

File Ref: DA201400369

Manager, Development Assessment reports:

Synopsis

This report concerns an application at Newington College to partially demolish existing improvements to construct a 3 level Year 7 Centre, a 3 level Drama Centre, installation of water storage facilities, removal of 22 trees, alterations to an existing car park adjacent to the old chapel, excavation, landscaping works & upgrade of site services. The application was notified in accordance with Council's notification policy and 1 submission was received.

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 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011). The site contains 3 heritage items under MLEP 2011. The development is not considered to adversely affect the heritage significance of the site, the streetscape character of College Lane and Stanmore Road or the amenity of the surrounding properties.

The application was referred to The Office of Environment and Heritage – NSW Heritage Council, NSW Police – Marrickville Local Area Command 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: Southern side of Stanmore Road, between Wemyss Street and College Lane, Stanmore. The proposed works are located in the north western corner of the site adjacent to College Lane.

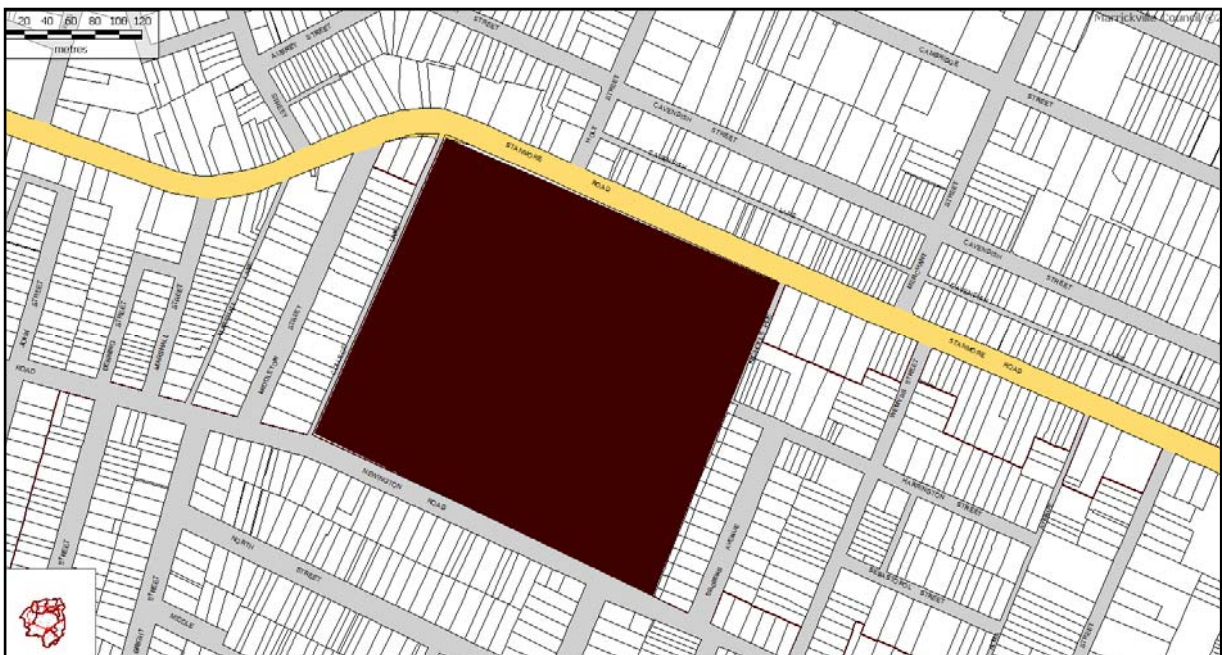


Image 1: Locality Plan

D/A No: DA201400369

Application Date: 4 August 2014 (additional information submitted on 11 November 2014)

Proposal: To partially demolish existing improvements and construct a 3 level Year 7 Centre, a 3 level Drama Centre, installation of water storage facilities, removal of 22 trees, alterations to an existing car park adjacent to the old chapel, excavation, landscaping works & upgrade of site services.

Applicant: Newington College

Estimated Cost: \$11,744,250

Zoning: SP2 – Infrastructure (Educational Establishments)

PART B - THE SITE AND ITS CONTEXT

Improvements: Various major sporting, academic and recreational complexes as part of an educational establishment.

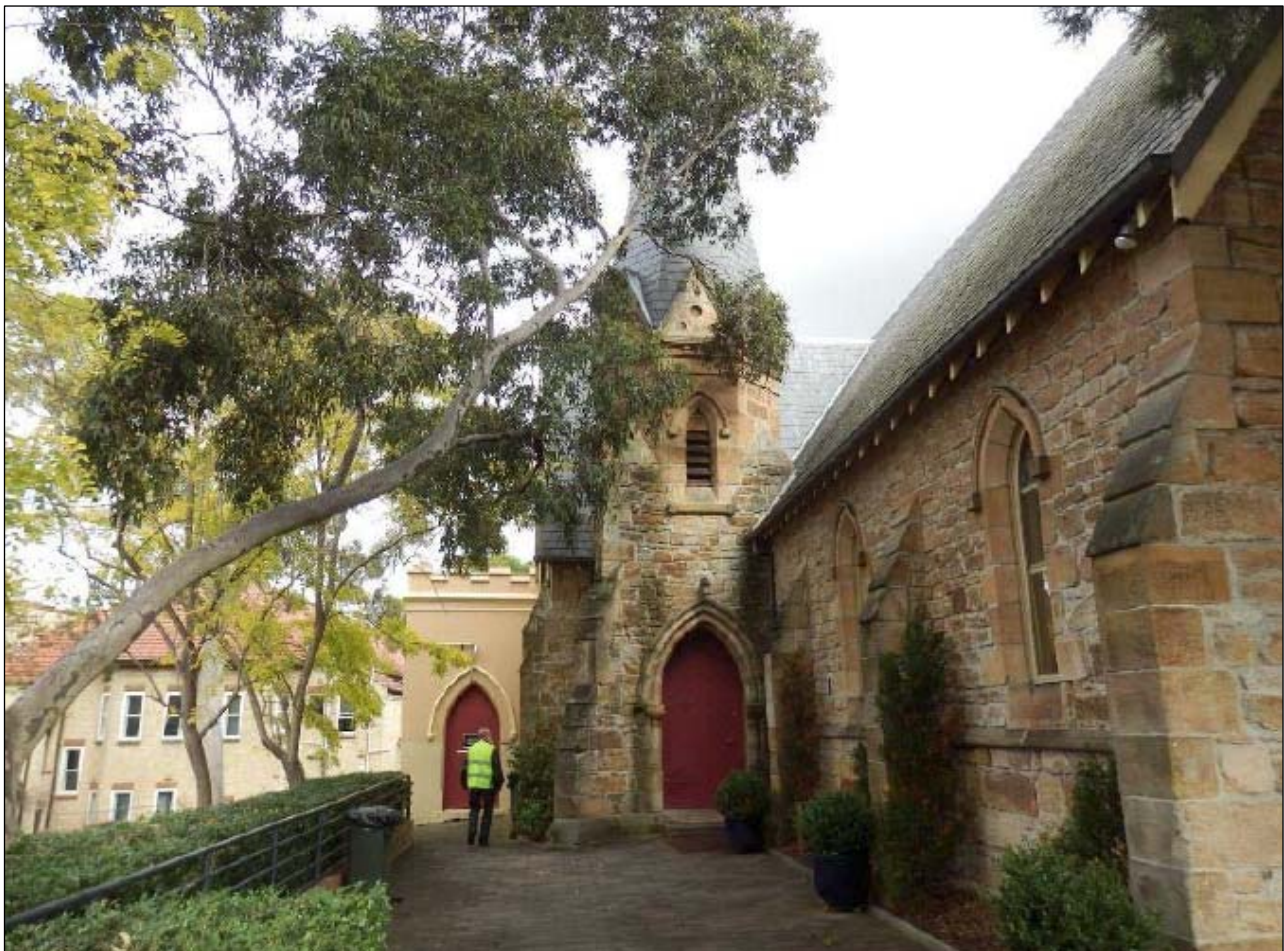


Image 2: View looking south along the Old Chapel with rear addition visible



Image 3: View looking towards the north with the western wings of the Le Couteur Building to be demolished



Image 4: View looking west towards Metcalfe House demountables



Image 5: View looking north towards Sevington demountables

Current Use: Educational establishment

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

Determination No. 200000614, dated 4 April 2001, approved an application to replace the 7 tennis courts within the grounds of Newington College with 6 championship courts and 2 recreational courts and carry out associated works and to erect a pavilion.

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

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

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

Determination No. 200900332, dated 1 December 2009, approved an application to carry out alterations and additions to Newington College including additions to create a new classroom and a new circulation

corridor between the existing L and N Block Buildings, alterations to allow for the new Design and Technology department within the existing L & N Block buildings, internal refurbishment of existing classrooms, internal modifications to the Founder's Wing, new loading bay fronting College Lane limited to small rigid trucks and the first stage of major accessibility upgrade throughout the campus. That consent was modified on 9 December 2010.

Determination No. 201100141, dated 18 July 2011, approved an application to carry out the Sesquicentenary Building Project at Newington College involving the refurbishment of existing classrooms, erection of an additional storey to the science west building, demolition of the design and technology building, erection of 3 new buildings, landscaping improvement works, minor relocation of Buchanan Oval sports pitches and relocation of the cricket practice nets. That determination was modified on 23 January 2012 and 9 February 2012.

Determination No. 201100615, dated 2 April 2012, approved an application to erect 2 new scoreboards, fencing along the eastern side of the Old Boys Oval and Buchanan Oval with associated tree planting, carry out alterations and external works to the existing grounds department facility along the southern boundary and construct a timber deck to northern end of Old Boys Oval to connect two existing timber decks. The Determination was modified on 14 November 2014.

Determination No. 201200304, dated 13 September 2012, approved an application to carry out refurbishment works to the Le Couteur Building and M Block Building.

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:**
 Nil

- 4 Community Consultation:**
 Required: Yes (newspaper advertisement, on-site notice and letter notification)
 Submissions: 1 submission

- 5 Other Requirements:**
 ANEF 2033 Affectation: Part 25-30 ANEF & Part 30-35 ANEF
 Marrickville Section 94A Contributions Plan 2014 \$117,442.50
 Draft Marrickville Local Environmental Plan 2011 (Amendment 2)
 Heritage Act 1977
 State Environmental Planning Policy (Infrastructure) 2007
 State Environmental Planning Policy (State & Regional Development) 2011

PART D - ASSESSMENT**1. The Site and Surrounds**

The site is known as Newington College at 200-244 Stanmore Road, Stanmore (Lot 8 DP 710369 and Lot 20 DP879003). The site is bound by Stanmore Road to the north and north east, Nicholls Parade and the rear of dwellings fronting Browns Avenue to the east, College Lane to the west and Newington Road to the south. The site has a total area of approximately 88,390m².

The site currently accommodates various major sporting, academic and recreational complexes including 3 heritage items listed under Schedule 5 of MLEP 2011 as detailed below:

- Newington College—Grounds and Founder's Building, including interiors (I264);
- Newington College—Gate House, including interiors (I265) (now referred to as the Headmasters residence); and
- Former Methodist Church—Newington College, including interiors (now referred to as the Old Chapel) (I266).

Principal vehicle and pedestrian access is from the Stanmore Road frontage. Development surrounding the site is predominately residential in the form of single dwellings, terraces and residential flat buildings. On the opposite side of Stanmore Road directly across from the Old Chapel is the former Concordia Club, now used by the College. The site is located in close proximity to public transport facilities, including Stanmore Railway Station which is approximately 250 metres to the north.

2. The Proposal

The application seeks approval for the following works:

Demolition of the following existing structures:

- 2 western wings of the Le Couteur Building;
- Rear addition to the Old Chapel;
- Metcalfe House (demountable building); and
- Removal of the Sevington demountable buildings located adjacent to Stanmore Road after the Year 7 Centre is completed.

Construction of a new 3 level Year 7 Centre which is comprised of:

- Level 1: sick bay, treatment room, amenities, offices, laundry and cadet rooms with minor alterations to part of Le Couteur Building at this level for access into Centre;
- Level 2: classrooms, lockers, office and amenities; and
- Level 3: classrooms, lockers, office and amenities.

Construction of a new 3 level Drama Centre with mezzanine adjoining the Old Chapel and excavation works comprised of:

- Performance space with a seating capacity of 188 seats, 4 wheelchair spaces plus wings and overflow space; and
- Foyer, amenities, dressing rooms, breakout/teaching area, box office, office, lunch room, store rooms and cat walks.

Other Works

- New glazed awning roof on the eastern side of the Old Chapel;
- New shade structure to amphitheatre (west of existing New Chapel);

- Removal of 22 trees;
- Installation of water harvesting/storage facility;
- Alterations to the existing car parking adjacent to the Old Chapel;
- New landscaping works; and
- Upgrade of site services.

The proposed gross floor area of the Year 7 Centre is 1,565m² and the Drama Facility is 939m².

As a result of concerns raised by Council's Heritage & Urban Design Advisor, amended plans were submitted to Council with minor changes to the treatment and internal planning of the new Drama Facility where it directly abuts the Old Chapel. The amended plans are the subject of the assessment in this report.

A copy of the site plan, floor plans, roof plan, elevations, section and perspective drawing of the development submitted with the application are reproduced below:

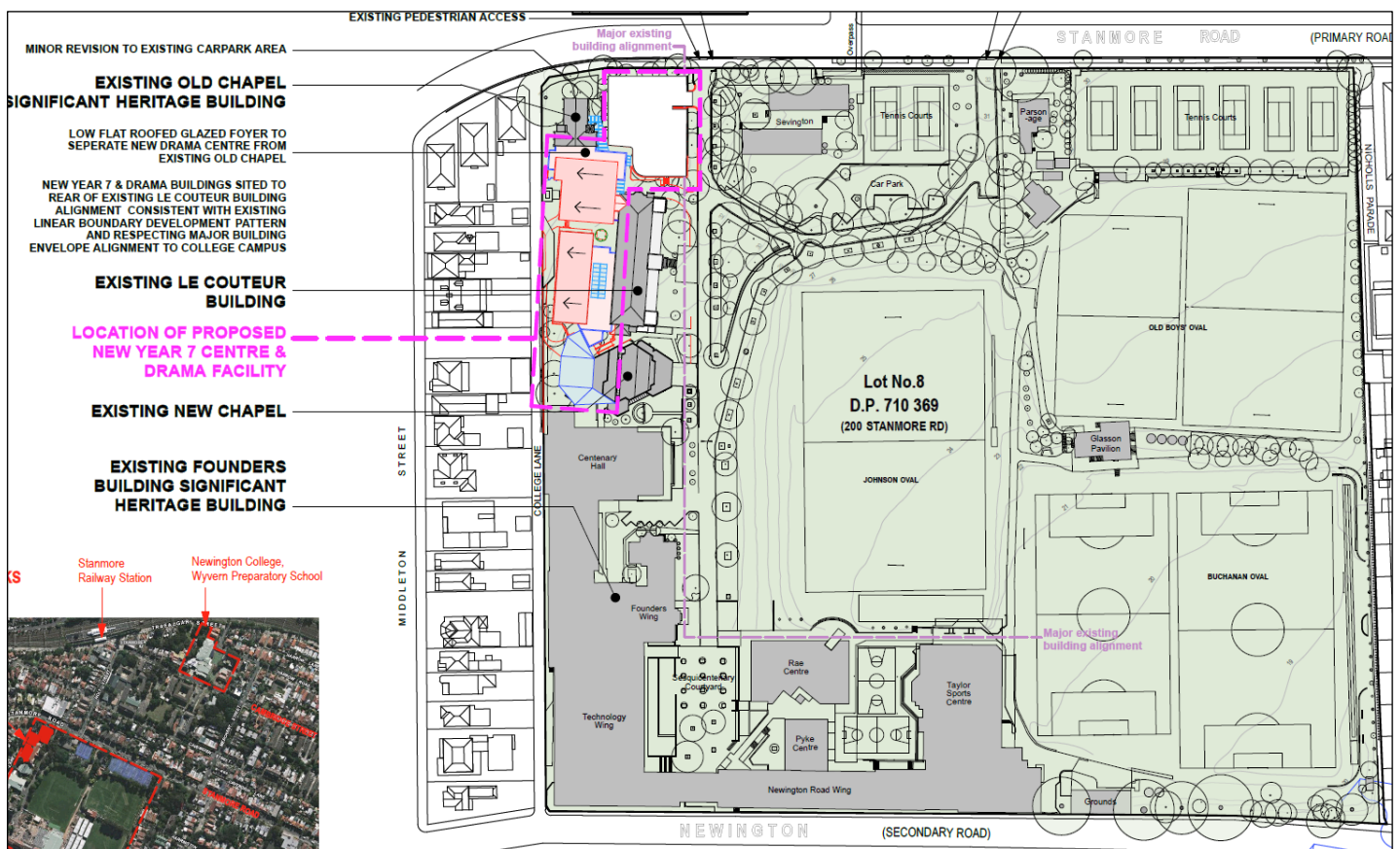


Image 6: Site Plan

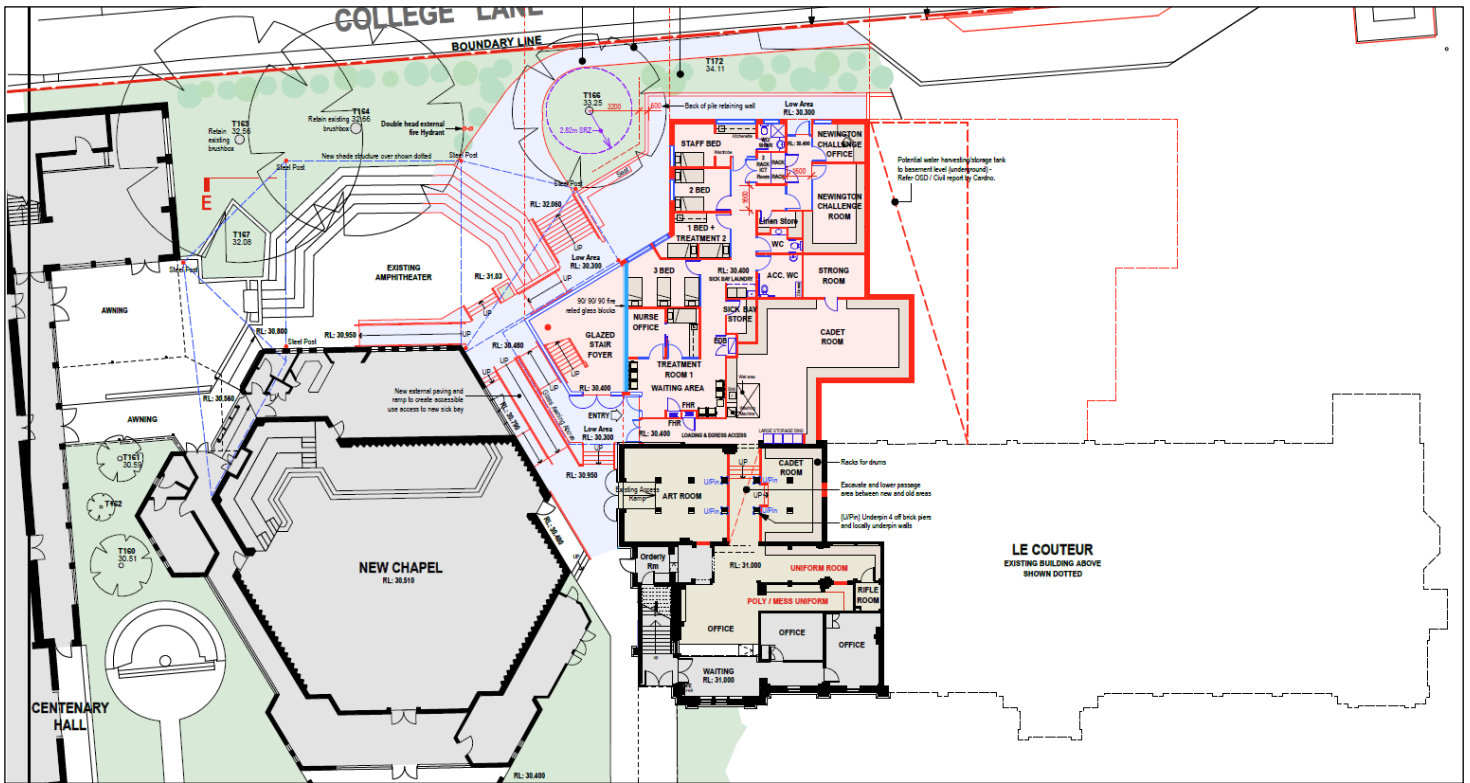


Image 7: Proposed Level 1

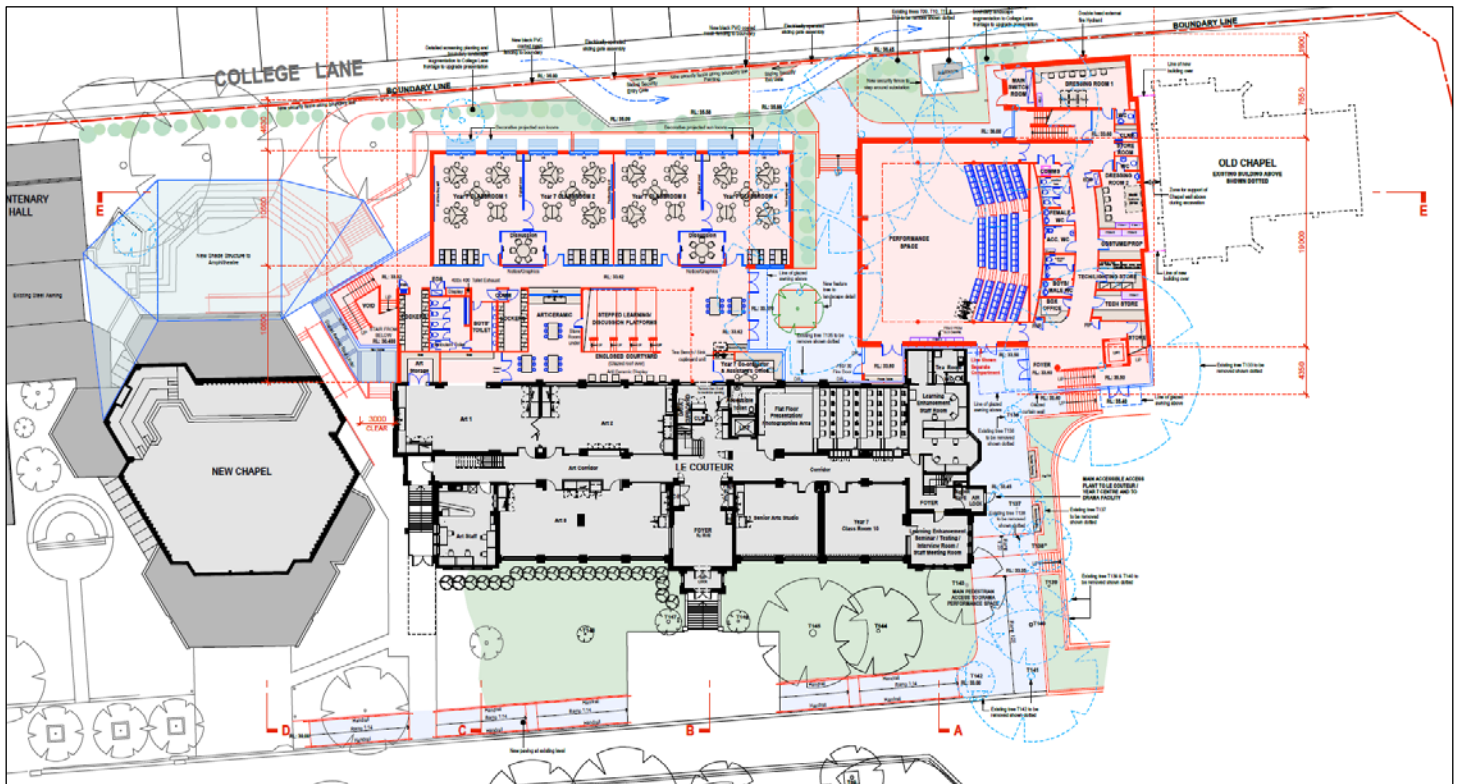


Image 8: Proposed Level 2

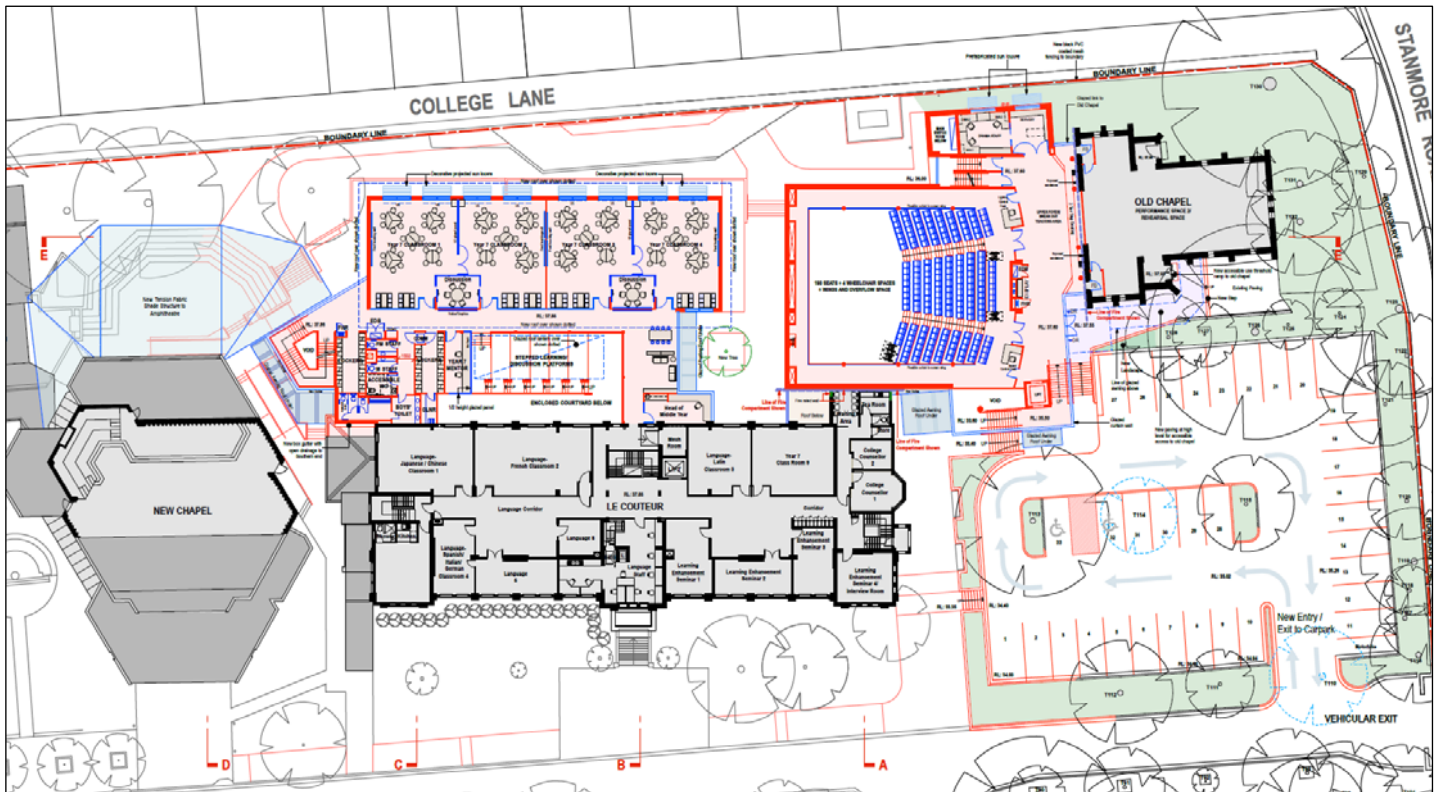


Image 9: Proposed Level

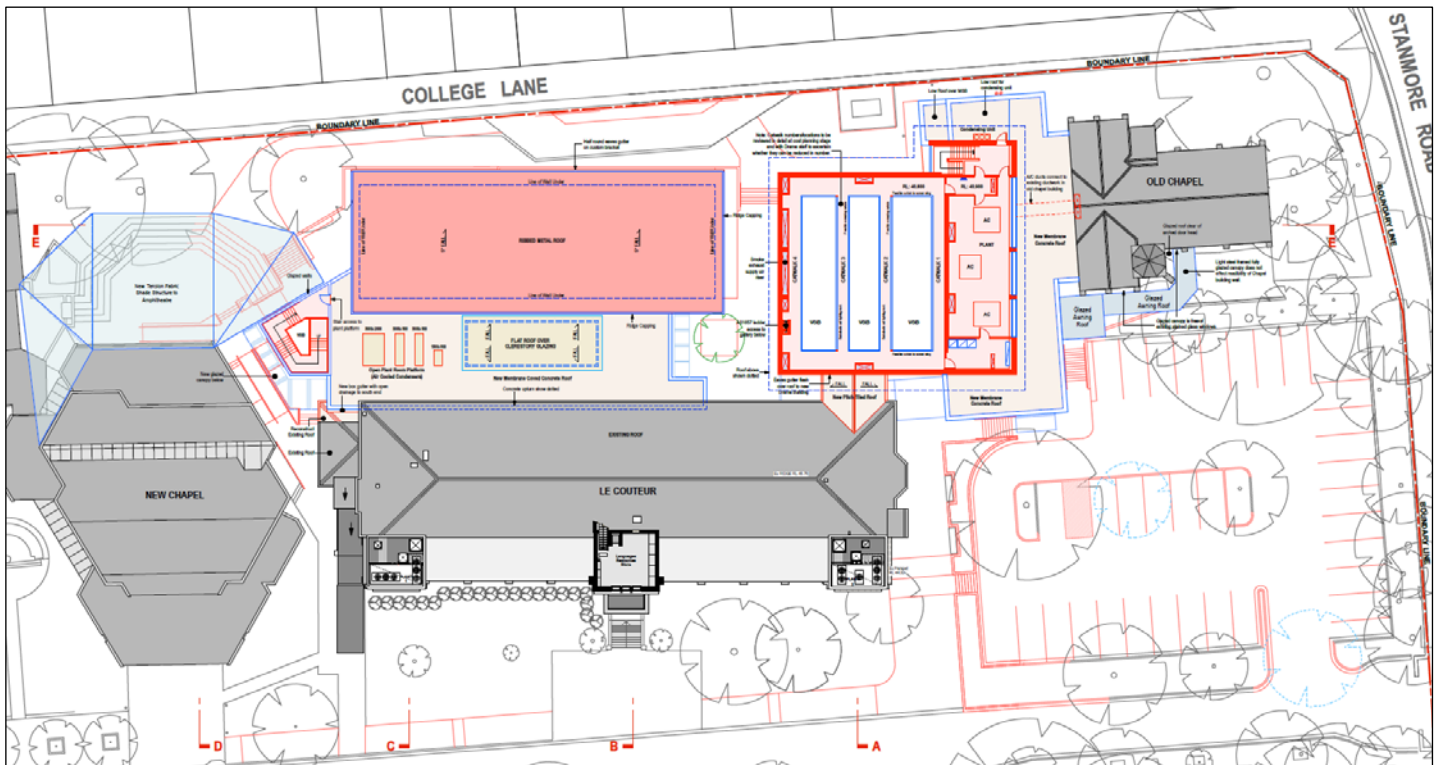


Image 10: Proposed Level 4

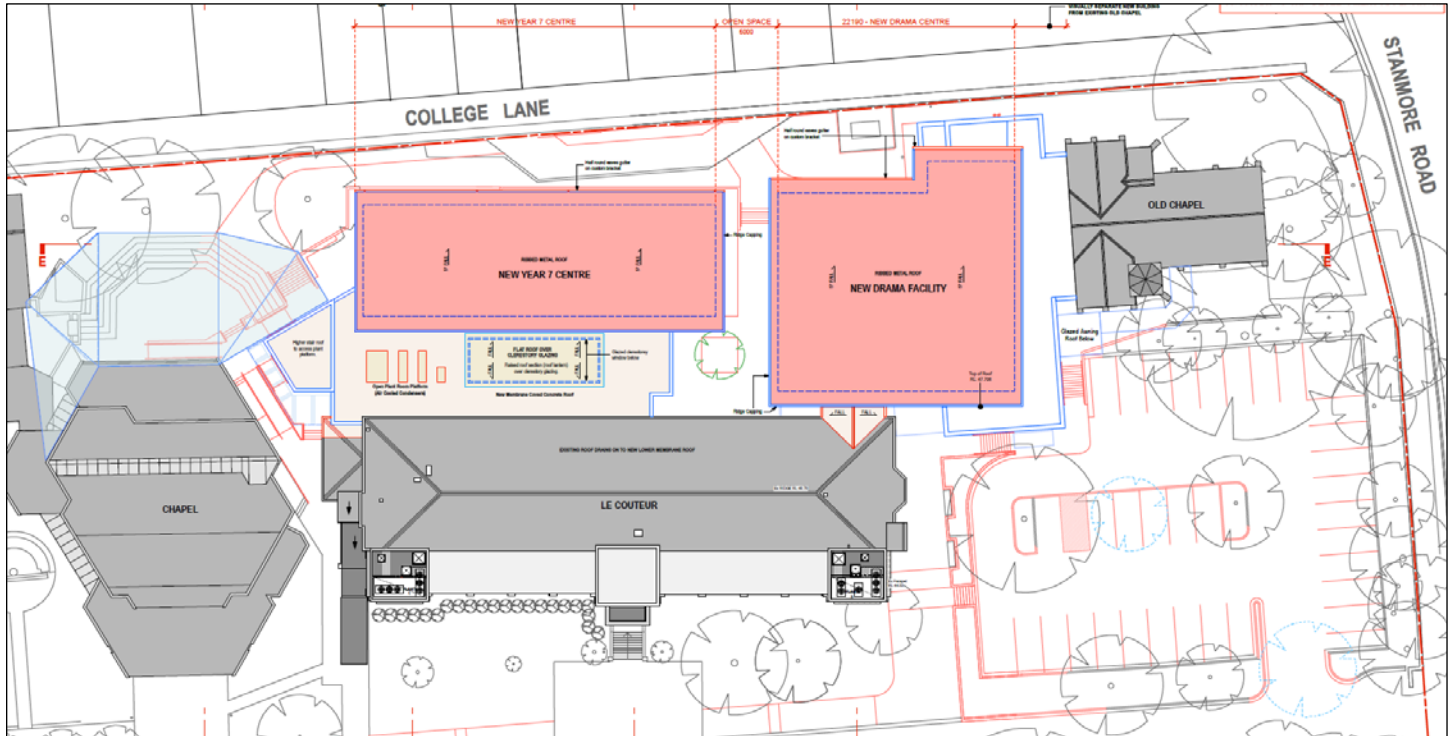


Image 11: Roof Plan

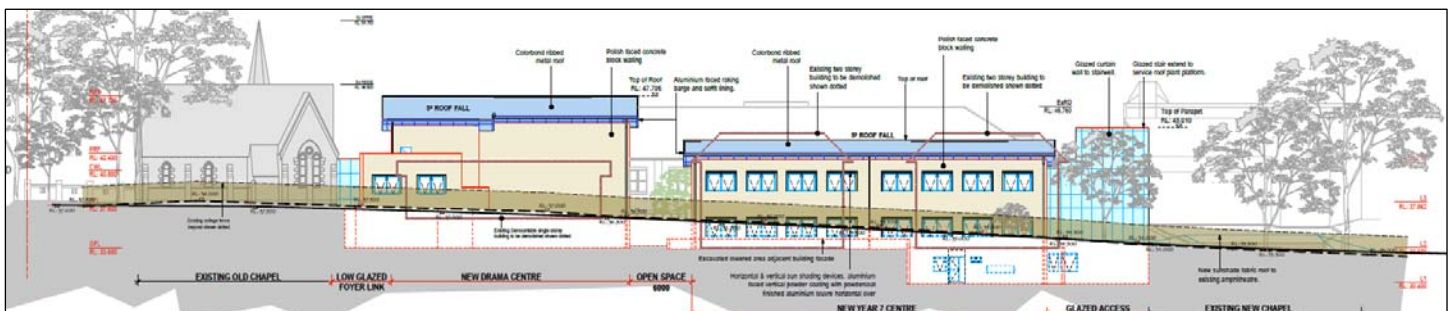


Image 12: Western Elevation

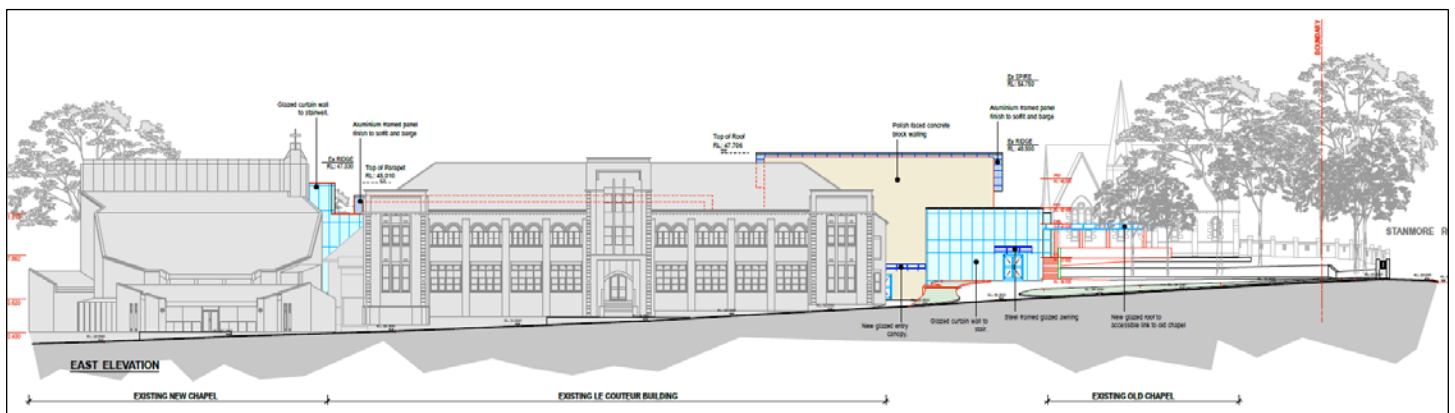


Image 13: East Elevation

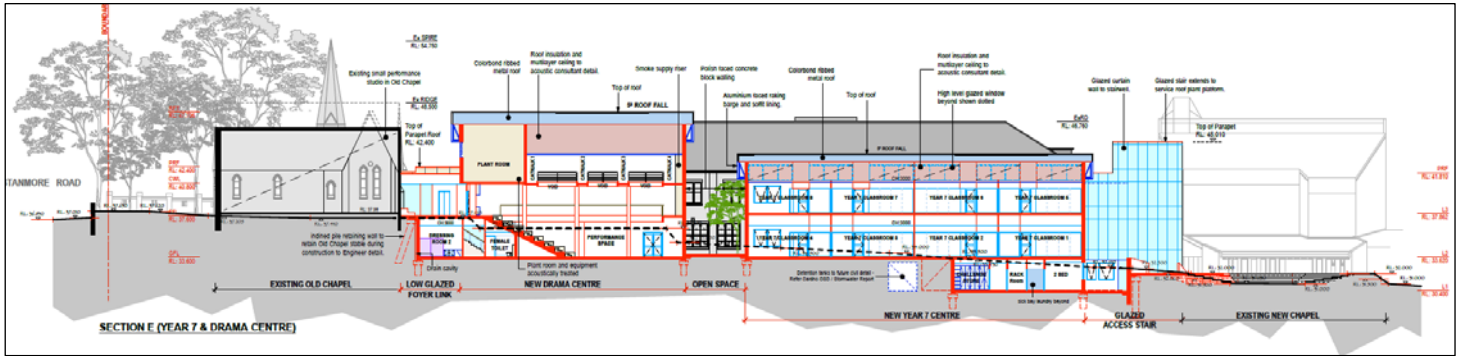


Image 14: Section (Year 7 & Drama Centre)

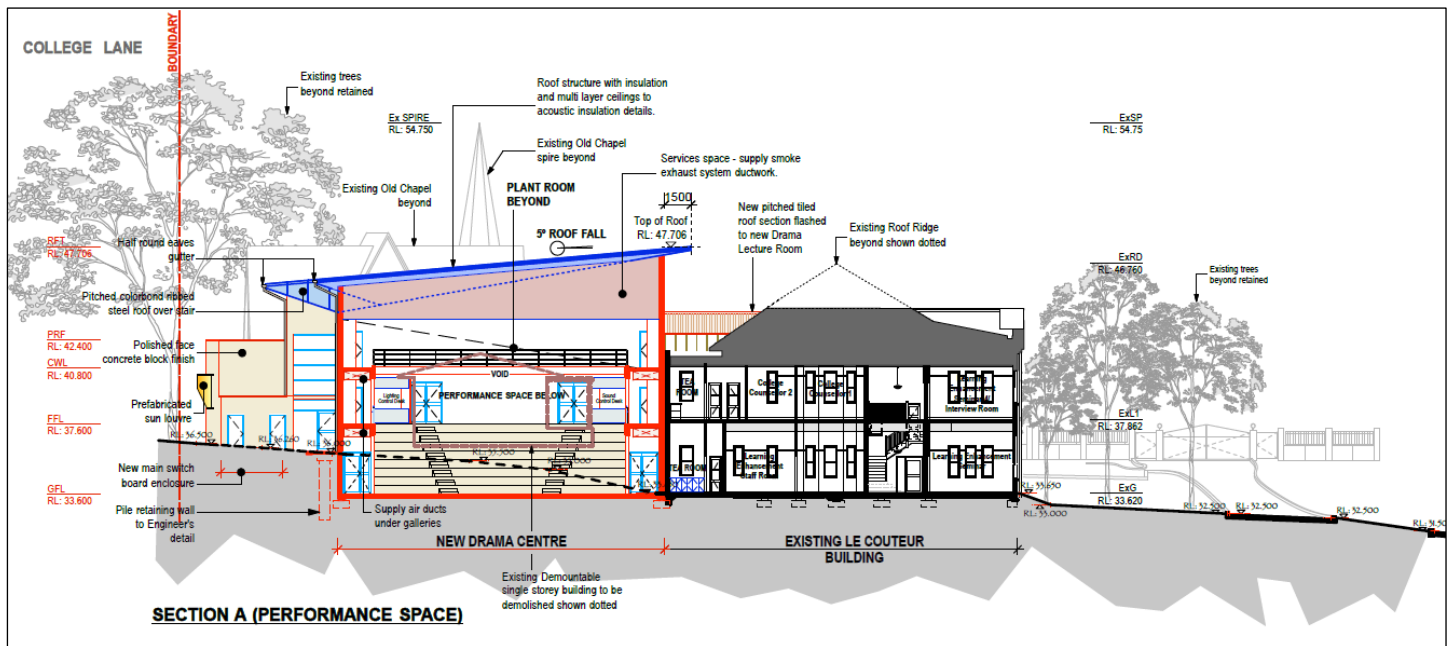


Image 15: Section A (Performance Space)

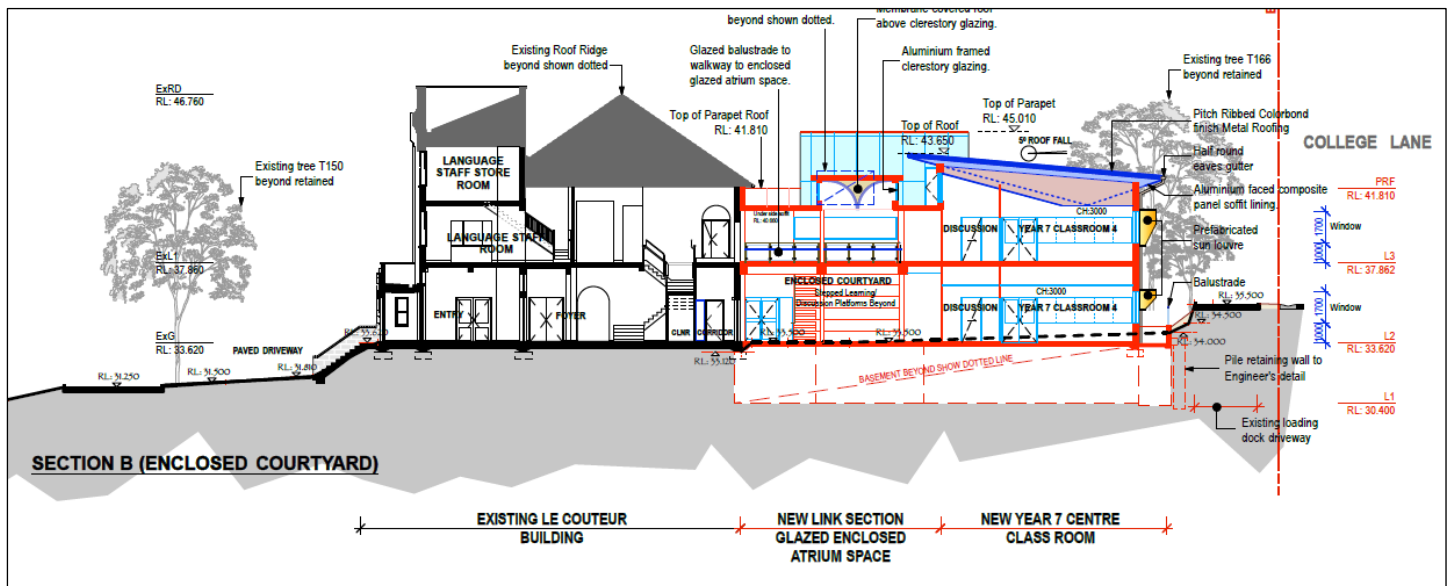


Image 16: Section B (Enclosed Courtyard)

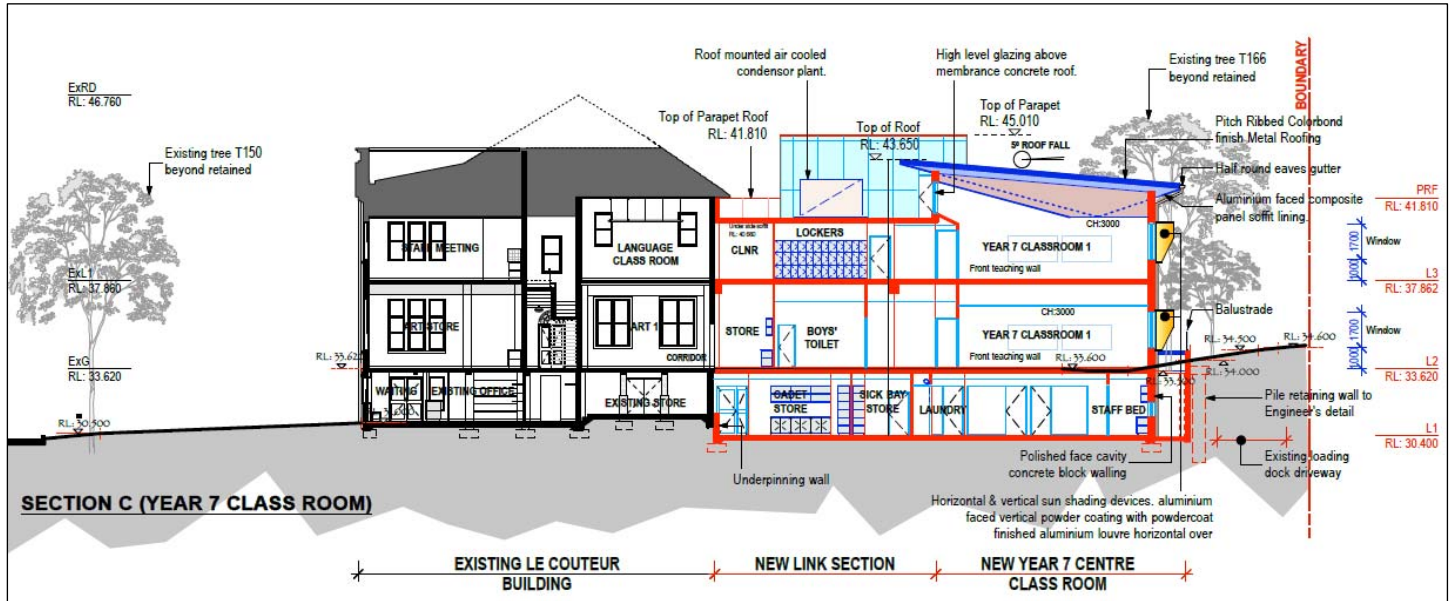


Image 17: Section C (Year 7 Class Room)

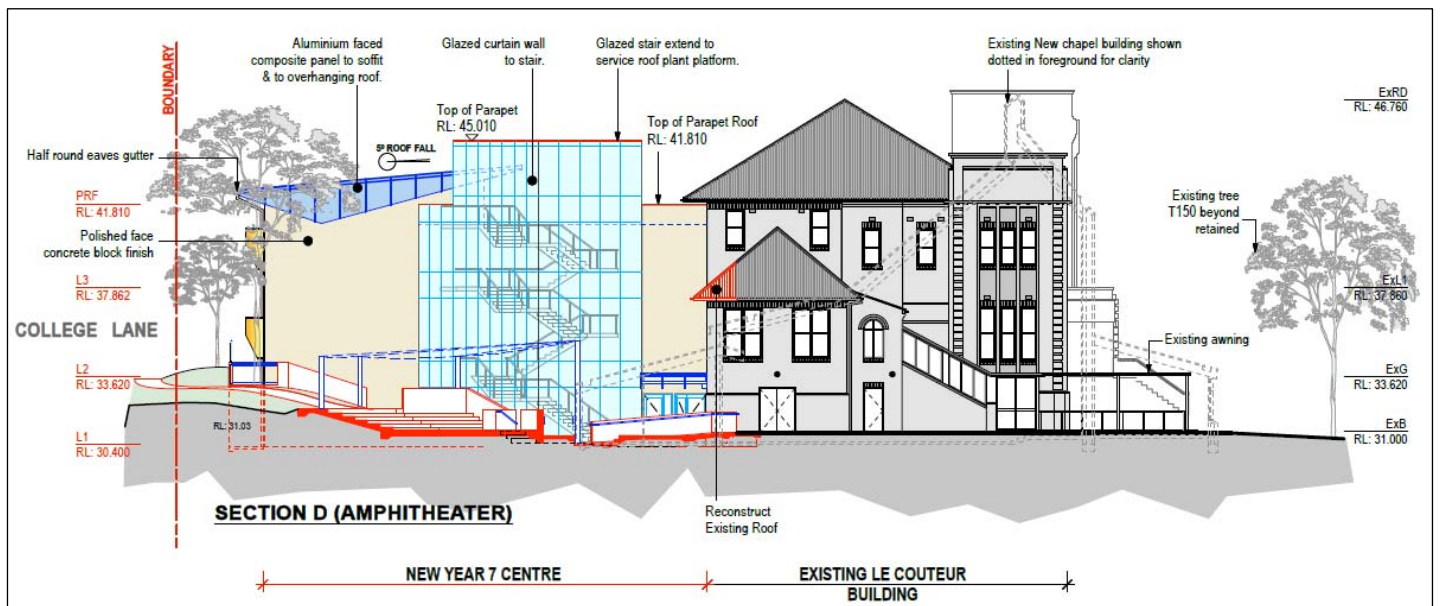


Image 18: Section D (Amphitheatre)



Image 19: Existing development as viewed from College Lane



Image 20: Proposed development as viewed from College Lane

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

Community facilities that have a CIV of more than \$5 million are referred to the JRPP to exercise its consent authority functions under Schedule 4A of Environmental Planning and Assessment Act 1979 (EP&A Act). 'Educational establishments' are a form of community facilities for the purposes of SEPP (State and Regional Development).

Under the Standard Instrument – Local Environmental Plan 'educational establishment' means a building or place used for education (including teaching), being a school, or a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

The development has been defined as being for the purposes of an educational establishment, a group term within 'community facilities'.

The development has a CIV of \$11.7 million which is greater than \$5 million and 'educational establishments' are captured within community facilities as types of development that are determined by the relevant JRPP, pursuant to the provisions of Section 23G (4) and Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011.

As such, the application has been referred to the JRPP - Sydney East regional panel to exercise its consent authority functions.

5. State Environmental Planning Policy (Infrastructure) 2007

(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 with a frontage to a classified road (Clause 101)

The site has a frontage to Stanmore Road which is a classified road. Under Clause 101 (2) of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) requires the consent authority not to grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- vehicular access to the land is provided by a road other than the classified road;
- the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development; and
- the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed to ameliorate potential traffic noise or vehicle emissions.

The development is located within the College grounds and does not seek to create any new vehicular entries. The development does involve the alteration of the existing car park adjacent to the Old Chapel to improve pedestrian access and vehicle circulation. It is considered that these works would not impact on the safety, efficiency and ongoing operation of Stanmore Road. Whilst the College is sensitive to traffic noise, the development does not directly front Stanmore Road, the development is located behind the Old Chapel with a minimum setback of approximately 31 metres from the road. This mitigates noise impacts from Stanmore Road.

The development is considered to satisfy the relevant provisions within the Infrastructure SEPP.

6. Marrickville Local Environmental Plan 2011

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

The property is zoned SP2 Infrastructure – Educational Establishment under the provisions of MLEP 2011. The development has been defined as an ‘educational establishment’ under MLEP 2011. The development is permissible with Council’s consent under the zoning provisions applying to the land.

The development is acceptable having regard to the objectives of the S2 - Infrastructure zone in accordance with MLEP 2011.

(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 property on the Height of Buildings Map that accompanies MLEP 2011. Nevertheless, the Year 7 Centre would have a maximum height of approximately 11 metres from existing ground level and the Drama Facility would have a maximum height of approximately 14 metres and would be 794mm lower than the existing ridge height of the Old Chapel.

The proposed Drama Facility is sited 3 to 4 metres below existing ground level. The Year 7 Centre is also partly constructed below existing ground level, mainly at the southern end of the building to accommodate Level 1.

The design and siting of the development is such that both buildings would generally have a 2 storey appearance as viewed from College Lane and are considered to be acceptable in their context.

(iv) Floor Space Ratio (Clause 4.4)

There is no maximum floor space ratio (FSR) 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 development proposes to remove a total of 22 existing trees on the site, 10 of which have been classified as being important by the Arborist engaged by the applicant. 3 replacement trees are proposed. The replacement trees would be located at the southern edge of the car park adjacent to the existing Le Couteur building and in the separation between the Year 7 Centre and the Drama Facility. There are various other shrubs and ground covers included on the submitted landscape plan throughout the north western part of the site.

The application was referred to Council's Tree Management Officer who provided the following comments:

- It is aimed to ensure that the existing urban forest of the College is sustained over time and does not incrementally diminish, to reflect the goals of Marrickville's Urban Forest Strategy. The urban forest canopy of the College is currently less than 6%. This compares with urban forest canopy over Marrickville LGA which is 16.3% and is significantly less than what is considered a healthy urban forest canopy;
- The landscape plan shows 3 new trees to be planted. The removal of 22 trees, 10 of which are identified as valuable trees in the Arborist Report, cannot be considered to be adequately or appropriately compensated for by planting 3 new trees (2 Claret Ash trees and a Manchurian Pear tree). The development would result in a reduction in the urban forest canopy and the benefits derived from the urban forest. The proposal in its current form is not supported;
- Given the significant amount of open space throughout the property, albeit mostly sports grounds, consideration could be given to more generous planting of trees to compensate for the trees that will need to be removed if the proposal is approved;
- With respect to trees proposed for retention and protection, there is major and minor encroachment into the Tree Protection Zones (TPZs) and Structural Root Zones (SRZs) of many of the trees; and
- If consent is granted, the recommended tree protection measures detailed in the submitted Arborists' Report should provide the greatest opportunity for the stability and ongoing viability of the trees being retained to not be compromised.

Council's Tree Management Officer's comments have been considered and although it is acknowledged that there are vast areas of open space throughout the remainder of the site, these are mainly sporting fields which serve specific functions, making them unsuitable locations to accommodate replacement planting. The proposed tree removal and overall landscape design is supported.

The applicant's landscape statement of design intent indicates that the overall landscape design will rationalise many of the ad hoc landscape treatments over many decades of development into solutions that meet with the College's future functional and aesthetic requirements and expectations. The landscape design incorporates the planting of as many new trees of similar scale and character as possible as existing. The planting proposals also includes a well-structured planting palette of various groundcovers, grasses and shrubs, to ensure the delivery of a well layered landscape solution, reinforcing the high quality character and aesthetic of the College grounds.

It is noted that there are numerous large trees in the vicinity of the Old Chapel, all of which would be retained under the proposal. Given their prominent location and legibility from Stanmore Road, it is considered that the development would retain the existing streetscape landscaping qualities of the site.

The proposal concentrates on the quality of the landscaping and not the quantity of plantings. The landscape component achieves an appropriate balance in the composition of important built forms, pathways, formal entry, plantings and playing fields.

The recommended tree protection measures detailed in the submitted Arborists' Report have been included in the recommended conditions of consent to ensure the stability and ongoing viability of the trees being retained.

(vi) Heritage Conservation (Clause 5.10)

The site currently accommodates 3 heritage items listed under Schedule 5 of MLEP 2011 as detailed below:

- Newington College—Grounds and Founder's Building, including interiors (Item No. I264);
- Newington College—Gate House, including interiors (Item No. I265) (now referred to as the Headmasters residence); and
- Former Methodist Church—Newington College, including interiors (now referred to as the Old Chapel) (Item No. I266).

There are 2 other heritage items located within the vicinity of the site:

- Victorian italianate style villa—Lyndhurst (Item No. I199) at 1 Middleton Street located west of the site; and
- Victorian villa—Richmond (Item No. I200) at 13 Middleton Street located west of the site.

There are 2 heritage conservation areas located within the vicinity of the site, as follows:

- Kingston South Heritage Conservation Area (HCA 17) to the west of the site; and
- Petersham South Heritage Conservation Area (HCA 18) to north of the site.

The application was accompanied by a Heritage Impact Assessment and an Archaeological Assessment in accordance with Clause 5.10(5) of MLEP 2011.

The site is identified as an archaeological site under MLEP 2011 and referred to the Office of Environment & Heritage – NSW Heritage Council pursuant to Clause 5.10(7) of MLEP 2011. The Heritage Council indicated that they have previously issued a Section 140 Permit for Excavation of an Archaeological Site (2014/S140/17) and a Section 139 - Exception for Impacts to Archaeology under the Heritage Act 1977 in respect of the proposed works subject to conditions. A condition has been included in the recommendation requiring on-going compliance with the conditions listed in the S140 Approval 2014/S140/17, dated 14 August 2014 issued by the NSW Heritage Council.

The application was referred to Council's Heritage and Urban Design Advisor who provided the following comments:

Drama Theatre (Former Methodist Church) 1870's

- The Church is in good condition, it has undergone external maintenance work including re-pointing, some stone repair, re-roofing, re-guttering and stained glass windows appear to have been replaced with softer Federation glass colours. The doors appear to be original.
- The interiors have been heavily modified due to aircraft noise insulation requirements and the adaption of the space from a church to a theatre with a stage and lighting and set scaffolding. The roof trusses are mostly hidden in the ceiling.
- Attached to the Church is a later addition, approximately 1900s in a Gothic Tudor style. Its original use is unknown but it appears to have been offices and there is little of interest in the interior. It abuts the Church in quite an abrupt way. It is difficult to know if the existing doors either side of the stage were originally windows or doors, but most likely they were windows.
- The amended plans address concerns raised with the way the proposed Drama Facility additions merely abutted the Chapel offering little to no improvement in interpretation, detail or planning.
- Changes in the amended plans include: the relocation of fire stairs to the chapel and to the south western ground level, servery, hose reel cupboards, and the more sympathetic placement of columns and increased glazing setbacks. The existing original southern external walls and buttresses of the Chapel are now proposed to be exposed and restored. The new geometry will also enable the glass awning connecting the church door to the lobby to be simply detailed.
- The opportunity to improve the definition of the church as a significant building on the site has been taken. The separation between the church and the theatre addition has been increased by the simple separation of all additions from that interface and now better define the Old Chapel's identity and legibility. The application is supported subject to conditions to conserve the heritage significance of the Old Chapel.

The application is considered to be acceptable on heritage grounds and would satisfy Clause 5.10 of MLEP 2011, subject to the conditions recommended by Council's Heritage and Urban Design Advisor, which have been included in the recommendation.

Notwithstanding the above, the application was forwarded to Marrickville Heritage Society who raised concerns with the massing of the development and its proximity in relation to the Old Chapel. The Society also raised concern with the extent of tree removal and the significant time frame the compensatory planting would take to regain the canopy that would be lost. The matter of tree removal and compensatory planting has been addressed above within this section of the report. The amended proposal is considered to address the concerns raised by the Society with regards to massing and the development's proximity to the Old Chapel.

(vii) Earthworks (Clause 6.2)

The development would require excavation works up to approximately 4 metres below existing ground level. The application was accompanied by an Archaeological Assessment which recommends measures during the excavation process relating to the management of archaeological relics. The recommendations within the report have been included in the conditions of consent. In addition, it is also recommended that a Geotechnical Report prepared by an appropriately qualified Geotechnical Engineer is obtained prior to the issue of a Construction Certificate. The application is therefore considered to satisfy the requirements of Clause 6.2 subject to the imposition of appropriate conditions.

(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 25-30 and 30-35 Australian Noise Exposure Forecast (2033) Contour. The development is likely to be affected by aircraft noise and would need to be noise attenuated in accordance with 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. The report contains recommendations to be incorporated into the development in order to mitigate acoustic impacts.

Appropriate conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

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 from 31 July 2014 to 6 October 2014 and accordingly is a matter for consideration in the assessment of the application under Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The 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. As previously mentioned the property is located within the within the 25-30 and 30-35 Australian Noise Exposure Forecast (2033) Contour. Under Clause 6.5 of Draft LEP Amendment, 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.

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.

Table 1 in Part 2.5.10 of MDCP 2011 sets out general access requirements for educational establishments and requires access for all persons through the principal entrance and access to appropriate sanitary facilities in accordance with the BCA and relevant Australian Standards. In addition, in car parking areas containing 10 or more spaces, 1 accessible space must be provided for every 10 parking spaces or part thereof.

The existing car park adjacent to the Old Chapel contains a total of 33 car spaces, 2 of which are accessible car parking spaces which does not comply with MDCP 2011 but would comply with the statutory requirement of the BCA and the Access to Premises Standards which supersedes MDCP 2011. Furthermore, it is noted that this car parking area is existing and minimal alterations are proposed as apart of this application.

An Access Review Report was submitted with the application which indicates that compliance with statutory requirements, pertaining to site access, common area access, accessible parking and accessible sanitary facilities, can be readily achieved in accordance with the BCA and relevant Australian Standards. Suitable conditions of consent have been included in the recommendation to ensure compliance in this respect.

(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 development is considered to be acceptable in this regard for reasons summarised below:

- The Year 7 Centre contains window openings along the western elevation on the upper most level (Level 3) that service classrooms 1, 2, 3 and 4. However, the separation from these windows to the rear boundaries of residential properties backing onto College Lane would be between 9 metres and 11.2 metres. The windows along the western elevation on Level 2 of the Year 7 Centre would generally sit below the height of College Lane due to the topography of the site. As such, there would be minimal privacy impacts from these windows;
- The windows along the western elevation on Level 1 of the development would sit below the height of College Lane due to the topography of the site. As such, there would be minimal privacy impacts from these windows;
- The drama staff room and servery on Level 3 of the Drama Facility contains window openings along the western elevation. These windows would be offset from the adjoining residential building on the western side of College Lane;
- The submitted Acoustic Report has reviewed the likely noise impacts of the new plant equipment associated with the development on the nearby residential properties that are on the western side of College Lane. The report concludes that these facilities are capable of being acoustically treated to comply with Council's requirements. Accordingly, A condition of consent has been included requiring any noise from plant and equipment (i.e. – air conditioning units) to not exceed 3dBa above background noise; and
- 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.

The development is considered to satisfy the provisions of Part 2.6 of MDCP 2011.

(v) Solar Access and Overshadowing (Part 2.7)

Overshadowing

The shadow diagrams submitted with the application indicate that the additional overshadowing caused by the development would generally occur over College Lane and within the site during the winter solstice on June 21st. The development would not reduce solar access to the rear yards of the adjoining residential properties on the western side of College Lane and complies with the requirements of Part 2.7 of MDCP 2011. No concerns are raised in this regard.

Solar Access

The new buildings have been sited to respect and consolidate the existing north/south building alignment pattern on the site. This alignment would permit direct solar access to the proposed new buildings.

(vi) Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains objectives and controls relating to community safety. The development is considered to satisfy this part of the DCP for reasons summarised below:

- The new buildings and associated landscaping will assist to provide good levels of natural surveillance, organised space management and access both to the edges and throughout the site;
- The development provides a clear definition to the use of spaces, paths of travel and the deterrence to potential vandalism and other crime; and
- The College campus is a large and highly active site during both normal school hours and with sporting and other activities held after school hours and on weekends.

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 existing car park and entrance adjacent to the Old Chapel. This requirement has not been included in the recommended conditions of consent because it is considered to be overly onerous and the College implements its own security measures in accordance with School guidelines.

(vii) Parking (Part 2.10)

The development involves alteration of the existing car park adjacent to the Old Chapel to improve pedestrian access and vehicle circulation. However, there would be no change to the existing number of car parking spaces. Given that the development would not result in an increase in staff or student number, the proposal is not considered to present intensification in the use of the site to generate additional car parking requirements.

The application was referred to Council's Development Engineer who raised no concerns with the proposed car parking layout and arrangement.

(viii) Energy Efficiency (Part 2.16)

Subject to the imposition of appropriate conditions regarding the installation of energy and water efficient fixtures, the development is considered acceptable having regard to the objectives and controls contained in Part 2.16 of MDCP 2011.

(ix) Water Sensitive Urban Design (Part 2.17)

Council's Development Engineer has recommended conditions requiring a detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and submission of the MUSIC Model files used in the water quality treatment design for review to ensure water quality targets have been met. The application is considered to be capable of satisfying Part 2.17 of MDCP 2011 subject to these conditions, which have been included in the recommendation.

(x) Tree Management (Part 2.20)

This matter is discussed in Section 5 of this report.

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

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

PART 8 – HERITAGE

This matter is discussed in Part 5 of this report.

PART 9 – STRATEGIC CONTEXT

The property is located in the Newington Planning Precinct (Precinct 9) under MDCP 2011. That precinct is not one of the 13 precincts that have been completed as part of Stage 1 of MDCP 2011.

9. Other Matters

A merit assessment of other matters, not covered elsewhere in the report and considered to be of relevance to the proposal, is provided below:

College Lane Streetscape, Building bulk and scale

The properties on the western side of College Lane with a frontage to Middleton Street are within the R2 – Low Density Residential zone. The 3 properties at the northern end of College Lane fronting Stanmore Road (No's 250, 252 and 254) are within R1 – General Residential zone.

The bulk and scale of the new buildings have been minimised by providing a clear separation (between 6 and 9.8 metres) between the Year 7 Centre and the Drama Facility. Furthermore, the height of the Year 7 Centre is considerably lower than the Drama Facility and the ridge of the existing Le Couteur building to respond to the prevailing topography of the site, reduce its visual impact from College Lane and ensure that the building is largely screened when viewed from the College's main pedestrian entrance axis which is to the east of the Le Couteur building.

The proposed Drama Facility is sited 3 to 4 metres below existing ground level. The Year 7 Centre is also partly constructed below existing ground level, mainly at the southern end of the building, to accommodate Level 1. The Drama Facility would be setback up to 9 metres from the College Lane boundary and the Year 7 Centre between 5 and 8 metres.

The height of both buildings would generally have a 2 storey appearance as viewed from College Lane which is consistent with typical residential development and would not cause an adverse visual impact for the College Lane streetscape or for properties in Middleton Street that back onto College Lane. The generous setbacks proposed and separation between the Drama Facility and Year 7 Centre further negate any impacts in this respect.

10. Marrickville Section 94/94A Contributions Plan 2014

A Section 94A levy of \$117,442.50 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.

11. 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. 1 submission was received raising the following concerns which are discussed under the respective headings below:

- (i) Construction hours

Comment:

Council's standard condition has been included in the recommendation which stipulates that 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.

- (ii) Minimise use of College Lane by construction vehicles due to its narrow width

Comment:

A condition has been included in the recommendation requiring a Traffic Management Plan to be submitted and approved by Council before the commencement of works. The condition states that the Traffic Management Plan must ensure that access to College Lane is maintained at all times for all users.

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.

12. 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 2011 and Marrickville Development Control Plan 2011. The site contains 3 heritage items and is also located within the vicinity of 2 heritage items and 2 heritage conservation areas. The development is not considered to adversely affect the heritage significance of the site, the streetscape character of College Lane and Stanmore Road or the amenity of the surrounding properties.

The application was referred to The Office of Environment & Heritage – NSW Heritage Council and NSW Police – Marrickville Local Area Command 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 partially demolish existing improvement to construct a 3 level Year 7 Centre, a 3 level Drama Centre, installation of water storage facilities, removal of 22 trees, alterations to an existing car park adjacent to the old chapel, excavation, landscaping works & upgrade of site services 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.DA01	Site Plan	23/07/2014	Budden Nangle Michael & Hudson Architects	04/08/2014
Drawing No.DA02	Existing Building and Demolition Plan- Level 1	23/07/2014	Budden Nangle Michael & Hudson Architects	04/08/2014
Drawing No.DA03.	Demolition Plan – Level 2	23/07/2014	Budden Nangle Michael & Hudson Architects	04/08/2014
Drawing No.DA04	Demolition Plan – Level 3	23/07/2014	Budden Nangle Michael & Hudson Architects	04/08/2014
Drawing No.DA05	Proposed Plan – Level 1	23/07/2014	Budden Nangle Michael & Hudson Architects	04/08/2014
Drawing No.DA06, Revision A	Proposed Plan – Level 2	10/11/2014	Budden Nangle Michael & Hudson Architects	11/11/2014
Drawing No.DA07, Revision B	Proposed Plan – Level 3	10/11/2014	Budden Nangle Michael & Hudson Architects	11/11/2014
Drawing No.DA08, Revision A	Proposed Plan – Level 4	10/11/2014	Budden Nangle Michael & Hudson Architects	11/11/2014
Drawing No.DA09, Revision A	Proposed Roof Plan	10/11/2014	Budden Nangle Michael & Hudson Architects	11/11/2014
Drawing No.DA10, Revision A	Elevation & Section 1	10/11/2014	Budden Nangle Michael & Hudson Architects	11/11/2014
Drawing	Elevation &	10/11/2014	Budden Nangle Michael &	11/11/2014

No.DA11, Revision A	Section 2		Hudson Architects	
Drawing No.DA11, Revision A	Colour & Finishes Schedule	10/11/2014	Budden Nangle Michael & Hudson Architects	11/11/2014
Drawing No.1416 1-7200, Issue A	Key Plan Year 7 & Drama	17/06/2014	Group GSA	04/08/2014
Drawing No.1416 1-7201, Issue A	Landscape Plan Year 7 & Drama	17/06/2014	Group GSA	04/08/2014
Drawing No.1416 1-7202, Issue A	Landscape Plan Year 7 & Drama	17/06/2014	Group GSA	04/08/2014
No.1416 1-7203, Issue B	Planting Schedule Year 7 & Drama	30/07/2014	Group GSA	04/08/2014

and details submitted to Council on 4 August 2014 and 11 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. The tree protection measures contained within Section 4 and Appendices 4 to 8 in the Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees, dated 22 July 2014, must be implemented and complied with at all times for the trees that are nominated for retention.

Reason: To provide the best protection possible for trees being retained.

3. 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.

4. 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.

5. Before the issue of a Construction Certificate, a Geotechnical Investigation, prepared by a qualified professional must be submitted to Certifying Authority's satisfaction that

incorporates appropriate recommendations associated with excavation of the Drama Facility and the Year 7 Centre. The development must comply at all times with the recommendations of the Geotechnical Investigation.

Reason: To ensure excavation associated with the development 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 following recommendations prescribed by NSW Police - Marrickville Local Area Command in written correspondence 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 Year 7 Centre, the Drama Facility, within the car parking area 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.

7. 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 – Sanitary Facilities, Part 6 – Car parking and Part 7 - Miscellaneous contained in the Access Review Report, prepared by Morris-Goding Accessibility Consulting, dated 17 July 2014.

Reason: To ensure the development incorporates the measures contained in the submitted Access Review, prepared by Morris-Goding Accessibility Consulting, dated 17 July 2014.

8. 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 15 July 2014

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

9. Before the issue of a Construction Certificate, construction details of the glass awning on the eastern side of the Old Chapel must be submitted to Council's Heritage and Urban Design Advisor's satisfaction.

Reason: To conserve the state significance of the Old Chapel.

10. The fire doors and passages within the original chapel must be constructed of lightweight materials which are readily reversible. Details are required to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To conserve the state significance of the Old Chapel.

11. The buildings and areas effected by this consent being photographically recorded and presented as an **Archival Record** (1 hard copy only). The record must be submitted to the satisfaction of Council's Heritage and Urban Design Advisor 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> before the issue of a Construction Certificate. Once submitted the record will become available for public viewing at Council's Local Studies Archive.

Reason: to adequately document change to items and areas of heritage significance.

12. The original sandstone finish of the southern wall of the Old Chapel must be exposed and restored before the issue of an Occupation Certificate.
Reason: To conserve the state significance of the Old Chapel.
13. On going compliance with the Conditions of Approval listed in the Section 140 Approval (2014/S140/17) issued by The Office of Environment & Heritage - NSW Heritage Council, dated 14/08/2014.
Reason: To ensure on going compliance with the Section 140 Approval under the Heritage Act 1977.
14. A total of 33 off-street car parking spaces (2 of which are accessible spaces) within the car parking area adjacent to the Old Chapel shall be constructed, paved 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 premises
15. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.
16. The use of the premises, including any plant and equipment, must not give rise to:
- a) transmission of unacceptable vibration to any place of different occupancy;
 - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 3dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
- NOTE: Marrickville Council has adopted a 3dB(A) goal in order to prevent background noise creep and the 5dB(A) criteria as outlined in the above mentioned references are not to be used.**
- Reason: To prevent loss of amenity to the area.
17. 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).
Reason: To protect the amenity of the surrounding neighbourhood.
18. All machinery must be installed in accordance with the manufacturer's specifications and must be maintained at all times if in use.
Reason: To ensure that such machines are properly installed and maintained so as to prevent noise generation, vibration and any other disturbances to adjoining premises.
19. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
Reason: To ensure that the development is adequately serviced.

20. Should the development require the provision of an electrical substation, such associated infrastructure must 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.
21. All trade waste must be stored within the site boundaries and contained in such a manner so as not to cause a nuisance.
Reason: To provide for correct storage of wastes.
22. 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.

23. 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.
24. 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.
25. 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.
26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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

37. 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. The Traffic Management Plan must ensure that access to College Lane is maintained at all times for all users.

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

38. 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.

39. A levy of \$117,442.50 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 2004 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. DC000751)

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.

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

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

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

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

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

41. Noise attenuation measures recommended in DA Stage Acoustic Report Year 7 and Drama Centre Stanmore, Project No.214 061 Revision 1.2, prepared by PKA Acoustic Consulting and dated June 2014 must be incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.

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

42. 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 buildings, complying with AS 1428.1- 2009 'Design for access and mobility';
- b) All 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;
- d) A minimum of 2 car parking spaces in the car parking area adjacent to the Old Chapel must be provided for people with a disability. The car parking must be designed to comply with AS 1428.1 - 2009 'Design for access and mobility - General requirements for access - buildings' and AS 2890.1 1 'Off-street carparking'.

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

43. 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.

44. 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.

45. The person acting on this consent shall provide to Council a bond in the amount of \$13,272.00 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.

46. 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.

47. The stormwater drainage and quality treatment measures shall be constructed generally in accordance with the Stormwater Management Report and Stormwater Drainage Plans 80814358-001, 80814358-005, 80814358-010, 80814358-015, 80814358-016, 80814358-020, 80814358-025, 80814358-030 and 80814358-031 (Rev 01) submitted by Cardno subject to the submission of the following information and amendments;

- 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;

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

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.

53. 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.

54. 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.

55. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals must have 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.

56. New or replacement toilets must have 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.

57. 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.

58. 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.

59. 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.

60. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary. For vehicular access laneways the level at the boundary shall match the invert level of the adjacent gutter plus 100mm at both sides of the vehicle entry. **Note:** 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.

61. 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

62. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 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.

63. Occupation of the building is not 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.

64. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:
- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
 - b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

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

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

65. a) Upon completion of the required noise attenuation measures referred to in the “Before the Issue of a Construction Certificate” Section of this Determination, and prior to the occupation of the development a report must be prepared and submitted to the Certifying Authority’s satisfaction by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2000 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 being 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 development from aircraft and to ensure that the noise attenuation measures incorporated into the development satisfactorily comply with the relevant sections of Australian Standard 2021-2000.

66. 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.

67. 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 an 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.

68. 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

69. 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 an Occupation Certificate.

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

70. 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 an Occupation Certificate and at no cost to Council.

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

71. Before the issue of an 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.

72. 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 an Occupation Certificate.

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

73. 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.

74. 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.

75. Prior to issue of an 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.
- The enclosed fact sheet relating to asbestos should be read before you start any demolition or building work.
- 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.diyasafe.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.

- The subject property lies within the 25-30 and 30-35 Australian Noise Exposure Forecast (ANEF) Contour (2029), as advised by the Commonwealth Department of Aviation, and it would be advisable to noise attenuate the proposed development in accordance with Australian Standard AS 2021 'Acoustics - Aircraft noise intrusion - Building siting and construction'.
- B. THAT** the person who lodged a submission in respect to the proposal be advised of the Council's determination of the application.
- C. THAT** NSW Heritage Office be advised of the Joint Regional Planning Panel's Determination of the application.
- D. THAT** NSW Police – Marrickville Local Area Command be advised of the Joint Regional Planning Panel's Determination of the application.