport & Brown Street a Traffic Management Plan shall be prepared and submitted to Council for endorsement and referred to RMS for review;
- ii. The proposed road works at the intersection of Old Canterbury Road & Hudson Street, Old Canterbury Road & William Street and Longport & Brown Street shall be designed to meet RMS's requirements, and endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia).
- iii. The design requirements shall be in accordance with the RMS's Road Design Guide and other Australian Codes of Practice.
- iv. The certified copies of the civil/traffic design plans shall be submitted to the RMS for consideration and approval before to the issue of a Construction Certificate;
- v. The RMS fees for administration, plan checking and civil works inspections and project management shall be paid by the developer before commencement of works; and
- vi. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS or Council.

Reason: To comply with the requirements of RMS.

132. The alignment levels for the site at the boundary shall match the new design "top of kerb" height plus 2.5% on all streets frontages including Old Canterbury Road. 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 20m intervals and critical points) shall be submitted to and approved by Council before the issue of the 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.

133. The foundations of the proposed development adjacent to Council's and Sydney Water's stormwater pipes shall be constructed so that **no** surcharge loads are imposed upon the pipe. Plans, and supportive documents, detailing the proposed foundations adjacent to the stormwater pipe, shall be submitted to Council and to Sydney Water before the issue of a Construction Certificate.

Reason: To ensure the drainage system is protected.

134. No rock anchors/bolts are to be installed into Sydney Trains properly.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

135. The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- Machinery to be used during excavation/construction.
- If required by Sydney Trains as a result of the assessment of the documentation submitted as part of the deferred commencement conditions, track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
- A rail safety plan including instrumentation and the monitoring regime.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
136. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The person responsible for acting on this consent must incorporate in the development all the measures recommended in the report.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
137. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the person responsible for acting on this consent is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains requirements.
The Principal Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
138. Prior to the issue of a Construction Certificate by any Principal Certifying Authority that includes design changes implemented to prevent objects being dropped or thrown onto the rail corridor from balconies, windows and other external features that are within 20m and face the rail corridor, endorsement of the changes must first be obtained from Council in writing.
Reason: To ensure Council are satisfied with the design changes.
139. 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 Sydney Trains.
The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
140. If required by Sydney Trains, prior to the issue of a Construction Certificate the person responsible for acting on this consent is to provide Sydney Trains with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of Australian Standard AS5100. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains 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 comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

141. Prior to the issue of a Construction Certificate the person responsible for acting on this consent is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The person responsible for 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 comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
142. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains 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 Sydney Trains confirming that this condition has been satisfied.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
143. Prior to the issuing of a Construction Certificate the person responsible for acting on this consent is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
144. Prior to the issue of a Construction Certificate the person responsible for acting on this consent must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The person responsible for acting on this consent is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the person responsible for acting on this consent on the level of insurance required.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.
145. Prior to the issue of a Construction Certificate the person responsible for acting on this consent is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

SITE WORKS

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

Reason: To provide for adequate site drainage.

147. All stormwater drainage being 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 shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.

Reason: To provide for adequate site drainage.

148. In order to protect the site from flooding during a 1 in 100 year storm event the Flood Planning Levels (minimum floor levels) recommended in Table 4-2 of the Stormwater Management Report prepared by Cardno (version 3 dated 31/10/14) shall be adopted for habitable floor levels of the development and for protection of the underground carparks.

Reason: To protect the site and occupants from rising flood waters during a major storm events.

149. Prior to the installation of the proposed 10m x 1.5m heel proof grate detailed on the drainage plans a suitable grate design shall be approved for installation by Council. The person acting on this consent shall investigate options for a grate design that are aesthetically pleasing and the possibility of the inclusion of a motif or pattern to break up the expanse of the grate. The proponent shall discuss option with Council's Recreation Planner David Petrie.

Reason: To provide for a grate that is aesthetically pleasing.

150. With regard to the road and drainage works the person acting on this consent shall comply with all of the requirements of the Roads and Maritimes Services Sydney Assets Section as follows:

- i. All stormwater reconstruction in Old Canterbury Road and adjacent to the Light Rail Corridor must to be carried out to the satisfaction of RMS Sydney Asset Section;
- ii. The concrete pavement restoration in Old Canterbury Road, where disturbed by the proposed stormwater reconstruction works, is to be carried out in accordance with RMS Guidelines. The proponent must submit details to Sydney Asset for approval; and
- iii. When available updated drawings should be provided for further assessment and approval as follows;
 - a. Detailed cross sections for stormwater reconstruction works proposed in Old Canterbury Road and adjacent to the Light Rail Corridor;
 - b. Existing driveways and laybacks must be removed from the Old Canterbury Road frontage; and
 - c. Suitable kerb returns at the intersections of Old Canterbury Road, Hudson and William Streets that will cater for service vehicle turn paths considering only Left In and Left Out movements will be available at these intersections.

Reason: To comply with all of the requirements of RMS Assets Section.

151. The person acting on this consent shall comply with all of the requirements of the Roads and Maritimes Services as follows;
- i. All construction activity associated with the proposed development is to be contained on site as no construction zones will be permitted on Old Canterbury Road in the vicinity of the site.
 - ii. The proposed development should be designed such that road traffic noise from adjacent public roads is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). Roads and Maritime's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.
 - iii. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD20 12/00 1. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8848 2114
Fax 8849 2766

- iv. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
- v. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

Reason: To comply with all of the requirements of RMS

152. The existing Sydney Water and Council stormwater pipes traversing the site shall remain operational and shall not be disconnected until written approval is provided from Council and Sydney Water.

Reason: To ensure that the existing stormwater drainage infrastructure remains in place until suitable alternate stormwater drainage has been constructed.

153. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work being carried out on any Saturday that falls adjacent to a Public Holiday. The only exception is for night-time excavation, demolition, construction, and deliveries approved by the Roads and Maritime Service required to occur on the classified road network.

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

154. During any construction works and activities, no injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

Reason: To ensure the construction of the development does not affect the amenity of the neighbourhood.

155. 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.
156. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another certifying authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:
- a) At the commencement of the building work;
 - b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
 - c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
 - d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.
- You are advised to liaise with your PCA to establish if any additional inspections are required.
- Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the National Construction Code (Building Code of Australia).
157. 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.
158. 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.
159. 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.
160. A clear unobstructed path of travel of not less than 1,000mm must be provided to all exits and paths of travel to exits.
Reason: To provide safe egress in case of fire or other emergency.
161. No activities, storage or disposal of materials must take place beneath the canopy of any tree protected under Part 2.20 of Marrickville Development Control Plan 2011 - Tree Management at any time.
Reason: To protect existing trees.
162. All builders' refuse, spoil and/or material unsuitable for use in landscape areas must be removed from the site on completion of the building works.
Reason: To protect the environment.

163. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
Reason: To comply with the General Terms of Approval of NSW Office of Water
164. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
Reason: To comply with the General Terms of Approval of NSW Office of Water
165. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
Reason: To comply with the General Terms of Approval of NSW Office of Water
166. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
Reason: To comply with the General Terms of Approval of NSW Office of Water
167. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
Reason: To comply with the General Terms of Approval of NSW Office of Water
168. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
Reason: To comply with the General Terms of Approval of NSW Office of Water
169. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.
Reason: To comply with the General Terms of Approval of NSW Office of Water
170. All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.
Reason: To comply with the General Terms of Approval of NSW Office of Water

BEFORE OCCUPATION OF THE BUILDING

171. 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.

172. 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.

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

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

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

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

174. 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.

175. 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.

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

Reason: To ensure Council's interests are protected.

177. Prior to the issuing of an Occupation Certificate the person responsible for acting on this consent is to submit the as-built drawings to Sydney Trains and Council. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

178. Prior to issuing of an Occupation Certificate the person responsible for acting on this consent shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. The development shall have appropriate fencing fit for the

future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Details of the type of new fencing to be installed and the method of erection are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

179. Prior to the issuing of any Occupation Certificate the person responsible for acting on this consent must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains. The Principal Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

180. Prior to issuing of the an Occupation Certificate the person responsible for acting on this consent shall landscape an area 2m in width within the light rail corridor property boundary in order to screen the above ground structure of the development that is within close proximity to the rail corridor boundary.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

181. Prior to issuing of an Occupation Certificate, the Principal Certifying Authority shall provide written confirmation to Sydney Trains that the person responsible for acting on this consent has provided the lay-back or roll-back kerb at the end of Hudson Street to enable heavy vehicle access to the light rail corridor as required under development consent DA201400029.

Reason: To comply with the concurrence requirements of RailCorp (Sydney Trains) in accordance with the provisions of Statement Environmental Planning Policy (Infrastructure) 2007.

182. Prior to the issue of any Interim or Final Occupation Certificate for each respective stage of construction work, and upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section for works in each stage of construction approved in this determination:

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

Reason: To reduce noise levels within the dwellings from road and rail noise and to ensure that the noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections State Environmental Planning Policy

(Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

183. Prior to the issue of the Occupation Certificate for each respective stage of construction work the landscaping necessary for each stage must be carried out for each respective stage in accordance with the approved details and must be maintained at all times to Council's satisfaction.
Reason: To ensure adequate landscaping is maintained.

184. Prior to the issue of the Occupation Certificate for each respective stage of construction work 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.
Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

185. Prior to the issue of the Occupation Certificate for each respective stage of construction work the Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled as required for each stage (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.

186. Prior to the issue of an Interim or Final Occupation Certificate for each respective stage of construction work, the person responsible for acting on this consent must make application and obtain approval from Council for a street number and identifier of separate occupancies (if applicable) which must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.
Reason: To ensure that the building is easily identifiable

187. Prior to the issue of the Occupation Certificate for work in each respective stage of construction all works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths, roads and all public domain works for each respective stage resulting from the development shall be completed. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
Reason: To ensure person acting on this consent completes all required work.

188. Prior to the issue of the Occupation Certificate for works in each respective stage of construction any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required for each stage as a result of the development shall be undertaken at no cost to Council. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application.
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council

189. Prior to issue of the Occupation Certificate for works in each respective stage of construction the person acting on this consent shall obtain from Council a compliance Certificate(s) for each respective stage of construction 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.

190. Prior to issue of the Occupation Certificate for works in each respective stage of construction any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required for that stage of construction as must be undertaken at no cost to Council.

Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.

191. Prior to the issue of the Occupation Certificate for works in Stage 3 the person acting on this consent shall implement a Flood Emergency Response Plan (FERP) generally in accordance with the recommendations in the Stormwater Management Report prepared by Cardno (version 3 dated 31/10/14) and shall include the following;

- a) An evacuation plan in case of inundation of the underground carpark;
- b) Suitable pumps shall be provided within the garage to allow for the drainage of stormwater should the underground garage become inundated during flooding.
- c) Adequate flood warning systems, signage and exits shall be available to allow safe and orderly evacuation
- d) A written copy of the plan being made available to every employee, owner or tenant and re-distributed every 2 years; and
- e) Annual evacuation drills to be undertaken.

A copy of the plan shall be submitted to and approved by Council.

Reason: To protect the site and occupants from rising flood waters during a major storm events.

192. Prior to issue of the Occupation Certificate for works in Stage 3 the person acting on this consent must ensure that portion of the Brown Street Road reserve between buildings C and F is closed to provide a landscaped pedestrian through site link at no cost to Council.

Reason: To comply with Further Environmental Assessment Requirement No. 14 (of the Part 3A Concept Plan approval.

193. Prior to the issue of the Occupation Certificate for works in Stage 4 any encroachments on to Council road or footpath resulting from the building works will be required to be removed. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted.

Reason: To ensure there is no encroachment onto Council's Road.

194. Prior to the issue of the Occupation Certificate for works in Stage 4 any damage to the existing stone kerb will require the replacement of the damaged individual stone units. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any sandstone kerb and guttering approved for removal shall be carefully stacked and delivered to Council's materials storage yard in Bellevue Street, St Peters before the issue of the Occupation Certificate and at no cost to Council. Council's Overseer, Mr Joe Borg shall be contacted on 0412 645 115 to arrange for delivery.

Reason: To ensure that items of local heritage value are preserved.

195. Prior to the issue of the Occupation Certificate for works in Stage 4 a total of eight (8) new street trees shall be p at no cost to Council along Old Canterbury Road at a locations determined by council. The trees shall be planted in accordance with the following criteria:

- a) The species shall be Lophostemon confertus as per the Marrickville Street Tree Master Plan 2014.

- b) Location of trees to be determined by Tree Management Services Coordinator (02 9335 2242)
 - c) The container volume of the new trees shall be minimum 100 litres and comply with the Marrickville Street Tree Master Plan section 6.4.2.
 - d) Supply and installation of the new trees shall comply with the appropriate specification and Detail 6 in Appendix 6 of the Marrickville Street Tree Master Plan 2014.
 - e) The trees shall be maintained in a healthy and vigorous condition for a **24 month** period from the time of planting and in accordance with the Marrickville Street Tree Master Plan section 6.4.4
 - f) The installer shall remain responsible for tree maintenance for the duration of the tree establishment period in accordance with Appendix 6.4 Section 4 of the Marrickville Street Tree Master Plan. If the replacement tree is found to be faulty, damaged, dying or dead within this 12 month period, it shall be replaced with another tree of the same species, in compliance with the criteria outlined above.
- Reason: To replace existing street trees that are removed with appropriate new advanced trees so as to maintain local amenity and urban forest canopy in the area.
196. Prior to the issue of the Occupation Certificate for works in Stage 4 the footpaths in Brown, William and Hudson Streets shall be reconstructed in concrete while the footpath along the Old Canterbury Road frontage shall be paved using the same treatment as the proposed paving along the main east/west central path through the public open space. In addition the kerb along the Old Canterbury Road frontage shall be reconstructed to RMS requirements. All footpath and kerb works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" at no cost to Council.
- Reason: To provide suitable means of public road pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.
197. Prior to the issue of the Occupation Certificate for works in Stage 4 heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations at no cost to Council.
- Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.
198. Prior to the issue of the Occupation Certificate for works in Stage 4 all redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
- Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.
199. Prior to the issue of the Occupation Certificate for works in Stage 4 all Road and Stormwater Diversion Works approved by Development Consent DA201400029 shall be completed to Council's satisfaction. The works shall be in accordance with the following red mark-up plans (approved by Council letter dated 12/9/14); C001-5, C002-4, C003-6, C005-8, C006-4, C007-2, C008-2, C010-3, C011-4, C012-4, C013-6, C014-6, C015-4, C016-3, C017-2, C012-2, C019-2, C020-2, C021-2, C022-2, C023-2, C030-6, C031-6, C032-2, C035-4, C040-3, C050-3, C051-3, C060-6, C061-2, C070-4, C071-4, C072-2, C080-4, C081-5, C082-2, C083-2, C084-2, C090-5, C091-6, C092-4, C100-4, C101-2, C102-2, C120-3, and C121-2.
- Reason: To ensure that works are carried out in accordance with the approved plans and to a proper standard.

200. Prior to the issue of the Occupation Certificate for works in Stage 4 all works required to be undertaken on public roads shall be designed and constructed in accordance with Council's Standard Plans, AUS-SPEC#2-"Roadworks Specifications" and Council's Stormwater and On Site Detention Code. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the above requirements. In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works. Before the commencement of works details of the supervising engineer shall be submitted to Council.
Reason: To ensure that works are carried out to a proper standard.
201. Prior to the issue of the Occupation Certificate for works in Stage 4 written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans and the Stormwater Management Report prepared by Cardno (version 3 dated 31/10/14) shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.
Reason: To ensure drainage works are constructed in accordance with approved plans.
202. Prior to the issue of the Occupation Certificate for works in Stage 4 and upon completion of the construction works a post construction CCTV inspection of all Council stormwater lines shall be undertaken (WSAA conduit inspection code standard) and any defects shall be rectified to Council's satisfaction. A CD copy of the inspection must be provided to Council with a report of any defects (and rectification works).
Reason: To ensure the pipeline is not damaged during construction and has been installed to Council's satisfaction.
203. Prior to the issue of the Occupation Certificate for works in Stage 4 with regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council. The Positive Covenant shall include the following:
- a) The proprietor of the property shall be responsible for maintaining the stormwater treatment facility as outlined in the approved Stormwater Management Report prepared by Cardno (version 3 dated 31/10/14);
 - b) The Proprietor shall have the stormwater quality treatment facilities inspected by a competent person in accordance with the requirements of the approved WSUD maintenance plan (Appendix E of the Stormwater Management Report) and must keep a record all of the inspections;
 - c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all elements of the stormwater quality treatment facilities to ensure that the water quality targets provided in the design of the system are achieved and recover the costs of any such works from the proprietor.
- Reason: To ensure that the integrity of the stormwater quality treatment facilities are maintained.
204. Prior to the issue of the Occupation Certificate for works in Stage 4 the realignment of the boundary along Hudson Street to allow for road widening to provide parking, footpath and roundabout must be dedicated to Council as Public Road. The road widening shall also be extended to include the proposed wombat pedestrian crossing to the light rail station.
Reason: To provide road widening to facilitate adequate vehicle and pedestrian access to the site.

205. Prior to the issue of the Occupation Certificate for works in Stage 4 the realignment of the boundary along William and Brown Streets and dedication to the public as road widening to allow for the construction of a 1.8m wide footpath adjacent to the development on Williams and Brown Streets. The road widening shall also include a 3m x 3m splay at the corner of Williams Street and Old Canterbury Road.
Reason: To provide road widening to facilitate adequate vehicle and pedestrian access to the site and to provide adequate sight-distance at intersections.
206. Prior to the issue of the Occupation Certificate for works in Stage 4 easements for public access must be created over the proposed public access paths noted as E2 on the Draft Subdivision Plan 124673-PRSUBD dated 29/10/14 so as to allow for through public pedestrian access to the site.
Reason: To provide for through public pedestrian access to the site.
207. Prior to the issue of the Occupation Certificate for works in Stage 4 easements for stormwater drainage of suitable width in favour of Marrickville Council noted as E1 on the Draft Subdivision Plan 124673-PRSUBD dated 29/10/14 must be created over the full length of the nominal centreline of all Council controlled drainage systems within the site of the proposed development at no cost to Council.
Reason: To provide for and protect the rights of Council to drain through the site of the proposed development.
208. Prior to the issue of the Occupation Certificate for works in Stage 4 a linen plan of subdivision detailing any easements, splay corners and rights-of-way together with associated documents shall be lodged with the Land and Property Information Office at no cost to Council. A dealing number for registration of the easement shall be obtained from the Land Property Information Office.
209. Prior to the issue of the Occupation Certificate for works in Stage 4 All redundant easements on the site title including redundant easements for drainage in favour of Council and/or Sydney Water shall be extinguished.
Reason: To rationalise encumbrances on the site title.
210. Prior to the issue of the Occupation Certificate for works in Stage 4 the on street parking space on Hudson Street closest to the intersection of Old Canterbury Road shall be provided and marked as a “car share” car parking space. The person acting on this consent shall implement and organise a car share scheme including the provision of a car for this location.
Reason: To ensure that a car share space is provided for this location.
211. Prior to the issue of the Occupation Certificate for works in Stage 4 a Transport Access Guide (TAG) shall be provided on the site in accordance with the requirements of the RMS. The RMS shall be consulted with respect to the location of the TAG on the site as required.
Reason: To comply with the statement of commitments attached to the Part 3A Concept Plan approval.
212. Prior to the issue of any Occupation Certificate for works in Stage 4 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
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.

213. Prior to the issue of an Occupation Certificate for works in Stage 4, the Certifying Authority must be satisfied that all landscape works, including the street tree planting, have been undertaken in accordance with the approved plan and conditions of consent.

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

214. Prior to the issue of any Interim or Final Occupation Certificate for works in Stage 4 by any Principal Certifying Authority:

- a. all clauses of the VPA that, by their terms, require compliance before the issue of an occupation certificate have been complied with; and
- b. the Council has provided written confirmation of such compliance.

Reason: To ensure the requirements of the Voluntary Planning Agreement are met before the development is occupied.

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 National Construction Code (Building Code of Australia) has not been carried out. However, you are advised that the proposal may not comply with the National Construction Code (Building Code of Australia).

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.

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.

The property lies within the 0 - 20 Australian Noise Exposure Forecast (ANEF) Contour (2033), as advised by the Commonwealth Department of Aviation, and it would be advisable to noise attenuate the development in accordance with Australian Standard AS 2021 'Acoustics - Aircraft noise intrusion - Building siting and construction'.

Any natural light or ventilation gained by windows within 900mm of the boundary will not be taken into consideration in the event that the adjoining property owner makes application to Council to carry out building works on their property. The window has been consented to on the basis that alternative sources of light and ventilation are available to the room.

Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints.

Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.

Further information and brochures on how to reduce exposure to lead based paints is available from Council's Planning and Environmental Services Division, ☐9335-2222.

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.

In exercising its functions in relation to any Sydney Trains condition listed above, Sydney Trains reserves the right to liaise with Transport for NSW and the light rail operator, and impose any requirements (as advised by those entities) on their behalf as if they were Sydney Trains requirements.

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 Corporation	Payments 129841 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 1300 651 116
Environmental Solutions www.wasteservice.nsw.gov.au

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

WorkCover Authority of NSW 13 10 50
www.workcover.nsw.gov.au
Enquiries relating to work safety and asbestos removal and disposal.

- B. THAT** the persons who lodged submissions in respect to the proposal be advised of the Joint Regional Planning Panel's determination of the application.
- C. THAT** Road and Maritime Services (RMS) be advised of Joint Regional Planning Panel's determination of the application.
- D. THAT** Transport for NSW be advised of Joint Regional Planning Panel's determination of the application.
- E. THAT** NSW Office of Water be advised of Joint Regional Planning Panel's determination of the application.
- F. THAT** RailCorp(Sydney Trains) be advised of Joint Regional Planning Panel's determination of the application.
- G. THAT** NSW Police Force be advised of Joint Regional Planning Panel's determination of the application.
- H. THAT** Sydney Water Corporation (SWC) be advised of Joint Regional Planning Panel's determination of the application.
- I. THAT** Regional Traffic Committee be advised of Joint Regional Planning Panel's determination of the application.

ATTACHMENT 1 - CONCEPT PLAN No.MP08_0195 - TERMS OF APPROVAL

Requirement	Compliance	Comment												
PART A – TERMS OF APPROVAL														
Development Description														
A1 Concept approval is granted to the development as described below: a) use of the site for residential, retail, commercial and public open space; b) indicative building envelopes for 7 separate buildings with heights ranging from 4 to 10 storeys; c) basement level and at grade car parking; d) internal and external road works; e) public pedestrian and cycle pathways. Providing connections to the surrounding area, the Lewisham railway station and Lewisham West light rail stop.	YES	The development is generally in accordance with the A1 requirements because the proposal: (a) complies with the land use (b) complies with envelopes (c) complies with basement and car parking (d) has been modified to address conflict between the approved basement entry location and the at grade service vehicle operations in Building D. (e) includes the public pedestrian and cycle pathway works within the requirements of the VPA as a public benefit outcome. The Concept Plan has included the following requirements that are in locations close to the internal road, which are better designed as a result of this minor change including: - screening of heritage items, - ecological objectives, - landscape objectives, - and pedestrian links to Longport Street have been able to be accommodated by this change, and would have otherwise been compromised if the full extent to the .												
Development in Accordance with the Plans and Documentation														
A2 The development shall be undertaken generally in accordance with: the Environmental Assessment dated October 2010 prepared by Planning Ingenuity, except where amended by the Preferred Project Report dated August 2011 and the Response to PPR submissions dated 30 November 2011 including all associated documents and reports and the Statement of Commitments prepared by Planning Ingenuity as amended by; Section 75W Application to MP08_0195 (Modification 1) and the Environmental Assessment dated January 2013 prepared by Meriton Property Services Limited, except where amended by the Response to Submissions dated 23 April 2013 prepared by Meriton Property Services Limited and the following drawings:	YES - Partial	Variations – New Private Road not provided; Consider justification in report; Condition dedicated platform lift to transfer bins from the basement due to loss of road creating adverse off-site impacts.												
<table><tr><th>Drawing No.</th><th>Name of Plan</th><th>Drawn By</th><th>Date</th></tr><tr><td>12.2 (Rev E)</td><td>Concept Plan</td><td>Tony Owen Partners</td><td>16 May 2013</td></tr><tr><td>12.3 (Rev E)</td><td>Traffic, Access & Parking</td><td>Tony Owen Partners</td><td>16 May 2013</td></tr></table>			Drawing No.	Name of Plan	Drawn By	Date	12.2 (Rev E)	Concept Plan	Tony Owen Partners	16 May 2013	12.3 (Rev E)	Traffic, Access & Parking	Tony Owen Partners	16 May 2013
Drawing No.	Name of Plan	Drawn By	Date											
12.2 (Rev E)	Concept Plan	Tony Owen Partners	16 May 2013											
12.3 (Rev E)	Traffic, Access & Parking	Tony Owen Partners	16 May 2013											

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Requirement				Compliance	Comment
12.4 (Rev F)	Land Use	Tony Owen Partners	20 June 2013		
12.5 (Rev E)	Building Height	Tony Owen Partners	16 May 2013		
22.1 (800 Green Space Calculation Analysis) (Revision F)		Tony Owen Partners	19 April 2013		
<p>except for as modified by the following pursuant to Section 75O(4) of the Act.</p> <p>Note: The legend "ground floor retail" in Drawing No 12.4 (Rev F) should read "ground floor retail/commercial".</p> <p>(Mod 1 – 5/7/2013)</p>					
Voluntary Planning Agreement					
<p>Voluntary Planning Agreement (Mod 5 – 14/4/2014) (Mod 2 – 13/11/2013)</p> <p>A3</p> <p>Prior to the submission of any future application under Part 4 of the Act, negotiations shall be underway with respect to a Voluntary Planning Agreement between the proponent and Marrickville Council, with terms outlined in the EA, PPR and Revised Statement of Commitments, including:</p> <ul style="list-style-type: none"> • Upgrade of Hudson Street generally in accordance with AT&L Drawing SKC23 Issue PS; • Embellishment and dedication of public open space to the north of Hudson Street; • Upgrade and embellishment of pedestrian and cycle access links to the Lewisham West light rail stop, and Lewisham railway station from the site, and surrounding residential areas (generally in accordance with AT&L Plan SKC 10 Issue P1 and in consultation with Transport for NSW); • Stormwater, footpath and road upgrade works in Brown Street and William Street generally in accordance with plan SKC 22 Issue P4; • Stormwater Works in McGill Street generally in accordance with AT&L Drawing SKC23 Issue P5; and • Upgrade and realignment of the trunk drainage infrastructure generally in accordance with AT&L Drawing SKC 22 Issue P4 and SKC23 Issue P5. <p>Works shall be generally in accordance with the plans listed above, but may be varied as a result of agreement between the parties, consultation with Transport for NSW in respect of pedestrian and cycle links, or to reflect plans approved through future development applications.</p> <p>The following items and works must be offset against the final payable Section 94 Contributions:</p> <ul style="list-style-type: none"> • The cost of embellishment of the 3000m² Open Space Park; • 50% of the cost of the off-site upgrade and embellishment of pedestrian and cycle access links to Lewisham railway station (excluding the footpath upgrade and road works in William Street). 				YES	Documented

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Requirement	Compliance	Comment
<p>Other works may be offset against Section 94 contributions where the parties agree.</p> <p>For the purpose of calculating offsets, costs are to be established by an independent quantity surveyor's assessment.</p> <p>The Voluntary Planning Agreement shall be entered into prior to the issue of the first Construction Certificate for the construction of residential dwellings (not including car parking or similar below ground works).</p>		
Inconsistencies between Documentation		
<p>A4</p> <p>In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.</p>	YES	Documented
Building Envelopes		
<p>A5</p> <p>Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site, except where amended by the Modifications in Part B of this Approval.</p>	YES	Documented Subject to conditions
Maximum Gross Floor Area (GFA)		
<p>A6</p> <p>The maximum GFA for the development shall not exceed 39,896m. Note: The maximum floor space may not be achievable within the approved envelopes as identified in Part B of this Approval.</p>	YES	29,064 m ²
Maximum Number of Residential Units		
<p>A8</p> <p>The maximum number of residential dwellings shall not exceed 430 units. Note: The maximum number of residential dwellings may not be achievable within the approved envelopes as identified in Part B of this Approval.</p>	YES	298 Units
Lapsing of Approval		
<p>A9</p> <p>Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless an application is submitted to carry out a project or development which concept approval has been given.</p>	YES	N/A
PART B -MODIFICATIONS		
Building Separation		
<p>B1</p> <p>The plans described above in Part A - Terms of Approval shall be modified as follows:</p> <p>the building separation between Building Envelopes A and B shall be increased to a minimum of 9 metres at the ground level up to 4 storeys, 13 metres between 5 and 8 storeys and 18 metres above 8 storeys;</p> <p>the building separation between Building Envelopes B and D and C and D shall be increased to a minimum of 12 metres at the ground level up to 4 storeys, 18 metres between 5 and 8 storeys and 24 metres above 8 storeys; and</p> <p>the building separation between Building Envelopes C and E, E and F and E and G shall be increased to a minimum of 12 metres at the ground level up to 4 storeys and 18 metres between 5 and 8 storeys.</p>	YES	Documented

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Requirement	Compliance	Comment
Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Director General.		
Loading Areas		
B2 The ground level loading area adjacent to Building Envelope D and the light rail corridor is to be deleted from the Concept Plan. The area is to be landscaped and provided as a publicly accessible through site link. Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Director General.	YES	Documented
Central Open Space		
B3 The "central open space" must have a total area not less than 3,000m ² and the area north of Hudson Road must have a minimum width of 20m (excluding on-street parking and adjacent footpath). At least 50% of the "central open space" must receive a minimum of 2 hours solar access in mid winter. Amended plans demonstrating compliance with this modification shall be submitted to and approved by the Director General.	YES	Documented Area north of Hudson Street is generally complying with minimum of 20 metres width except at the western end 1 to 18 metres width adjacent to Building A and the turning head.

ATTACHMENT 2 - CONCEPT PLAN No.MP08_0195 - FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Requirement	Compliance	Comment
Built Form		
1. Future development applications shall achieve design excellence in accordance with the Director General's <i>Design Excellence Guidelines</i> .	YES	Documented Certification provided
2. Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation / articulation of the building and range of high quality materials and finishes.	NO	Documented Certification provided
3. Future Development Applications shall demonstrate that the building height along Old Canterbury Road is a maximum of 4 storeys.	YES	Documented 4 storeys on street edge
Residential Amenity		
4. Future Development Applications shall demonstrate compliance with the provisions of the State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002, except where modified by this Concept Plan approval. In particular, future applications shall demonstrate that: (a) at least 70% of apartments within the Building A envelope shall receive a minimum of 3 hours solar access to living areas and balconies in mid winter; (b) at least 70% of apartments within Building envelopes D, E and F shall receive a minimum of 2.5 hours solar access to living areas and balconies in mid winter; (c) at least 70% of apartments within Building envelopes B, C and G shall receive a minimum of 2 hours solar access to living areas and balconies in mid winter; and (d) a minimum of 60% of apartments within each building are capable of being naturally cross ventilated.	YES	Documented
Privacy		
5. Future Development Applications shall demonstrate an appropriate design treatment to provide an appropriate interface and adequate level of privacy to ground level apartments which adjoin Longport, Brown and William Streets, areas of publicly accessible and/or private communal open space.	YES	Documented
ESD		
6. Future Development Applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, including the selection of fabric and materials, water conservation and management initiatives, and energy efficiency and renewable energy initiatives as detailed in the ESD Report prepared by Efficient Living, dated 3 April 2013.	YES	Basix Rain Garden
Flood Levels		
(Mod 6 – 15/8/2014) 7. Future Development Applications shall comply with the Cardno Flood Management Report dated 30.11.11, future flood studies by the proponent endorsed by Council and relevant state policies at the time of lodgement of the application to demonstrate the finished floor levels of the buildings will be not less than 0.5 m above the 100 year	YES	Documented

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Requirement	Compliance	Comment
ARI flood level for the site and that the development will not adversely impact on any surrounding property (including the light rail corridor) by redirection of flood waters or loss of flood storage.		
Car Parking		
8. Future Development Applications shall provide on-site car parking at the following rates: (d) 1 space per 4 studio / 1 bedroom apartment (e) 1 space per 2/3 bedroom apartment (f) 1 visitor space per 10 apartments; and (g) 1 space per 45m2 of retail GFA.	YES	Documented
9. Future Development Applications are to demonstrate that a minimum of 13 on-street car parking spaces will be provided within the Hudson Street road reserve adjacent to the public open space.	YES	DA201400029 Documented
Servicing		
10. Future Development Applications shall provide for all servicing, including waste collection, removalist vehicles and all loading / unloading operations to occur within the basement.	N/A	FEAR No. 29
Public Open Space		
11. Future Development Applications shall provide a minimum of 3,000m2 of publicly accessible open space. Through site links and drainage reserves should not be including as open space provision. All public and private open spaces shall be clearly defined and functions identified.	GENERALLY	Documented
12. Future Development Applications shall provide for the embellishment and dedication of the public open space north of Hudson Street to Council in accordance with the terms of the VPA between the proponent and Council.	YES	Documented Subject to landscape conditions
13. Future Development Applications shall demonstrate a suitable treatment to the area immediately to the south of Building Envelopes A, C and E to encourage pedestrian traffic adjacent to the building edge and provide a 'street address', in the absence of public road frontage.	YES	Documented
Brown Street		
14. Future Development Applications shall provide for a suitable treatment in the portion of Brown Street between Building Envelopes C and F to prohibit vehicle movements and provide a landscape pedestrian through site link. The proponent shall endeavour to obtain approval to close this portion of road reserve and embellish this area as public open space.	YES	Documented Subject to conditions Bollards proposed
Public Access		
15. Future Development Applications shall clearly set out the mechanism for creating rights of public access to the: - Private road adjacent to the light rail corridor - All publicly accessible areas of open space and through site links With the relevant instrument/s to be executed prior to commencement of the occupation/use of the development	YES	Documented Subject to conditions Plan of Easements provided
Linkages to Lewisham railway station and Lewisham Light rail stop		
16. Future Development Applications shall provide for new and/or upgraded pedestrian connections between the site and Lewisham railway station and the Lewisham West light rail stop in consultation with Council and Railcorp in accordance with the terms of the VPA	YES	VPA Documented Subject to conditions
Car Share Scheme		
17. Future Development Applications shall require the	YES	Yes 1 space to be provided

Requirement	Compliance	Comment
provision and implementation of car share scheme.		in Hudson Street
Road Works		
<p>18. Future Development Applications shall provide for minimum road widths as follows:</p> <p>(a) The William Street carriageway width shall be a minimum of 6 metres. A new 1.8 metre wide footpath shall be constructed along the southern side of the street along the entire length of the Concept Plan site;</p> <p>(b) The Brown Street carriageway shall be a minimum of 6 metres. A new 1.8 metre wide footpath shall be constructed along the western side of the street along the entire length of the Concept Plan site;</p> <p>(c) Hudson Street shall be a minimum of 6 to 8.5 metres (6 metre carriageway and 2.5 metre indented parking bays); and</p> <p>(d) the north-south street (private road) shall be a minimum of 9.5 metres (5.5 metre carriageway, 3 metre footpath on the eastern side and 1 metre footpath on the western side).</p> <p>Note: Appropriate arrangements shall be made for those parts of the new footpaths on the southern side of William Street and the western side of Brown Street that are currently on private land, to be dedicated to Council.</p>	YES –except 18(d)	<p>Acceptable subject to conditions:</p> <ul style="list-style-type: none"> for inclusion of a lift for waste bin transfer to loading dock landscape embellishment of the light rail corridor crime prevention measures due to loss of street address for Building A and B –CCTV at entry's and multi-layered access control.
<p>19. Future Development Applications shall provide for left in left out access to the development via Hudson, William, Brown and McGill Streets at all times. The proponent shall comply with the Local Traffic Committee requirements in relation to banning right turns at these intersections.</p>	YES	<p>Refer report</p> <p>Traffic Implications – post consent investigations: Right turn bay in O.C. Rd to McGill Street Subject to conditions RMS no objection DA20140029 – Post Consent Modelling – provide to RMS and Traffic Committee prior to CC Stage 3 (Condition 117)</p>
Section 94 Contributions		
<p>(Mod 5 – 14/4/2014)</p> <p>20. Future applications shall be required to pay developer contributions to the Council towards the provision or improvement of public amenities and services. The amount of the contribution shall be determined by Council in accordance with the requirements of the Contributions Plan current at the time of approval. A VPA with Council must offset Section 94 Contributions in accordance with Term of Approval A3.</p>	YES	<p>VPA</p> <p>Documented Subject to conditions</p>
Sydney Airports		
<p>21. Future applications shall demonstrate all necessary approvals have been obtained from Sydney Airports Commission and Air Services Australia</p>	YES	<p>Documented Subject to conditions</p>
Noise and Vibration		
<p>22. Future applications shall ensure that the internal residential amenity of the proposed apartments is not unduly affected by the noise and vibration impacts from the Western Suburbs Railway Line, Old Canterbury Road and Longport Street to comply with the requirements of</p>	YES	<p>Documented Subject to conditions RailCorp conditions</p>

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Requirement	Compliance	Comment
Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning's 'Development Near Rail Corridors and Busy Roads - Interim Guidelines'.		
Stormwater		
23. Future Development Applications shall provide for the treatment of stormwater prior to discharge to surface water and/or groundwater sources.	YES	Documented Subject to conditions
Groundwater		
24. Future Development Applications shall provide an assessment of ground water, including the need for licences in relation to taking or interfering with groundwater or dewatering.	YES	Documented Subject to NOW conditions
Roads and Maritime Services requirements		
25. Future Development Applications shall demonstrate that the RMS requirements have been met in relation to: (a) Excavation Future development applications shall include civil design plans which provide detail on the level of excavation and a Geotechnical Report for any excavation works adjacent to Old Canterbury Road and Longport Street. (b) Hydraulics Plans / details demonstrating that post development stormwater discharge from the site into the RMS drainage system does not exceed the pre-development discharge.	YES	RMS has provided advice that it does not object to the proposal subject to certain conditions. Documented Subject to conditions
Railcorp requirements		
26. Future Development Applications shall address RailCorp's requirements in relation to: (a) Geotechnical and structural impacts The proponent shall submit a Geotechnical and Structural Report, Excavation and Construction methodology and Cross Section drawing (showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor) to RailCorp for approval prior to lodgement of future Development Applications which propose excavation of other ground penetration (including footings) greater than 2 metres and within 25 metres of the light rail corridor. (b) Encroachments within the light rail corridor The proponent shall detail the removal of all encroachments within the adjoining light rail corridor including RailCorp's landowners consent within future Development Applications. (c) Electrolysis The proponent shall submit an Electrolysis Risk Assessment in relation to stray currents from the light rail corridor to RailCorp for approval prior to lodgement of future Development Applications. (d) Landscaping and fencing The proponent shall submit landscaping and fencing details for all land within 20 metres of the light rail corridor prior to the lodgement of future Development Applications. (e) Pedestrian connections Future Development Applications shall demonstrate upgraded and/or new pedestrian pathway between the site and	YES	Rail Corp Concurrence provided – deferred commencement conditions

Requirement	Compliance	Comment
Lewisham railway station and Lewisham West light rail stop.		
Sydney Water requirements		
<p>27. Future Development Applications shall address Sydney Water's requirements in relation to:</p> <p>(a) the required upsizing of the existing 100 mm drinking water main to a 200 mm main for the full length of Old Canterbury Road from Longport Street to Hudson Street, and Hudson Street, from Old Canterbury Road to the light rail corridor;</p> <p>(b) the required upsizing of the existing 150 mm wastewater main to a 225 mm main which traverses the site and any required deviation of the wastewater main, in accordance with Sydney Water's Guidelines for Building Over or Adjacent to Sewer;</p> <p>(c) the required adjustment to a section of Sydney Water's Hawthorne Canal stormwater system including the removal of the entire section of redundant asset and construction of a new maintenance pit to terminate the adjustment; and</p> <p>(d) a water sensitive urban design stormwater treatment plan and MUSIC model which demonstrates:</p> <ul style="list-style-type: none"> i. a 90% reduction in the post development mean annual load of total gross pollutant loads; ii. a 85% reduction in the post development mean annual load of Total Suspended Solids; iii. a 60% reduction in the post development mean annual load of Total Phosphorus; and iv. a 45% reduction in the post development mean annual load of Total Nitrogen. <p>Details shall be submitted with future Development Applications in accordance with Sydney Water and Council requirements.</p>	YES	Documented Subject to conditions
Affordable Rental Housing		
<p>(Mod 1 – 5/7/2013)</p> <p>28. Future Development Applications shall demonstrate the provision of affordable rental housing equivalent to 3% of total dwelling yield.</p> <p>(a) The affordable housing units shall be leased out at a 20% discount to the median rental price of the site for a period of 10 years.</p> <p>(b) A restriction on the title shall be put in place for the relevant units.</p> <p>(c) Prospective tenants are to be recommended from a Local Community Housing Provider.</p> <p>Details are to be provided to Marrickville Council prior to the final occupation certificate being issued of the affordable housing units.</p>	YES	Documented Subject to conditions VPA
Loading Dock		
29. Future development applications shall demonstrate a	YES – subject to	Variation – Refer report

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Requirement	Compliance conditions	Comment
<p>suitable design treatment to the loading dock on the ground floor, at the eastern end of Building D and which addresses the following matters:</p> <ul style="list-style-type: none"> (d) the means of minimising visual impacts on the public domain; (e) noise management measures to preserve the amenity of adjoining dwellings, including proposed hours of operation; (f) full details of swept paths demonstrating the ability of service vehicles to safely manoeuvre in and around the facility without adversely impacting traffic flows in William and Brown Streets. 		<p>Traffic Implications – no access via William Street Condition Dock Door improvements – Bulk Head Fin walls</p> <p>Conditions 67-72 inclusive</p>

ATTACHMENT 3 - CONCEPT PLAN No.MP08_0195 - STATEMENT OF COMMITMENTS

Requirement	Compliance	Comment
SCHEDULE 4 – STATEMENT OF COMMITMENTS		
Construction Management		
Construction Management A detailed Demolition and Construction Management Plan will be prepared and submitted as required with future Project/Development Applications or at the Construction Certificate Stage, prior to the commencement of any demolition or construction works on site.	YES	Documented Subject to conditions
Traffic Management		
Traffic Management A detailed Traffic Management Plan will be prepared and submitted as required with future Project/Development Applications or at the Construction Certificate Stage, prior to the commencement of any demolition or construction works on site. Within the site, car share spaces will be prioritised in convenient locations under future Project/Development Applications.	YES	Documented Subject to conditions
RTA		
RTA The proponent commits to complying as FEAR as practicable with the parking, loading, construction, excavation, noise, hydraulic and road safety requirements of the RTA as described in Attachment A of their submission dated 11 January 2011 and subject to any modification as a consequence of the RTA's assessment of the preferred project.	PARTIAL	Variation – Issue Traffic Implications – post consent investigations: Right turn bay in O.C. Rd to McGill Street Subject to conditions RMS no objection DA20140029 – Post Consent Modelling – RMS and Traffic Committee prior to CC
Waste Management		
Waste Management A detailed waste management plan (construction and operational) will be prepared and submitted with future Project/Development Applications or at the Construction Certification Stage, prior to the commencement of any works on site.	YES	Generally Documented Subject to conditions conflict with residential lift core unacceptable Condition dedicated Loading Dock Lift (Condition 69)
Noise and Vibration		
Noise and Vibration The recommendations of the Noise and Vibration Report provided at Annexure O of the EA will be adopted and reflected in future Project/Development Applications. In addition, future Project/Development Applications will comply with the requirements of the Sydney Airport Corporation in terms of minimising the impacts of aircraft noise on residential premises.	YES	Documented Subject to conditions
Flora and Fauna		
Flora and Fauna The recommendations of the Flora and Fauna Report attached at Annexure K of the EA will be adopted and reflected in future Project/Development Applications. In consideration of competing constraints on the site and adjacent Green Way, the development will be designed where practicable to be sensitive to the needs of the fauna of the Green Way including:	YES	7 Part Test provided Partially Documented Subject to conditions Sydney Trains Justification for Private Road Removal – competing outcomes in a constrained location Condition 39

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Requirement	Compliance	Comment
<ul style="list-style-type: none"> Provision of appropriate lighting which minimises impacts on nocturnal fauna and the Green Way generally; and Reinforcement of permeability between the Green Way and the built environment for local fauna, wherever practical (e.g. raised footpath/cycle way sections at appropriate locations). 		
Ecologically Sustainable Development The development commits to the consideration of sustainability measures as detailed in the ESD report prepared by Efficient Living, dated 3 April 2013. Details of adopted measures will be detailed in future Project/Development Applications.	YES	Documented Subject to conditions
Heritage and Archaeological The recommendations of the Heritage Impact Assessment and the Archaeological Assessment provided at respective Annexures Q and R of the EA respectively will be adopted and reflected in future Project/Development Applications.	YES	Documented Subject to conditions
Geotechnical The recommendations of the Geotechnical Report provided at Annexure P of the EA will be adopted and reflected in future Project/Development Applications and during the construction process. In addition the following reports will be updated and/or additional matters provided to reflect the following requirements of NSW RailCorp: Geotechnical and Structural Reports, and excavation methodology to meet RailCorp requirements; and Updated cross-sectional drawings providing accurate measurements and including excavation for on-site detention tank along the rail corridor boundary.	YES	Rail Corp Concurrence – deferred commencement conditions
Site Contamination The recommendations of the Environmental Site Assessment provided at Annexure F of the EA will be adopted and reflected in future Project/Development Applications and during the construction process.	YES	Documented Subject to conditions
Affordable Rental Accommodation The proponent commits to include affordable housing units in the future redevelopment of the site. The quantum of units proposed will be resolved under future Project/Development Applications. This may be provided as affordable housing under the National Rental Affordability Scheme (NRAS) – or similar scheme - or as a cash contribution to Marrickville Council or other designated authority.	YES	Documented VPA Subject to conditions
Stormwater Management The recommendations and design outcomes of the stormwater management report and the flood report (see respective annexures F & G) will be adopted and reflected in future Project/Development Applications. In addition, the requirements of Water Sensitive Urban Design will be reflected in the stormwater design, including:	YES	Documented Subject to conditions

Requirement	Compliance	Comment
<ul style="list-style-type: none"> • A 90% reduction in the post development mean annual load of total gross pollutant loads. • A 85% reduction in the post development mean annual load of Total Suspended Solids. • A 60% reduction in the post development mean annual load of Total Phosphorus. • A 45% reduction in the post development mean annual load of Total Nitrogen. <p>The stormwater design will be accompanied by a Model for Urban Stormwater Improvement Conceptualisation (MUSIC) for submission and approval to Sydney Water. This model will be prepared in accordance with the NSW MUSIC Modelling Guidelines (SMCMA, August 2010).</p>		
Access The proponent commits to providing pedestrian and bicycle access connections to the future light rail stop and to Lewisham Station, including a new public footbridge extending from the northern end of Brown Street (to be resolved as part of a VPA I public benefit offer). Consultation will be held with RailCorp and Marrickville Council with respect to requirements for linking the site with Lewisham Station.	YES	Documented VPA Subject to Conditions
Transport Access Guide (TAG) A TAG will be provided on the site in accordance with the requirements of the RTA. The RTA will be consulted with respect to the location and content of the TAG on the site as required.	YES	Condition
NSW Office of Water The requirements of the NSW Office of Water will be met where necessary under future Project/Development Applications, including all licencing and stormwater treatment measures.	YES	Conditions from NOW
Sydney Water <ul style="list-style-type: none"> • The existing water main that traverses the site will be amplified as required to meet the demand of the new population on the subject site. Similarly, the existing sewer main that traverses the site will be diverted and amplified as required by the new population on the subject site. The proponent reserves their right to seek suitable compensation from Sydney Water, as may be necessary. • A Section 73 Notice of Requirements will be obtained prior to the commencement of any works on site, noting that the proposal is for a Concept Plan only and no construction works will be authorised. 	YES	Condition from SWC letter
Landscaping <ul style="list-style-type: none"> • Landscaping and fencing within 20m of the rail corridor will be designed to meet the requirements of RailCorp. • Landscaping will contain locally indigenous native species in areas adjacent to the Green Way. Such landscaping will be designed to provide opportunities for compatible and appropriately varied habitats. Selection of appropriate 	YES	7 Part Test provided Partially Documented Subject to conditions Sydney Trains Justification for Private Road Removal – competing outcomes in a constrained location

Joint Regional Planning Panel Assessment Report
MAJOR PROJECT – LEWISHAM ESTATE
78 – 90 OLD CANTERBURY ROAD LEWISHAM

Requirement	Compliance	Comment
<p>species may be guided through the Green Way's documentation "Bushcare Management Plan" and Missing Jigsaw Pieces: bushland plants of the Cooks River Valley by D Benson, D Ondinea and V Bear.</p> <ul style="list-style-type: none"> Landscaping will reflect and complement the adjacent portions of the Green Way including both duplication of existing vegetation and companion planting. 		Condition 39
<p>Light Rail</p> <ul style="list-style-type: none"> Future Project/Development Applications will be designed in consideration of the anticipated impacts created by the future light rail in terms of noise, vibration, lighting and privacy. A way finding and information strategy will be produced in accordance with the signage convention established for the Green Way/Light Rail Corridor, including Green Way branding. 	YES	<p>Documented RailCorp Concurrence - Subject to deferred commencement and operational conditions</p> <p>Condition – Historic Walk – approved landscape plans to be implements</p>
<p>Building Materials and Finishes</p> <p>Buildings, furniture and structures on the site will utilise materials and colours that enhance the visual amenity of the Green Way.</p>	YES	<p>Documented Subject to conditions</p>
<p>Community and Cultural</p> <p>Investigations will be made into opportunities for street activation and/or public art and animation, particularly in the vicinity of the Light Rail stops. This may include public art, community meeting places, community celebrations and where appropriate, cafes, convenience stores adjacent Light Rail stops. Community spaces may facilitate community events and other elements supporting social cohesion. Formal spaces may generally be designed as fully accessible, multi-function areas suitable for adaptation to the varying needs of the community. Such matters will be fully resolved under future Project/Development Applications and may also form part of a VPA/public benefit offer.</p>	YES	<p>Conceptually Documented Subject to conditions Condition 20</p>

ATTACHMENT 4 - CONCEPT PLAN No.MP08_0195 - MIXED USE DEVELOPMENT

Concept Plan application for 7 building envelopes ranging in height from 4 - 9 storeys, comprising residential, commercial and retail floorspace, basement car parking, public and private open space and associated infrastructure works comprises the following documents:

Application

[Application form.pdf](#)
[Clause 6 request.pdf](#)
[GFA Breakdown.pdf](#)
[Political Donations disclosure.pdf](#)
[Political Donations disclosure2.pdf](#)
[Retail assessment report.pdf](#)
[Site Plans, Designs.pdf](#)
[Traffic Report.pdf](#)

Declaration

[Clause 6 declaration.pdf](#)

Director-General's Requirements

[DGRs Issued MP08_0195 Lewisham.pdf](#)

Environmental Assessment

[00 Environmental Assessment Report.pdf](#)
[A DGs_requirements.pdf](#)
[B 00 area_schedules.pdf](#)
[B 01 architecturals.pdf](#)
[B 02 architecturals.pdf](#)
[B 03 Concept Plan.pdf](#)
[B 04 Elevations, Perspectives and Massing plans.pdf](#)
[B 05 solar access study.pdf](#)
[B 06 basement plan.pdf](#)
[C 01 Pg 1-20 LewishamMasterplan_REPORT.pdf](#)
[C 02 Pg 21-40 LewishamMasterplan_REPORT.pdf](#)
[C 03 Pg 41-50 LewishamMasterplan_REPORT.pdf](#)
[C 04 Pg 51-66 LewishamMasterplan_REPORT.pdf](#)
[D McGillStreetPrecinctMasterPlan_p1-25.pdf](#)
[D McGillStreetPrecinctMasterPlan_p26-45.pdf](#)
[D McGillStreetPrecinctMasterPlan_p46-66.pdf](#)
[E QS Assessment V2.pdf](#)
[F Environmental Site Assessment.pdf](#)
[G Traffic Report V9 pages1-41.pdf](#)
[G Traffic Report V9 pages42-99.pdf](#)
[H Economic Impact Assessment.pdf](#)
[I Visual Impact P1-48.pdf](#)
[I Visual Impact P49-78.pdf](#)
[J Community Consultation Report.pdf](#)
[K Flora & Fauna.pdf](#)
[L Landscape Concept.pdf](#)
[M Rail impact Assessment1.pdf](#)
[M Rail impact Assessment2.pdf](#)
[N ESD Report.pdf](#)
[O Acoustic Report.pdf](#)
[P Geotechnical Assessment 2.pdf](#)
[Q Heritage Report.pdf](#)
[R Archaeological assessment.pdf](#)
[S1 Eldersbankstown - cover letter.pdf](#)
[S2 Site amalgamation.pdf](#)
[T Ecotransit letter of support.pdf](#)
[U Urbis Peer Review + CPTED analysis.pdf](#)

[V Stormwater1.pdf](#)
[V Stormwater2.pdf](#)
[V Stormwater3.pdf](#)

Agency Submissions to EA

[DECCW.pdf](#)
[Office of Water .pdf](#)
[Railcorp.pdf](#)
[RTA.pdf](#)
[Sydney Airport.pdf](#)
[Sydney Water.pdf](#)
[Transport NSW.pdf](#)

Council Submissions to EA

[1_Colston Budd Hunt & Kafe.pdf](#)
[2 Independent Urban Design Review.pdf](#)
[3 GreenWay Draft Design Principles.pdf](#)
[Marrickville Council cover letter to submission MP08_0195.pdf](#)
[Marrickville Council submission MP08_0195.pdf](#)
[Marrickville Council Additional Traffic Submission.pdf](#)

Public Submissions to EA

[Submission 18.pdf](#)
[Submissions 1-10.pdf](#)
[Submissions 101-110.pdf](#)
[Submissions 11-20.pdf](#)
[Submissions 111-120.pdf](#)
[Submissions 121-130.pdf](#)
[Submissions 131-140.pdf](#)
[Submissions 141-150.pdf](#)
[Submissions 151-160.pdf](#)
[Submissions 161-167.pdf](#)
[Submissions 168-171.pdf](#)
[Submissions 172-176.pdf](#)
[Submissions 177-178.pdf](#)
[Submissions 21-30.pdf](#)
[Submissions 31-40.pdf](#)
[Submissions 41-50.pdf](#)
[Submissions 51-60.pdf](#)
[Submissions 61-70.pdf](#)
[Submissions 71-80.pdf](#)
[Submissions 81-90.pdf](#)
[Submissions 91-100.pdf](#)

Preferred Project Report and Response to Submissions

[01 Preferred Project Report.pdf](#)
[02 Department of Planning and Infrastructure Letter040211 .pdf](#)
[03 Area schedule.pdf](#)
[03 Concept Plans Part 1 \(Concept Plans\).pdf](#)
[03 Concept Plans Part 10 \(SEPP 65 analysis\).pdf](#)
[03 Concept Plans Part 11 \(SEPP 65 analysis\).pdf](#)
[03 Concept Plans Part 2 \(Block massing\).pdf](#)
[03 Concept Plans Part 3 \(View analysis\).pdf](#)
[03 Concept Plans Part 4 \(Concept Elevations\).pdf](#)
[03 Concept Plans Part 5 \(massing comparison plans\).pdf](#)
[03 Concept Plans Part 6 \(indicative floor plans\).pdf](#)
[03 Concept Plans Part 7 \(indicative floor plans\).pdf](#)
[03 Concept Plans Part 8 \(indicative floor plans and sections\).pdf](#)
[03 Concept Plans Part 9 \(survey\).pdf](#)
[03 Landscape Plans.pdf](#)
[04 Traffic Assessment.pdf](#)
[05 Peer Review by Simmons Architects.pdf](#)

[06_Flood_Study.pdf](#)
[07_Access_Report.pdf](#)
[08_Revised_View_Analysis.pdf](#)

Agency and Council submissions to PPR

[Ashfield Council comments - 29 August 2011.pdf](#)
[Marrickville Council comments \(Engineering\) - 26 September 2011.pdf](#)
[Marrickville Council comments - 15 September 2011.pdf](#)
[Roads and Maritime Services.pdf](#)
[RTA.pdf](#)

Public Submissions to PPR

[Submission 001 to 025.pdf](#)
[Submission 026 to 050.pdf](#)
[Submission 051 to 075.pdf](#)
[Submission 076 to 100.pdf](#)
[Submission 100 to 123.pdf](#)
[Submission 124 to 131.pdf](#)

Additional information submitted by the Proponent in response to PPR submissions(31)

[00_Response_to_PPR_submissions.pdf](#)
[01_Concept_Plan_Drawings_Part01.pdf](#)
[01_Concept_Plan_Drawings_Part02.pdf](#)
[01_Concept_Plan_Drawings_Part03.pdf](#)
[01_Concept_Plan_Drawings_Part04.pdf](#)
[01_Concept_Plan_Drawings_Part05.pdf](#)
[01_Concept_Plan_Drawings_Part06.pdf](#)
[01_Concept_Plan_Drawings_Part07.pdf](#)
[01_Concept_Plan_Drawings_Part08.pdf](#)
[01_Concept_Plan_Drawings_Part09.pdf](#)
[01_Concept_Plan_Drawings_Part10.pdf](#)
[01_Concept_Plan_Drawings_Part11.pdf](#)
[01_Concept_Plan_Drawings_Part12.pdf](#)
[01_Concept_Plan_Drawings_Part13.pdf](#)
[01_Concept_Plan_Drawings_Part14.pdf](#)
[01_Concept_Plan_Drawings_Part15.pdf](#)
[01_Concept_Plan_Drawings_Part16.pdf](#)
[01_Concept_Plan_Drawings_Part17.pdf](#)
[01_Lewisham_area_schedule_111130.pdf](#)
[02_Swept_paths_analysis.pdf](#)
[03_Visual_Impact_Assessment.pdf](#)
[04_SURVEY.pdf](#)
[05_Traffic_Response.pdf](#)
[06_Flood_Study.pdf](#)
[06_N09612-DA-H01_06.pdf](#)
[06_N09612-DA-H02_05.pdf](#)
[06_N09612-DA-H03-01.pdf](#)
[06_N09612-DA-H05-01.pdf](#)
[06_N09612-DA-H06-01.pdf](#)
[06_N09612-DA-H07_02.pdf](#)
[TRAFFIX_Response_to_RTA_submission.pdf](#)

Other related information (proposals on adjacent sites)

[MP10_0155 - Redevelopment of the Former Allied Mills Site for the purposes of a Mixed Use Residential, Commercial and Retail development.url](#)
[MP10_0180 - Stage 1 Project Application for a Mixed Use development of the Former Allied Mills Site.url](#)
[Sydney Inner West Light Rail Extension .url](#)

Recommendation to the Planning Assessment Commission

[01_Recommending_Report_to_the_Planning_Assessment_Commission.pdf](#)

[02 Appendix E Independent Traffic Assessment.pdf](#)

[03 Recommended Concept approval.pdf](#)

Determination

[Planning Assessment Commission Report and Determination.pdf](#)

Post Determination

[MP08 0195 MOD 1 - Amendment of building footprints, access arrangements to onsite parking, open space, building heights, building use and conditions of the approval and Statement of Commitments \(Part3AMod\)](#)

[MP08 0195 MOD 2 - Amendment of a condition relating to the timing of the VPA - Lewisham Estate \(Part3AMod\)](#)

[MP 08 0195 MOD 4 - Modification to Condition B3 \(Part3AMod\)](#)

[MP 08 0195 MOD 5 - Mixed Use Development \(Part3AMod\)](#)

[MP08 0195 MOD 6 - Modification to Future Assessment Requirement No. 7 \(Part3AMod\)](#)