

File Ref: DA201400371

Manager, Development Assessment reports:

Synopsis

This report concerns an application to demolish 3 existing buildings, excavation to accommodate a partially underground car park, the erection of an early learning centre, infill development of the library, classrooms and playground improvements, upgrade boarding school facilities and landscaping works for Newington College. The application was notified in accordance with Council's Notification Policy and 7 submissions were received including 1 submission supporting the development and 6 submissions opposing the development.

The development application relates to a type of development that the Minister of Planning has categorised as being of regional significance. The Sydney East Joint Regional Planning Panel is the consent authority for the purposes of determining the application.

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan (MLEP) 2011 and Marrickville Development Control Plan (MDCP) 2011. The site contains a heritage item and is also located within the Kingston South Heritage Conservation Area (HCA 17) under MLEP 2011. The development does not adversely affect the heritage significance of the item or HCA 17. The proposal adds positively to the streetscape character of Cambridge Street and Trafalgar Street and does not impact unreasonably on the amenity enjoyed by residents of surrounding properties.

The application was referred to Roads Maritime Services (RMS), Sydney Trains, The Office of Environment and Heritage – NSW Heritage Council, The Marrickville Local Area Command of the NSW Police and the Pedestrian, Cyclist and Traffic Calming Advisory Committee (Traffic Committee) who supported the development subject to conditions.

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

PART A - PARTICULARS

Location: Northern side of Cambridge Street, between Holt Street and Merchant Street, with rear access to Harrow Road and Trafalgar Street.

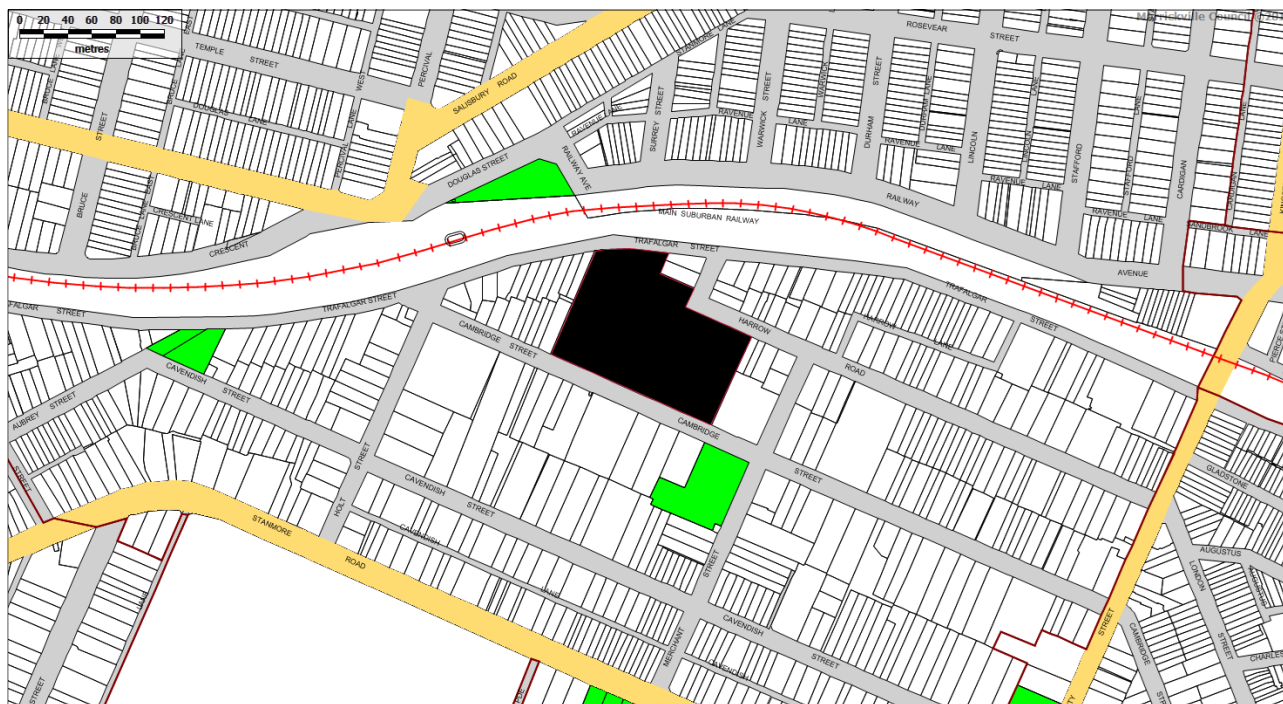


Image 1: Location Map

D/A No: 201400371

Application Date: 4 August 2014 (additional information submitted on 31 October 2014, 11 November 2014 and 20 November 2014)

Proposal: To demolish 3 existing buildings, excavation to accommodate a partially underground car park, the erection of an early learning centre, infill development of the library, classrooms and playground improvements, upgrade boarding school facilities and landscaping works for Newington College.

Applicant: Newington College

Estimated Cost: \$11,394,522

Zoning: SP2 – Infrastructure (Educational Establishment)

PART B - THE SITE AND ITS CONTEXT

Improvements: Wyvern Preparatory School and other Newington College facilities, incorporating various buildings utilised as classrooms, administration and boarding accommodation.



Image 2: Aerial Map



Image 3: View of Mary Andrews College building (formerly the Braeside Private Hospital) as viewed from Cambridge Street.



Image 4: View of the Pendawar building as viewed from Cambridge Street.



Image 5: View of rear elevation of Mary Andrews College building (formerly the Braeside Private Hospital).



Image 6: View of former Mortuary and railway corridor that runs adjacent to Trafalgar Street.



Image 7: View of Victorian Villa Horaceville (Heritage Item).



Image 8: View of the Wyvern building as viewed from Cambridge Street.



Image 9: View of the Edmund Webb Boarding Facility as viewed from Cambridge Street.

Prior Determinations: Determination No 16831, dated 18 November 1996, approved an application to carry out alterations and additions to the existing premises for use as a school and associated residential accommodation.

Determination No 17552, dated 23 March 1998, approved an application to erect 3 flush walls signs and an advertising panel for use in association with the school.

Determination No 200100674, dated 4 December 2001, approved an application to carry out landscaping, earthworks and associated works to upgrade the playground area of the school and erect retaining walls and fencing.

Determination No. 200400703, dated 4 February 2005, approved an application to construct a children's playground to be used in association with the existing school. That Determination was modified on 29 July 2005.

Determination No. 200700361, dated 13 November 2007, approved an application to remove 1 shade structure and erect 3 shade structures within the grounds of the school.

Determination No. 200800246, dated 30 June 2008, approved an application to carry out alterations and additions to a school involving the enclosure of the existing raised ground floor level terrace on the northern façade of the existing main Wyvern Building to create an additional classroom facility.

Determination No. 200800247, dated 4 July 2008, approved an application to demolish part of the premises and carry out internal alterations to create an enlarged classroom and new toilet facilities on the ground floor level of the Edmund Webb building.

Complying Development Certificate No. 29799, dated 23 November 2009, approved an application for the construction of a new Library Building plus associated works for Newington Wyvern Preparatory School.

Environment: Educational establishment surrounded by residential development.

PART C - REQUIREMENTS

1 Zoning

Is the proposal permissible under zoning provisions? Yes

2 Development Standards (Statutory Requirements):

None applicable

3 Departures from Development Control Plan:

Type	Required	Proposed
Accessible Car Parking	4	2
Accessible boarding rooms	3	2
Bicycle spaces	3	Nil
Motorcycle spaces	1	1

4 Community Consultation:

Required: Yes (newspaper advertisement, on-site notice and letter notification)

Submissions: 7 submissions (1 submission in support and 6 objections)

5 Other Requirements:

ANEF 2033 Affectation: Partly within the 20-25 and 25-30

Marrickville Section 94/94A Contributions Plan 2014 \$113,945.22

Draft Marrickville Local Environmental Plan 2011 (Amendment 2)

Heritage Act 1977

State Environment Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy (Infrastructure) 2007

PART D - ASSESSMENT

1. The Site and Surrounds

The site is located on the northern side of Cambridge Street, between Holt Street and Merchant Street, with rear access to Harrow Road and Trafalgar Street. The site comprises of 8 lots and is known as 115 - 125 & 129 - 133 Cambridge Street and has a total site area of 1.359 hectares.

The site is utilised as the Newington Wyvern Preparatory School. Buildings on the site include a 3 storey Mary Andrews College building (formerly the Braeside Private Hospital), a 2 storey Music Cottage in the Pendawar, a 2 storey Wyvern Building with basement car parking, a heritage listed 2 storey villa known as Horaceville and a 2 storey Edmund Webb Boarding Facility. The site also has car parking facilities, outdoor play areas, a shed, a workshop and landscaped grounds.

The site is surrounded by Stanmore Public School, single storey and 2 storey mixed use developments and 2 storey residential developments to the west along Cambridge Street. Montague Gardens and 2 storey and 4 storey residential developments are located to the south along Cambridge Street and 2 storey residential developments are located to the east along Cambridge Street. Single storey and 2 storey residential developments are located to the north along Harrow Road and single storey residential development and a railway corridor are located to the north along Trafalgar Street.

2. The Proposal

The development application proposes to redevelop Wyvern Preparatory Campus of Newington College as follows:

- Demolition of the following built elements:
 - Mary Andrews College building (Braeside/Humberstone) and outbuilding;
 - Former Mortuary/Laundry near the Trafalgar Street access; and
 - Outbuilding to the rear of the Music Cottage.
- Construction of a 2 storey building in the location of the former Mary Andrews College building fronting Cambridge Street. The building is to consist of:
 - A partially underground carpark for 36 car spaces accessed from Cambridge Street; and
 - An Early Learning Centre (ELC) which would be a co-educational centre with a capacity of 60 children between 3 and 5 years and 10 staff members. The proposed hours of operation of the ELC are to be between 8.00am to 6.00pm Mondays to Fridays, with no operation on Saturdays, Sundays and Public Holidays, for 48 weeks of the year.
- Alterations to the Wyvern building consisting of the following:
 - New storage rooms, extension of uniform store and modification to prep/specialist room.
 - Modification to 2 kindergarten classrooms, a K-2 learning area, Deputy Head offices and reception.
 - New addition for the use as a Year 6 Centre with classrooms, offices and amenities, to be partly connected with the ELC at second floor level.
- Alterations and additions to the Edmund Webb Boarding Facility to:
 - Modify part of the ground floor level to provide accommodation for 24 students and associated recreation and store rooms, and new glazed pergola and outdoor BBQ courtyard (open pergola).
 - Modify part of the first floor level to provide accommodation for 29 students and associated boarders dining/lounge room.

- Continued use of the interior spaces of the Music Cottage.
- Construction of new cricket nets and artificial turf play area together with creation of 8 staff car parking spaces accessed from Trafalgar Street.
- Construction of a new vehicular crossing and gate for the Edmund Webb Boarding Facility.
- Removal of 20 trees within the site.
- Site landscaping works.
- Upgrade of site services.

The gross floor area of the proposed additions amount to 2,026.8sqm.

During the assessment process the development was amended as follows:

- The western side boundary setback of the ELC building was increased to 1.5 metres and additional landscaping incorporated along the side boundary;
- The southern Cambridge Street wall alignment of the ELC building was modified to have a staggered form to read as 2 elements;
- The eastern side boundary setback of the ELC building to Pendawar was increased to 2.4 metres to maintain a landscape setting for Pendawar; and
- Additional landscaping was incorporated between the ELC building and Pendawar.

The amended proposal is the subject of assessment of this report.

A copy of the site plan, floor plans, elevations and sections of the amended development as submitted with the application are reproduced below:

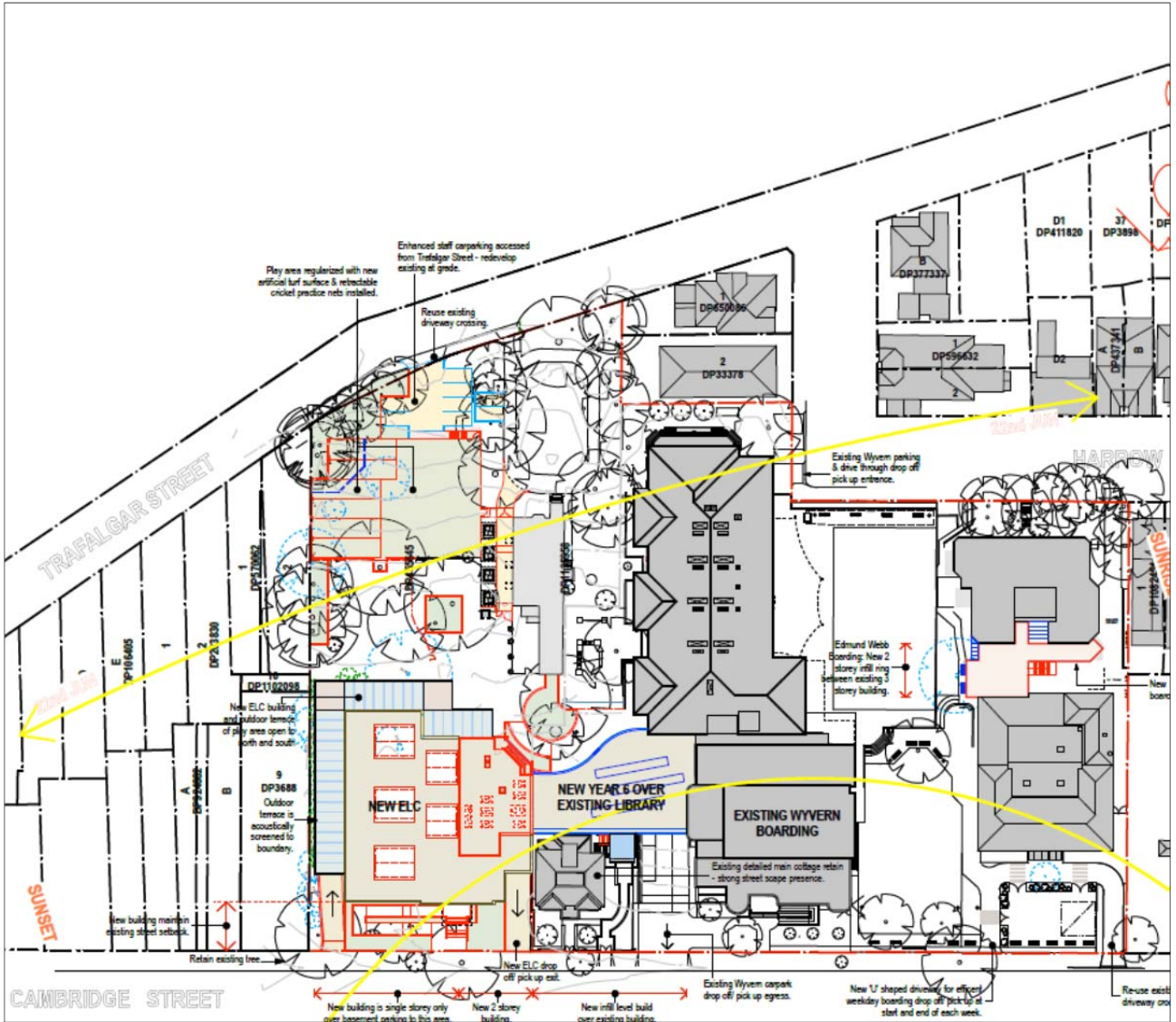


Image 10: Proposed Site Plan

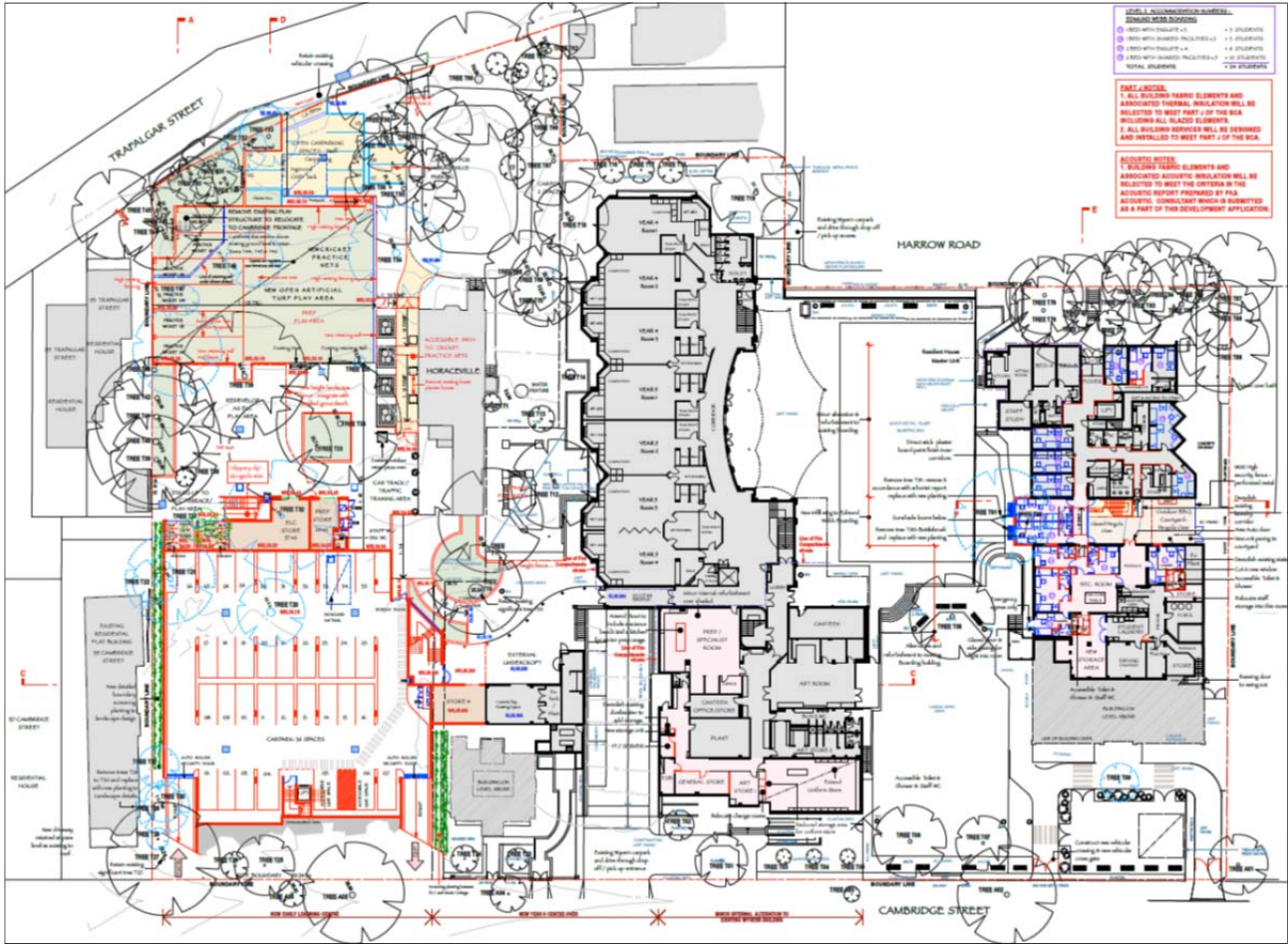


Image 11: Proposed Level 2 Plan

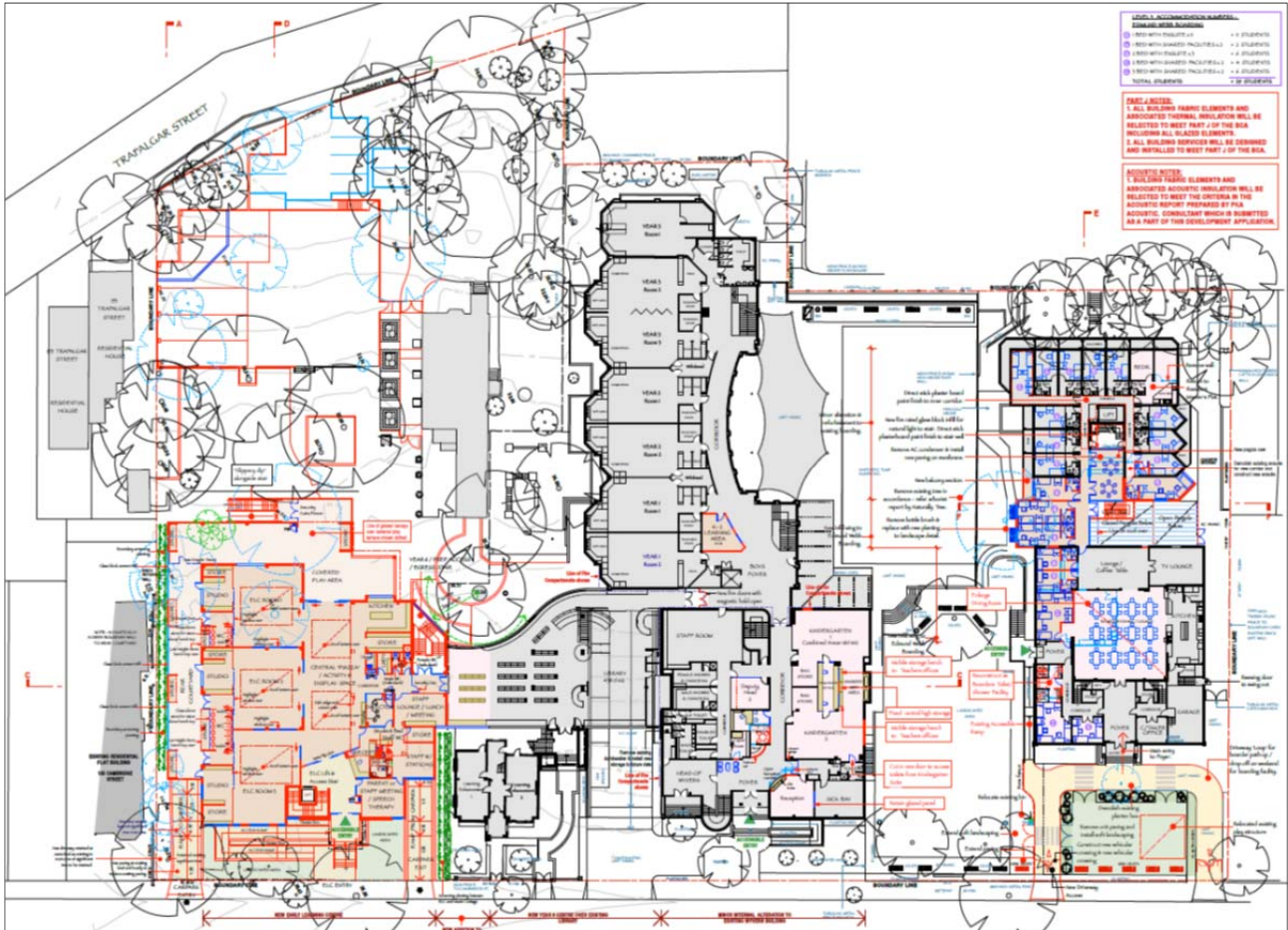


Image 12: Proposed Level 3 Plan

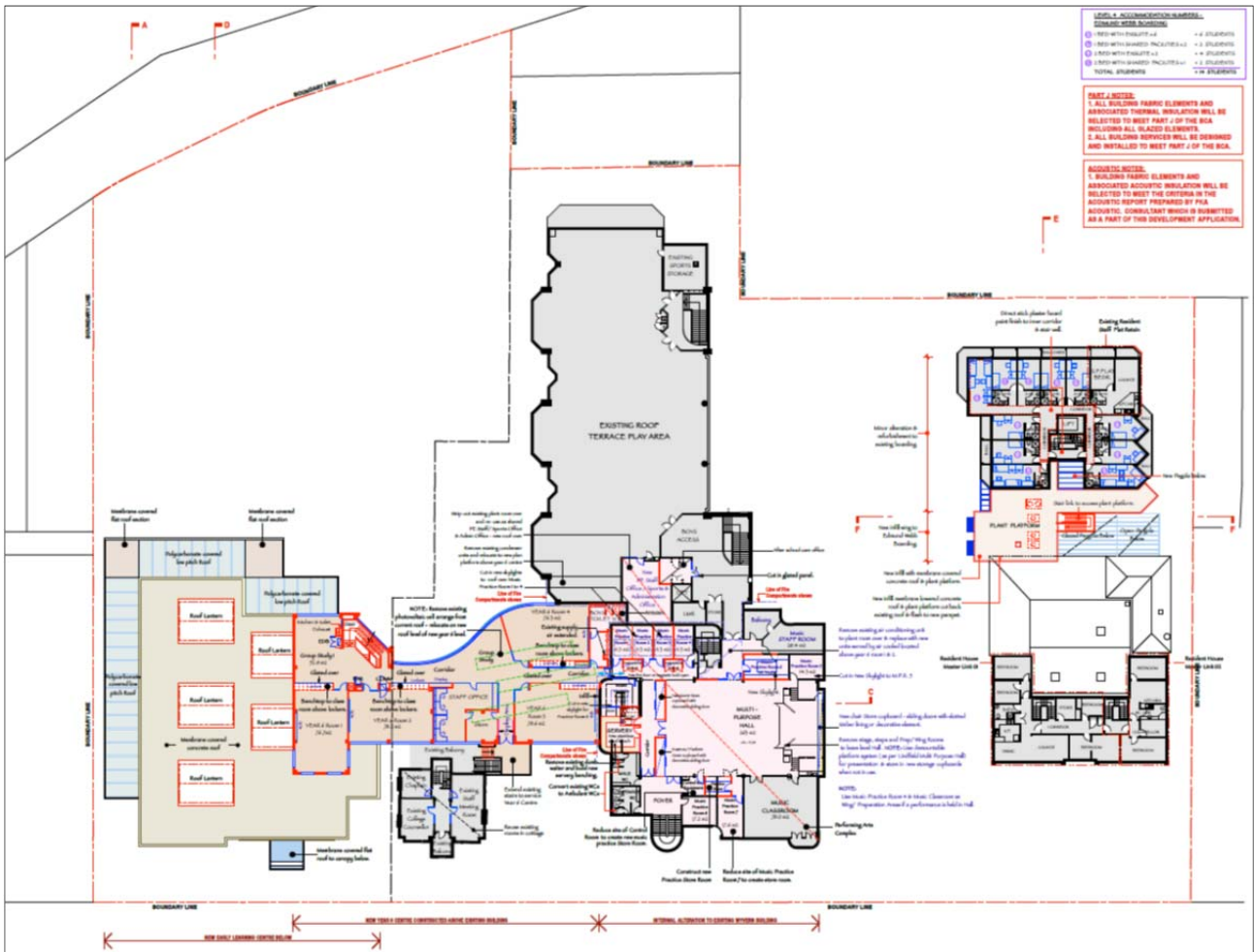


Image 13: Proposed Level 4 Plan

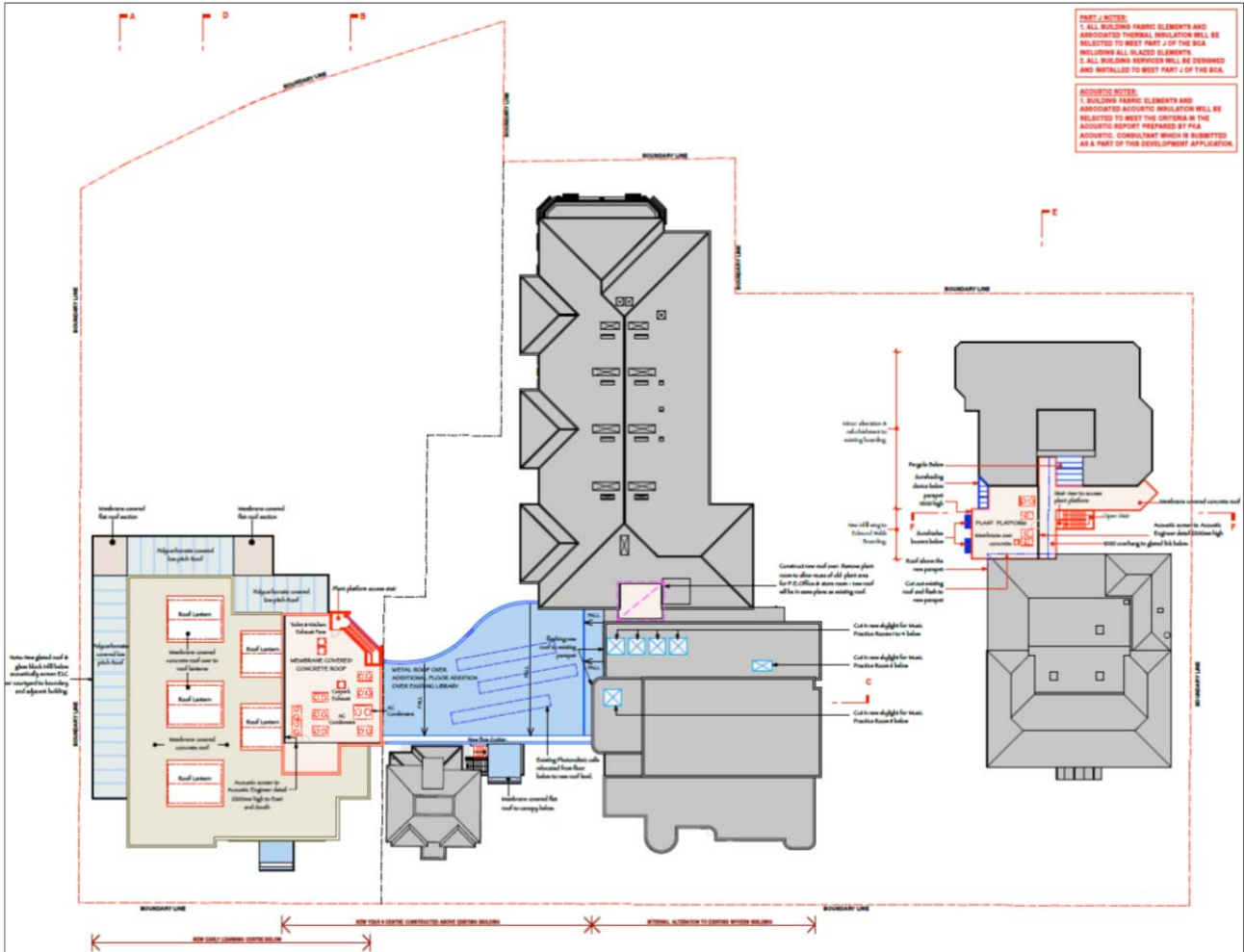


Image 14: Proposed Roof Plan

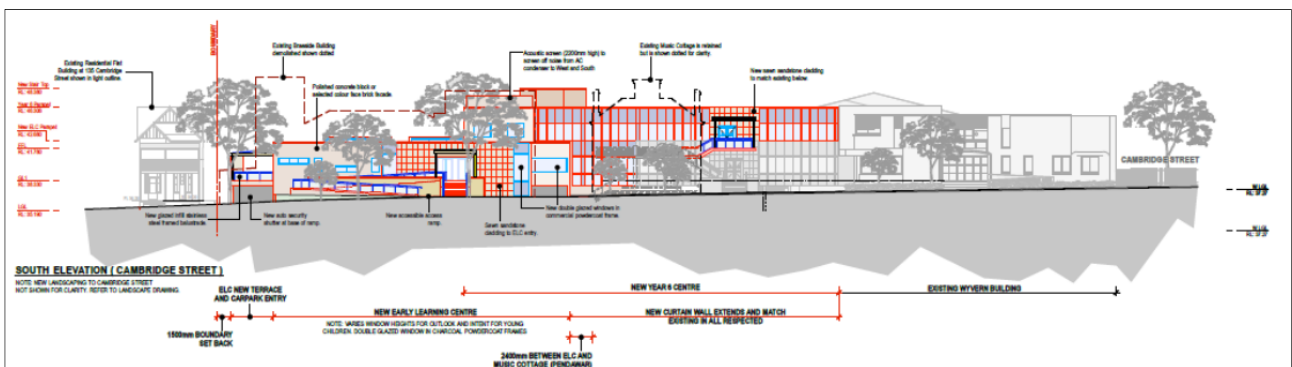


Image 15: Proposed Cambridge Street Elevation

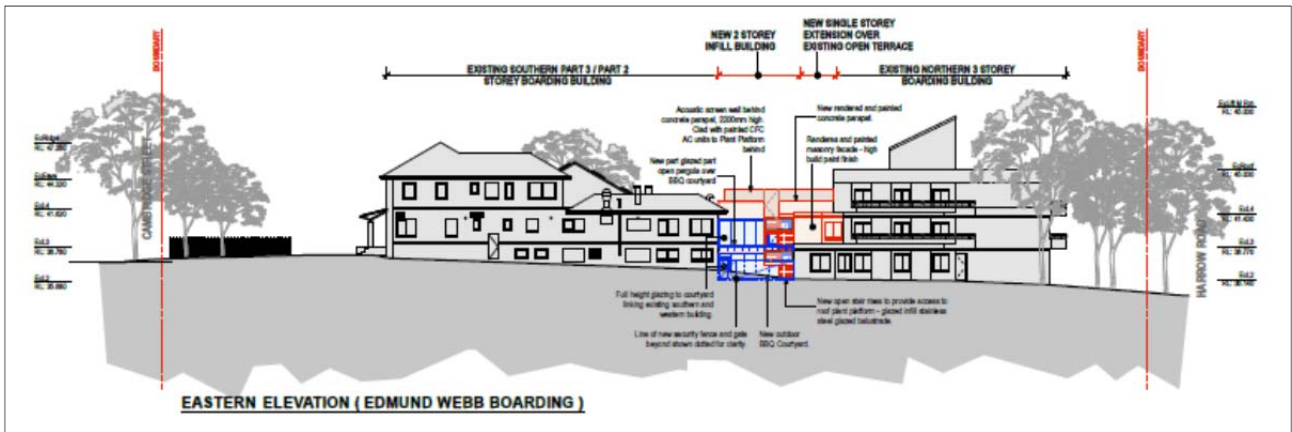


Image 19: Proposed Eastern (Side) Elevation of Edmund Webb Boarding Facility

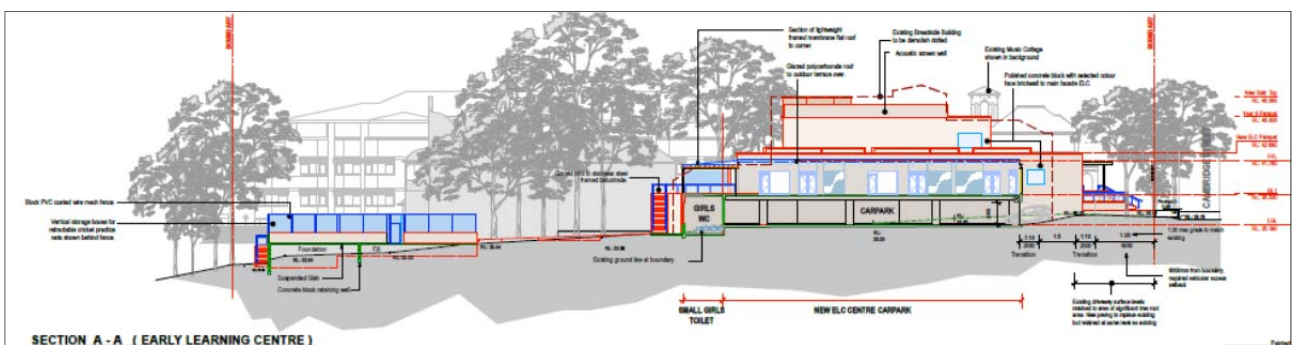


Image 20: Proposed Section of the ELC Building

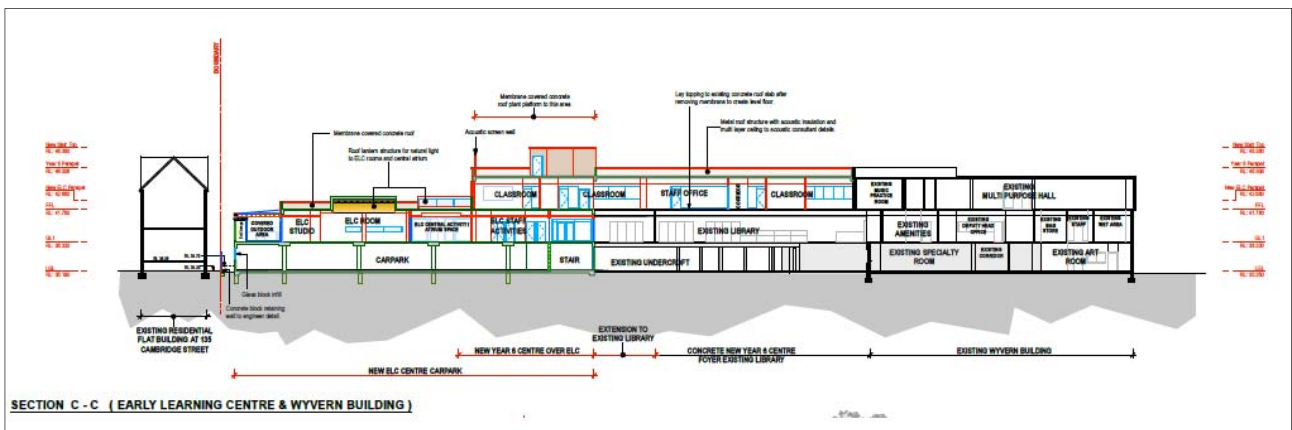


Image 21: Proposed Section of ELC & Wyvern Building

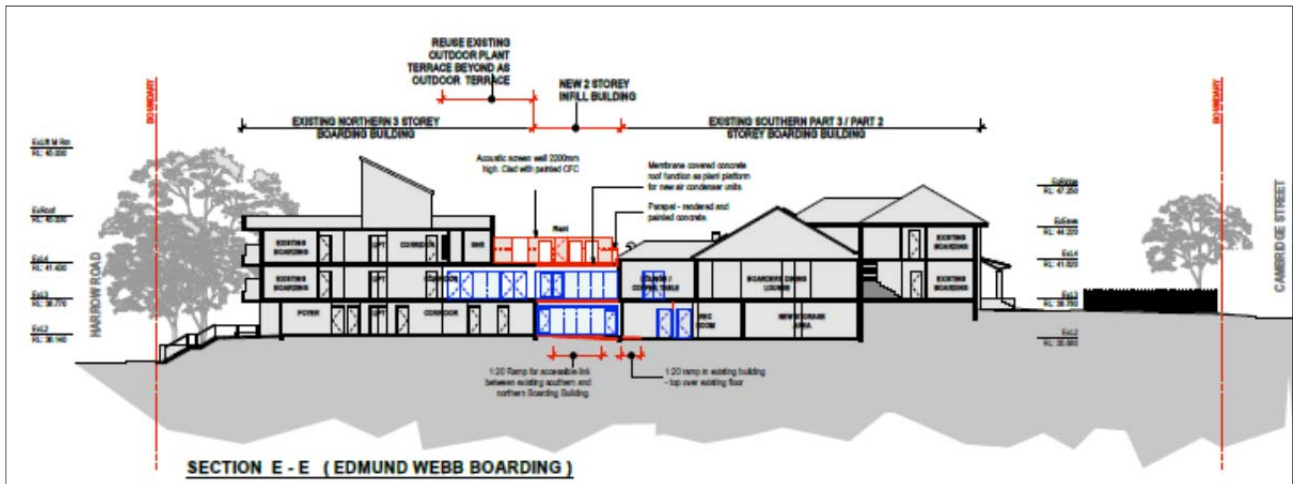


Image 22: Proposed Section of Edmund Webb Boarding Facility

3. Legislative Framework

The following State and Local government legislative framework applies to the development:

- Heritage Act 1977;
- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- Marrickville Local Environmental Plan 2011;
- Draft Marrickville Local Environmental Plan 2011 (Amendment 2);
- Marrickville Development Control Plan 2011; and
- Marrickville Section 94/94A Contributions Plan 2014.

4. State Environmental Planning Policy (State and Regional Development) 2011

Clause 6 in Schedule 4A of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979) provides that private infrastructure and community facilities associated with education establishments with a capital investment value of more than \$5 million must be determined by the relevant Joint Regional Planning Panel, pursuant to the provisions of Section 23G (4) and Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011.

The development is defined as an educational establishment which has an approximate capital investment value of over \$11 million.

As such, the Sydney East Joint Regional Planning Panel is the consent authority for the purposes of determining the application.

5. State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

(i) Educational Establishments (Clauses 28 and 32)

In accordance with Part 3, Division 3 (Educational Establishments) Clause 28(1) of the Infrastructure SEPP, development for the purpose of educational establishments may be carried out by any person with consent on land in a prescribed zone. The site is zoned SP2 – Infrastructure (Educational Establishment), which is a prescribed zone within the Infrastructure SEPP and therefore can be carried out with consent.

Clause 32 of the Infrastructure SEPP requires the consent authority to take into consideration all relevant standards in the following State government publications (as in force on the commencement of this Policy) before granted consent:

- *School Facilities Standards – Landscape Standard – Version 22 (March 2002);*
- *School Facilities Standards – Design Standard – (Version 1/09/2006);*
- *School Facilities Standards – Specification Standard – (Version 01/11/2008).*

The above standards have been reviewed and updated and are now the Educational Facilities Standards and Guidelines (EFSG), which is the new web based platform managed by the Department of Education and Communities. The new standards have incorporated the aims and objectives contained within the old standards. The application has been assessed having regard to the relevant standards and is considered acceptable in this regard.

(ii) Development Adjacent to Rail Corridors (Clauses 85, 86 and 87)

The site is located immediately adjacent to a rail corridor. Clauses 85 and 86 of the Infrastructure SEPP provide guidelines for development immediately adjacent to rail corridors including excavation in, above or adjacent to rail corridors. The development does not propose any excavation to a depth of 2 metres within 25 metres of the rail corridor; as such the parameters of Clause 86 do not apply.

Clause 87 of the SEPP relates to the impact of rail noise or vibration on non-rail development, and for a development for the purpose of an educational establishment or child care centre, requires appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded.

An Acoustic Report was submitted with the application which demonstrates that the development can be appropriately attenuated from aircraft noise. The Acoustic Report did not specifically address the impact of rail noise and vibration. Conditions are included in the recommendation requiring an updated Acoustic Report to be submitted to the Certifying Authority's satisfaction detailing compliance with the rail noise provisions contained in the Infrastructure SEPP.

The application was reviewed by Sydney Trains who raised no objection to the development subject to conditions associated with rail noise and vibration, stray currents and electrolysis from rail operations, demolition/excavation and construction impacts, crane and other aerial operations, structural stability and integrity of the rail infrastructure. Those conditions have been included in the recommendation.

(iii) Traffic Generating Development

In accordance with Clause 104 and Schedule 3 of the Infrastructure SEPP, the development is identified as a traffic generating development. The application was referred to Roads and Maritime Services (RMS) who raised no objection to the development.

6. Marrickville Local Environmental Plan 2011 (MLEP 2011)

(i) Land Use Table and Zone Objectives (Clause 2.3)

The site is zoned SP2 - Infrastructure (Educational Establishment) under the provisions of MLEP 2011. The development is permissible with Council's consent under the zoning provisions applying to the land.

The development is considered acceptable having regard to the objectives of the SP2 - Infrastructure zone.

(ii) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition works are included in the recommendation.

(iii) Height (Clause 4.3)

There is no maximum building height applying to the site on the Height of Buildings Map that accompanies MLEP 2011.

(iv) Floor Space Ratio (Clause 4.4)

There is no maximum floor space ratio applying to the property on the Floor Space Ratio Map that accompanies MLEP 2011.

(v) Preservation of Trees or Vegetation (Clause 5.9)

Clause 5.9 of MLEP 2011 concerns the protection of trees identified under MDCP 2011.

The site currently contains 91 trees and 6 trees are located directly adjacent to the site. The development proposes to remove 20 trees from within the site with majority of trees proposed to be removed from the playground area to the rear of the Mary Andrews College building. The application was referred to Council Tree Management Officer (TMO) who made the following comments:

- The proposed tree removal will result in significant reduction in the urban forest canopy at the site and does not reflect the goals of Marrickville's Urban Forest Strategy. No provision has been made for compensatory planting. Compensatory planting to replace the urban forest canopy is required.
- There is major encroachment and likely impact upon many of the trees proposed to be retained. Comprehensive tree management and protection measures are recommended in the Arborist Report submitted with the application and these are recommended to be included in the conditions of consent for the development.
- Given the major impact on many of the trees being retained, it is recommended that their ongoing viability is assessed by the project arborist 2 years after completion of the project and reparation is provided. Any trees that have been severely impacted by the development should be replaced with new trees.

During the assessment process the landscape plan was amended to include 2 medium sized trees located between the ELC building and Pendawar. The applicant also advised that additional street trees (*Jacaranda mimosifolia* street trees) could be located along the street frontage of the Wyvern Building subject to underground services, maintaining sightlines from driveways and ensuring sufficient room for a mature tree canopy. However, these street trees were not depicted on the amended landscape plan. Accordingly appropriate conditions are included in the recommendation requiring the submission of an amended landscape plan that depicts the proposed street tree planting.

The amended proposal was reviewed by Council TMO who maintained concern with the lack of compensatory planting, but conceded that there was limited space on the site to plant new trees of the scale and character of the trees to be removed. Council's TMO provided conditions relating to tree protection measures which have been included in the recommendation.

(vi) Heritage Conservation (Clause 5.10)

The site contains a heritage item (Item No.I240) known as Horaceville being a 2 storey Victorian Villa located at the centre of the site facing Trafalgar Street as listed under MLEP 2011.

The site is also located within the Kingston South Heritage Conservation Area (HCA 17) under MLEP 2011 and is located within the vicinity of the following heritage items:

- Item No. I238 – Victorian Gothic Villa and Outbuilding at 95 Cambridge Street located east of the site;
- Item No. I239 - Stanmore Public School at 96 Cambridge Street located west of the site; and
- Item No. I248 – Stanmore Railway Station along Trafalgar Street located west of the site.

The original application including the Heritage Impact Assessment (HIA) was referred to Council's Heritage and Urban Design Advisor who made the following comments:

- The HIA is required to be amended to:
 - make a stronger case for or against the restoration of Humberstone (Mary Andrews College building);
 - make a stronger case for or against the restoration of the mortuary, noting that the Council's Heritage and Urban Design Advisor recommends retention of the mortuary; and
 - provide more photos of the areas to be demolished such as the mortuary and the rooms behind Braeside (Mary Andrews College building).
- The close proximity of the driveway and the ELC building to Pendawar detracts from Pendawar's contribution to HCA 17 by cramping its setting and reducing it to an island between driveways.
- The reduced side setbacks and width of the ELC building compared to the existing built form is considered intrusive to the pattern/rhythm of Cambridge Street.
- The ELC building must be re-designed to reduce the width of the building and increase setbacks from the buildings adjacent, to conserve the dominant pattern and grain of buildings and side setbacks in Cambridge Street.
- The proposed landscaped setting of Pendawar must be increased by moving the driveway entrance for the ELC building.

The application was notified to Marrickville Heritage Society who raised concerns with the demolition of the Mary Andrews College building and the former mortuary/laundry as well as the significant tree removal. The Society requested that a more thorough assessment of the heritage values of the whole site be undertaken by the applicant in the anticipation that extent of demolition, and the scale and location of the new building can be reconsidered to provide a more sympathetic outcome for the site.

During the assessment process the development was amended to address the above matters. The amendments included:

- The western side boundary setback of the ELC building was increased to 1.5 metres and additional landscaping incorporated along this side boundary.
- The southern Cambridge Street wall alignment of the ELC building was amended to have a staggered form to read as 2 elements.
- The eastern side boundary setback of the ELC building to Pendawar was increased to 2.4 metres to maintain a landscape setting for Pendawar.
- Additional landscaping was incorporated between the ELC building and Pendawar.

The amended plans and updated HIA was reviewed by Council's Heritage and Urban Design Advisor who supported the demolition of Mary Andrews College building and the mortuary and raised no objection on heritage grounds to the proposal subject to conditions associated with establishing an archival record and interpretation plan. The amended proposal is also considered to address the concerns raised by Marrickville Heritage Society.

The site is also identified as an archaeological site under MLEP 2011. In accordance with Clause 5.10(7) the application was referred to the Office of Environment and Heritage – NSW Heritage Council who raised no objection to the development and advised that the Heritage Council previously issued a Section 139 – Exception for Impacts to Archaeology under NSW Heritage Act for the proposal. An Archaeological Assessment, prepared by Edward Higginbotham & Associates Pty Ltd was submitted with the application which made certain recommendations associated with the discovery of large artefacts and excavation which have been included as conditions in the recommendation.

(vii) Earthworks (Clause 6.2)

Clause 6.2 of MLEP 2011 requires the consent authority to consider any potential detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land where earthworks that require development consent are proposed.

The matters associated with heritage have been addressed above.

The development proposes to excavate to a depth of approximately 1 metre along the Trafalgar Street frontage to accommodate staff car parking and a depth of approximately 900mm along the Cambridge Street frontage to accommodate the car parking area for the ELC building. A Geotechnical Investigation was submitted with the application which addressed works previously carried out on 115 - 125 Cambridge Street for the Library. A Geotechnical Investigation was not submitted addressing the proposed works. Whilst the excavation is not considered to be significant, a condition is included in the recommendation requiring a Geotechnical Investigation Report to be submitted to the Certifying Authority and that any excavation must comply with the recommendations of this report.

(viii) Development in areas subject to Aircraft Noise (Clause 6.5)

Clause 6.5 applies to development that is in an ANEF contour of 20 or greater, and the consent authority considers is likely to be adversely affected by aircraft noise.

The property is located within the 20-25 and 25-30 Australian Noise Exposure Forecast (2033) Contour. Under Clause 6.5 of MLEP 2011, Council is required to take into consideration the guidelines provided in Australian Standard AS2021 - 2000 - Acoustics - Aircraft noise intrusion - Building Siting and Construction (AS2021 - 2000) regarding noise reduction for buildings where the ANEF exceeds 20. Under the clause Council must be satisfied that the development will meet the interior noise levels specified in Australian Standard AS2021-2000.

An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000. Conditions are included in the recommendation to ensure compliance with AS 2021-2000.

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

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

The following assessment considers the development having regard to the amended provisions contained in the Draft LEP Amendment that are of relevance in the assessment of the application:

(i) Clause 6.5 Development in areas subject to aircraft noise

The wording of Clause 6.5 of MLEP 2011 is proposed to be amended such that minor alterations and additions to existing buildings will not need to be noise attenuated. The proposed amendments to this clause will not impact on the need for the proposed development to be noise attenuated. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000. Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

8. Marrickville Development Control Plan 2011

PART 2 - GENERIC PROVISIONS

(i) Urban Design (Part 2.1)

Part 2.1 of MDCP 2011 contains objective and controls relating to urban design. The development is considered acceptable having regard to the relevant aspects of the 12 urban design principles.

(ii) Site and Context Analysis (Part 2.3)

A site and context analysis was submitted with the application and is considered acceptable.

(iii) Equity of Access and Mobility (Part 2.5)

Part 2.5 of MDCP 2011 requires consideration to be given to accessibility before granting development consent. Part 2.5.10 of the MDCP 2011 specifies the following access requirements for the boarding facility, the school and the ELC building:

Boarding Facility:

- In boarding house developments containing 5 or more boarding rooms, a minimum provision of 1 adaptable boarding room for every 5 boarding house rooms or part thereof; and
- Appropriate access for all persons through the principal entrance of a building and a continuous accessible path of travel (CAPT), designed in accordance with the Building Code of Australia and relevant Australian Standards;
- General access for all persons to appropriate sanitary facilities and other common facilities including kitchens, lunch room, shower facilities and outdoor recreational facilities; and
- 1 accessible car parking space for every 10 beds.

School / ELC Building:

- Appropriate access for all persons through the principal entrance of a building and a CAPT, designed in accordance with the Building Code of Australia and relevant Australian Standards;
- General access for all persons to appropriate sanitary facilities and other common facilities including kitchens, lunch room, shower facilities and outdoor recreational facilities; and
- In a car parking area containing 10 or more car spaces, 1 accessible car parking space being provided for every 10 car spaces or part thereof.

The Access Review Report (prepared by Morris-Goding Accessibility Consulting) and the architectural plans submitted with the application detail the following accessible facilities which are to be incorporated into the development:

- An accessible principal entry for the ELC building;
- Retention of the existing accessible entrances for the Wyvern Building and the Edmund Webb Boarding Facility;
- The provision of a lift to provide access from the car parking level to the main floor of the ELC building;

- Retention of the existing lift access within the Wyvern Building and the Edmund Webb Boarding Facility;
- A CAPT within the existing and new areas of the development;
- 2 accessible boarding rooms within the Edmund Webb Boarding Facility;
- Accessible sanitary facilities within the Edmund Webb Boarding Facility, the Wyvern Building, and the ELC building; and
- 2 accessible car spaces within the ELC car parking area.

The development has a shortfall in accessible boarding rooms and accessible car parking when assessed against the requirements of MDCP 2011. The development proposes 14 additional rooms within the boarding facility and as such requires 3 accessible rooms under the controls contained in Part 2.5 of MDCP 2011 and only 2 are proposed. Furthermore, the ELC car parking area requires 4 accessible car parking spaces in accordance with the requirements contained in Part 2.5 of MDCP 2011 and only 2 are proposed.

The departures from the requirements contained in Part 2.5 of MDCP 2011 are acceptable in this regard as the Access Review Report and Traffic Impact Assessment submitted with the application concludes:

- The proposal provides 2 accessible parking spaces which equates to an accessible parking provision of 5.6%. This amount exceeds the car parking provisions required under the BCA and the Disability (Access to Premises – Buildings) Standards (Premises Standards).
- The accessible boarding rooms comply with the BCA and the Premises Standards.
- The demand generated by the proposed accessible facilities aligns with the information provided by the school, which is as follows:
 - 44 staff, of which nil require an accessible parking space.
 - 490 students of which nil require an accessible parking space and boarding room.
 - Approximately 1000 parents/carers, of which approximately 2 require an accessible parking space.
- It is highly unlikely that the demand for accessible parking at the ELC will reach the rates required by Part 2.5 of MDCP, which are 10 times the requirements of the BCA and the Premises Standards.

Further to the above, the boarding facility is a dormitory for existing students and is not regarded to be a traditional boarding house and as such strict compliance with Part 2.5 is considered to be onerous.

The Access Review Report also makes recommendations to ensure the development complies with the relevant Australian Standards. Appropriate conditions are included in the recommendation to ensure the development incorporates the recommendations of the Access Report.

(iv) Visual and Acoustic Privacy (Part 2.6)

Part 2.6 of MDCP 2011 contains objectives and controls relating to visual and acoustic privacy. The site is immediately surrounded by residential development. To ensure the development maintains visual privacy for the surrounding residential properties, the following measures are proposed:

- The design of the ELC building includes glassblock infill panels along the western side elevation to restrict any overlooking from the courtyard/play area;
- The studio window located to the front of the western side elevation of the ELC building has a side setback of approx 6 metres and is offset from the adjacent windows of the residential development at 135 Cambridge Street;
- All remaining openings in the ELC building, the Year 6 Centre openings and the openings within the Wyvern Building are directed to overlook within the school or Cambridge Street;

- Existing side boundary fencing and proposed block PVC coated wire mesh fencing along the western side boundary would restrict overlooking from the playground and new cricket net area;
- The outdoor BBQ courtyard proposed on the ground floor level of the Edmund Webb Boarding Facility has a setback of approximately 4.4 metres from the eastern side boundary and the existing eastern side boundary fencing would restrict any overlooking from this area;
- No new openings are proposed on the ground floor level of the Edmund Webb Boarding Facility along the eastern side boundary;
- The open stair case and the glazed corridor along the eastern side elevation of the first floor level of the Edmund Webb Boarding Facility have a side setback of 12.8 metres for the staircase and 18.8 metres for the glazed corridor. These setbacks are adequate to restrict overlooking as they are circulation areas that would be used for long period of time such as habitable areas;
- The Edmund Webb Boarding Facility has a new boarding room window along the eastern side facade which is designed at an angle to restrict overlooking, similar to the other boarding room windows along the first floor side façade. The window also has a minimum side setback of 5 metres from the eastern side boundary. No new openings are proposed on the first floor level of the Edmund Webb Boarding Facility along the eastern side boundary; and
- A 2.2 metre high acoustic wall is proposed along the eastern side of the plant platform of the Edmund Webb Boarding Facility which maintains acoustic privacy and restricts overlooking of the surrounding residential properties.

The applicant submitted an Acoustic Assessment addressing the potential noise generated by the ELC building. The Acoustic Assessment concluded that the development is unlikely to adversely impact upon the acoustical amenity of surrounding residential properties based on the following:

Ground level play area of the ELC: The ground level play area is an existing play area, currently used for primary school aged children. The change of use of the ground level play area from its current use to the proposed use includes a number of factors that will reduce the noise output from the area, including use by younger children and use by a mix of boys and girls. As such the overall noise generation for this area is expected to reduce, compared to the current usage.

Covered play area of the ELC: The covered play area is enclosed on 3 sides, including a solid high acoustic performance wall to the western boundary and a solid roof. The area is to be used for quiet activities only such as eating lunch and quiet play/craft. The area is generally within the same footprint as the existing outdoor play area. The new use of the space will be capable of complying with the background + 10dB criteria of 52dB(A). Furthermore noise levels from the covered play area will be below that due to the current playground in that area.

Rear terrace area of the ELC: The rear terrace is a semi enclosed space, with a solid high acoustic performance wall to the western side boundary and a solid roof. The area is to be used for quiet activities only such as eating lunch and quiet play/craft. The area is to be used by only 20 students (under supervision of a minimum of 2 staff members) at a time. The use of this new space will be capable of complying with the background + 10dB criteria of 52dB(A).

The development includes a 2.2 metre high acoustic wall along the eastern side of the plant platform of the Edmund Webb Boarding Facility which would reduce acoustic impacts on the surrounding residential properties.

Given the above, the development is considered to satisfy the provisions of Part 2.6 of MDCP 2011.

(v) Solar Access and Overshadowing (Part 2.7)

Control C2 under Part 2.7 of MDCP 2011 prescribes overshadowing controls for new development. The site has a north-south orientation. As such the shadow diagrams submitted with the

application demonstrate that the development would permit 2 hours of solar access to north facing living area windows of the surrounding residential properties. The majority of shadow cast by the development will be cast on Cambridge Street.

The development proposes to relocate the photovoltaic cells from the existing library roof to the roof of the Year 6 Centre. This is acceptable as the photovoltaic cells would not be visible from the streetscape and the proposed location ensures the cells get an optimum level of solar access.

The development is considered to satisfy the provision of Part 2.7 of MDCP 2011.

(vi) Social Impact Assessment (Part 2.8)

Part 2.8 of MDCP 2011 contains objectives and controls relating to social impact assessment. A Social Impact Comment was submitted with the application which concluded that the development will not result in any significant social impact to neighbouring properties or in the suburb of Stanmore. The Social Impact Comment states the development will have the following potential positive social impacts:

- The ELC will provide new formal early childhood education facilities for a total of 60 students aged 3-5 years. It will promote the social and cultural well-being of the school and the local community that will enhance the high standard educational service provided by Newington College. It is considered to be compatible with the surrounding residential and institutional uses in the locality;
- The development has been designed in manner to reduce impacts on amenity of the locality while meeting the ongoing commitment to maintaining and enhancing the school as a centre of learning excellence, optimising of space without loss of scarce land resource, conserving heritage significance and environmental sustainability;
- The development will not result in unacceptable impacts in relation to heritage, archaeology, tree protection, traffic, parking, noise and vibration, contamination, amenity, solar access, privacy site services, waste, social, economic and other relevant matters; and
- Consultation with the community was undertaken on 14 July 2014 and generally support for the creation of the ELC on this site was received.

(vii) Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains objectives and controls relating to community safety. The development includes the following measures to encourage community safety:

- The principal entries of all buildings are visible from Cambridge Street;
- The outdoor play areas permit surveillance of Trafalgar Street;
- The development proposes windows oriented to overlook Cambridge Street and Trafalgar Street; and
- The provision of security gates and entrances within the development.

The application was also referred to NSW Police - Marrickville Local Area Command who made recommendations for the installation of lighting and access control measures to encourage safety and security. Appropriate conditions in this regard have been included in the recommendation.

Note: NSW Police recommends the installation of CCTV to cover the ELC car park and entrance areas. This requirement has not been included in the recommended conditions of consent because it is considered to be overly onerous and the school implements its own security measures in accordance with School guidelines.

(viii) Parking (Part 2.10)

Car and Bicycle Parking Spaces

The allotments within 115 - 125 Cambridge Street are located within Parking Area 2 and the allotments within 129 - 133 Cambridge Street are located within Parking Area 1 under Part 2.10 of MDCP 2011.

ELC Building:

The ELC building is located within 129 - 133 Cambridge Street and requires 1 car space per 8 staff and 1 car space per 10 children as a drop off and pickup facility for parents and carers. The ELC building also requires 1 bicycle space per 20 staff for staff plus 2 bicycle spaces for customers and the provision of motorcycle parking spaces at a rate of 5% of the required car parking.

Based on 60 children and 10 staff members the ELC generates a demand for:

- 1 car space for staff;
- 6 drop off and pickup facility for parents and carers;
- 1 bicycle space for staff;
- 2 bicycle spaces for customers; and
- 1 motorcycle space.

The development includes a partially underground carpark for 36 car spaces (including 2 accessible car spaces) accessed from an existing vehicular crossing on Cambridge Street. The development also proposes 8 staff car spaces accessed from Trafalgar Street. No formal designated area is proposed for bicycle and motorcycle parking spaces. The development complies with the numerical car parking provisions prescribed by Part 2.10. Appropriate conditions have been included in the recommendation to ensure compliance with bicycle and motorcycle parking spaces under Part 2.10.

School/Boarding Facility:

The school and the boarding facility is located within 115 - 125 Cambridge Street. As such the school requires 1 car space per 4 staff for staff plus a drop off & pickup facility for parents & carers and 1 bicycle space per 20 staff for staff plus 1 bicycle space for 10 students for students. The boarding facility requires 1 car space for the caretaker plus 0.25 per unit for residents and 1 bicycle space per 2 rooms for residents plus 1 bicycle space per 10 rooms for visitors.

While alterations and additions are to be carried out, there will be no new staff or students resulting from this element of the proposal. The development maintains the existing car/bicycle parking arrangements for this component and this is considered acceptable in this regard.

The development also proposes to increase the amount of boarding rooms for students and makes no provision for additional car/bicycle parking spaces. This is acceptable as the boarding facility is a dormitory for existing students and is not regarded to be a traditional boarding house.

The development application, including the Traffic Impact Assessment submitted with the application, was referred to the Traffic Committee and Council's Development Engineer for review. The Traffic Committee and Council's Development Engineer reviewed the information together with the car parking/traffic arrangements and traffic implications associated with the development and made the following comments:

- The provision of 36 car parking spaces for the ELC building exceeds the Council's car parking requirement under Part 2.10. The off-street parking proposed is adequate and will reduce impacts on adjacent on-street parking spaces.
- The RMS 'Guide to Traffic Generating Developments' provides the following Traffic Generation Rates for Child Care Centres:-
 - 0.8 trips per child (during morning peak period 7.00am to 9.00am); and
 - 0.7 trips per child (during afternoon peak period 4.00pm to 6.00pm).

Based on the above rates it is estimated that the development generates 48 vehicle trips per hour (vtph) during morning drop-off peak and 42 vtph during afternoon pick-up peak. The Traffic Report states that the expected traffic generation is likely to be less given the complementary nature of the ELC and the existing school. It is likely that a proportion of parents will transport more than 1 child to the adjacent school and the ELC in the same vehicle trip. Therefore the estimated traffic generation is considered to be acceptable and will not have a significant impact on current traffic flows on Cambridge Street.

- The new vehicular crossing must comply with the relevant Australian Standards.

The Traffic Committee and Council's Development Engineer support the development subject to conditions which have been included in the recommendation.

(ix) Energy Efficiency (Part 2.16)

Part 2.16 of MDCP 2011 contains objectives and controls relating to energy efficiency. Appropriate conditions are included in the recommendation to ensure the installation of energy efficient fixtures in accordance with the provisions of Part 2.16 of MDCP 2011.

(x) Water Sensitive Urban Design (Part 2.17)

Part 2.17 of MDCP 2011 contains objectives and controls relating to Water Sensitive Urban Design (WSUD). Appropriate conditions have been included in the recommendation to ensure compliance with Part 2.17 of MDCP 2011.

(xi) Site Facilities and Waste Management (Part 2.21)

2.21.3 Public utilities

A condition is included in the recommendation advising the person acting on the consent to liaise with the relevant authorities/service providers for public utilities (Sydney Water Corporation, Ausgrid, AGL and Telstra) concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.

2.21.5 Building identification numbers

A condition is included in the recommendation requiring appropriate numbering details to be submitted in accordance with Part 2.21.5 of MDCP 2011.

2.21.6 Telecommunication facilities

A condition is included in the recommendation requiring the provision of suitable telecommunication facilities in accordance with Part 2.21.6 of MDCP 2011.

2.21.7 Recycling and Waste Management Plan

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application and is considered to be adequate. The RWMP submitted with the application indicates waste will be collected by a private contractor. To minimise any impacts a

condition is included in the recommendation requiring waste be collected outside the peak drop off/pick up times for the ELC i.e. outside 7.00am-9.00am and 4.00pm-6.00pm Monday to Friday.

2.21.12 Waste Storage

The plans accompanying the application do not indicate waste storage areas. Appropriate conditions are included in the recommendation requiring the provision of waste storage areas.

9. Other Matters

MDCP 2011 does not contain building envelope controls that relate specifically to schools, boarding facilities or early learning centres. As the site is surrounded by R2 - Low Density Residential zone the relevant controls contained in Part 4.1 of the MDCP 2011 relating to low density residential development have been used as a guide. The relevant matters are considered below:

(i) Streetscape and Design (Part 4.1.5)

The site is currently occupied by 2 part 3 storey built forms along Cambridge Street and the site is surrounded by single storey, 2 storey and 4 storey residential development.

The proposed ELC has a 2 storey form which is approximately 3 to 7 metres lower than the existing Mary Andrews College building. The ELC building is to be of a contemporary form which is well articulated with a staggered front setback and the provision of various openings. As such the design of the ELC building is considered to complement the surrounding built forms within the streetscape.

The additions to the Wyvern building would result in a 2 storey form. The proposed form is acceptable as it would not be readily visible from Cambridge Street as it has a front setback of approximately 20 metres and would sit behind the existing Pendawar building. The addition is to be constructed of lightweight material so it would not dominate or overwhelm the existing surrounding built forms.

The 2 storey addition to the Edmund Webb Boarding Facility complements the existing 2 storey form and is located within the centre of the building which would not be visible from the surrounding streetscape.

The development incorporates finishes and materials such as sandstone, glass block work and charcoal powdercoat curtain walls to match and complement the finishes of the existing buildings occupying the site.

The development is considered reasonable having regard to the streetscape and design controls contained in MDCP 2011.

(ii) Building Setbacks (Part 4.1.6.2)

The proposal maintains a front setback along Cambridge Street which is consistent with the adjoining properties.

For the new components, the development proposes a 1.5 metre side setback from the western side boundary and a minimum side setback of 4.4 metres from the eastern side boundary which is consistent with the 1.5 metre setback for 2 storey forms as required under Part 4.1 of MDCP 2011.

The side setbacks provide ample separation and minimise impacts of the proposed structures by way of amenity and visual bulk and as such the development is considered acceptable.

10. Hour of Operation

The ELC is to operate between the hours of 8.00am and 6.00pm Mondays to Fridays, with no operation on Saturdays, Sundays and Public Holidays, for 48 weeks of the year.

The hours of operation are acceptable as they are generally consistent with the hours of operation of the existing school. Further, as discussed in Section 8 of this report, the ELC will maintain adequate levels of acoustic privacy for the surrounding residential properties.

11. View Corridors/View Sharing

No. 90 Cambridge Street is occupied by a 4 storey residential flat building located to the south of the site. The upper floor level of No. 90 Cambridge Street currently enjoys views of the city skyline, Anzac Bridge, Sydney Harbour Bridge and Sydney Tower Eye.

The applicant submitted a view analysis of the proposed additions to the Wyvern building and potential view loss from the upper floor levels of No. 90 Cambridge Street. The view analysis identified that there would be no view loss resulting from of the development as the addition sits at a similar or lower level then the surrounding buildings (refer image 23 below).



Image 23: View loss analysis from the upper floor level of No. 90 Cambridge Street.

The 4 storey form of No. 90 Cambridge Street is consistent with the adjoining residential developments along Cambridge Street opposite the site. As such it is concluded that the additions to the Wyvern building will not result in any view loss for the upper floor levels of the adjacent buildings. It is also considered that the ELC building and additions to the Edmund Webb Boarding Facility would not cause any view loss as the built forms are lower then the additions to the Wyvern building.

12. Marrickville Section 94/94A Contributions Plan 2014

A Section 94A levy of \$113,945.22 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that levy to be paid is included in the recommendation.

13. Community Consultation

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. 7 submissions were received including 1 submission supporting the development and 6 submissions opposing the development. The submissions opposing the development raised the following concerns which have already been discussed throughout the main body of this report:

- Visual privacy;
- Acoustic privacy;
- Tree removal;
- Lack of car parking;
- Traffic implications;
- Traffic report analysis;
- Heritage;
- Inadequacy of the HIA;
- Streetscape compatibility;
- View loss; and
- Bulk and scale.

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

- (i) The Geotechnical Investigation Report submitted with the application only references the address 115 - 125 Cambridge Street and does not reference 129-133 Cambridge Street.

Comment:

A condition is included in the recommendation requiring the submission of a Geotechnical Investigation to the Certifying Authority and that any excavation must comply with the recommendations of the excavation.

- (ii) Conflict between public and private schools within the area.

Comment:

The above matter is not a matter of consideration under Section 79C of the Environmental Planning and Assessment Act.

- (iii) Impacts associated with traffic and amenity impacts during the construction phase of the development.

Comment:

Appropriate conditions have been included in the recommendation to address any potential traffic and amenity impacts during the construction phase of the development.

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act have been discussed in the report.

14. Conclusion

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 this application.

The development application relates to a type of development that the Minister of Planning has categorised as being of regional significance. The Sydney East Joint Regional Planning Panel is the consent authority for the purposes of determining the application.

The proposal generally complies with the aims, objectives and design parameters of Marrickville Local Environmental Plan (MLEP) 2011 and Marrickville Development Control Plan (MDCP) 2011. The site contains a heritage item and is also located within the Kingston South Heritage Conservation Area (HCA 17) under MLEP 2011. The development will not adversely affect the heritage significance of the heritage item or the HCA 17. The proposal adds positively to the streetscape character of Cambridge Street and Trafalgar Street and does not impact unreasonably on the amenity enjoyed by residents of surrounding properties.

The application was referred to RMS, Sydney Trains, The Office of Environment and Heritage – NSW Heritage Council, the Marrickville Local Area Command of the NSW Police and the Traffic Committee who supported the development subject to conditions.

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

PART E - RECOMMENDATION

- A. THAT** the development application to demolish 3 existing buildings, excavation to accommodate a partially underground car park, the erection of an early learning centre, infill development of the library, classrooms and playground improvements, upgraded boarding school facilities and landscaping works for Newington College be **APPROVED** subject to the following conditions:

GENERAL

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

Plan No. and Issue	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
Drawing No. DA02	Level 2 Demolition Plan	23 July 2014	Budden Nangle Michael & Hudson Architects	4 August 2014
Drawing No. DA03	Level 3 Demolition Plan	23 July 2014	Budden Nangle Michael & Hudson Architects	4 August 2014
Drawing No. DA04	Level 4 Demolition Plan	23 July 2014	Budden Nangle Michael & Hudson Architects	4 August 2014
Drawing No. DA 05, Revision B	Level 2 Proposed Plan	7 November 2014	Budden Nangle Michael & Hudson Architects	11 November 2014
Drawing No. DA 06, Revision B	Level 3 Proposed Plan	7 November 2014	Budden Nangle Michael & Hudson Architects	11 November 2014
Drawing No. DA07,	Level 4 Proposed	7 November 2014	Budden Nangle Michael & Hudson Architects	11 November 2014

Revision B	Plan			
Drawing No. DA 08, Revision B	Roof Plan	7 November 2014	Budden Nangle Michael & Hudson Architects	11 November 2014
Drawing No. DA 09, Revision B	Elevation & Section 1	7 November 2014	Budden Nangle Michael & Hudson Architects	11 November 2014
Drawing No. DA 10, Revision B	Elevation & Section 2	7 November 2014	Budden Nangle Michael & Hudson Architects	11 November 2014
Drawing No. DA 12, Revision A	Colour & Finishes Schedule	7 November 2014	Budden Nangle Michael & Hudson Architects	11 November 2014
Drawing No. DA13	Cut and Fill Plan	23 July 2014	Budden Nangle Michael & Hudson Architects	4 August 2014
Drawing No. 14161 – 7300, Issue A	Key Plan Wyvern Preparatory	17 June 2014	Group GSA	4 August 2014
Drawing No. 14161 – 7302, Issue B	Landscape Plan Wyvern Preparatory	31 October 2014	Group GSA	20 November 2014

details submitted to Council on 4 August 2014, 31 October 2014, 11 November 2014 and 20 November 2014 with the application for development consent and as amended by the following conditions.

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

2. Before the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the following recommendations prescribed by NSW Police - Marrickville Local Area Command in written correspondence NSW Police Trim: D/2014/277325, dated 19 August 2014:

- a) Security mirrors must be installed within corridors and on blind corners to enable users to see around blind corners.
- b) The installation of lighting within the development in accordance with AS1158.1 to the entrance to the Early Learning Centre, within the car parking areas and any other common areas.
- c) Signage must be erected at entry/exit points and throughout the development to assist users and warn intruders they will be prosecuted.

Reason: To ensure compliance with requirements of NSW Police - Marrickville Local Area Command.

3. Before the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations contained within Part 6 – Recommendations contained in the DA Stage Acoustic Report, Reference No. 214 062 R01 v1_1 Newington Wyvern and ELC DA Stage Acoustic Assessment.doc, Version 1.1, prepared by Peter R Knowland & Associates Pty Ltd, dated 1 July 2014 and Part 6 – Discussion and Recommendations contained in the Acoustic Report, Reference No. 214 062 R01 v1-0 DA Acoustic Report, Version 1.0, prepared by Peter R Knowland & Associates Pty Ltd, dated 26 June 2014.

Reason: To ensure the development incorporates the measures contained in the submitted DA Stage Acoustic Report and Acoustic Report, prepared by Peter R Knowland & Associates Pty Ltd.

4. Before the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations contained within Part 5 – Conservation Guidelines and Recommendations contained in the Archaeological Assessment, prepared by Edward Higginbotham & Associates Pty Ltd, dated 14 July 2014

Reason: To ensure the development incorporates the recommendations contained in the submitted Archaeological Assessment, prepared by Edward Higginbotham & Associates Pty Ltd.

5. Before the issue of a Construction Certificate, a Geotechnical Investigation Report, prepared by a qualified professional must be submitted to Certifying Authority's satisfaction that incorporates appropriate recommendations associated with excavation of the car parking area for the Early Learning Centre. The person acting on this consent must comply at all times with the recommendations of this report.

Reason: To ensure excavation of the car parking area for the Early Learning Centre is carried in an appropriate manner.

6. Before the issue of a Construction Certificate, details must be submitted to Certifying Authority's satisfaction that incorporates the recommendations contained within Part 3 – Ingress and Egress, Part 4 – Paths of Travel, Part 5 – Amenities & Facilities and Part 6 – Miscellaneous contained in the Access Review Report, prepared by Morris-Goding Accessibility Consulting, dated 2 July 2014.

Reason: To ensure the development incorporates the measures contained in the submitted Access Review, prepared by Morris-Goding Accessibility Consulting, dated 2 July 2014.

7. Before the issue of a Construction Certificate, amended plans be submitted to the Certifying Authority's satisfaction indicating a minimum of 1 off-street bicycle space for staff and a minimum of 2 off-street bicycle space for customers being provided, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking prior to the commencement of the use.

Reason: To ensure that practical off-street bicycle parking is available for the development.

8. Before the issue of a Construction Certificate, amended plans be submitted to the Certifying Authority's satisfaction indicating a minimum of 1 off-street motorcycle being provided, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking prior to the commencement of the use.

Reason: To ensure that practical off-street motorcycle parking is available for the development.

9. Before the issue of a Construction Certificate, the following information is to be submitted to Council's Heritage and Urban Design Advisor satisfaction:

- a) The subject property being photographically recorded and presented as an Archival Record (1 hard copy only). The record must be submitted to in accordance with 'Guide to Photographic Archival Records' available on Council's website: <http://www.marrickville.nsw.gov.au/Documents/Marrickville%20Assets/guide%20to%20archival%20records%202012.pdf>. Once submitted the record will become available for public viewing at Council's Local Studies Archive.
- b) An Interpretation Plan, including written and graphic historical material, identifying thematic categories and opportunities for interpretation, and making recommendations for the locations and nature of interpretive features, displays and materials such as: the

Humberstone chimneys; the 1912 stone block on the north façade of the Braeside additions and; the Braeside terrazzo step.

Reason: To ensure the significant history/nature of the site is adequately communicated to occupants, visitors and/or passers by.

10. Before the issue of a Construction Certificate a report on the Electrolysis Risk to the development from stray currents, prepared by an Electrolysis Expert must be submitted to the Certifying Authority's satisfaction. The recommendations of the report must be incorporated into the development

Reason: To ensure compliance with Sydney Trains requirements.

11. Before the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statement for the development are to be submitted to Sydney Trains for review and comment on the impacts on rail corridors. Written confirmation from Sydney Trains confirming compliance with is condition must be submitted to the Certifying Authority's satisfaction

Reason: To ensure compliance with Sydney Trains requirements.

12. Before the issue of a Construction Certificate a plan showing all craneage and other aerial operations for the development must be submitted to Sydney Trains that complies with all Sydney Trains requirements. Written confirmation from Sydney Trains confirming compliance with is condition must be submitted to the Certifying Authority's satisfaction

Reason: To ensure compliance with Sydney Trains requirements.

13. Prior to the commencement of works a construction methodology is to be submitted to Sydney Trains fro review.

Reason: To ensure compliance with Sydney Trains requirements.

14. 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 with or adjacent to the rail corridor.

Reason: To ensure compliance with Sydney Trains requirements.

15. A project arborist, who has a minimum AQF Level 5 qualification in arboriculture and relevant experience, and who does not prune or remove trees in the Marrickville LGA, shall be engaged for the duration of the project.

Reason: To provide professional arboricultural guidance and ensure that the trees on the site are effectively managed and protected.

16. The measures to manage and protect trees recommended in Section 4 and Appendices 4 to 8 of the Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees, dated 19 June 2014 must be implemented and complied at all times within the development.

Reason: To provide the best protection possible for trees being retained thereby ensuring that their stability and ongoing viability are not compromised.

17. Before the issue of a Construction Certificate an amended landscape plan, prepared by a an appropriately qualified person, must be submitted to Council's satisfaction indicating the planting of new street trees along Cambridge Street in accordance with Marrickville Council's Street Tree Master Plan.

Reason: To ensure the provision of additional street trees as compensatory planting along Cambridge Street.

18. The project arborist should assess the trees that are retained and protected no less than 2 years following completion of works to determine any significant impact suffered by any retained trees. Management recommendations to improve growing conditions and tree health should be implemented where appropriate. If any trees have been irreparably

impacted, appropriate new trees should be planted (in accordance with the previous condition) to replace those trees. Removal of trees will require council consent.

Reason: To recognise that the significant development-related impacts upon the trees being retained may significantly affect their ongoing viability and to redress those potential additional impacts upon the school's urban forest.

19. All trees, covered by Part 2.20 of Marrickville Development Control Plan 2011 - Tree Management, not requiring removal to permit the erection of the development must be retained.

Reason: To preserve existing mature trees on the property.

20. 36 off-street car parking spaces being provided for the Early Learning Centre, paved, linemarked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. 2 car parking spaces, for persons with a disability, required as part of the total parking required for the Early Learning Centre under this Determination must be provided and marked as disabled car parking spaces.

Reason: To ensure practical off-street car parking is available for the use of the Early Learning Centre.

21. 8 off-street car parking spaces being provided for staff accessed from Trafalgar Street, paved, linemarked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.

Reason: To ensure practical off-street car parking is available for the use of the Early Learning Centre.

22. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and being used exclusively for parking and not for storage or any other purpose.

Reason: To ensure adequate manoeuvrability to all car parking spaces and that the spaces are used exclusively for parking.

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

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

24. The use of any plant and equipment not giving rise to:

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

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

Reason: To prevent loss of amenity to the area.

25. 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 doors to the car parking entry 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.

26. 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.

NOTE: A private electricity post/pole cannot be erected at the front of a property without having first obtained approval from Council. Council discourages the installation of private electricity posts/poles and any application for such a structure must be accompanied by a written document justifying/identifying the need for the pole's installation.

Reason: To ensure that the development is adequately serviced and does not adversely impact on the visual amenity of the area.

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

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

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

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

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

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

29. No work must commence until:

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

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

30. 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.

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

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

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

32. All demolition work must:

- a) Be carried out in accordance with the requirements of Australian Standard AS2601 'The demolition of structures' and the Work Health and Safety Act and Regulations; and
- b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.

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

33. 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.

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

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

35. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.

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

36. 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.

37. 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.

38. 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 shall indicate:

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

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

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

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

Reason: To provide a person that residents can contact.

40. All approved protection measures must be installed prior to commencing any work and must be maintained for the duration of construction and any tree on the footpath which is damaged or removed during construction must be replaced.

Reason: To ensure that all trees are appropriately protected during demolition and construction works.

41. Where scaffoldings or hoardings are to be erected, street trees must be protected during construction works as follows:

- a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AQF 2 or 3) and must include:

- (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
- (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage;
- (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion, and
- (iv) Tree trunk and major branch protection must remain in place for the duration of construction and development works, and must be removed at the completion of the project.

- b) All hoarding support columns must be placed a minimum of 300mm from the edge of the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.

- c) Materials or goods, including site sheds, must not be stored or placed:

- (i) around or under the tree canopy; or
- (ii) within 2 metres of tree trunks or branches of any street trees.

- d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Tree Management Officer on ☎9335 2242, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

Reason: To ensure that all street trees are appropriately protected during demolition and construction works.

42. a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works. Only minor pruning works will be approved by Council.
- b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.
- c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. Those works must be completed immediately following the trees removal.

Reason: To ensure that all street trees are appropriately protected during demolition and construction works.

43. 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.

44. 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.

45. 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

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

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

47. 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.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

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

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

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

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

49. A levy of \$113,945.22 has been assessed as the contribution for the development under Section 94A of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 94A Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 94A levy (as adjusted) must be paid to the Council **in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card*** before the issue of a Construction Certificate. Under Marrickville Section 94/94A Contributions Plan 2014 payment of Section 94A levies **CANNOT** be made by Personal Cheque or Company Cheque.

*NB A 1% credit card transaction fee applies to all credit card transactions.

(LEVY PAYMENT Reference No. DC000766)

NOTE: Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

Reason: To ensure that the approved development makes a contribution towards the provision, extension or augmentation of public amenities and public services in the area.

50. Before the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority's satisfaction addressing the requirements The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).

Reason: To provide safe, equitable and dignified access to a building and its services and facilities.

51. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating the following:

- a) Access to the premises via the principal place of entry to the Early Learning Centre complying with AS 1428.1- 2009 'Design for access and mobility';
- b) Accessible toilets complying with AS 1428.1- 2009 'Design for access and mobility';
- c) The lift design must comply with AS 1735.12 -1999 'Lifts, escalators and moving

walkways Part 12: Facilities for persons with disabilities’ as a minimum requirement; and

- d) A minimum of 2 car parking spaces being provided for people with a disability in the Early Learning Centre car parking area with such spaces being directly accessible to the entrance to the building. The car parking spaces being designed to comply with AS 1428.1 - 2009 ‘Design for access and mobility – General requirements for access – buildings’ and AS 2890.1 1 ‘Off-street car parking’.

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

52. Before the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority’s satisfaction indicating the existing building upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to:

- a) automatic fire detection and alarm systems;
- b) sound system and intercom system for emergency purposes;
- c) balustrades, handrails and landings ;
- d) protection of openings;
- e) fire resistance levels;
- f) emergency lighting;
- g) fire hose reels;
- h) exit and directional signs;
- i) portable extinguishers;
- j) fire doors;
- k) smoke doors;
- l) fire hydrant coverage;
- m) egress;
- n) smoke hazard management;
- o) mechanical ventilation;
- p) energy efficiency of the any air conditioning and ventilation system and artificial lighting and power;
- q) sound transmission and insulation properties;
- r) openings for service installations;
- s) door hardware and signage;
- t) discharge and dimensions of exits;
- u) removal of storage enclosures underneath stairs;
- v) protection of operable windows

Reason: To ensure the building is suitable for the proposed use.

53. A graffiti management plan for the development must be prepared. The plan must include details of an anti graffiti treatment to the elevations of the development must be submitted to the Certifying Authority’s satisfaction before the issue of a Construction Certificate.

Reason: To ensure appropriate anti graffiti treatment.

54. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021-2000 and State Environmental Planning Policy (Infrastructure) 2007 and 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 a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2000, 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.

55. Before the issue of a Construction Certificate amended plans must be submitted to the Certifying Authority indicating a suitable bin storage area and collection points to accommodate the required number of waste, recycling and green waste bins for the proposal. The bin storage area provided shall not be visible from the street.
Reason: To ensure the suitable provision of waste storage facilities in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management.
56. The person acting on this consent shall provide to Council a bond in the amount of \$27,477.00 and pay the related Section 138 (Roads Act) inspection fee of \$209.00 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.
Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.
57. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.
58. Vehicular access and associated vehicle standing areas being designed in accordance with Australian Standard AS 2890.1-2004, Australian Standard AS 2890.6-2009 and Marrickville Development Control Plan No. 19 - Parking Strategy so that:-
- a) The layout and minimum dimensions of any standing area complies with clause 2.4 of AS2890.1-2004 such that:-
 - (i) car spaces adjacent to high walls or fences are increased in width by an additional 300mm;
 - (ii) end spaces are provided with an additional 1m aisle extension; and
 - (iii) the location of columns within the carpark complies with figure 5.1 of AS 2890.1-2004;
 - b) The maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;
 - c) The maximum ramp grades and changes in grade comply with AS2890.1:2004; and
 - d) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles.

Details of compliance with the above requirements being submitted for the approval of Council before the issue of a Construction Certificate.

Reason: To ensure the vehicular access is not dangerously steep and that sufficient space is set aside within the property for parking.

59. The stormwater drainage and quality treatment measures shall be constructed generally in accordance with the Stormwater Management Report dated 31 July 2014 and Stormwater Drainage Plans SW1(B) and SW2(B) dated 31/7/14 submitted by Woolacotts Consulting Engineers subject to amendments and submission of additional information as follows:
- i. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken;
 - ii. Submission of the MUSIC Model files used in the water quality treatment design for review to ensure water quality targets have been met; and
 - iii. Detailed construction plans (including a long section and details of all services) for the proposed 375 diameter stormwater pipe within Trafalgar Street.

The above additional information and amendments shall be submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To ensure that the site use of potable water is minimised and that the quality of stormwater discharged off site is improved.

SITE WORKS

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

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

61. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.

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

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

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

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

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

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

- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
- c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
- e) the generation of dust and noise on the site must be controlled;
- f) the site must be secured to prohibit unauthorised entry;
- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;

- h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

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

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

65. All fill imported on to the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site must also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b) Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Reason: To ensure that imported fill is of an acceptable standard.

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

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents must be obtained prior to the required works commencing; and
- c) give the owners of the adjoining land 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.

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

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

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

67. 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.

68. The following materials must be salvaged from the site and sent to a recycled building materials supplier, and an itemised receipt of the transaction shall be provided to Council's Heritage and Urban Design Advisor:

- a) Fireplaces;
- b) Doors;
- c) Architraves;
- d) Windows; and
- e) Bricks.

Reason: To ensure sustainable development, reuse of materials and environmental protection.

69. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals having a minimum 3 Star WELS rating.

NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.

Reason: To conserve water.

70. New or replacement toilets having a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient.

NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.

Reason: To conserve water.

71. 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.

72. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath level. This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the issued alignment levels.

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.

73. 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.

74. 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.

BEFORE OCCUPATION OF THE BUILDING

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

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

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

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

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

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

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

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

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

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

Reason: To ensure adequate landscaping is maintained.

79. Before the issue of an Occupation Certificate, the Interpretation Plan referred to in Condition 9 of this Determination being implemented to the satisfaction of the Council's Heritage and Urban Design Advisor.

Reason: To ensure that the approved Interpretation Plan is implemented.

80. Before the issue of an Occupation Certificate a street number and identifier of separate occupancies (if applicable) 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.

81. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. 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

b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate 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 aircraft and road noise and to ensure that the noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

82. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. 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.

83. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and

Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.

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

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

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

85. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.

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

86. The existing damaged retaining wall at the rear of the site in Trafalgar Street must be repaired/reconstructed before the issue of an Occupation Certificate.

Reason: To ensure that the failed retaining wall is repaired.

87. The existing damaged footpath, vehicular crossing and kerb & gutter adjacent to the site in Cambridge Street and Trafalgar Street shall be repaired/reconstructed in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", and at no cost to Council. The repair works shall include the reinstatement of damaged Telstra pits adjacent to vehicular crossings which have subsided. The works must be completed to Council's satisfaction before the issue of an Occupation Certificate.

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

88. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage and quality treatment measures have been constructed in accordance with the approved plans and associated MUSIC Model, 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.

89. With the regard to the On Site Detention System (OSD), a Positive Covenant generally in accordance with supplement 7 of Marrickville Council Stormwater and On Site Detention Code shall be placed on the Title in favour of Council before the issue of the Occupation Certificate.

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

90. With the regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate. 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 WSUD maintenance plan;
- b) The Proprietor shall have the stormwater quality treatment facilities inspected annually by a competent person and must provide the approved WSUD maintenance plan to the competent person to record the annual 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 is maintained.

91. All instruments under Section 88B of the Conveyancy Act used to create positive covenants, easements or right-of-ways shall include the condition that such positive covenants, 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.

92. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, 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 and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

ADVISORY NOTES

- A complete Building Code of Australia assessment of the application 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.

• Useful Contacts

BASIX Information ☐ 1300 650 908 weekdays 2.00pm-5.00pm
www.basix.nsw.gov.au

Department of Fair Trading ☐ 13 32 20
www.fairtrading.nsw.gov.au
 Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Before You Dig ☐☐1100
www.dialbeforeyoudig.com.au

Landcom ☐ 9841 8660
 to purchase copies of Volume One of "Soils and Construction"

Long Service Payments Corporation ☐ 13 14 41
www.lspc.nsw.gov.au

Marrickville Council ☐ 9335 2222
www.marrickville.nsw.gov.au
 Copies of all Council documents and application forms can be found on the web site.

NSW Government	www.nsw.gov.au/fibro and www.diy-safe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment & Heritage	☐ 131 555 www.environment.nsw.gov.au
Sydney Water	☐ 13 20 92 www.sydneywater.com.au
Waste Services NSW - SITA Environmental Solutions	☐☐ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☐ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

- B. THAT** those persons who lodged submissions in respect to the proposal be advised of the Joint Regional Planning Panel's determination of the application.
- C. THAT** the Roads Maritime Services, Sydney Trains, The Office of Environment and Heritage – NSW Heritage Council and NSW Police – Marrickville Local Area Command be advised of the Joint Regional Planning Panel's determination of the application.