

## **SUPPLEMENTARY JOINT REGIONAL PLANNING PANEL ASSESSMENT REPORT - 15 DECEMBER 2014**

### **MAJOR DEVELOPMENT - PART 3A CONCEPT PLAN**

File Ref: DA201400354

Manager Development Assessment reports:

#### **Summary**

In addition to the Joint Regional Planning Panel (JRPP) Assessment Report supplied to the JRPP Secretariat on 9 December 2014, the Sydney East JRPP considers the assessment material contained in this Supplementary JRPP Assessment Report. This report is formatted to be consistent with the JRPP Assessment Report and includes additional information at Part A, Part E, and revised recommended conditions at Part F, with revised Attachments 1, 2, 3, and new Attachments 5, 6, 7 and 8.

This report addresses an amendment to the application received on 12 December 2014 proposing to stage the basement excavation works:

- a. so that the timing and location of civil works avoid the need to recommend deferred commencement conditions of consent:
  - i. to address the Part 3A Concept Plan approval No. MP08\_195 – Further Environmental Assessment Requirement (FEAR) No. 26; and
  - ii. to satisfy the RailCorp concurrence; and
- b. so that civil works commence on the eastern side of the site; and
- c. so that civil works do not commence on the western side of the site in proximity to the light rail corridor until the requirements of RailCorp are met by the applicant.

The following additional assessment matters are addressed in the report below:

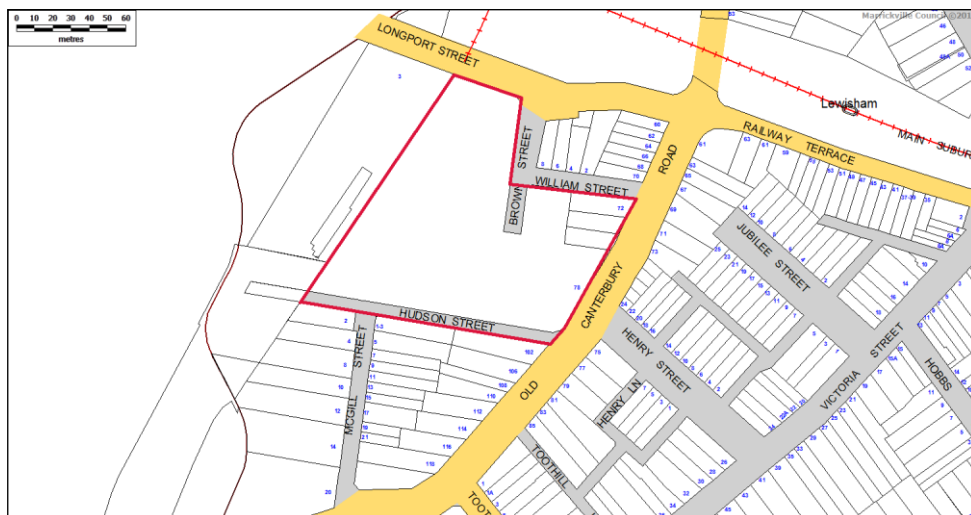
- Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act (EP&A Act) - Draft State Environmental Planning Policy (SEPP) No. 65
- SEPP No. 65 – Principle 3 - Built Form and Part 3A Concept Plan approval No. MP08\_195 Terms of Approval (TOA) No. A2 - Building Height Plan - 12.5 (Rev E)
- SEPP (Infrastructure) 2007:
  - Clause 86 – RailCorp (Sydney Trains)
  - Concept Plan approval No. MP08\_195 – FEAR No. 26 – RailCorp requirements
  - Clause 104 – Traffic Generating Development
  - Concept Plan approval No. MP08\_195 – FEAR No. 19 – Left-in Left-out only from Classified Roads
  - Marrickville Traffic, Pedestrian and Cycling Advisory Committee recommendations
- Section 93F of the EP&A Act – Voluntary Planning Agreement
- Revised recommended conditions of consent (refer to Part F - Recommendation)

The following attachments are provided:

- Revised Concept Plan No. MP08\_195 – TOA Compliance Schedule (refer to Attachment 1)
- Revised Concept Plan No. MP08\_195 – FEAR Compliance Schedule (refer to Attachment 2)
- Revised Concept Plan No. MP08\_195 – SOC Compliance Schedule (refer to Attachment 3)
- The Jury Panel Report from the design competition (refer to Attachment 5)
- Marrickville Traffic, Pedestrian and Cycling Advisory Committee Report (refer to Attachment 6)
- Council Report on Draft Voluntary Planning Agreement (refer to Attachment 7)
- Council Minute – VPA (refer to Attachment 8)

**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:** DA201400354

**Application Date:** 23 Jul 2014. Additional information submitted on 30 October 2014, and an amendment to the application lodged on 12 December 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<sup>2</sup> retail tenancy, 120m<sup>2</sup> 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 E – ASSESSMENT**

**1. Draft State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings**

Draft SEPP 65 was placed on public exhibited between 23 September 2014 and 31 October 2014, and accordingly is a matter for consideration in the assessment of this application under Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 (EP&A Act)

1979). Specific consideration of the draft SEPP was not included in the JRPP Assessment Report and is provided below in accordance with the requirements of the EP&A Act 1979.

Draft SEPP 65 prescribes 9 design quality principles to guide the design residential flat buildings and to assist in assessing such developments. The draft principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and architectural expression.

The proposal is considered to be consistent with the design quality principles set out in the Draft SEPP 65 because:

**Principle 1:**  
**Context and**  
**Neighbourhood**  
**Character**

- The proposal includes architectural façade and roof treatments that respond to the industrial context to the west of the site, the low-rise residential context to the east of the site, and includes intervening landscape screening to the State heritage items to the north of the site.

**Principle 2:**  
**Built Form and**  
**Scale**

- It is considered that the building envelopes are generally complied with and provide an appropriate built form outcome.
- Further environmental assessment requirement No.2 has been met which ensure a high quality architectural design of future buildings following completion of the Design Competition and certification from the architect.

**Principle 3:**  
**Density**

- 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.

**Principle 4:**  
**Sustainability**

- 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.

**Principle 5:**  
**Landscape**

- 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.

**Principle 6:**  
**Amenity**

- 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.

**Principle 7:**  
**Safety**

- 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 Crime Prevention Through Environmental Design Report was submitted.
- NSW Police considered the application and raised no objection to the development

**Principle 8:  
Housing  
Diversity and  
Social  
Interaction**

- 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

**Principle 9:  
Architectural  
Expression**

- 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.

The Apartment Design Guide has also been considered as part of this assessment of the above items and having regard to this draft policy, no issues are raised that would warrant the refusal of the application.

**2. 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.

Additional assessment matter is be provided below regarding Principle 3: Built Form that relates to key design issues including the context, scale, built form and building density and Part 3A Concept Plan approval No.MP08\_195 - Terms of Approval (TOA) No. A2 - Building Height Plan - 12.5 (Rev E) as follows:

| Principles                         | Assessment  |
|------------------------------------|---|
| <u>Principle 3:<br/>Built Form</u> | <ul style="list-style-type: none"> <li>▪ There are some variations from the Part 3A Concept Plan approval No. MP08_195 - TOA No. A2 - Building Height Plan - 12.5 (Rev E) which seeks to control the proposed building envelopes.</li> <li>▪ In order for the proposal to be entirely consistent with TOA No. A2 then: <ul style="list-style-type: none"> <li>○ Building A at the southern-end should be 9 storeys not 10 and then stepping down to 7 storeys</li> <li>○ Building B at the northern-end should be 8 storeys not 10, and then stepping down to 4 storeys</li> <li>○ Building D at the northern edge should step down from 9 storeys to 7 before stepping down to ground level</li> </ul> </li> <li>▪ These variations were included in the proposal submitted with the design competition which was accepted by the jury panel.</li> <li>▪ The Jury Panel Report is included at Attachment 5.</li> <li>▪ FEAR No.2 has been met ensuring a high quality architectural design of</li> </ul> |

| Principles | Assessment   |
|------------|--|
|            | <p>future buildings following completion of the Design Competition.</p> <ul style="list-style-type: none"> <li>▪ Certification is provided from the architect ensuring that the development proposal submitted is consistent with the design competition.</li> </ul> |

*Table 1: Design Quality Principles No.3 – Built Form*

The building envelopes are considered to be generally complied with and provide an appropriate built form outcome on the site.

### **3. Clause 55 of the Environmental Planning and Assessment Regulation 2000**

The applicant submitted a letter dated 12 December 2014 to the Chair of the Sydney East Joint Regional Planning Panel Mr John Roseth amending the timing and location of the basement excavation works in order to restructure the conditions listed in the recommendations at Part F of the JRPP Assessment Report.

The concurrence issued by RailCorp (Sydney Trains) requires that if consent is granted that it be issued in two parts, with Part A including deferred commencement conditions which must be satisfied before the consent may be physically commenced by commencing works on site, and Part B including the operational conditions.

The applicant seeks to have the deferred commencement conditions listed in Part A included in the conditions at Part B so that an operational consent may be issued by the JRPP if it favourably determines the application at the JRPP hearing on Wednesday 17 December 2014 at 10:00am.

### **4. State Environmental Planning Policy (Infrastructure) 2007 – Clause 86**

#### Background

In accordance with 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 requiring the following deferred commencement conditions be imposed in any consent granted:

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.*

The issues listed in 1a) - 1f) above have previously been generally identified in:

- The Director Generals requirements at Item 11 – Rail Impacts issued on 16/3/2009 for the Part 3A Concept Plan;
- The RailCorp letter dated 18/1/2011 in response to the referral by the Department of Planning of the Environmental Assessment submitted with the Part 3A Concept Plan application by the applicant;
- Part 3A Concept Plan approval No. MP08\_195 at FEAR No. 26;
- RailCorp concurrence letter to Council dated 27/2/2014 in response to DA201400029;
- Development Consent No. DA20140029 – Condition No. 6;
- RailCorp concurrence letter to Council dated 27/6/2014 in response to Section 96 modification of DA201400029.02;
- Development Consent No. DA20140029.02 – Condition No. 6;
- The RailCorp information request letter dated 27/8/2014 in response to the referral by Council of DA201400354 seeking its concurrence;
- The information/issues letters sent from Council to the applicant dated of 23 September 2014 and 2 October 2014
- DA2014000354 – Major Project DA - RailCorp Concurrence Letter 18/11/2014

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 (Sydney Trains) concerns are 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 an amended basement design on 30 October 2014 that was predominantly set back from the western boundary with the exception of the basement entry ramp and additional documentation to RailCorp (Sydney Trains) between 13 November 2014 and 5 December 2014 in support of the application.

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

This clause applies to development on land that is in or immediately adjacent to a rail corridor, as such, Sydney Trains has advised Council that the amended proposed development is being assessed in accordance with the requirements of Clause 86(4) being:

- a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
  - i. *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
  - ii. *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

The proposal triggers consideration of these requirements because 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.

RailCorp (Sydney Trains) deferred commencement conditions cannot be altered unless a new concurrence is issued.

RailCorp have not provided a response imposing operational 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.

Amended Proposal

The applicant has provided noise impacts assessment reports, crane applications, geotechnical reports, civil drawings of the excavation works, and stormwater works in proximity to the light rail corridor, and most recently an amended staging plan for the basement excavation works.

The applicant amended the proposal on 12 December 2014 to manage the basement excavation works so that:

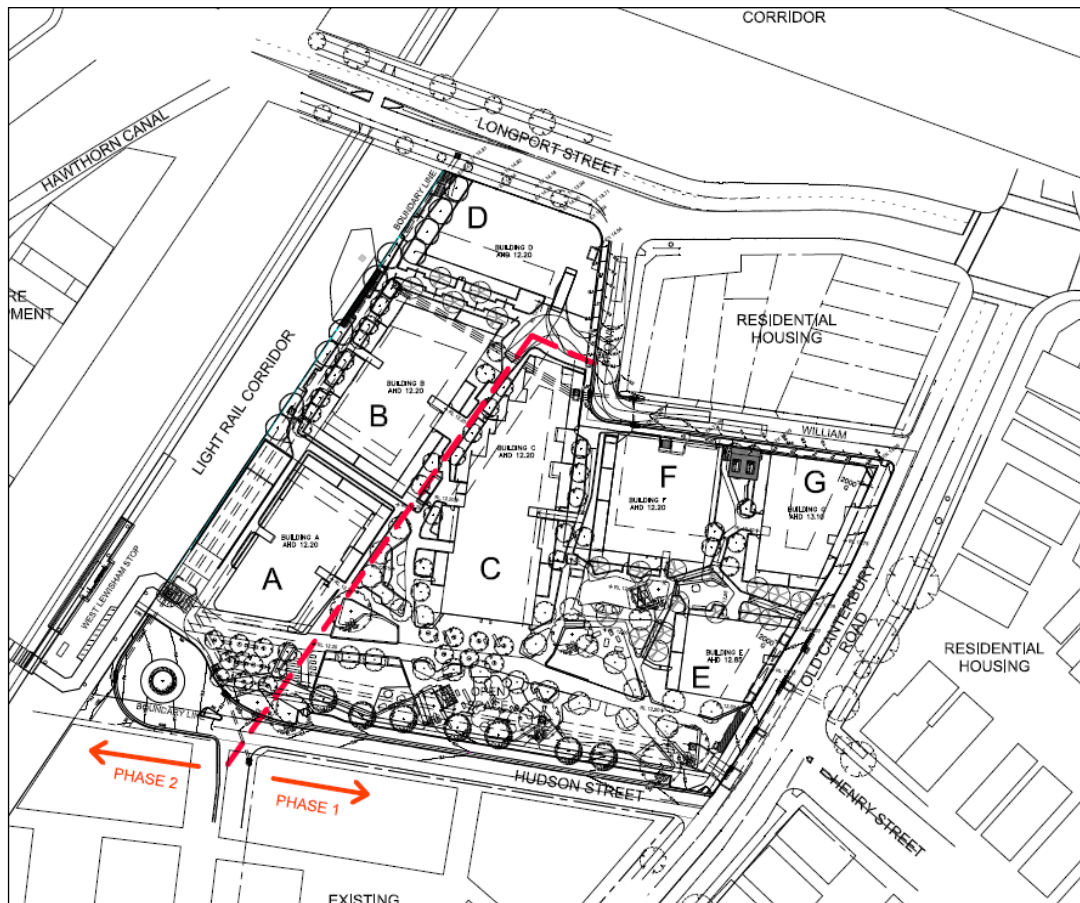
- a. civil excavation works commence on the eastern side of the site; and
- b. civil excavation works do not commence on the western side of the site in proximity to the light rail corridor until the requirements of RailCorp are met by the applicant.
- c. the timing and location of civil works avoid the need for Council to recommend to the JRPP deferred commencement conditions of consent.

Due to the provisions of Section 30(2) of the EP&A Act, both Council and the JRPP are unable to implement the amendment the applicant seeks without prior endorsement from RailCorp (Sydney Trains) due to the concurrence triggered to address Clause 86(3) of the SEPP Infrastructure 2007.

The amendment was referred to RailCorp (Sydney trains) on 12 December 2014. RailCorp (Sydney Trains) requested further information comprising a staging plan on 12 December 2014, and the information request was made of the applicant by Council on that day.

The applicant provided Council with the staging plan on 15 December 2014, which was provided to the RailCorp (Sydney Trains) on that day. In response the concurrence of RailCorp (Sydney Trains) has not been received.

The staging plan provided from the applicant for RailCorp (Sydney Trains) consideration is shown below:



*Image 2: Amended Excavation Staging Plan*

RailCorp's (Sydney Trains) have indicated to Council a willingness to accommodate the applicants requests to delay the information submission (which has been known to the applicant for a long period of time).

RailCorp (Sydney Trains) have advised Council that it is expediting its consideration of the proposed alternative arrangements to allow Council to meet the JRPP hearing date of 17 December 2014, and to have this complex and long running matter heard by the JRPP for the benefit of the applicant at the earliest available opportunity.

## **5. State Environmental Planning Policy (Infrastructure) 2007 – Clause 104**

### Traffic-generating development (Clause 104)

In accordance with Column 2 in Schedule 3 of Clause 104 of SEPP (Infrastructure) 2007 which is triggered 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 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.

The intention of FEAR No. 19 has been 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 40,000m<sup>2</sup> 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

The Marrickville Traffic, Pedestrian and Cycling Advisory Committee assessment report on the issues was received by Council on 12 December 2014 and a copy is included below at Attachment 7. Recommended conditions have been included in the revised consent conditions at Part F.

## **6. Section 93F of the EP&A Act – Voluntary Planning Agreement (VPA)**

In determining a development application, a consent authority is to take into consideration Section 79C(1)(aii) with respect to any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

Marrickville Council considered a draft Voluntary Planning Agreement on 9 December 2014 that was lodged by the applicant with the application to meet the requirements of Part 3A Concept Plan approval TOA No.A3 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.

On the 9<sup>th</sup> of December 2014, the Council resolved to agree to enter into the VPA and authorised the General Manager to execute the VPA on Council's behalf.

The VPA and the Council Minute relating to the matter are below at Attachments 7 and 8.

## **7. 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, 113m<sup>2</sup> retail tenancy, 120m<sup>2</sup> 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.

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 an appropriate built form outcome.

The development proposal required the concurrence from RailCorp under SEPP (Infrastructure) which was granted on 18 November 2014 subject to deferred commencement conditions. Subsequently the applicant lodged an amendment to the proposed on 12 December 2014 to stage the basement excavation works to delay works occurring within proximity to the light rail corridor, so that an operational consent may be granted. RailCorp (Sydney Trains) deferred commencement conditions cannot be deleted unless a new concurrence is issued. RailCorp have not provided a response to Council imposing operational conditions with a new concurrence.

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 in Hudson Street to mitigate potential impacts on on-street parking. The application relies on an alternative access arrangement (deleting the new private road alongside the western boundary) departing from the concept approval. This outcome requires 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 has been generally complied with, subject to the recommended conditions, and the proposal 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.

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 unreasonable impacts on the amenity of adjoining premises and the streetscape. The application is considered to merit approval.

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, 113m<sup>2</sup> 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**

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

| <b>Plan, Revision and Issue No.</b> | <b>Plan Name</b>   | <b>Date Issued</b> | <b>Prepared by</b> | <b>Date Submitted</b> |
|-------------------------------------|--------------------|--------------------|--------------------|-----------------------|
| 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            |

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

| <b>Plan, Revision and Issue No.</b> | <b>Plan Name</b>                 | <b>Date Issued</b> | <b>Prepared by</b> | <b>Date Submitted</b> |
|-------------------------------------|----------------------------------|--------------------|--------------------|-----------------------|
| 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            |
| 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                        | BLDG_A,B&D                       | 30.10.2014         | PTW Architects     | 30.10.2014            |

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

| <b>Plan, Revision and Issue No.</b> | <b>Plan Name</b>               | <b>Date Issued</b> | <b>Prepared by</b> | <b>Date Submitted</b> |
|-------------------------------------|--------------------------------|--------------------|--------------------|-----------------------|
| Rev B                               | North Elevations               |                    |                    |                       |
| Dwg No. A053<br>Rev B               | BLDG_C&D East Elevations       | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A054<br>Rev B               | BLDG_A,C,E&F South Elevations  | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A054<br>Rev B               | BLDG_A,C,E&F South Elevations  | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A055<br>Rev B               | BLDG_B,C,F&G North Elevations  | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A056<br>Rev B               | BLDG_E&G East Elevations       | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A056<br>Rev B               | BLDG_E&G East Elevations       | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A060<br>Rev B               | BLDG_A-Elevations              | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A061<br>Rev B               | BLDG_B-Elevations              | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A062<br>Rev B               | BLDG_C-Elevations              | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A063<br>Rev B               | BLDG_D-Elevations              | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A064<br>Rev B               | BLDG_E-Elevations              | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A065<br>Rev B               | BLDG_F-Elevations              | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A066<br>Rev B               | BLDG_G-Elevations              | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A110<br>Rev A               | Affordable Housing Plan        | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A200<br>Rev A               | BLDG_A-Section Detail Sheet_01 | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A201<br>Rev A               | BLDG_A-Section Detail Sheet_02 | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. A202<br>Rev A               | BLDG_A-Section Detail Sheet_03 | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AA010-L00<br>Rev B          | Building A Ground Plan         | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AA011-L01<br>Rev B          | Building A Level 1             | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AA012-L2-3<br>Rev B         | Building A Level 2-3           | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AA013-L04<br>Rev B          | Building A Level 4             | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AA014-L5-7<br>Rev B         | Building A Level 5-7           | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AA015-L08<br>Rev B          | Building A Level 8             | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AA016-L09<br>Rev B          | Building A Level 9             | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AA050<br>Rev B              | Building A Adaptable           | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AA051                       | Building A                     | 30.10.2014         | PTW Architects     | 30.10.2014            |



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|-------------------------------------|-------------------------------|--------------------|--------------------|-----------------------|
| Rev B                               | Adaptable                     |                    |                    |                       |
| Dwg No. AA052<br>Rev A              | Building A<br>Adaptable       | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AA053<br>Rev A              | Building A<br>Adaptable       | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AB010-<br>L00 Rev B         | Building B<br>Ground Plan     | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AB011-<br>L1-3 Rev B        | Building B Level<br>1-3       | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AB012-<br>L04 Rev B         | Building B Level 4            | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AB013-<br>L5-7 Rev B        | Building B Level<br>5-7       | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AB014-<br>L8-9 Rev B        | Building B Level<br>8-9       | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AB051<br>Rev B              | Building B<br>Adaptable Units | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AC010-<br>L00 Rev B         | Building C<br>Ground Plan     | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AC011-<br>L1-2 Rev B        | Building C Level<br>1-2       | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AC012-<br>L03 Rev B         | Building C Level<br>3         | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AC013-<br>L04 Rev B         | Building C Level<br>4         | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AC014-<br>L05 Rev B         | Building C Level<br>5         | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AC015-<br>L06 Rev B         | Building C Level<br>6         | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AC050                       | Building C<br>Adaptable Units | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AD010-<br>L00 Rev B         | Building D<br>Ground Plan     | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AD011-<br>L01 Rev B         | Building D Level<br>1         | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AD012-<br>L2-4 Rev B        | Building D Level<br>L2-4 Plan | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AD015-<br>L5-7 Rev B        | Building D Level<br>L5-7 Plan | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AD018-<br>L8 Rev B          | Building D Level<br>8 Plan    | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AD050                       | Building D<br>Adaptable Units | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AD051                       | Building D<br>Adaptable Units | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AE010-<br>L00               | Building E<br>Ground Plan     | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AE011-<br>L1-2              | Building E Level<br>1-2       | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AE012-<br>L3-4              | Building E Level<br>3-4       | 30.10.2014         | PTW Architects     | 30.10.2014            |
| Dwg No. AE013-                      | Building E Level              | 30.10.2014         | PTW Architects     | 30.10.2014            |

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| L5-6                                       | 5-6  |                    |                                |                       |
| 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            |
| 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            |

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|--|----------------------------|--------------------|--------------------------------|-----------------------|
| 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            |
| 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. Where any plans and/or information forming part of a construction certificate issued in relation to this consent are inconsistent with:

- (a) the plans and/or information approved under this consent; or

- (b) any relevant requirements of this consent;
- (c) the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.

Reason: To ensure the development is carried out in accordance with this Determination.

- 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 for Building D to allow the function and operation of the loading dock / waste collection area; and
  - d. **Stage 4:** Completion of Building D, 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").

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. A total of 248 car spaces are to be provided and marked accordingly, including 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, the approved landscape plans shall be amended in accordance with the requirements of this condition so that a revised and updated landscape plans and details package shall be submitted to and approved by Council in accordance with the requirements of the Voluntary Planning Agreement for future public park and the remainder of the development site 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) where relevant comply with the Marrickville Urban Forest Strategy; and
  - d) where relevant 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 specified on the landscape plans including identifying each items location, height, width, length, construction materials, colours, durability; and
- i) each individual item of public art is specified on the landscape plans including identifying for each public art piece the type, size, location, height, width, length, construction materials, colours, durability, and how they are integrated into the landscape and streetscape; and
- j) each individual fence and gate is specified on the landscape plans including identifying for each fence and gate the type, size, location, height, width, length, construction materials, colours, durability, and how that are integrated into the landscape and streetscape; and
- k) each individual walls is not higher than 0.8 metres and is 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.

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

19. 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.

20. 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. Excepting with a written dispensation being obtained and provided from Council, 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.

21. 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 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 m<sup>2</sup>) 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.

22. 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

23. 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.

24. 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.

25. 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.

26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.

34. 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.

35. 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

36. 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

37. 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

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. [44###444#] 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. 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.

51. 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.

52. 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.

53. 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.

54. 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.

55. 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.

56. 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 specified including identifying for each light the type, lux, size, location, height, width, length, construction materials, colours, durability, 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 each respective building in Stage 3 and 4 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 the relevant Occupation Certificate associated with the works in Stage 3 and 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 permitting use of the basement by residents.
- 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.

- 57. 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

- 58. 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.

- 59. 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 any interim the Occupations Certificate for Stage 3 of the development that allows use and operation of the Building D – Loading Dock
- 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.

60. 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 0.6m 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 relevant Occupations Certificate.

Any variations required to be 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.

61. 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.

62. 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.

63. 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.

64. 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.

65. 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.

66. 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) Construction workers on the subject site shall be instructed as part of their worksite induction program 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
- b) 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
- c) 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
- d) 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
- e) 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 Environment, Climate Change and Water (DECCW) immediately about the best course of action to take to prevent injury or mortality to individual bandicoots; and
- f) 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).

67. 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.

68. 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.

69. 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.

70. 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.

71. 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.

72. 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.

73. 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.

74. Prior to work commencing on Stage 2 for the basement 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.

75. 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.

76. 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 of the Stage 2 basement structures. 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.

77. 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.

78. 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

79. 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.



80. 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.
81. 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.
82. 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
83. 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.
84. 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.
85. 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.
86. 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.
87. 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

88. 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

89. 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

90. 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

91. 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.

92. 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 THE RELEVANT CONSTRUCTION CERTIFICATES**

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

93. Prior to the issue of the relevant Construction Certificate, details must be submitted to Principal Certifying Authority's satisfaction that:
- a) 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, 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.
  - b) 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.
  - c) 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.
  - d) 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.
  - e) 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 2014 submitted to Council on 18.11.2014.
  - f) 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 Ambidji Group Pty Ltd and submitted to Council on 23.07.2014.
  - g) 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.
  - h) 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.

- i) 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.
- j) 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.
- k) 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 30 October 2014 and 7 November 2014, Ref no. 0232/13lt1 prepared by Planning Ingenuity Pty Ltd and submitted to Council on 17.11.2014.
- l) 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.
- m) incorporates the recommendations and findings (excepting as modified by conditions of the consent) contained in Section 4, 5, 6, and 7 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.
- n) 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.
- o) 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 expert reports accompanying the application.

94. 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.

95. 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 for Stage 3.

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

96. 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.

97. 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](http://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.

98. 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 the relevant Construction Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4.

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

99. 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 the relevant Construction Certificate for basement structures in Stage 2.

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

100. 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.

101. 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 the relevant Construction Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4.

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

102. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of the relevant



Construction Certificate for Buildings D in Stage 3 and Building A, B, C, E, F, and G in Stage 4..

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

103. Plans and specifications fully reflecting the selected commitments listed in BASIX Certificate submitted or a revised BASIX certificate as of a result of these conditions of consent with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of the relevant Construction Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4..

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.

104. 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 to the Certifying Authority's satisfaction before the issue of the relevant Construction Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4. 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.

105. Details of an anti graffiti treatment to all elevation(s) adjoining and reachable from a publically accessible area of the development must be submitted to and approved by Council before the issue of the relevant Construction Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4.

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

106. 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.

107. 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 relevant Construction Certificate for Stage 2 construction works for basement structures. 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.

108. 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.

109. Before the issue of the relevant 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.

110. 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 the relevant 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

111. 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.

112. The person acting on this consent shall comply with the following requirements of Roads and Maritime Services (RMS) before the issue of the relevant Construction Certificate for Building D at Stage 3:
- 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.

113. 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 relevant 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.

114. 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 the relevant Construction Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4.

Reason: To ensure the drainage system is protected.

115. 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.

116. 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.

117. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. 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 (e.g. awning windows, louvers, 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.

118. Prior to the issue of the relevant 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 20 metres of, and are facing, 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.

119. 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.

120. 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.

121. 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.

122. 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.

123. 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.

124. 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.

125. 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**

126. 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.

127. 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.

128. 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 car parks.

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

129. 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.

130. 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.

131. 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

132. 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.
133. 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.
134. 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.
135. 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).
136. 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.
137. 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.
138. 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.

139. 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.

140. 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.

141. 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.

142. 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

143. 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

144. 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

145. 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

146. 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

147. 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

148. 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

149. 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 BUILDINGS**

150. You must obtain an Occupation Certificate from your PCA before you occupy or use the building/s. 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.

151. Occupation of Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4\_ must not be permitted until such time as:

- a) All relevant 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 for the relevant building.

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

152. 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.

153. 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.



154. 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 for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4. Completion Receipts can be applied for at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).  
Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.
155. 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.
156. 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.
157. 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.
158. 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.
159. 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.
160. 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 State Environmental Planning Policy (Infrastructure) 2007.

161. 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”.

162. Prior to the issue of the relevant 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.

163. 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.

164. Prior to the issue of the relevant 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.

165. 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
166. Prior to the issue of the relevant 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.
167. Prior to the issue of the relevant 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
168. Prior to issue of the relevant 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.
169. Prior to issue of the relevant 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.
170. Prior to the issue of the relevant Occupation Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4 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.

171. Prior to issue of any 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.

172. Prior to the issue of any Occupation Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G 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.

173. Prior to the issue of any Occupation Certificate for Building D in Stage 3 and Building E, F, and G 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.

174. Prior to the issue of any Occupation Certificate for Building E, and G in Stage 4 a total of eight (8) new street trees shall be installed 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.

175. Prior to the issue of any Occupation Certificate for Building D in Stage 3 and Building E, F, and G in Stage 4 the relevant building street frontage must have the footpaths in Brown, William and Hudson Streets 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.

176. Prior to the issue of any Occupation Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4 the relevant building street frontage must have heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" 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.

177. Prior to the issue of any Occupation Certificate for Building D in Stage 3 and Building A, B, C, E, F, and G in Stage 4 the relevant building street frontage must have all redundant vehicular crossings to the site 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.

178. Prior to the issue of any Occupation Certificate for the final building 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.

179. Prior to the issue of any Occupation Certificate for the final building 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.

180. Prior to the issue of any Occupation Certificate for the final building 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.

181. Prior to the issue of any Occupation Certificate for the final building 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.

182. 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.

183. Prior to the issue of any Occupation Certificate for the final building 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.

184. Prior to the issue of any Occupation Certificate for the final building 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.

185. Prior to the issue of any Occupation Certificate for the final building 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.

186. Prior to the issue of any Occupation Certificate for the final building 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.

187. Prior to the issue of any Occupation Certificate for the final building 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.

188. Prior to the issue of any Occupation Certificate for the final building 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.

189. Prior to the issue of any Occupation Certificate for the final building 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.

190. Prior to the issue of any Occupation Certificate for the final building 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.

191. Prior to the issue of any Occupation Certificate for the final building 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.

192. Prior to the issue of any Occupation Certificate for the final building, 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.

193. Prior to the issue of any Occupation Certificate for the final building 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<br><a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>  |
| Department of Fair Trading             | 13 32 20<br><a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a><br>Enquiries relating to Owner Builder Permits and Home Warranty Insurance.                         |
| Dial Before You Dig                    | 1100<br><a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a>   |
| Landcom                                | 9841 8660<br>To purchase copies of Volume One of “Soils and Construction”  |
| Long Service Payments Corporation      | 129841<br><a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>   |
| Marrickville Council                   | 9335 2222<br><a href="http://www.marrickville.nsw.gov.au">www.marrickville.nsw.gov.au</a><br>Copies of all Council documents and application forms can be found on the web site.           |
| NSW Food Authority                     | 1300 552 406<br><a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>   |
| NSW Government                         | <a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a><br><a href="http://www.diyasafe.nsw.gov.au">www.diyasafe.nsw.gov.au</a><br>Information on asbestos and safe work practices. |
| NSW Office of Environment and Heritage | 131 555<br><a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>  |
| Sydney Water                           | 13 20 92   |

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

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

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

WorkCover Authority of NSW 13 10 50  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)  
Enquiries relating to work safety and asbestos removal and disposal.

- 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  |
|--|---------------|--|
| <b>PART A – TERMS OF APPROVAL</b>  |               |  |
| <b>Development Description</b>   |               |  |
| <p><b>A1</b><br/>           Concept approval is granted to the development as described below:</p> <ul style="list-style-type: none"> <li>a) use of the site for residential, retail, commercial and public open space;</li> <li>b) indicative building envelopes for 7 separate buildings with heights ranging from 4 to 10 storeys;</li> <li>c) basement level and at grade car parking;</li> <li>d) internal and external road works;</li> <li>e) public pedestrian and cycle pathways. Providing connections to the surrounding area, the Lewisham railway station and Lewisham West light rail stop.</li> </ul> | YES           | <p>The development is generally in accordance with the A1 requirements because the proposal:</p> <ul style="list-style-type: none"> <li>(a) complies with the land use</li> <li>(b) complies with envelopes</li> <li>(c) complies with basement and car parking</li> <li>(d) has been modified to address conflict between the approved basement entry location and the at grade service vehicle operations in Building D.</li> <li>(e) includes the public pedestrian and cycle pathway works within the requirements of the VPA as a public benefit outcome.</li> </ul> <p>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:</p> <ul style="list-style-type: none"> <li>- screening of heritage items,</li> <li>- ecological objectives,</li> <li>- landscape objectives,</li> <li>- and pedestrian links to Longport Street have been able to accommodate by this change, and would have otherwise been compromised if the full extent to the private road was provided.</li> </ul> <p>Condition No.1, 21 – Landscaping incl. Light Rail Corridor – Heritage Item Screening – Ecological outcomes,</p> |
| <b>Development in Accordance with the Plans and Documentation</b>  |               |  |
| <p><b>A2</b><br/>           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;</p>  | YES - Partial | <p>Variations – New Private Road not provided;<br/>           Consider justification in report;<br/>           Condition dedicated platform lift to transfer bins from the basement due to loss of road creating</p>   |

# Joint Regional Planning Panel Assessment Report

## MAJOR PROJECT – LEWISHAM ESTATE

### 78 – 90 OLD CANTERBURY ROAD LEWISHAM

| Requirement   | Compliance                | Comment  |               |      |              |              |                    |             |              |                           |                    |             |              |          |                    |              |              |                 |                    |             |  |  |                    |               |  |  |
|---|---------------------------|--|---------------|------|--------------|--------------|--------------------|-------------|--------------|---------------------------|--------------------|-------------|--------------|----------|--------------------|--------------|--------------|-----------------|--------------------|-------------|--|--|--------------------|---------------|--|--|
| <p>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:</p> <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 &amp; Parking</td><td>Tony Owen Partners</td><td>16 May 2013</td></tr><tr><td>12.4 (Rev F)</td><td>Land Use</td><td>Tony Owen Partners</td><td>20 June 2013</td></tr><tr><td>12.5 (Rev E)</td><td>Building Height</td><td>Tony Owen Partners</td><td>16 May 2013</td></tr><tr><td>22.1 (800 Green Space Calculation Analysis)<br/>Revision F)</td><td></td><td>Tony Owen Partners</td><td>19 April 2013</td></tr></table> <p>except for as modified by the following pursuant to Section 75O(4) of the Act.<br/>Note: The legend “ground floor retail” in Drawing No 12.4 (Rev F) should read “ground floor retail/commercial”.<br/>(Mod 1 – 5/7/2013)</p>  | 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 | 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)<br>Revision F) |  | Tony Owen Partners | 19 April 2013 |  | <p>adverse off-site impacts.</p> <p>Condition No.1 , 21 – Landscaping incl. Light Rail Corridor</p> <p>Condition No. 60 – Loading Dock – platform lift</p> |
| 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   |      |              |              |                    |             |              |                           |                    |             |              |          |                    |              |              |                 |                    |             |  |  |                    |               |  |  |
| 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)<br>Revision F)  |                           | Tony Owen Partners   | 19 April 2013 |      |              |              |                    |             |              |                           |                    |             |              |          |                    |              |              |                 |                    |             |  |  |                    |               |  |  |
| Voluntary Planning Agreement  |                           |  |               |      |              |              |                    |             |              |                           |                    |             |              |          |                    |              |              |                 |                    |             |  |  |                    |               |  |  |
| <p><b>Voluntary Planning Agreement</b> (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"><li>• Upgrade of Hudson Street generally in accordance with AT&amp;L Drawing SKC23 Issue PS;</li><li>• Embellishment and dedication of public open space to the north of Hudson Street;</li><li>• 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&amp;L Plan SKC 10 Issue P1 and in consultation with Transport for NSW);</li><li>• Stormwater, footpath and road upgrade works in Brown Street and William Street generally in accordance with plan SKC 22 Issue P4;</li><li>• Stormwater Works in McGill Street generally in accordance with AT&amp;L Drawing SKC23 Issue P5; and</li><li>• Upgrade and realignment of the trunk drainage infrastructure generally in accordance with AT&amp;L Drawing SKC 22 Issue P4 and SKC23 Issue P5.</li></ul> <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</p> | YES                       | <p>Documented</p> <p>VPA Conditions No.1, 4, 5, 19, 94, 193</p> <p>Embellish &amp; Dedicate Park Conditions No.1, 4, 5, 18, 20, 94, 193</p> <p>Pedestrian Links Conditions No.1, 2, 4, 5, 18(g), 19, 76, 83, 107, 171, 175, 183, 184. 185, 191</p> <p>Hudson Street Conditions No.1, 2, 112, 130, 160, 175, 183</p> <p>Brown Street Conditions No.1, 2, 19, 112, 157, 184</p> <p>Williams Street Conditions No.1, 58, 112, 130, 175, 184,</p> <p>Trunk Drainage Conditions No.1, 2, 3, 31, 42, 44, 51, 91, 110, 114, 126, 127, 129, 130, 132, 135, 166, 168, 170, 180, 186</p> |               |      |              |              |                    |             |              |                           |                    |             |              |          |                    |              |              |                 |                    |             |  |  |                    |               |  |  |

| Requirement   | Compliance | Comment  |
|---|------------|--|
| <p>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"> <li>The cost of embellishment of the 3000m<sup>2</sup> Open Space Park;</li> <li>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).</li> </ul> <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> |            |  |
| <b>Inconsistencies between Documentation</b>  |            |  |
| <p><b>A4</b></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   |
| <b>Building Envelopes</b>   |            |  |
| <p><b>A5</b></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        | <p>Documented</p> <p>Subject to conditions</p> <p>Conditions No.1, 98, 163</p> |
| <b>Maximum Gross Floor Area (GFA)</b>   |            |  |
| <p><b>A6</b></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 <sup>2</sup>  |
| <b>Maximum Number of Residential Units</b>  |            |  |
| <p><b>A8</b></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  |
| <b>Lapsing of Approval</b>  |            |  |
| <p><b>A9</b></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  |
| <b>PART B --MODIFICATIONS</b>   |            |  |
| <b>Building Separation</b>  |            |  |

| Requirement   | Compliance | Comment   |
|---|------------|---|
| <p><b>B1</b><br/> 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;<br/> 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;<br/> and<br/> 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> <p>Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Director General.</p> | YES        | Documented  |
| <b>Loading Areas</b>  |            |   |
| <p><b>B2</b><br/> 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.</p> <p>Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Director General.</p>  | YES        | Documented  |
| <b>Central Open Space</b>   |            |   |
| <p><b>B3</b><br/> The "central open space" must have a total area not less than 3,000m<sup>2</sup> 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.</p> <p>Amended plans demonstrating compliance with this modification shall be submitted to and approved by the Director General.</p>  | YES        | <p>Documented</p> <p>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.</p> <p>Embellish &amp; Dedicate Park Conditions No.1, 4, 5, 18, 20, 94, 193</p> |
|   |            |   |

**ATTACHMENT 2 - CONCEPT PLAN No.MP08\_0195 - FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

| Requirement  | Compliance | Comment  |
|--|------------|--|
| <b>Built Form</b>  |            |  |
| 1. Future development applications shall achieve design excellence in accordance with the Director General's <i>Design Excellence Guidelines</i> .   | YES        | Documented<br>Certification provided<br><br>Conditions No. 1, 93(n), 98, 163                         |
| 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<br>Certification provided<br><br>Conditions No.1, 93(n), 98, 163                          |
| 3. Future Development Applications shall demonstrate that the building height along Old Canterbury Road is a maximum of 4 storeys.   | YES        | Documented<br>4 storeys on street edge   |
| <b>Residential Amenity</b>   |            |  |
| 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:<br><br>(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;<br>(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;<br>(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<br>(d) a minimum of 60% of apartments within each building are capable of being naturally cross ventilated. | YES        | Documented   |
| <b>Privacy</b>   |            |  |
| 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<br><br>Conditions No.1, 18  |
| <b>ESD</b>   |            |  |
| 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        | WSUD Conditions No. 1, 2, 3, 18, 51, 52, 126, 127, 179<br><br>BASIX Conditions No. 1, 103, 154, 164. |
| <b>Flood Levels</b>  |            |  |
| (Mod 6 – 15/8/2014)<br>7. Future Development Applications shall comply with the Cardno Flood Management Report dated 30.11.11,   | YES        | Documented<br><br>Trunk Drainage Conditions No.1, 2, 3, 31, 42, 44, 51, 91,                          |



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## MAJOR PROJECT – LEWISHAM ESTATE

### 78 – 90 OLD CANTERBURY ROAD LEWISHAM

| Requirement   | Compliance | Comment  |
|---|------------|--|
| 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. |            | 110, 114, 126, 127, 129, 130, 132, 135, 166, 168, 170, 180, 186  |
| <b>Car Parking</b>  |            |  |
| 8. Future Development Applications shall provide on-site car parking at the following rates:<br>(a) 1 space per 4 studio / 1 bedroom apartment<br>(b) 1 space per 2/3 bedroom apartment<br>(c) 1 visitor space per 10 apartments; and<br>(d) 1 space per 45m2 of retail GFA.  | YES        | Documented<br>Conditions No. 1   |
| 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<br><br>Documented<br><br>Hudson Street Conditions No.1, 2, 112, 130, 160, 175, 183   |
| <b>Servicing</b>  |            |  |
| 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<br>Condition No. 35 – Loading Dock – platform lift<br>Condition No. 60 –WMP – modified recommendations for lift etc<br>Condition No.1, 3, 19, 58, 59, 60, 61, 62, 63, 93(b) – Operational Waste management conditions to offset loss of private road |
| <b>Public Open Space</b>  |            |  |
| 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<br><br>Embellish & Dedicate Park Conditions No.1, 4, 5, 18, 20, 94, 193   |
| 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<br>Subject to landscape conditions<br><br>Embellish & Dedicate Park Conditions No.1, 4, 5, 18, 20, 94, 193  |
| 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<br><br>Conditions No.1, 85, 93(n), 98, 163  |
| <b>Brown Street</b>   |            |  |
| 14. Future Development Applications shall provide for a suitable treatment in the portion of Brown Street between Building Envelopes C and F to prohibit  | YES        | Documented<br>Subject to conditions<br>Bollards proposed   |

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### 78 – 90 OLD CANTERBURY ROAD LEWISHAM

| Requirement   | Compliance        | Comment  |
|---|-------------------|--|
| 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.  |                   | Condition No. 54, 55, and specifically 155   |
| <b>Public Access</b>  |                   |  |
| 15. Future Development Applications shall clearly set out the mechanism for creating rights of public access to the:<br>- Private road adjacent to the light rail corridor<br>- All publicly accessible areas of open space and through site links<br>With the relevant instrument/s to be executed prior to commencement of the occupation/use of the development  | YES               | Documented<br>Subject to conditions<br>Plan of Easements provided<br>Condition No. 54 and 55   |
| <b>Linkages to Lewisham railway station and Lewisham Light rail stop</b>  |                   |  |
| 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<br>Documented<br>Subject to conditions<br><br>VPA Conditions No.1, 4, 5, 19, 94, 193   |
| <b>Car Share Scheme</b>   |                   |  |
| 17. Future Development Applications shall require the provision and implementation of car share scheme.   | YES               | Yes 1 space to be provided in Hudson Street  |
| <b>Road Works</b>   |                   |  |
| 18. Future Development Applications shall provide for minimum road widths as follows:<br><br>(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;<br>(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;<br>(c) Hudson Street shall be a minimum of 6 to 8.5 metres (6 metre carriageway and 2.5 metre indented parking bays); and<br>(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).<br><br>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. | YES –except 18(d) | Acceptable subject to conditions:<br>• for inclusion of a lift for waste bin transfer to loading dock<br>• landscape embellishment of the light rail corridor<br>• crime prevention measures due to loss of street address for Building A and B –CCTV at entry's and multi-layered access control.<br><br>Condition No. 19 – Loading Dock – platform lift<br><br>Condition No. 60 –WMP – modified recommendations for lift etc<br><br>Operational Waste Condition No.1, 3, 19, 58, 59, 60, 61, 62, 63, 93(b)<br><br>Brown Street Conditions No.1, 2, 35, 196, 205<br><br>Williams Street Conditions No.1, 58, 112, 130, 175, 184 |
| 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  | YES               | Refer report<br>Traffic Implications – post consent investigations:<br>Right turn bay in O.C. Rd to McGill Street  |

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

| Requirement  | Compliance | Comment  |
|--|------------|--|
| Committee requirements in relation to banning right turns at these intersections.  |            | RMS no objection<br><br>DA20140029 – Post Consent Modelling – provide to RMS and Traffic Committee prior to CC Stage 3<br><br>Subject to Condition No.2, 108   |
| <b>Section 94 Contributions</b>  |            |  |
| (Mod 5 – 14/4/2014)<br>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.               | YES        | VPA Documented<br><br>Subject to VPA Conditions No.1, 4, 5, 19, 94, 193  |
| <b>Sydney Airports</b>   |            |  |
| 21. Future applications shall demonstrate all necessary approvals have been obtained from Sydney Airports Commission and Air Services Australia  | YES        | Documented<br>Subject to condition No. 84  |
| <b>Noise and Vibration</b>   |            |  |
| 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 Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning's 'Development Near Rail Corridors and Busy Roads -Interim Guidelines'. | YES        | Documented<br>Subject to conditions<br><br>RailCorp conditions No. Part A – 1(a) to (f)<br>Part B conditions   |
| <b>Stormwater</b>  |            |  |
| 23. Future Development Applications shall provide for the treatment of stormwater prior to discharge to surface water and/or groundwater sources.  | YES        | Documented<br>Subject to conditions<br><br>Trunk Drainage Conditions No.1, 2, 3, 31, 42, 44, 51, 91, 110, 114, 126, 127, 129, 130, 132, 135, 166, 168, 170, 180, 186<br><br>WSUD Conditions No. 1, 2, 3, 18, 51, 52, 126, 127, 179 |
| <b>Groundwater</b>   |            |  |
| 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<br>Subject to NOW<br><br>NOW Part B Conditions  |
| <b>Roads and Maritime Services requirements</b>  |            |  |
| 25. Future Development Applications shall demonstrate that the RMS requirements have been met in relation to:<br>(a) Excavation<br>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.  | YES        | RMS has provided advice that it does not object to the proposal subject to certain conditions.<br><br>Documented<br><br>RMS Conditions in Part B   |

| Requirement   | Compliance | Comment  |
|---|------------|--|
| (b) Hydraulics<br>Plans / details demonstrating that post development stormwater discharge from the site into the RMS drainage system does not exceed the pre-development discharge.  |            |  |
| <b>Railcorp requirements</b>  |            |  |
| <p>26. Future Development Applications shall address RailCorp's requirements in relation to:</p> <p>(a) Geotechnical and structural impacts<br/>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.</p> <p>(b) Encroachments within the light rail corridor<br/>The proponent shall detail the removal of all encroachments within the adjoining light rail corridor including RailCorp's landowners consent within future Development Applications.</p> <p>(c) Electrolysis<br/>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.</p> <p>(d) Landscaping and fencing<br/>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.</p> <p>(e) Pedestrian connections<br/>Future Development Applications shall demonstrate upgraded and/or new pedestrian pathway between the site and Lewisham railway station and Lewisham West light rail stop.</p> | YES        | <p>Rail Corp Concurrence provided – deferred commencement conditions</p> <p>RailCorp conditions No. Part A – 1(a) to (f)<br/>Part B – Conditions</p> |
| <b>Sydney Water requirements</b>  |            |  |
| <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</p>  | YES        | <p>Documented SWC to conditions Part B – Conditions</p>  |

| Requirement   | Compliance                  | Comment  |
|---|-----------------------------|--|
| <p>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> <p>i. a 90% reduction in the post development mean annual load of total gross pollutant loads;</p> <p>ii. a 85% reduction in the post development mean annual load of Total Suspended Solids;</p> <p>iii. a 60% reduction in the post development mean annual load of Total Phosphorus; and</p> <p>iv. a 45% reduction in the post development mean annual load of Total Nitrogen.</p> <p>Details shall be submitted with future Development Applications in accordance with Sydney Water and Council requirements.</p> |                             |  |
| <b>Affordable Rental Housing</b>  |                             |  |
| <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                         | <p>Documented</p> <p>Subject to VPA Conditions No.1, 4, 5, 19, 94, 193</p>   |
| <b>Loading Dock</b>   |                             |  |
| <p>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:</p> <p>(a) the means of minimising visual impacts on the public domain;</p> <p>(b) noise management measures to preserve the amenity of adjoining dwellings, including proposed hours of operation;</p> <p>(c) full details of swept paths demonstrating the ability of service vehicles to safely manoeuvre in and</p>   | YES – subject to conditions | <p>Variation – Refer report</p> <p>Traffic Implications – no access via William Street</p> <p>Condition Dock Door improvements – Bulk Head Fin walls</p> <p>Condition No. 35 – Loading Dock – platform lift</p> <p>Condition No. 60 –WMP – modified recommendations for lift etc</p> <p>Condition No.1, 3, 19, 58,</p> |



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

| Requirement   | Compliance | Comment  |
|---|------------|--|
| around the facility without adversely impacting traffic flows in William and Brown Streets. |            | 59, 60, 61, 62, 63, 93(b) – Operational Waste management conditions to offset loss of private road |

**ATTACHMENT 3 - CONCEPT PLAN No.MP08\_0195 - STATEMENT OF COMMITMENTS**

| Requirement  | Compliance | Comment  |
|--|------------|--|
| <b>SCHEDULE 4 – STATEMENT OF COMMITMENTS</b>   |            |  |
| <b>Construction Management</b>   |            |  |
| <b>Construction Management</b><br>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<br>Subject to conditions<br><br>Condition No. 93(h)   |
| <b>Traffic Management</b>  |            |  |
| <b>Traffic Management</b><br>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.<br><br>Within the site, car share spaces will be prioritised in convenient locations under future Project/Development Applications. | YES        | Documented<br>Subject to conditions<br><br>Condition No 1. 70, 83, 112   |
| <b>RTA</b>   |            |  |
| <b>RTA</b><br>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<br><br>Traffic Implications – post consent investigations:<br>Right turn bay in O.C. Rd to McGill Street<br>Subject to conditions<br>RMS no objection<br>DA20140029 – Post Consent Modelling – RMS and Traffic Committee prior to CC<br><br>Subject to conditions No.2, 83, 112, 130, 175, 190 |
| <b>Waste Management</b>  |            |  |
| <b>Waste Management</b><br>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<br>Subject to conditions conflict with residential lift core unacceptable<br><br>Condition dedicated Loading Dock Lift Condition No.1, 3, 19, 58, 59, 60, 61, 62, 63, 93(b) – Operational Waste management conditions to offset loss of private road  |
| <b>Noise and Vibration</b>   |            |  |
| <b>Noise and Vibration</b><br>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<br>Subject to noise condition No. 7, 8, 60(i), 104, 131(ii), 161  |
| <b>Flora and Fauna</b>   |            |  |
| <b>Flora and Fauna</b><br>The recommendations of the Flora and Fauna Report  | YES        | 7 Part Test provided<br>Partially Documented   |

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## MAJOR PROJECT – LEWISHAM ESTATE

### 78 – 90 OLD CANTERBURY ROAD LEWISHAM

| Requirement   | Compliance | Comment  |
|---|------------|--|
| <p>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:</p> <ul style="list-style-type: none"> <li>Provision of appropriate lighting which minimises impacts on nocturnal fauna and the Green Way generally; and</li> <li>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).</li> </ul> |            | <p>Subject to conditions Sydney Trains Justification for Private Road Removal – competing outcomes in a constrained location</p>                 |
| <p><b>Ecologically Sustainable Development</b></p> <p>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.</p>  | YES        | <p>Documented</p> <p>Subject to:</p> <p>WSUD Conditions No. 1, 2, 3, 18, 51, 52, 126, 127, 179</p> <p>BASIX Conditions No. 1, 121, 175, 185.</p> |
| <p><b>Heritage and Archaeological</b></p> <p>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.</p>  | YES        | <p>Documented</p> <p>Subject to Condition No. 21</p>   |
| <p><b>Geotechnical</b></p> <p>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:</p> <p>Geotechnical and Structural Reports, and excavation methodology to meet RailCorp requirements; and</p> <p>Updated cross-sectional drawings providing accurate measurements and including excavation for on-site detention tank along the rail corridor boundary.</p>                                     | YES        | <p>Rail Corp Concurrence – deferred commencement conditions Part A No. 1(a)-(f)</p>  |
| <p><b>Site Contamination</b></p> <p>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.</p>   | YES        | <p>Documented</p> <p>Subject to condition No. 62, 76, 167</p>  |
| <p><b>Affordable Rental Accommodation</b></p> <p>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</p>   | YES        | <p>Documented</p> <p>Subject to VPA Conditions No.1, 4, 5, 19, 94, 193</p>   |

| Requirement   | Compliance | Comment   |
|---|------------|---|
| affordable housing under the National Rental Affordability Scheme (NRAS) – or similar scheme - or as a cash contribution to Marrickville Council or other designated authority.   |            |   |
| <b>Stormwater Management</b><br>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: <ul style="list-style-type: none"> <li>• A 90% reduction in the post development mean annual load of total gross pollutant loads.</li> <li>• A 85% reduction in the post development mean annual load of Total Suspended Solids.</li> <li>• A 60% reduction in the post development mean annual load of Total Phosphorus.</li> <li>• A 45% reduction in the post development mean annual load of Total Nitrogen.</li> </ul> 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). | YES        | Documented<br><br>Subject to WSUD Conditions No. 1, 2, 3, 18, 51, 52, 126, 127, 179   |
| <b>Access</b><br>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<br>VPA<br><br>Subject to VPA Conditions No.1, 4, 5, 20, 94, 193<br><br>Pedestrian Links Conditions No.1, 2, 4, 5, 18(g), 19, 76, 83, 107, 171, 175, 183, 184, 185, 191 |
| <b>Transport Access Guide (TAG)</b><br>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 No. 190   |
| <b>NSW Office of Water</b><br>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        | NOW Part B Conditions   |
| <b>Sydney Water</b> <ul style="list-style-type: none"> <li>• 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</li> </ul>   | YES        | Condition from SWC letter<br><br>SWC Conditions Part B  |

# Joint Regional Planning Panel Assessment Report

## MAJOR PROJECT – LEWISHAM ESTATE

### 78 – 90 OLD CANTERBURY ROAD LEWISHAM

| Requirement   | Compliance | Comment  |
|---|------------|--|
| <p>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.</p> <ul style="list-style-type: none"> <li>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.</li> </ul>   |            |  |
| <p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>Landscaping and fencing within 20m of the rail corridor will be designed to meet the requirements of RailCorp.</li> <li>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 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.</li> <li>Landscaping will reflect and complement the adjacent portions of the Green Way including both duplication of existing vegetation and companion planting.</li> </ul> | YES        | <p>7 Part Test provided<br/>Partially Documented<br/>Subject to conditions<br/>Sydney Trains<br/>Justification for Private Road Removal – competing outcomes in a constrained location</p>   |
| <p><b>Light Rail</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>  | YES        | <p>Documented<br/>RailCorp Concurrence -<br/>Subject to deferred<br/>commencement and<br/>operational conditions</p> <p>Condition – Historic Walk –<br/>approved landscape plans to<br/>be implements</p> <p>Condition No. 18(m)</p> |
| <p><b>Building Materials and Finishes</b></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<br/>Subject to condition No. 1</p>   |
| <p><b>Community and Cultural</b></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</p>   | YES        | <p>Conceptually Documented<br/>Subject to conditions<br/>Condition No. 18(i)</p>   |



| Requirement | Compliance | Comment |
|-------------|------------|---------|
| offer.      |            |         |

## ATTACHMENT 5 – DESIGN COMPETITION JURY REPORT



**Public Works**  
 Government Architect's Office

Level 18 McKell Building  
 2-24 Rawson Place, SYDNEY, NSW 2000  
 T 02 9372 8411 F 02 9372 8399 TTY 1300 301 181  
 ABN 81 913 830 179 [www.publicworks.nsw.gov.au](http://www.publicworks.nsw.gov.au)  
 Nominated Architect Peter Poulet ARN 5754

### **DRAFT 78-90 OLD CANTERBURY ROAD LEWISHAM DESIGN COMPETITION JURY REPORT**

**Address** 78-90 Old Canterbury Road, Lewisham MP08\_0195  
**Jury** Hannah Bolitho, NSW Government Architect's Office  
 Robert Nation, Design Director, Barangaroo Delivery Authority  
 Peter Failes, Marrickville Council  
**Competition Date** Friday 7<sup>th</sup> March 2014  
**Jury Report Date** 28<sup>th</sup> March 2014

#### **General**

This report summarises the deliberations of the design competition jury following assessment of the three selected team submissions and having regard to the objectives of the design brief. The commentary on each scheme is provided as a summary of a holistic assessment of the scheme in terms of the language and planning of the built form, the quality of the amenity to internal and external spaces and the interface of the built form with the public domain and the surrounding context.

While the jury was pleased to see strong responses to the competition brief, it was disappointed by the lack of understanding and documentation of site levels, flooding constraints and building floor levels in all three schemes. This included a lack of RLs and cross sections in the documentation which resulted in inadequate and unclear relationships between the buildings at ground level and the adjacent public domain levels. To achieve a successful outcome in this regard, it is likely that steps will be required in the levels of ground floor slabs and possibly also basement slabs throughout the development.

The jury recognised that some of the decisions made in the Approved Concept Plan design, and subsequently addressed in the Design Review Panel Report (19.11.2013), 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 recommends that the concept plan be reviewed to address these deficiencies.

The jury also noted that the flooding constraints on the site would restrict the location of carpark entrances along the western edge adjacent to the greenway, as shown on the Concept Plan Approval, and a modification should be considered to address this issue.

While this report nominates a selected scheme, the jury notes a number of recommendations for further development that must be incorporated during design development in order for the scheme to achieve design excellence in its realisation. The jury notes that there needs to be ongoing review of this project, by an independent panel of architects/landscape architects, throughout design development and DA processes to ensure that the jury recommendations are delivered.

#### **Commentary on each of the three schemes**

The site for the competition is the former industrial site in Lewisham which is located adjacent to the Allied Mills site and the proposed light rail line to the west, Old Canterbury Road to the east and the main inner west railway line to the north. Each scheme included the design of seven mixed use-residential buildings with an open space to the south adjacent to some retail uses.

The assessment of each scheme is provided below and is based on compliance with the objectives of the brief as well as SEPP 65/RFDC design principles.



## **GSA**

The GSA scheme demonstrated a strong understanding of internal building planning in terms of use, apartment amenity and buildability. The jury recognised the efforts made by GSA to introduce architectural diversity in the façade treatment of each of the seven buildings and notes that the imagery used in the presentation material did not do justice to the scheme. While good building design and planning is important, the jury was concerned with the lack of resolution in regards to the interface of the buildings with the public domain and the relationship of the development to the character of the industrial heritage to the west and lower scaled residential neighbourhood to the east. The jury considered these interfaces to be essential given the size and type of the proposed development within a fine grain residential local context.

The jury supported the concept notion of a “fine grained urbanity” in its application through the site however, the jury was not convinced that this was evident in the resolution of the scheme. It was not accepted that a fine grain could be achieved purely from breaking down the building façade composition with diverse materials. It was also noted that some of the buildings were generic in design and did not respond sensitively to the site context. The jury considered that the design of the built form had a “corporate” aesthetic with large, inhuman and often repetitive scaled building forms. While the jury appreciated that effort was made to make the stepped envelope of Building C into the “centre piece” of the development with an address to the central park, a high design resolution and a high quality of materials, it was considered that this approach was not appropriate and responsive to the adjacent context.

The resolution of the public domain levels was generally supported by the jury. In particular, it was noted that the public space between Buildings C and E had the potential to become an extension of the Central Park with a seamless transition of levels. However, it was unclear whether the proposed site levels could be achieved within the flooding constraints.

The jury was supportive of the level of activation proposed to the ground floor of Building C, with proposed “boutique supermarket” type uses. The jury was concerned however, with the lack of activation between the ground floor apartments and the adjacent public domain throughout the scheme. This was particularly of concern at the interface of ground floor apartments and pedestrian through site links as well as in terms of the interface of the built form fronting Old Canterbury Road, which did not provide individual apartment address to the street. The jury was not convinced that Crime Prevention Through Environmental Design (CPTED) principles were considered generally, and in particular the jury was not convinced that passive surveillance of pedestrian through site links could be achieved purely from upper level apartments. Industry practice endorses passive surveillance from the ground floor of buildings to the public domain. This could be achieved in this development by the provision of multiple ground floor entries directly accessed from, and overlooking the adjacent public domain, enforcing the urban design principle of “eyes on the street”. The careful design of unit/courtyard levels, fence height and the incorporation of some open style fencing could also assist.

The jury noted the challenge that the Concept Plan approval provided in terms of restricting permeability through the site. While the jury recognised the efforts of the GSA scheme to address this issue through building planning and materiality, the jury was not convinced that building planning and materiality alone would provide a good outcome for the public domain and it was considered that the interface between buildings and public domain as well as the site and the surrounding neighbourhoods was imperative on this site.



### **Stanisic**

The Stanisic scheme focused on “varying building design rather than site design”. The jury recognised the effort made to introduce variety in the façade treatment of each of the seven buildings however, the scheme suffered from the lack of resolution of site/ground levels as well as poor relationships between built form and adjacent public domain.

The jury saw positive attributes in terms of internal building planning. The location of the cores to the external walls of Buildings A, C, D and E was supported to ensure that the core spaces received light and ventilation. The identification of potential SOHO uses to Old Canterbury Road was generally supported. The location of potential retail/active uses to the southern side of Building C was supported in terms of co-location with the major pedestrian connection through to the light rail.

The jury supported the location of taller forms adjacent to the Allied Mills site, but felt that a finer grain approach to the buildings on Old Canterbury Road would have enabled a less dramatic transition between the scale of the surrounding two storey dwellings and the proposed high density development. In particular, the jury was concerned with the lack of ground floor entrance points to Buildings E and G.

The jury appreciated the concept of the Central Building C as an extension of the central green space. However, the jury questioned the broader resolution of this building concept, which relied upon horizontal bands of planter boxes and balustrades of green glass reading as an extension to the vegetation. It was also considered that the simple stepped balconies, glass sliding doors, blank service core walls and an awkward roof would not contribute and engage with the central park.

The scheme suffered from a lack of relationship to the character of the surrounding lower scaled neighbourhoods. In particular, the scheme did not sensitively respond to the character of the industrial heritage to the west and the lower scaled residential neighbourhood to the east. It was considered that the design had too greater horizontal emphasise and did not adequately articulate the building to break down the large scaled envelope inherited from the original concept approval. The jury supported the notion of using a variety of materials to help break down the scale and bulk of the buildings. The jury however, did not support the choice of materials and colour selection (prefinished metal cladding, precast concrete, composite aluminium panels, large expanses of the same colour in predominantly various shades of grey/brown/ white and profiled colorbond sheeting) as a convincing response to Section 4.1 of the Brief which was to “Generate a high quality design solution for the site and introduce buildings that respect its immediate context and provide a distinctive architectural contribution to the area.”

The jury recognised the efforts of this scheme to respond to the constraints of site flooding conditions, however the result was unresolved and sometimes awkward public domain levels. This was noted to be of particular concern at the interface of the space between Buildings E and G at Old Canterbury Road. It was also considered that the raised “semi-public” space to the west of Building E, fronted by a blank wall to the western façade of Building E, was unresolved, creating a disconnected and ambiguous space. The jury questioned the useability of such space.

The jury noted the challenge that the Concept Plan approval provided in terms of restricting permeability through the site, however the Stanisic scheme made little attempt to address this issue. The jury recognised that the interface between buildings and public domain, as well as the site and the surrounding neighbourhoods was imperative on this site to enable good amenity to the public domain at both day and at night, in particular in terms of issues of passive surveillance.

While the jury was impressed by some aspects of this design, it was considered that the scheme suffered from an inability to resolve the complex interface challenges as well as resolving the design.



## PTW

The PTW scheme was 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 jury commended the PTW team on responding to the site specific conditions, intent and principles of the original site masterplan.

The jury supported 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 jury appreciated the cues taken from the adjoining Mungo Scott and silo buildings which informed the façade detailing as well as the appropriate use of an industrial aesthetic. While it was considered that there was inadequate variation of architectural language through the scheme, the jury appreciated the finer grain approach that attempted to address the adjacent low scale dwellings on Old Canterbury Road and the new central park. It was noted that there was a lack of resolution in the design for building sites D,E,F and G with limited or no documentation to support the design of buildings D and F.

The jury noted that a strength of this scheme was the proposed permeability through the site. In particular connecting north-south from Longport Street to Hudson Street between buildings A, B, D and the GreenWay, east-west from Brown Street to the GreenWay between building B and D and through the large footprint slab Buildings A, B and C. The proposed ground plane enabled accessible east-west movement in addition to north-south movement. The notion of “falling” the site as one plane from north to south, with no requirement for awkward stepping was generally supported however, it was unclear whether the proposed site levels could be achieved within the natural topography, large basement and the flooding constraints on the site.

The jury supported 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, however it was unclear whether this location would actually be achievable given the required basement floor to ceiling heights, required ramp length, building slab levels and site flooding constraints.

The jury supported the resolution of building C in terms of the stepping back of the bottom two storeys, providing an open frame to the 4<sup>th</sup> storey and stepping the 5-7<sup>th</sup> storeys in one block. This approach achieved the requirement for solar access to the central park (within the envelope constraint of the Concept Approval) while creating a far superior building edge that encloses and addresses the open space. It was also generally agreed that the additional open space created by this approach would provide additional public amenity to the central park.

The jury recommends that the PTW scheme be endorsed as the competition winner with the following recommendations:

- Site levels across the site must be resolved to ensure clear, at-grade pedestrian permeability throughout the site;
- The design of the public domain, including pedestrian through site links, is to be resolved to mitigate against the enclave nature of the development;
- A stormwater management strategy must be developed in collaboration with a recognised Landscape Architect to ensure best practice Water Sensitive Urban Design principles are integrated with the landscape strategy for the site;
- The interface of ground floor apartments and courtyards with adjacent street footpaths, open space and pedestrian through site links is to be developed to maximise direct ground floor entries and ensure passive surveillance from the ground floor to the public domain;
- CPTED principles are to be integrated in all aspects of the building and public domain design;
- The built form of each of the different buildings within the development is to be developed to ensure distinctly different architectural languages. This could be achieved by involving different architects within the same practice;
- The design of Building D must consider the interface of the sloped Longport Street footpath with the ground floor apartments. Level changes must be managed to ensure provision of legible, separate entrances to each apartment on Longport Street as per CPTED principles. If active uses are proposed along the lower levels of Longport Street, then ground floor entrances must be at grade with Longport Street and the ground plane may need to be stepped as required to achieve an active street edge;
- Two access points are to be retained to the basement carpark with carpark entrances located within the building footprints rather than located within the public domain.

**ATTACHMENT 6 – PEDESTRIAN, CYCLIST & TRAFFIC CALMING ADVISORY COMMITTEE REPORT**

**Item No:** A2  
**Subject:** 78-90 OLD CANTERBURY ROAD, LEWISHAM (CENTRAL WARD)  
PROPOSED MIXED USE DEVELOPMENT  
**File Ref:** DA201400354  
**Author:** Ramy Selim – Engineer, Traffic Services

**SYNOPSIS**

A Development Application has been received to construct a mixed use development comprising 7 multi-storey buildings, between 4 to 10 storeys, over two levels of basement car parking, containing 298 dwellings (4 affordable housing units), 113m<sup>2</sup> of retail tenancy, 120m<sup>2</sup> of community facility, 248 car parking spaces, dedication and embellishment of public open space, road works and new pedestrian access routes, to be constructed in 5 stages.

It is recommended that the comments of the Pedestrian, Cyclist and Traffic Calming Advisory Committee be received and noted.

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**OFFICER'S RECOMMENDATION**

**THAT** the following comments of the Pedestrian, Cyclist and Traffic Calming Advisory Committee be received and noted:

No objections raised to the proposed development, SUBJECT to all of the following conditions being adequately addressed by the applicant and to the satisfaction of Council's Engineers:

194. Owners and occupants of the proposed development are not to be eligible for any existing or future Resident Permit Parking Schemes for the area, to ensure the development does not impact on-street parking currently available. The applicant is responsible to advise any purchaser or prospective tenant of this condition.
195. 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, to prevent use and obstruction of the adjacent public thoroughfare.
196. 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 different 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.
197. 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, to ensure that no heavy vehicles access the site via William Street.
198. To ensure the public road network is not adversely impacted by the development sites internal waste management transfer operations between the basement garbage rooms and the Building D loading Dock, and to limit the impact of waste collection services at on

and off site the Building D loading dock must not have waste bins transferred to it from the basement by any means that involves bins being carted between the basement and the loading dock via any vehicle or trailer using any public road;

199. In order to provide satisfactory pedestrian access to the light rail station, a raised pedestrian crossing shall be constructed. 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, to provide for means of equitable public pedestrian access to the light rail station.
200. The applicant 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. This is required in order to provide for suitable and safe right turn access to the development for southbound traffic.
201. The applicant shall undertake the following:
  - vii. 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 (*including traffic modelling as set out at ii. below*) shall be prepared and submitted to Council for endorsement and referred to RMS for review;
  - viii. Modelling of the intersections of Longport and Brown Streets, Old Canterbury Road and William, Hudson and McGill Streets, (and any other affected intersections with Old Canterbury Road and Longport Streets arising from the analysis of the modelling) addressing the impact on the local road network (i.e. from G-turns) and each of intersections performance in relation to:
    - a. *the existing traffic environment;*
    - b. *the proposed development traffic generation;*
    - c. *the proposed development traffic generation, with the traffic generation of any approved and future maximum developments in the McGill Street Masterplan area;*
    - d. *the proposed development traffic generation, with the restrictions for left-in left-out only at the intersections of Longport and Brown Streets, Old Canterbury Road and William, Hudson and McGill Streets;*
    - e. *the proposed development traffic generation, with the traffic generation of any approved and future maximum developments in the McGill Street Masterplan area, the restrictions for left-in left-out only at the intersections of Longport and Brown Streets, Old Canterbury Road and William, Hudson and McGill Streets.*
  - ix. 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).
- x. The design requirements shall be in accordance with the RMS's Road Design Guide and other Australian Codes of Practice.
  - xi. 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;
  - xii. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS or Council.
  - xiii. The Traffic Impact Assessment by Transport and Traffic Planning Associates - July 2014 (Rev B) should be updated with the results of the modelling including analysis and recommendations to ensure that the development does not compromise the effective and ongoing operation and function of classified roads; demonstrating the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development. Consideration of any potential traffic safety, road congestion or parking implications of the development having regard to the performance of the modelled intersection in the various scenarios above including consideration of any existing crash history information analysis. Please provide any recommendations required to be implemented to adequately address any adverse findings from the modelling.
- 

## BACKGROUND

A Development Application has been received to construct a mixed use development comprising 7 multi-storey buildings, between 4 to 10 storeys, over two levels of basement car parking, containing 298 dwellings (4 affordable housing units), 113m<sup>2</sup> of retail tenancy, 120m<sup>2</sup> of community facility, 248 car parking spaces, dedication and embellishment of public open space, road works and new pedestrian access routes, to be constructed in 5 stages.

The application is required to be referred to the Pedestrian, Cyclist and Traffic Calming Advisory Committee for consideration under State Environmental Planning Policy (Infrastructure) 2007.

## DISCUSSION

### Existing Conditions & road network

The proposed development site is a consolidation of four lots occupying an irregular shaped area of 13,133m<sup>2</sup> with frontages to Old Canterbury Road, Longport Street, Brown Street, William Street and Hudson Street (Refer to the attached locality map on the next page).

The site was previously occupied by a number of dwellings and low scale warehouse buildings and has now been cleared and is vacant. It is located to the south of Lewisham Railway Station and has existing vehicular driveways crossings on the Old Canterbury Road, Hudson Street and Brown Street frontages. Surrounding land uses comprise a mixture of older style semi-detached type dwellings, some remnant industrial uses and a new apartment building (under construction).

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. 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.

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. 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).



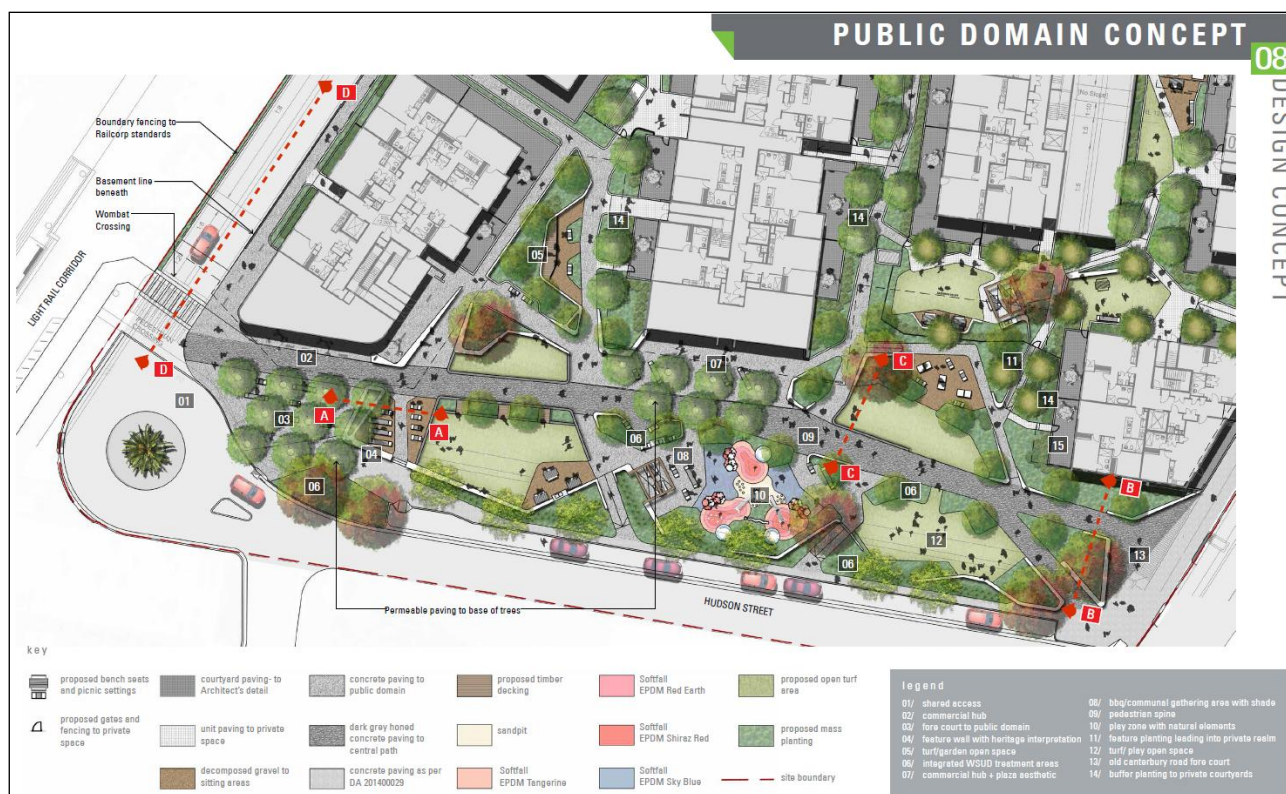
Site Locality map



The proposal involves the 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, 113m<sup>2</sup> of retail tenancy, 248 car parking spaces, 180 bicycle spaces, 12 motorcycle spaces, 1 service loading dock, 7 waste storage rooms, dedication and embellishment of public open space, road works and new pedestrian access routes, to be constructed in 5 stages as follows:

- **Stage 1:** Early works under D201400029 including drainage and road upgrades;
- **Stage 2:** Construction of the entire basement including the roof over and associated access points;
- **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;
- **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.





Public Park Landscape Site Plan

### Traffic:

The local road network in the vicinity of the site is subject to high volumes of traffic during peak hours. At present, 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 a large volume of traffic and 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:

- a Traffic Management and Accessibility Plan (TMAP).
- a Traffic and Parking Study.
- a Cumulative assessment of traffic generation incorporating other future developments in the McGill Street precinct and at the former allied mills site.
- 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 RMS 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; and
- 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:
  - the pre-existing industrial purpose would generate similar traffic volumes with more heavy vehicles
  - industrial development is incompatible in the context of the residential area
  - of the light rail extension
  - transit oriented development (TOD) meet state government objectives to reduce car dependency
  - suppressed parking rates could be imposed
  - congestion will divert traffic away improving the situation at the site; and
  - 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:

20. 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; and
- Hudson Street has permanent turning restrictions presently.

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*.

### 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

### Parking:

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:

2. Future Development Applications shall provide on-site car parking at the following rates:
  - (e) 1 space per 4 studio / 1 bedroom apartment
  - (f) 1 space per 2/3 bedroom apartment
  - (g) 1 visitor space per 10 apartments; and  
1 space per 45m<sup>2</sup> 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 <sup>2</sup> ) | AREA (m <sup>2</sup> ) | SPACES |     |
|----------------|--------------------------------|------------------------|--------|-----|
| Business (sml) | 1 per 45                       | 233                    | 5      |     |
| TOTAL REQUIRED |                                |                        | 5      |     |
| TOTAL PROPOSED |                                |                        | 5      | YES |



| LOADING               | DCP RATE<br>(per m <sup>2</sup> ) | AREA<br>(m <sup>2</sup> ) | SPACES   |            |
|-----------------------|-----------------------------------|---------------------------|----------|------------|
| Loading (shops)       | 1 per 400 < 2000                  | 233                       | 1        |            |
| Loading (shops)       | + 1 per 1000 > 2000               |                           |          |            |
|                       | <b>(per unit)</b>                 | <b>UNITS</b>              |          |            |
| Loading (RFB)         | 1 per 50 > 50 to 200              | 150                       | 3        |            |
| Loading (RFB)         | + 1/100 > 200                     | 98                        | 1        |            |
| TOTAL REQUIRED        |                                   |                           | 4        |            |
| <b>TOTAL PROPOSED</b> |                                   |                           | <b>4</b> | <b>YES</b> |

| MOTORCYCLE            | DCP RATE<br>(per total car spaces) | CAR<br>SPACES | SPACES    |            |
|-----------------------|------------------------------------|---------------|-----------|------------|
| Motorcycle            | 1 per 20                           | 248           | 12        |            |
| TOTAL REQUIRED        |                                    |               | 12        |            |
| <b>TOTAL PROPOSED</b> |                                    |               | <b>12</b> | <b>YES</b> |

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

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. Consistent with the Planning Assessment Commission's concept approval, the car share scheme should have multiple spaces and should be within the building's car park not on Hudson Street.
- 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. The proposal complies fully
- 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.
- Adaptable Parking:**  
 60 accessible 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.



### 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.

### Vehicular Access:

The development involves the construction of 3 new access driveways 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 share way/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.

### **CONCLUSION**

No objections raised to the proposed development, subject to all of the conditions outlined in the Officer's recommendations being adequately addressed by the applicant and to the satisfaction of Council's Engineers.

### **CONSULTATION**

Consultation/notification would normally be undertaken by Council's Development and Planning Services as part of the development application process.

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## ATTACHMENT 7 - VOLUNTARY PLANNING AGREEMENT

**Item No:** D1214 Item 15

**Subject:** VOLUNTARY PLANNING AGREEMENT - 78-90 OLD CANTERBURY ROAD, LEWISHAM

**Action:** Decision

**File Ref:** 4580/122844.14

**Prepared By:** Joe Strati - General Counsel

**Authorised By:** Tim Moore – Director, Planning and Environmental Services

### SUMMARY

This report provides an assessment of the Voluntary Planning Agreement that has been proposed in conjunction with the development application for 78-90 Old Canterbury Road, Lewisham (“VPA”). The public benefits associated with the VPA and the manner in which the VPA manages risk associated with delivery of the benefits are explained.

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### RECOMMENDATION

#### THAT:

1. Council move into closed session to deal with this matter as the information contained in CONFIDENTIAL ATTACHMENTS 5 of this report are classified as confidential under the provisions of Section 10A (2) (d) of the Local Government Act 1993 for the following reasons:

- a. commercial information of a confidential nature.

And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

#### OR, WHERE THE MEETING IS NOT CLOSED:

#### THAT:

1. Council resolve that CONFIDENTIAL ATTACHMENTS 5 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2)(d) of the Local Government Act 1993; and
  2. agrees to enter into the VPA and authorises the General Manager to execute the VPA on Council’s behalf.
- 

| Our Place, Our Vision – Marrickville Community Strategic Plan 2023 |  |
|--|--|
| 3.9  | Marrickville’s built environment demonstrates good urban design and the conservation of heritage, as well as social and environmental sustainability |

## BACKGROUND

1. On 15 March 2012, the Planning Assessment Commission, as delegate of the Minister, granted approval under the now defunct Part 3A of the *Environmental Planning and Assessment Act 1979* to a concept plan for the Lewisham Towers estate at 78-90 Old Canterbury Road, Lewisham ("**Land**"). The concept plan approval has been modified on a number of occasions.
2. Embedded within the concept plan approval is the requirement for the developer of the Land to deliver a number of public benefits and to otherwise meet the requirements of the approval.
3. Development Application No.201400354 was lodged with Council on 23 July 2014. The DA seeks approval for development that is generally in line with the development approved by the concept plan. The DA is to be reported to the Joint Regional Planning Panel (being the consent authority for the proposed development) on 17 December 2014.
4. The JRPP assessment report (which is separately reported to Council as part of the subject DAC meeting) identifies the requirements of the concept plan approval and how the DA meets those requirements.
5. The Applicant (Karimbla Properties (No.23) Pty Ltd, being the owner of the Land and a wholly owned subsidiary of Meriton) has been in discussions for a long period in relation to preparing a voluntary planning agreement to deliver on a number of requirements of the concept plan approval. Negotiations commenced well prior to the current DA as part of a previous DA lodged with respect to the Land.
6. The draft VPA for the subject DA was negotiated to a point where Council staff were satisfied that it could undergo public consultation as it was in a form that staff considered reasonably addressed the public benefits to be delivered. A copy of the draft VPA together with the accompanying explanatory memorandum is provided at **ATTACHMENT 1**.
7. The draft VPA and explanatory memorandum were publicly notified in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000* from 4 November 2014 until 5 December 2014. Notification took place by way of an advertisement in the Inner West Courier, letters to persons who were notified of the DA and a page on the Council's Your Say website.
8. As at 1 December 2014, 6 submissions have been received. A copy of the submissions, with personal information redacted, is provided at **ATTACHMENT 2**. An assessment of the submissions is provided below.
9. Negotiations in relation to the draft VPA continued during the public notification period with the aim of further refining the public benefits offered by the Applicant and to ensure the contractual conditions for delivery of those benefits were appropriate, particularly from a risk management perspective. A copy of the negotiated VPA, which constitutes the final offering from the Applicant, is attached at **ATTACHMENT 3**. The assessment provided in this report is based on that document.

## DISCUSSION

10. Section 93F of the *Environmental Planning and Assessment Act 1979* requires, relevantly, a planning agreement to provide for the following:
  - a. a description of the land to which the agreement applies;
  - b. a description of the development to which the agreement applies;
  - c. the nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made;
  - d. whether the agreement excludes (wholly or in part) or does not exclude the application of section 94, 94A or 94EF to the development;
  - e. a mechanism for the resolution of disputes under the agreement; and
  - f. the enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer.
11. The VPA meets all of the above requirements.
12. An assessment of the public benefits afforded by the VPA, risk issues presented by the VPA and the mechanism for dispute resolution is provided below together with an assessment of the submissions received during the notification process.

### The Public Benefits

13. The VPA offers the following public benefits to Council:
  - a. Dedication to Council of a public park with a size of 3,140m<sup>2</sup> ("**Park**"). The land is provided at no cost to Council with its embellishment at Council's cost.
  - b. A number of cycle and pedestrian links through the Land from the Lewisham West light rail station (captured within the cost of embellishing the park).
  - c. Upgrade of existing footpaths within the local road network for cycle and pedestrian purposes (50% cost to be paid for by Council).
  - d. A strata space of approximately 120m<sup>2</sup> ("**Strata Space**") and 1 related strata parking space in the location identified within the VPA. The Strata Space is to be delivered as a cold shell as defined in the VPA that will allow for its fitout for future use, namely as a community centre.
  - e. Dedication to Council of 4 units in the locations identified within the VPA for the purpose of affordable housing.
  - f. Payment to Council of \$1,519,000 (estimated) prior to the issuing of any occupation certificate for the final building(s) built within the development ("**Contribution**"). In part, this payment converts the section 94 contributions that would ordinarily be payable with respect to the DA into a cash payment that is, consequently, not bound by the restrictions that apply to section 94 contributions.

14. The monetary value of the public benefits is summarised as follows:

| Item                      | Value                               |
|---------------------------|-------------------------------------|
| Park (Land component)     | Unknown but substantial             |
| Park Embellishment (est.) | \$2,554,319.15                      |
| Cycle Links               | \$92,437.00                         |
| Strata Space              | \$1,100,000.00                      |
| Affordable Housing (est.) | \$2,000,000.00 <sup>1</sup>         |
| Cash Payments (est.)      | \$1,519,000.00                      |
| <b>Total</b>              | <b>\$7,265,756.15 plus parkland</b> |

This value compares very favourably with the \$4,570,545.64 that would otherwise be payable by way of section 94 contributions for the entire development.

15. Key Council staff have reviewed the public benefits in terms of their quality and delivery on proper strategic outcomes. This has occurred over a long period due to such work also having been performed during the earlier DA.
16. Staff are satisfied that the park will function as an effective parcel of open space, particularly in conjunction with the community space that will front the park. A broad concept plan of the park is provided at **ATTACHMENT 4**. It is considered that the park in conjunction with the community space will function as more than just private open space and will attract persons from within the community more broadly. Indeed, the driver for the community space (which is not a deliverable mandated by the concept plan approval) was to ensure a broader community benefit for the park.
17. The cycle and pedestrian links have also been designed to ensure that there is a safe and effective path of travel from the Lewisham West light rail station, through the development site, into the Lewisham north area and to the Lewisham heavy rail station. Whilst an additional signalised pedestrian intersection on or a bridge over Old Canterbury Road would have been ideal, they were not feasible options due to a lack of consent from RMS and land constraints.
18. In relation to the Strata Space, Council obtained its own valuation which is provided at **CONFIDENTIAL ATTACHMENT 5** together with an assessment thereof. The value adopted above (ie. \$1,100,000 is considered reasonable).
19. In terms of fitout costs for the Strata Space, initial scoping indicates that equipment costs (which should be relatively limited) with broader fitout costs (air conditioning, cabling, plumbing, joinery etc.) are likely to be about \$350,000 - \$400,000. This cost can be absorbed by the payments made by the developer under the VPA and/or potentially by any section 94 contributions that may be applied for a community facility within Lewisham.
20. With respect to the affordable housing, it is apparent that the units identified for transfer (see schedule 3 to the VPA at attachment 3) do not, in terms of location within the overall development, accord precisely with the requirements specified in Council's resolution for affordable housing.

<sup>1</sup> Estimated by Meriton at \$3,000,000. This must assume the 4 units have an average value of \$750,000. Given that the studio and one bedroom units would be far less than that, a more realistic assessment is a \$500,000 average.



However, given that the developer is under no obligation under the concept plan approval to transfer units to Council at no cost and given the more beneficial outcome flowing from outright ownership, it is considered that the outcome is nonetheless reasonable.

21. Given the above, the public benefits offered under the VPA are overall considered to be excellent.

#### Risk Matters

22. The fundamental risks associated with the VPA are:
- a. non-delivery of the Park;
  - b. non-delivery of or defects in the Works (being works to embellish the park and upgrading off-site cycle and pedestrian links);
  - c. non-delivery of the Strata Space and Affordable Housing units; and
  - d. failure to pay the Contribution.
23. The risk identified with respect to the Strata Space and Affordable Housing is considered to be low level as the overall development cannot be built without constructing those elements (they sit at ground and first floor).
24. The risk with the Dedicated Land, the Works and the Contribution are more apparent as they are delivered at a late stage of the development and without being integral to delivery of the overall development (save for the fact that the park serves as open space for residential users and (apart from being part of the overall marketing of the development) will be conditioned to be delivered as part of any development consent).
25. The risks identified above have been managed as follows:
- a. The VPA will be registered on title. This ensures any future financier of the development or purchaser of the development site will be aware of the VPA and its terms and require compliance through financing mechanisms.
  - b. Council may lodge a caveat over the title to all properties the subject of the development. This ensures that Council will be made aware of any dealings or plans sought to be registered on title and provide it with an opportunity to respond if Council's interests are being compromised. This is of particular relevance with respect to the dedicated land and payment of the Contribution which are to be delivered at a late stage of development. Any attempt to register a strata plan (which is a condition of any sales occurring) will come to Council's attention and thereby ensure the necessary contributions have been delivered.
  - c. Whilst there is no question as to the financials of Meriton, the owner of the land, Karimbla, is a shelf company. A corporate guarantee has been secured under the VPA from Meriton to address non-compliance by the owner.
26. Given the above, it is considered that risks in the delivery of public benefits are properly addressed.

### Dispute Resolution

27. The areas that may lead to the chance of dispute within the VPA are considered to be:
- whether the Park embellishment, cycle links, Strata Space and affordable housing units are delivered to the specifications identified in and further refined in accordance with the VPA; and
  - defects in any works delivered.
28. These matters are generally technical in nature.
29. The dispute resolution mechanism allowed for in the VPA is considered appropriate to deal with technical issues as it mandates initial negotiations between appropriately authorised representatives of the parties followed by alternative dispute resolution processes thereafter with the default for technical matters being a binding expert determination process.

### Submissions

30. The submissions received on the VPA raise the following issues of concern. A response to each issue is provided:
- A bridge over or a tunnel under Old Canterbury Road should be provided to manage pedestrian and bicycle movements  
  
The idea of a bridge has been canvassed in the past but there is no landing area on the opposite side of Old Canterbury Road that was considered suitable to cater for a bridge. A similar idea was considered for Longport Street but this would not actually improve connectivity.
  - The public park is not a public amenity as it will only be used by residents. It serves only as a maintenance issue for Council.  
  
A public park has been part of the planning for the McGill Street precinct since promulgation of the new LEP and DCP in 2011. It is intended to serve a broader precinct than just the development site.  
  
In addition, the design for the Park together with the inclusion of a community centre has been aimed at ensuring the Park has broader appeal than just local residents.
  - Insufficient affordable housing.  
  
The Concept Plan approval requires 3% of the units (ie. 9 units) within the development to be maintained as affordable housing for 10 years at rentals 20% below market. Rather than engage in such a scheme (which only has benefit for 10 years) the developer has agreed to transfer to Council at no cost 4 units in the development. Whilst not 9 units, the transfer ensures the affordable housing objective can be met in perpetuity and is considered to be more valuable than the quantum required by the concept plan approval.

- d. Community facility should be provided free of charge and not as an offset.

There is no requirement in any relevant instrument (ie. concept plan approval, planning controls, s.94 plan) that would require the developer to provide a community facility. It is beyond the scope of the planning law to expect such a facility to be delivered to Council free of charge.

- e. The proposed pedestrian and cycle links offer only repaired pavement and do not improve transport links.

The upgrades will ensure that pedestrian and cycle links on and off-site comply with Australian Standards (which is not currently the case). Also see answer to (a) above.

- f. Insufficient monetary contribution.

As stated earlier, the monetary value of the contribution provided in the VPA is far in excess of the development contribution that would otherwise have been payable.

- g. A supermarket should be provided within the development.

This issue is outside the scope of the VPA and, in any event, is not a requirement of the Concept Plan approval.

- h. Unacceptable traffic and safety impacts.

This issue is outside the scope of the VPA and, in any event, is addressed in the report to the JRPP regarding the DA.

31. Given the above, it is not considered that the submissions raise any issues that cast the VPA in a negative light.

### **FINANCIAL IMPLICATIONS**

32. As the VPA is essentially a development contribution, it will provide an overall positive financial impact for Council.
33. Having said that, there will be additional maintenance costs associated with the Park that will need to be budgeted for. It is considered that the impact will not be overly problematic.
34. With respect to the community facility, fees and charges will need to be struck to ensure appropriate cost recovery for internal maintenance, depreciation and strata levies.

### **PUBLIC PARTICIPATION**

35. Public participation has been explained in the body of the report.

## **CONCLUSION**

36. For the reasons identified above, the VPA is considered satisfactory both in terms of the public benefit offered and the contractual terms surrounding the delivery of those benefits.
37. Accordingly, it is recommended that Council resolve to enter into the VPA and authorise the General Manager to execute the VPA on Council's behalf.

## **ATTACHMENTS**

1. Exhibited Draft VPA and Explanatory Memorandum
2. Submissions
3. Final Negotiated VPA - 1 December 2014
4. Park Concept
5. Valuation - *Confidential*

## **ATTACHMENT 8 - VOLUNTARY PLANNING AGREEMENT**

### **D1214 Item 15 VOLUNTARY PLANNING AGREEMENT - 78-90 OLD CANTERBURY ROAD, LEWISHAM**

The following person addressed the Committee:

\* Matthew Lennartz

**MOTION: Gardiner / Woods**

**THAT:**

- 1. Council resolve that CONFIDENTIAL ATTACHMENTS 5 to the report be treated as confidential in accordance with Section 10A(4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2)(d) of the Local Government Act 1993; and**
- 2. agrees to enter into the VPA and authorises the General Manager to execute the VPA on Council's behalf.**

**Motion Carried**

**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Phillips and Woods

**Against Motion:** Councillor Leary

**Absent:** Councillors Haylen, Iskandar and Macri



