

File Ref: DA201400370

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**Manager, Development Assessment reports:**

**Synopsis**

This report concerns an application for the demolition of the existing Chaplain's residence and Glasson Pavilion; excavation to accommodate new underground Old Boys Sporting Complex and carpark for 219 spaces; reconstruction of the Old Boys Oval with synthetic turf; new tennis pavilion and raised tennis court over new vehicle access from Stanmore Road; new college entry forecourt and signage and associated landscaping works at Newington College.

The application was notified in accordance with Council's notification policy, resulting in 13 submissions being received. The applicant submitted amended plans and additional information on 4 November 2014 and was subsequently re-notified, resulting in 8 submissions being received. The concerns raised in these submissions have been address thorough out this report.

The 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.

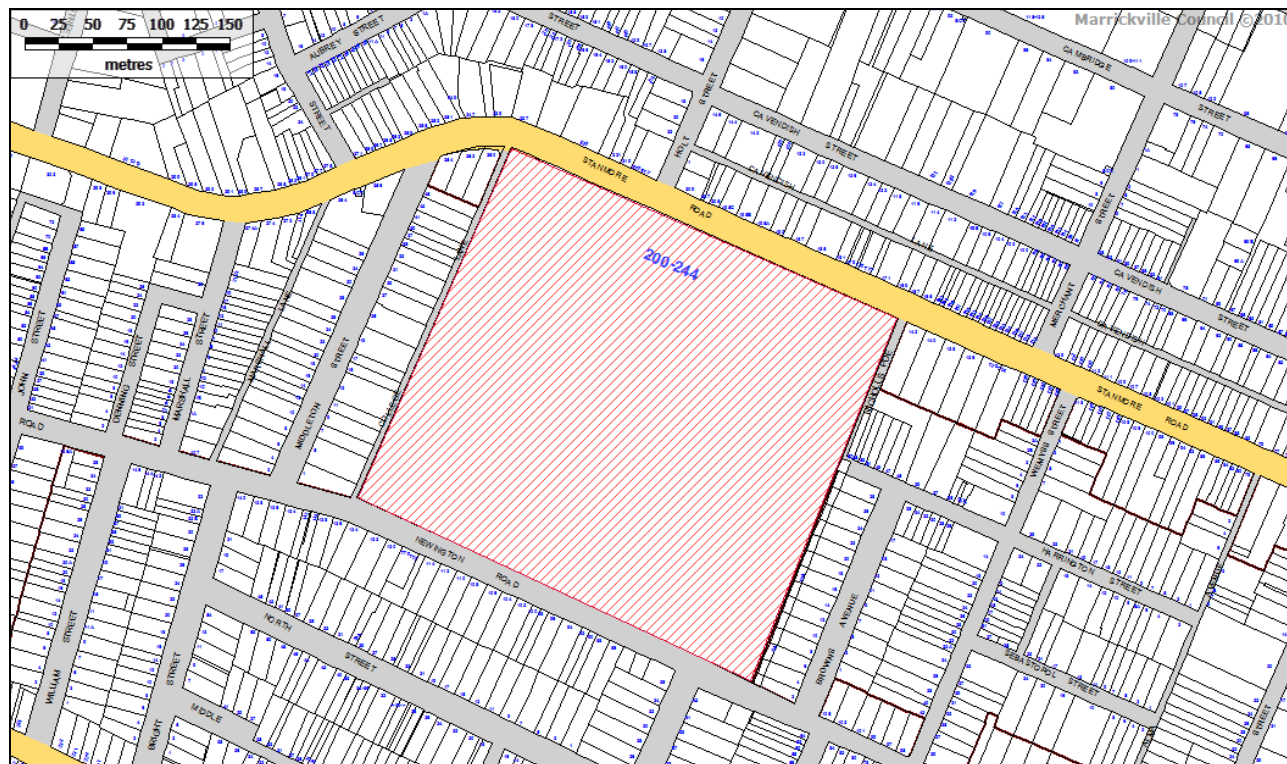
The proposal generally complies with the aims, objectives and design parameters of Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011). The site contains 3 heritage items under MLEP 2011. The development is not considered to adversely affect the heritage significance of the site, the streetscape character of the area or unreasonable impact on the amenity of surrounding properties.

The application was referred to the Roads and Maritime Services, The Office of Environment and Heritage – NSW Heritage Council, NSW Police – Marrickville Local Area Command and the Pedestrian, Cyclist and Traffic Calming Advisory Committee, who all support the development subject to appropriate conditions.

The application is therefore considered suitable for a deferred commencement consent, subject to the imposition of appropriate terms and conditions.

**PART A - PARTICULARS**

**Location:** Southern side of Stanmore Road, between Wemyss Street and College Lane, Stanmore. The proposed works are located in the northeast corner of the site adjacent to eastern boundary.



*Image 1: Locality Plan*

**D/A No:** DA201400370

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

**Proposal:** To demolish the existing Chaplain's residence and Glasson Pavilion, excavation to accommodate new underground Old Boy's Sporting Complex and carpark for 219 spaces, reconstruction of the Old Boy's Oval with synthetic turf, new tennis pavilion, raised tennis court over new vehicle access from Stanmore Road, new college entry forecourt and signage, and associated landscaping works.

**Applicant:** The Council of Newington College

**Estimated Cost:** \$29,641,633

**Zoning:** SP2 – Infrastructure (Educational Establishments)

### **PART B - THE SITE AND ITS CONTEXT**

**Improvements:** Various major sporting, academic and recreational complexes as part of Newington College.





*Image 2: Proposed location of new pedestrian entrance and signage on Stanmore Road*



*Image 3: Proposed location of new vehicle entrance and raised tennis courts*





*Image 4: View of eastern boundary (adjacent to tennis courts) from Nicholls Parade*



*Image 5: View of eastern boundary (adjacent to playing fields) from Nicholls Parade*





*Image 6: View of eastern boundary from Harrington Street*



*Image 7: View of site from Browns Avenue over adjacent dwellings*



*Image 8: View looking north from Glasson Pavilion across Old Boys Oval*

**Current Use:** Educational establishment (Newington College)

**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:**

<b>Type</b>	<b>Required</b>	<b>Proposed</b>
Parking	89 spaces	298 spaces
Overshadowing	Refer to body of report	
Privacy	Refer to body of report	
Setbacks	Refer to body of report	
- 4 **Community Consultation:**  
Required: Yes (newspaper advertisement, on-site notice and letter notification)  
Submissions: 13 submissions (1<sup>st</sup> Notification)  
8 submissions (2<sup>nd</sup> Notification)
- 5 **Other Requirements:**  
ANEF 2033 Affectation: Part 25-30 ANEF & Part 30-35 ANEF  
Marrickville Section 94/94A Contributions Plan 2014  
Draft Marrickville Local Environmental Plan 2011  
Heritage Act 1977

State Environmental Planning Policy No.55 – Remediation of Land  
State Environmental Planning Policy No. 64 – Advertising and Signage  
State Environmental Planning Policy (Infrastructure) 2007  
State Environmental Planning Policy (State and Regional Development) 2011

## **PART D - ASSESSMENT**

### **1. The Site and Surrounds**

The site is located on the southern side of Stanmore Road, between College Lane and Nicholls Parade, Stanmore. The site is known as 200-244 Stanmore Road and is legally described as Lot 8 in DP 710369 and Lot 20 in DP 879003, which results in a total area of approximately 88,680sqm.

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

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

The principal vehicle and pedestrian access is provided from Stanmore Road. Development surrounding the site is predominately residential, in the form of single dwellings, terraces and residential flat buildings. The site is located in close proximity to public transport facilities, including Stanmore Railway Station which is approximately 250 metres to the north and bus services along Stanmore Road.

### **2. Background**

A Pre-Development Application Advisory Panel meeting was held on 11 June 2014 regarding a proposal to construct a Year 7 Centre and Drama Facility, water harvesting facilities, landscaping, demolition of Glasson Pavilion and 2 storey dwelling, new indoor sports facility, 217 car parking facility, reconstruction of Old Boys oval with synthetic turf surface, create new vehicular access from Stanmore Road, upgrade entry forecourt to existing Stanmore Road campus entry and construct a new basketball court on the land.

During this meeting Council Officers raised a number of concerns relating to adequate replacement planting, heritage, streetscape and visual appearance, visual and acoustic privacy and overshadowing.

On 4 August 2014 Council received separate applications for the Year 7 Centre and Drama Facility and the construction of a new Old Boy's Sporting Complex.

### **3. The Proposal**

The proposed Old Boy's Sporting Complex is situated towards the northeast corner of the site adjacent to the eastern boundary and the pedestrian entrance is adjacent to the existing footbridge over Stanmore Road. The proposal involves the following works:

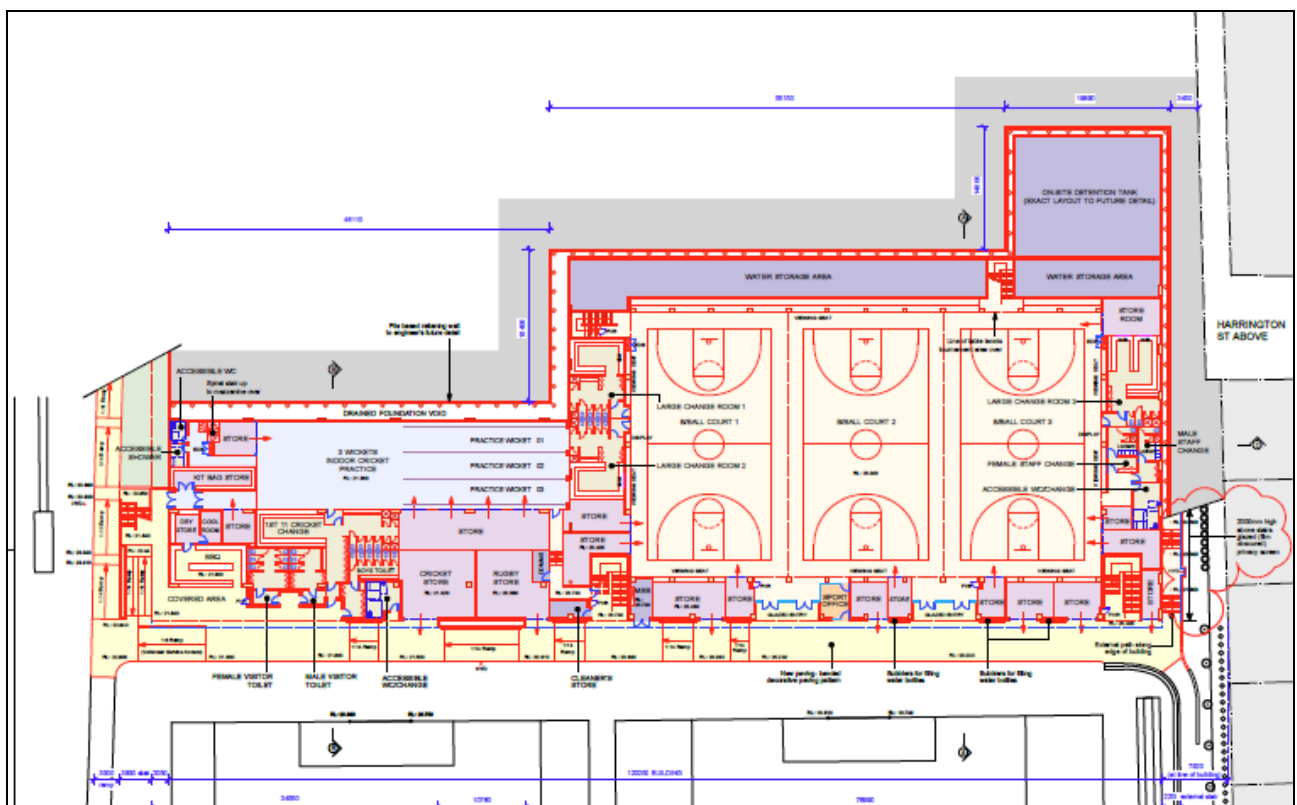
- The demolition of the Chaplain's Residence, Glasson Pavilion, a single storey demountable building, 2 tennis courts and the Old Boy's Oval;
- Excavation to accommodate a the new Old Boy's Sporting Complex, which includes:
  - 219 space car park (including 5 adaptable spaces);
  - 2 synthetic playing fields;
  - 2 elevated tennis courts;
  - Lighting;



- Indoor cricket facilities;
  - 3 basketball courts;
  - Strength and conditioning centre;
  - Table tennis facilities;
  - Water storage;
  - Change rooms; and
  - Associated storage, amenities, kitchen and plant rooms.
- New vehicle entrance from Stanmore Road and wall signage;
  - New pedestrian entrance, forecourt and blade-wall signage adjacent Stanmore Road;
  - New basketball court;
  - Landscaping works (including the removal of 75 trees); and
  - Upgrade of site services.

The applicant submitted amended plans on 4 November 2014, which involved the installation of privacy measures along the eastern elevation of the proposed sporting complex. In particular, the addition of privacy screening along the eastern edge of the playing fields and access stairs and the semi-enclosure of the area opposite the change rooms adjacent to the eastern boundary.

A copy of the amended plans, elevations and photomontages of the development have been reproduced below and are under consideration in this report:



*Image 9: Ground Level of proposed Old Boy's Sporting Complex*

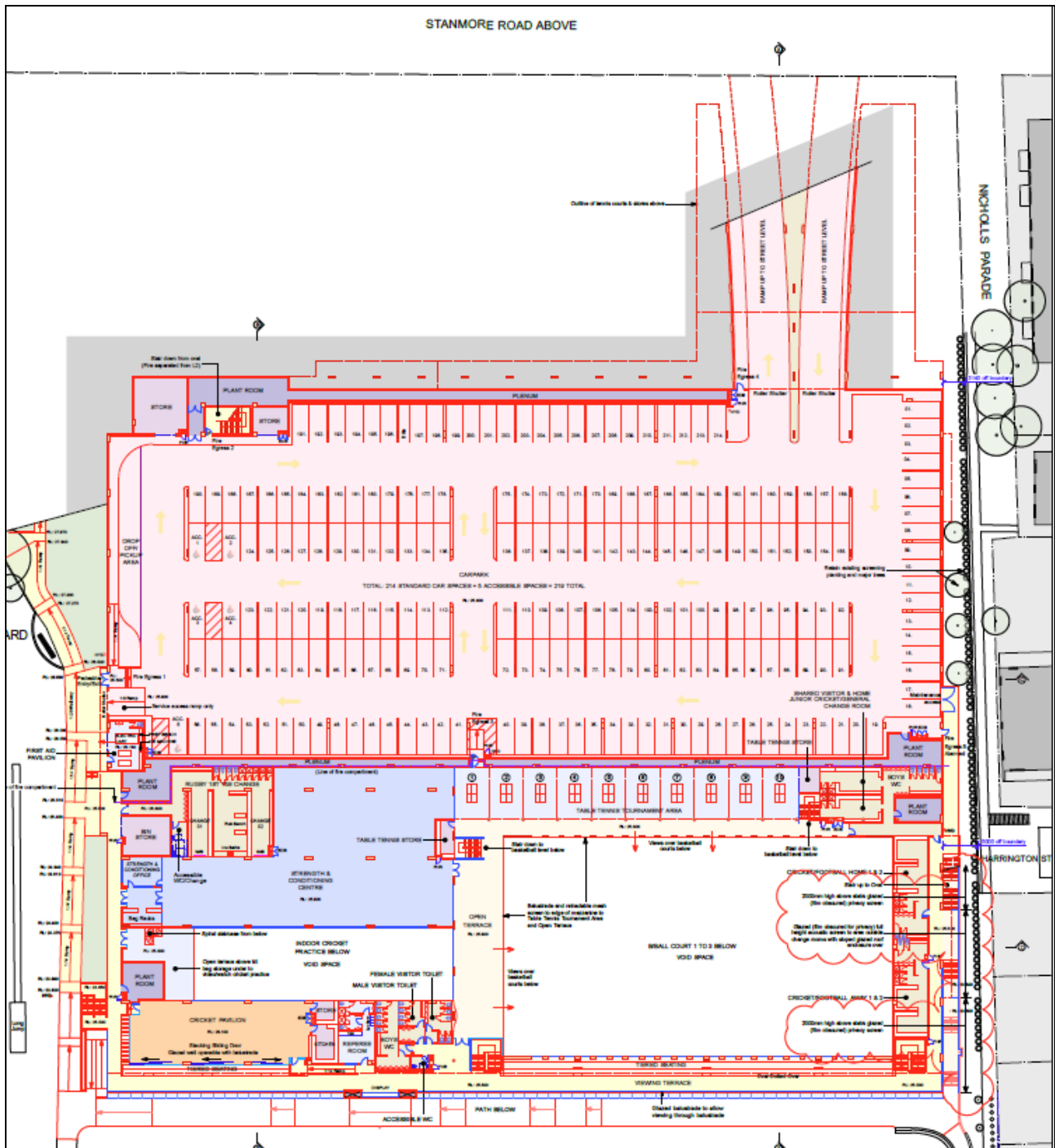
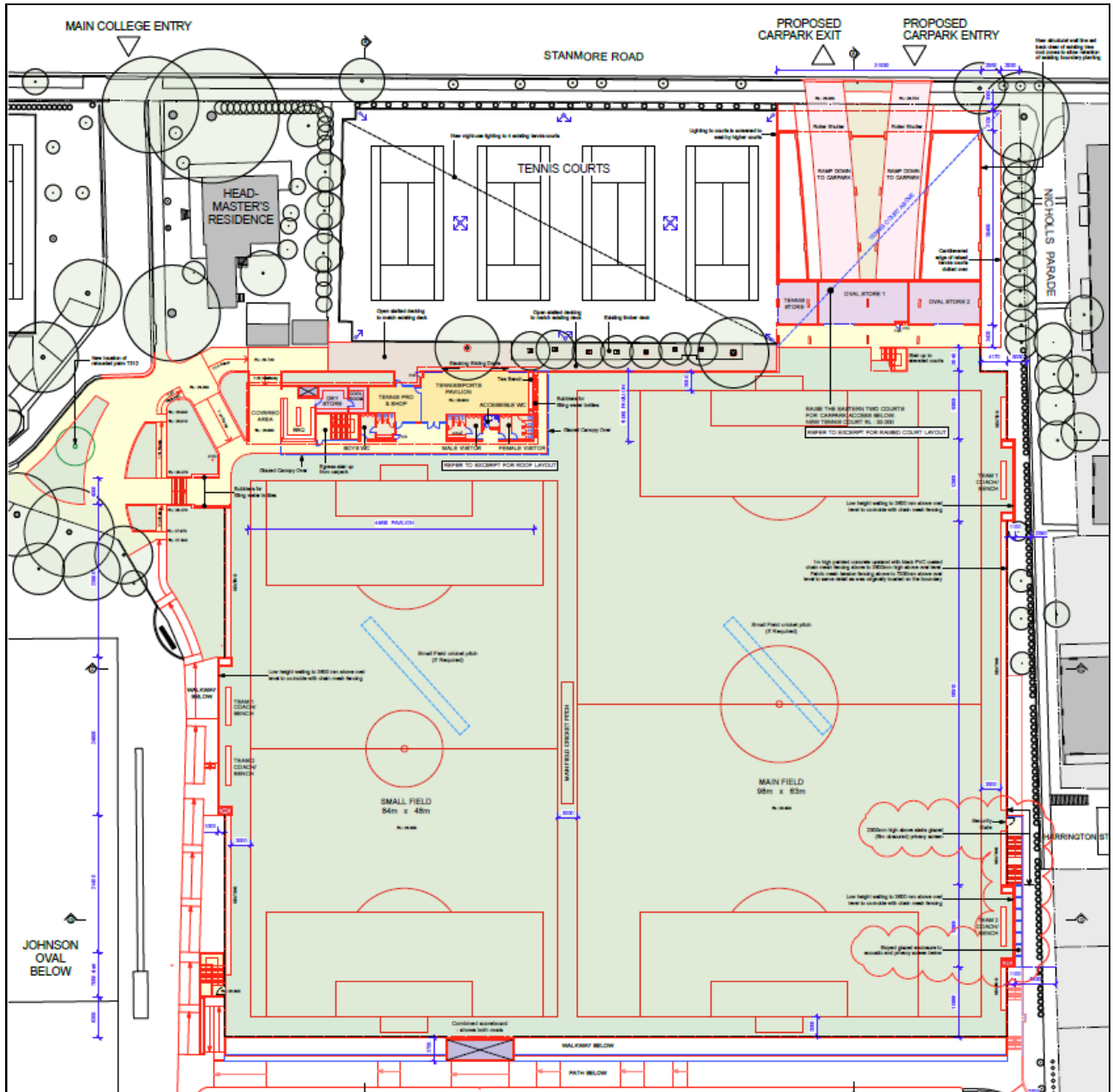


Image 10: Carpark and first floor of proposed Old Boy's Sporting Complex





*Image 11: Proposed synthetic playing fields and tennis pavilion on the roof of the new Old Boy's Sporting Complex*

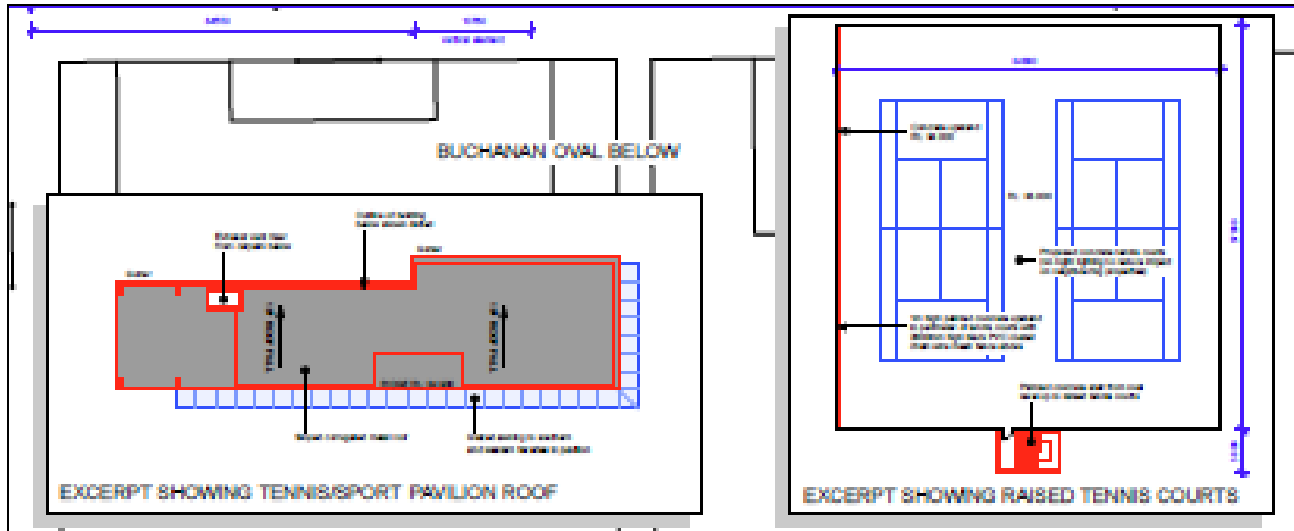


Image 12: Roof of proposed tennis pavilion and raised tennis courts

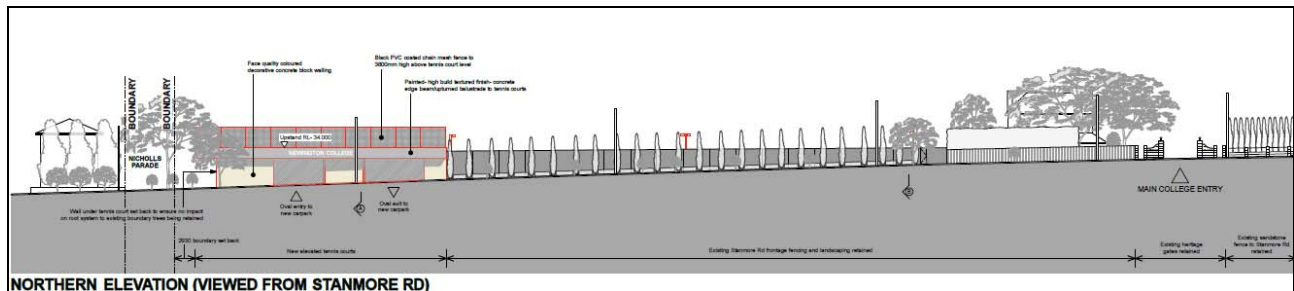


Image 13: Northern elevation of proposed Old Boy's Sporting Complex

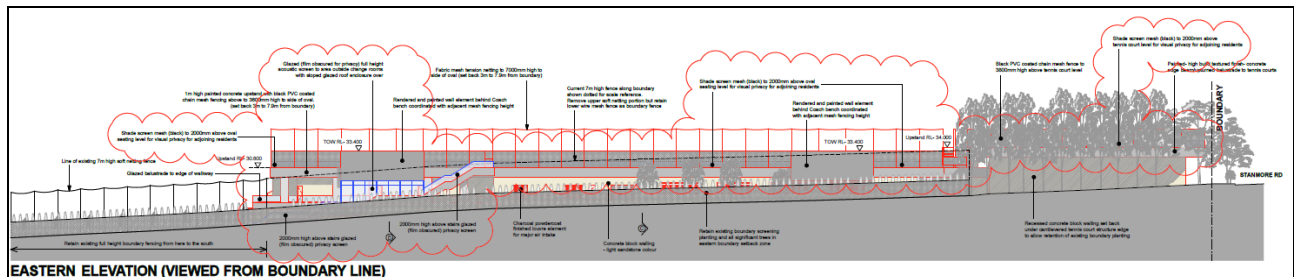


Image 14: Eastern elevation of proposed Old Boy's Sporting Complex

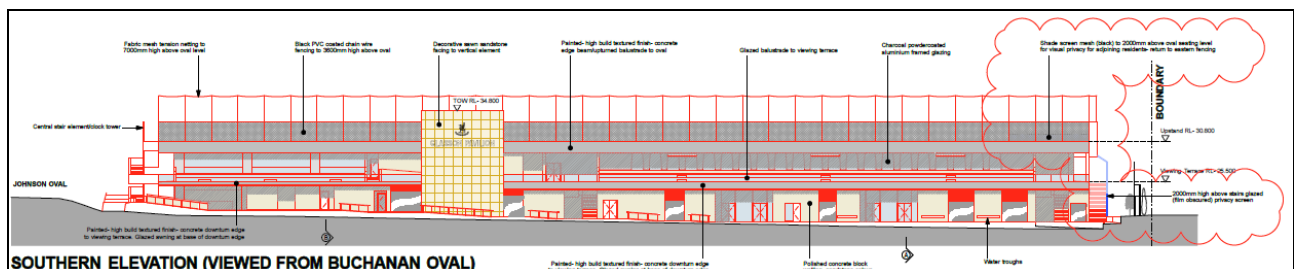
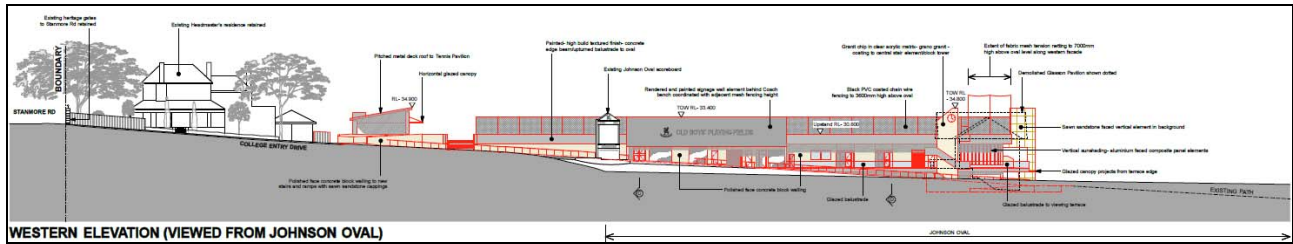


Image 15: Southern elevation of proposed Old Boy's Sporting Complex





*Image 16: Western elevation of proposed Old Boy's Sporting Complex*



*Image 17: Photomontage of proposed Old Boy's Sporting Complex*



Image 18: Photomontage of proposed carpark entrance and raised tennis courts

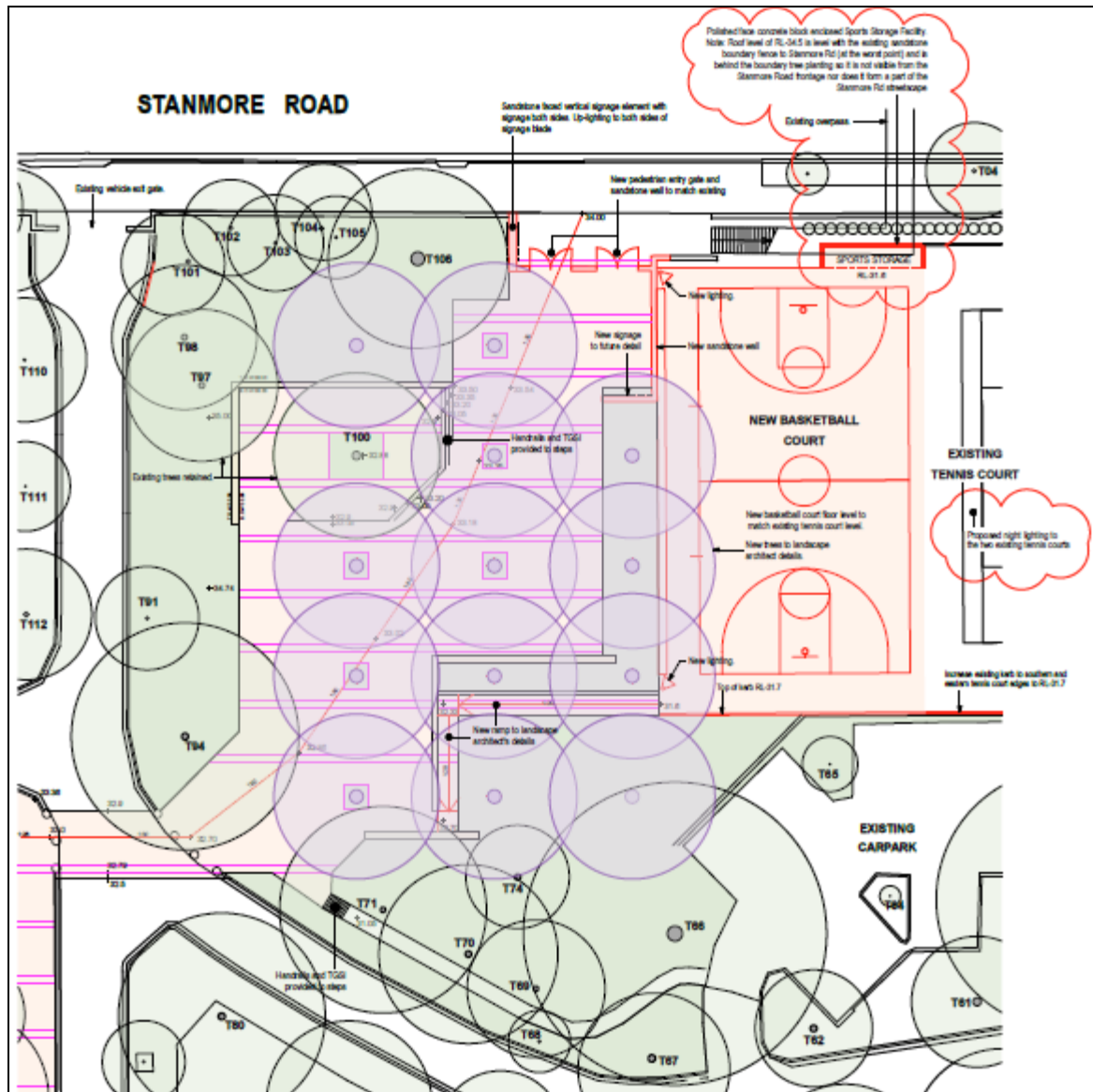


Image 19: The proposed pedestrian entrance and basketball court

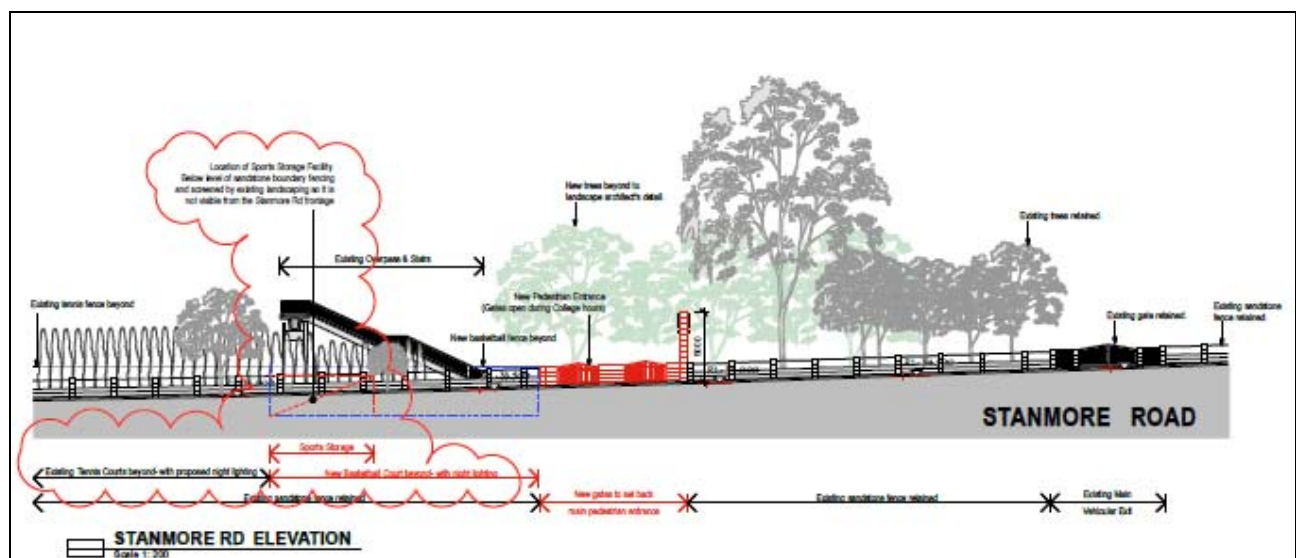


Image 20: Stanmore Road elevation of the proposed pedestrian entrance and signage





*Image 21: Photomontage on proposed pedestrian entrance and signage*

#### **4. Legislative Framework**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Heritage Act 1977;
- State Environmental Planning Policy No.55 - Remediation of Land;
- State Environmental Planning Policy No.64 - Advertising and Signage;
- 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.

#### **5. State Environmental Planning Policy No. 55 – Remediation of Land**

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. The Statement of Environmental Effects accompanying the application refers to a Stage 1 – Environmental Site Assessment, prepared by Consulting Earth Sciences (CES), dated 25 February 2011, which was submitted with a previous application for works on the site. A summary of the assessment is provided below:

- A review of historical aerial photographs of the site, CES believes there is a potential for fill material to be present on the site of an unknown origin, which should be assessed for potential contamination.
- CES recommends a Stage 2 Detailed Site Investigation to be undertaken at the site in general accordance with the requirements specified by the NSW Environment Protection Authority (EPA) in *Guidelines for Consultants Reporting on Contaminated Sites* (NSW EPA 1997).

The application was also accompanied by a Geotechnical Investigation Report, prepared by Consulting Earth Scientists, dated 6 June 2011, which identified elevated concentrations of polycyclic aromatic hydrocarbons within fill located within an area of proposed excavation. The report recommends that the contamination will be required to either be managed in accordance with an Environmental Management Plan (EMP) or remediated in accordance with a Remediation Action Plan (RAP).

To ensure that site is made suitable for the development, a deferred commencement condition has been recommended requiring the preparation of a RAP. As such, appropriate conditions have been included in the recommendation to ensure the site is made suitable for the development.

## **6. State Environmental Planning Policy No. 64 – Advertising and Signage**

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) contains aims and objectives for new signage. The development includes the provision of new identification signage along the Stanmore Road frontage.

In accordance with Clause 9 of SEPP 64, the provisions of Part 3 of SEPP 64 would not apply to the proposed signage as it does not constitute an advertisement. However, the aims and objectives of the SEPP and assessment criteria contained in Schedule 1 apply to the proposed signage.

Schedule 1 of SEPP 64 specifies assessment criteria for signage relating to character of the area, special areas, views and vistas, streetscape, setting or landscaping, site and building, illumination and safety. The signage is considered satisfactory having regard to the assessment criteria contained in Schedule 1 of SEPP 64, as follows:

### **(i) Character of the Area**

The design and proposed materials of the new signage is considered consistent with the character and appearance of the existing frontage. The signage has been designed to complement the existing character of the site and is considered acceptable in this regard.

### **(ii) Special Areas**

The proposed signage does not degrade or detract from the visual quality or amenity of the area as the signage is considered to integrate well into the existing frontage.

### **(iii) Views and Vistas**

The proposal does not compromise or obscure any views or vistas. The visual impact of the signage is considered to be minimal.

### **(iv) Streetscape, Setting or Landscape**

The proposed scale, proportion and form of the signage is considered appropriate for the frontage, whilst contributing to the visual interest of the streetscape.

### **(v) Siting and Building**

The signage is considered to respect the important architectural features of the existing fencing along Stanmore Road.

### **(vi) Associated Devices and Logos**

N/A

(vii) Illumination

The proposed signage includes up-lighting on both sides of the new blade wall. Given the location of the signage and the separation between residential properties, the proposed illumination is considered acceptable.

(viii) Safety

It is considered the proposed signage will not reduce the safety for pedestrians, bicyclists, drivers or obscure sightlines from public areas as the signs have adequate setbacks from the road and pedestrian walkways.

The proposed signage is considered consistent with the objectives and aims of SEPP 64 and is acceptable having regard to the assessment criteria contained within Schedule 1. The proposed signage is considered acceptable subject to the imposition of appropriate conditions.

## **7. State Environmental Planning Policy (State and Regional Development) 2011**

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

The development is defined as an educational establishment and has a CIV of over \$5 million.

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

## **8. State Environmental Planning Policy (Infrastructure) 2007**

(i) Educational Establishments (Clauses 28 & 32)

In accordance with Part 3, Division 3 (Educational Establishments) Clause 28(1) of the SEPP Infrastructure, 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 SEPP Infrastructure and therefore can be carried out with consent.

Clause 32 of SEPP Infrastructure 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 Frontage to Classified Road (Clause 101)



The site adjoins Stanmore Road, which is a classified road. Clause 101 (2) of SEPP Infrastructure, prevents a consent authority from granting 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 application was referred to Roads and Maritime Services, who raised no objection to the proposed vehicular access from Stanmore Road. The application was also accompanied by a Traffic Impact Assessment, which contains a number of recommendations to ensure that the development does not impact on the safety, efficiency or ongoing operation of Stanmore Road. The proposal will replace existing sporting fields and maintain the status quo and is not considered to be adversely affected by traffic noise or vehicle emissions. The application is considered acceptable having regard to the provisions of Clause 101 of SEPP Infrastructure.

(iii) Traffic-Generating Development (Clause 104)

The development is defined as a 'traffic generating development' due to proposed carpark having more than 200 spaces under Clause 104 of SEPP Infrastructure. The application was referred to Roads and Maritime Services, who raised no objection to the development subject to the imposition of appropriate conditions.

Subject to the imposition of appropriate conditions, the application is considered acceptable having regard to the relevant provisions of SEPP Infrastructure.

## **9. Marrickville Local Environmental Plan 2011**

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

The site is zoned SP2 – Infrastructure (Educational Establishment) under the provisions of MLEP 2011 and the development is permissible with Council's consent under the zoning provisions applying to the land. The development is considered acceptable having regard to the objectives of the SP2 – Infrastructure zone 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 the demolition of the existing Chaplain's residence, Glasson Pavilion, 2 tennis courts and associated structures. As such, appropriate conditions have been included in the recommendation to ensure that the demolition is undertaken in accordance with all relevant codes and practices.

(iii) Height (Clause 4.3)

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

(iv) Floor Space Ratio (Clause 4.4)

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

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

Clause 5.9 of MLEP 2011 concerns the protection of trees identified under MDCP 2011. The proposal includes the removal of 65 trees from the site and an additional 10 trees from the Stanmore Road nature strip, and includes replacement planting for 21 new trees.

The development involves 2 components, being the new entry forecourt and the Old Boy's Sporting Complex. The entry forecourt proposes the removal of 18 trees and the planting of 13 new trees, while the Old Boy's Sporting Complex proposes the removal of 47 trees and the planting of 8 new trees.

The application was referred to Council's Tree Management Officer, who supports the proposed forecourt component of the application, however, raised concerns over the lack of adequate replacement planting for the Old Boy's Sporting Complex.

Council's Tree Management Officer noted that the urban forest canopy across the Stanmore Road campus was less than 6% and that the net loss of tree cover will further diminish the low level of urban forest canopy. Whilst the removal of the trees was not opposed per se, the number of trees being removed in the absence of adequate and appropriate replacement planting is not supported by Council's Tree Management Officer. In addition, Council's Tree Management Officer has acknowledged that there are no individual trees whose retention value would be such that they could not be removed, but that the extent of trees being removed in cumulation was not supported.

It is relevant to note that of the proposed 47 trees sought for removal under the Old Boy's Sporting Complex component, 16 of those trees have already been approved for removal under Determination No. 201100141. Despite Council's Tree Management Officer's comments, the proposed tree removal and overall landscape design is considered acceptable. It is acknowledged that there are vast areas of open permeable space throughout the remainder of the site, consisting mainly of sporting fields which serve specific functions, making them unsuitable locations to accommodate replacement plantings. The site still maintains a substantial number of well established trees.

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 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 school grounds. 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 Arborist Report have been included in the recommendation 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 heritage items located within the vicinity of the site:

- Victorian Italianate style villa - Lyndhurst (Item No. I199) at 1 Middleton Street, Stanmore; and
- Victorian villa - Richmond (Item No. I200) at 13 Middleton Street, Stanmore.

The site is identified as an archaeological site under MLEP 2011 and the application was referred to the Office of Environment & Heritage – NSW Heritage Council pursuant to Clause 5.10(7) of MLEP 2011. The Heritage Council has indicated that they have previously issued a Section 139 – Exception for Impacts to Archaeology under the Heritage Act 1977 in respect to previous works. A condition has been included in the recommendation requiring on-going compliance with the requirements of the exemption.

The application was accompanied by a Heritage Impact Assessment and an Archaeological Assessment in accordance with Clause 5.10(5) of MLEP 2011. The application was referred to Council's Heritage and Urban Designer who has raised no objection to the development, subject to the imposition of appropriate conditions. As such, the application is considered acceptable on heritage grounds and satisfies the objectives of Clause 5.10 of MLEP 2011, subject to those conditions recommended by Council's Heritage and Urban Design Advisor.

Notwithstanding the above, the application was forwarded to Marrickville Heritage Society who raised concerns over the extent and potential adverse impacts on the heritage values of the Newington College grounds arising from the proposal. The Society raised concern with the extent of tree removal and the demolition of the Chaplain's residence and Glasson Pavilion. However, Council's Heritage and Urban Design Advisor supports the proposal, subject to the imposition of appropriate conditions.

(vii) Earthworks (Clause 6.2)

The development requires excavation to accommodate the proposed Old Boy's Sporting Complex and parking. The submitted plans indicate that the total volume of soil to be removed is approximately 25,000m<sup>3</sup>.

The application was accompanied by a Geotechnical Investigation Report and Archaeological Assessment Report, which contain a number of recommendations for the excavation and the protection of archaeological relics. Subject to conditions the proposed excavation will be required to be managed to minimise any on-site and off-site impacts in relation to drainage patterns, soil stability, use of existing buildings and structures and amenity to adjoining residents in Nicholls Parade and Browns Avenue. The application is considered to satisfy the requirements of Clause 6.2 of MLEP 2011, 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 unlikely to be significantly 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.

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**10. 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 Act.

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 20-25 and 25-30 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.

## **11. Marrickville Development Control Plan 2011**

The application has been assessed against the relevant objectives and controls contained within MDCP 2011. Subject to the imposition of appropriate conditions, the application is considered to achieve consistency with the MDCP 2011. The following discussion relates specifically to the departures from those objectives and controls:

### **PART 2 - GENERIC PROVISIONS**

(i) Urban Design (Part 2.1)

The development is consistent with the relevant aspects of the 12 urban design principles. These principles have been considered in the design development of the proposed Old Boys Sports Complex and carpark. The development will improve accessibility and legibility of the School and includes the improved activation of the Stanmore Road frontage. The development is considered consistent with the guidelines contained in Part 2.1 of MDCP 2011.

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

#### ***Accessibility:***

The application was accompanied by an Access Review Report, prepared by Morris-Goding Accessibility Consulting. Subject to a condition requiring the development being carried out in accordance with the recommendations contained with this report, the application is considered consistent with the objectives and controls contained within Part 2.5 of MDCP 2011.

#### ***Accessible Parking:***

Part 2.5.10 of MDCP 2011 requires an educational establishment to provide accessible parking at a rate of 1 space per 10 car spaces or part thereof. Therefore the proposal would be required to provide 22 accessible car parking spaces. The application includes the provision of 5 accessible car parking spaces, in addition to 2 accessible spaces as part of a separate application for a different part of the site.

The application was accompanied by a Traffic Impact Assessment. The justification for the non-compliance with the accessible parking spaces contain in the Traffic Impact Assessment has been summarised below:

- The Disability (Access to Premises – Buildings) Standards 2010 is a legislative instrument which, for a Class 9b Building (School), requires 1 space for every 100 car parking spaces or part thereof to be provided as an accessible space. This requirement is replicated within the Building Code of Australia. That is, the statutory requirement under the proposal is for 3 accessible parking spaces at the Stanmore Campus.
- The proposal involves the provision of 5 accessible parking spaces at the Stanmore Campus, which equates to an accessible parking provision of 2.3%. This level of provision is more than twice that required under the Building Code of Australia and the Disability (Access to Premises – Buildings) Standards 2010, and is consistent with common practice.
- Whilst it is acknowledged that the proportion of staff, students, parents and carers which require the use of an accessible parking space may vary over time, it is considered highly unlikely that the demand for accessible parking at the facility will reach the level suggested in Council's DCP, which is 10 times the statutory requirement under the BCA and the Disability (Access to Premises – Buildings) Standards 2010 and substantially more than current requirements.

The school generates a parking requirement for 89 car parking spaces, which would result in the development requiring 9 accessible parking spaces in accordance with Part 2.5.10 of MDCP 2011. The development provides a total of 7 accessible parking spaces. The justification provided by the applicant for the non-compliance is supported in this instance. The provision of 7 accessible parking spaces is considered sufficient to accommodate the needs of the school and visitors.

(iii) Visual and Acoustic Privacy (Part 2.6)

The application involves the replacement of the existing Old Boy's playing fields and 2 tennis courts to accommodate the new carpark and sporting complex. The Old Boy's fields will be replaced with 2 synthetic turf fields and the 2 tennis courts will be rebuilt above the vehicle entrance to the new carpark. To accommodate the new sporting complex the new synthetic turf fields will be between approximately 3.5 metres to 7 metres above the ground level of the existing playing fields and setback between 2.5 metres to 7.9 metres from the eastern boundary.

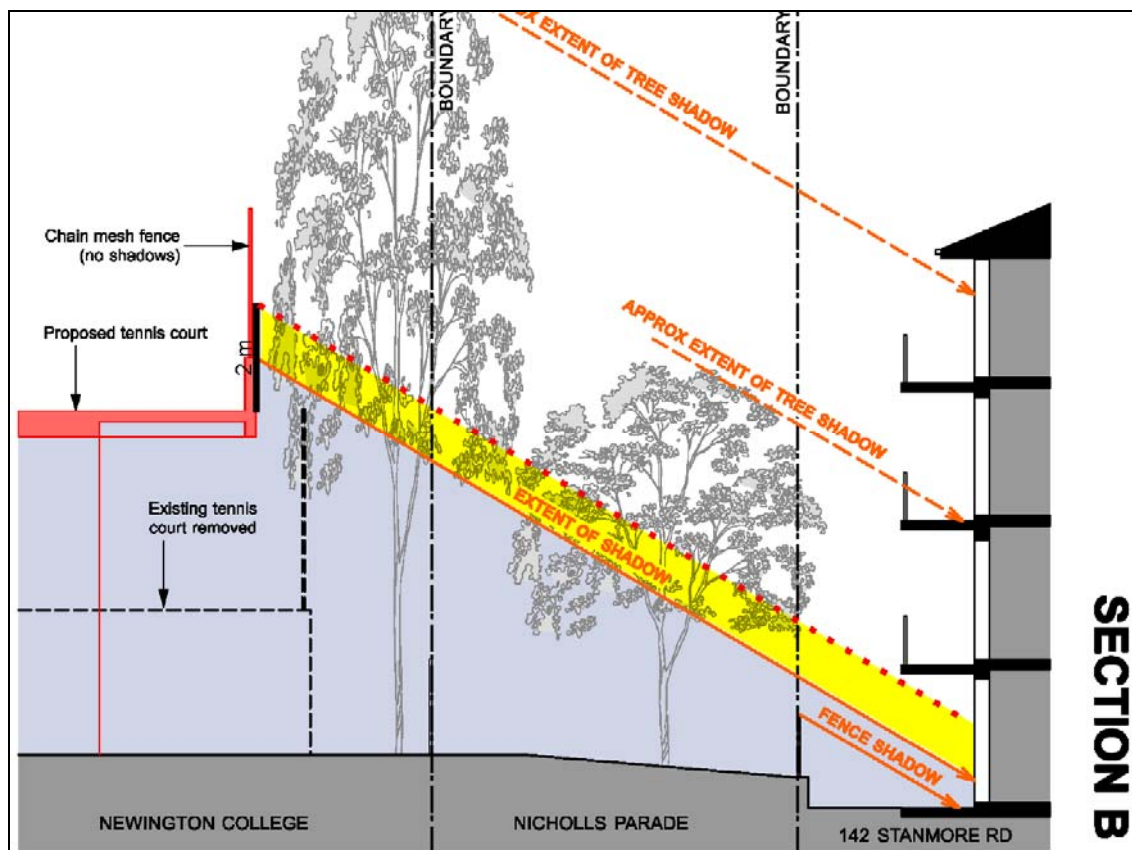
To ensure that the development does not adversely impact on the amenity of adjoining residential properties, the proposal includes the provision of privacy screening along the eastern elevation. The privacy screening includes fabric shade material to a height of 2 metres along the eastern edge of the elevated playing fields and obscure glazing along the eastern edge on the new access stairs. In addition to the privacy screening, the proposal includes the semi-enclosure of the area adjacent to the changing rooms to reduce any acoustic impacts on adjoining residential properties. To ensure that the development does not unreasonably impact on the privacy of adjoining residential properties, a condition has been included in the recommendation to extend the obscure glazing along the eastern edge of the first floor adjacent to the eastern boundary.

The application was also accompanied by an Acoustic Report, which contained a number of recommendations to ensure that the development does not unreasonable impact on the acoustic privacy of adjoining properties. Subject to the imposition of this condition, the development is considered acceptable having regard to the objectives and controls contained in Part 2.6 of MDCP 2011.

(iv) Solar Access and Overshadowing (Part 2.7)

***Overshadowing:***

The application was accompanied by shadow diagrams, both in plan and section, which illustrate the additional overshadowing resulting from the development. It is noted that the submitted shadow diagrams omit the additional 1 metre privacy screening along the top of the balustrade. The additional overshadowing caused by the privacy screening has been taken into consideration in the following assessment.



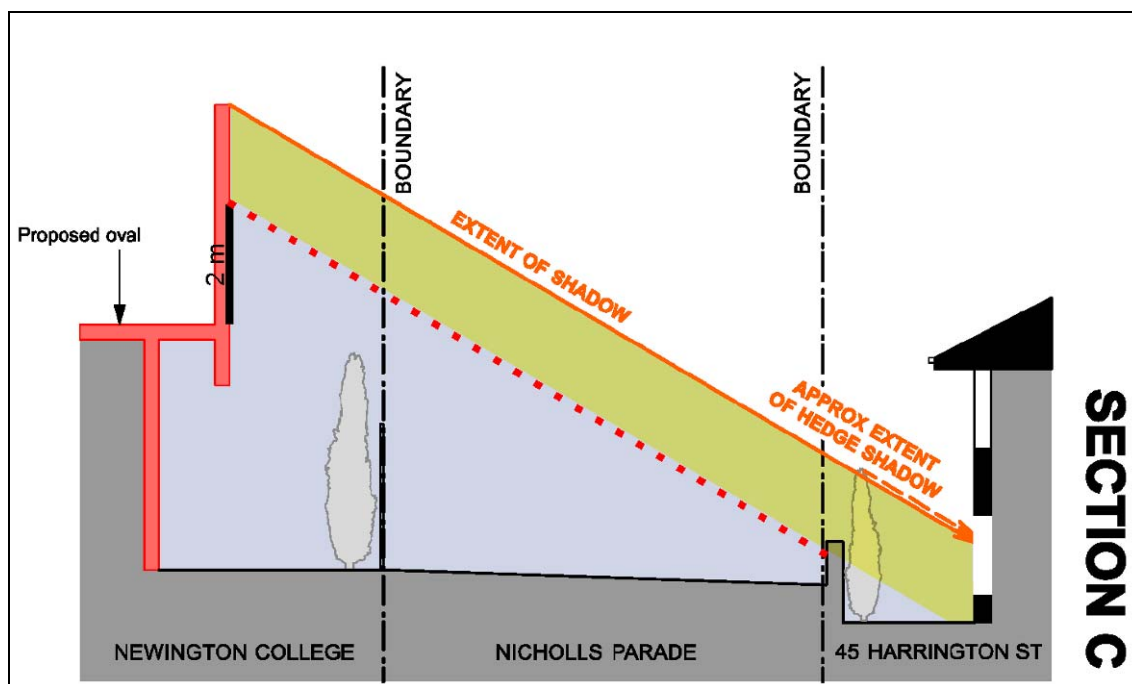
*Image 22: Shadow Diagram – Section B at 2.00pm during midwinter*

The above section shadow diagram illustrates the additional overshadowing caused by the development on 142 Stanmore Road, including the overshadowing caused by the proposed privacy screening. The affected residential flat building currently receives solar access during midwinter as a result of the relatively undeveloped nature of the site. The adjoining property is generally orientated north-south, which means that the solar access received by the west facing units is only achieved from approximately 11.30am onwards, during midwinter.

The element of the development which causes the overshadowing is approximately 8 metres above ground level and setback 3.5 metres from the side boundary. The adjoining residential flat building has a building height of approximately 10 metres and is setback 3 metres from the side boundary. If the building envelope controls for the adjoining residential flat building were to apply to the development, the proposal could result in a larger structure and have a greater overshadowing impact than currently proposed.

The affected dwelling at 142 Stanmore Road will still receive approximately 1 to 1.5 hours of solar access during midwinter. However, the dwelling will still enjoy greater periods of solar access at other times of the year. Given the orientation of the site and the separation between the developments, the non-compliance of approximately 30 minutes to a single dwelling, which is located at ground level on a 4 storey building, is considered acceptable.





*Image 23: Shadow Diagram – Section C at 2.00pm during midwinter*

The section shadow diagrams submitted to Council omitted the lower ground floor windows serving the dwelling at 45 Harrington Street. The above section shadow diagram illustrates the approximate location of these windows and the overshadowing impacts caused by the development.

A condition has been included in the recommendation which reduces the height of the walls surrounding the coach's benches from 3.6 metres to 2 metres, in line with the 2 metre privacy screening. The condition is recommended to reduce the visual bulk and overshadowing impacts of the development. The reduced height of the wall ensures that the adjoining dwellings at 45 Harrington Street will maintain 2 hours of solar access between 12.00pm and 2.00pm, midwinter.

The submitted shadow diagrams illustrate that between 9.00am and 2.00pm during midwinter, with the exception of 1 ground floor unit at 142 Stanmore Road, the affected properties east of the site will still maintain a minimum of 2 hours of solar access in accordance with the provisions of Part 2.7 of MDCP 2011. The development then begins to overshadow the adjoining properties to the east from approximately 2.00pm onwards.

The development is therefore consistent with the overshadowing controls and objectives contained within Part 2.7 of MDCP 2011 and is supported in this regard.

### **Solar Access:**

Part 2.7 of MDCP 2011 does not contain any specific solar access requirements for educational establishments or major recreational facilities. The proposal has been designed to maximise the use of natural light, including measures to increase energy efficiency and is considered acceptable in this regard.

### **(v) Community Safety (Part 2.9)**

Part 2.9 of MDCP 2011 contains objectives and controls relating to community safety. The development and associated landscaping will assist in providing good levels of natural surveillance, organised space management and access both to the edges and throughout the site. There will be clear definition to the use of spaces, paths of travel and the deterrence to potential vandalism and other crime. Further, 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. Existing operational and security procedures are implemented by the school under the existing Plan of Management.

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 have been included in the recommendation.

Marrickville Local Area Command recommended the installation of CCTV to cover the carpark and entrances, including specify door/window locking devices. These requirements have not been included in the recommended conditions of consent because it is considered to be overly onerous and the school can implement its own security measures in accordance with its guidelines.

(vi) Parking (Part 2.10)

The site is located within both Parking Area 2 and Parking Area 3 under Part 2.10 of MDCP 2011. The majority of the site is located in Parking Area 3. As such, the requirements of Parking Area 3 have been applied to the development.

***Car Parking:***

The site is required to provide 1 car parking space per 2 staff members and a drop-off and pick-up area for students. Newington College has approximately 177 staff members, which generates a requirement for 89 car parking spaces, in addition to a dedicated student drop-off and pick-up area. The proposal, in addition to existing on-site parking spaces, results in a total of 298 car parking spaces and a dedicated drop-off and pick-up area.

The parking controls contained in Part 2.10 of MDCP 2011 do not take into consideration the additional events and activities which occur on site. The site includes a number of sporting fields, tennis and basketball courts, in addition to other events and functions. In addition to students and staff members, the site attracts large volumes of visitors and parents to the school outside of the regular schooling hours. During school term, the sporting activities conducted over the weekend can attract a large number students and visitors to the site. The additional on site parking has been provided to ease an existing conflict between events conducted at the school and surrounding street parking. As such, the proposed 219 car parking spaces in addition to the existing 79 spaces are considered acceptable.

***Bicycle Parking:***

The site currently accommodates bicycle parking available for staff and students. Given the application does not result in any additional demand for the existing bicycle facilities, additional bicycle parking spaces have not been proposed.

***Motorcycle Parking:***

The site is required to provide 4 motorcycle parking spaces under Part 2.10. According to the submitted plans, the development provides 2 motorcycle parking spaces within the on-site parking areas. However, the application does not increase the existing demand for motorcycle parking spaces and the non-compliance of 2 motorcycle space can be accommodated within the excess car parking spaces.

***Traffic and Transport Plans:***

The application was accompanied by a Traffic Impact Assessment, prepared by Traffix, dated 29 July 2014, which was referred to Council's Pedestrian, Cyclist and Traffic Calming Advisory Committee (Traffic Committee) and Roads and Maritime Services, who, subject to conditions, support the development.

The Traffic Impact Assessment included a student survey, using a sample group of approximately 65% of the entire student body, which identified that 53% of the students used public transport in the morning and 61% using public transport in the afternoon. To ensure that the additional on-site parking does not discourage the use of public transport, a condition has been included in the recommendation that prohibits students from parking within the school grounds during normal school hours (Monday to Friday) without the prior consent of the Headmaster or Deputy-Headmaster. The school has indicated that only under exceptional circumstances will a student be permitted to park within the school grounds during normal school hours.

Subject to the recommendations made by Council's Traffic Committee and Roads and Maritime Services, the application is considered acceptable in this regard.

(vii) Fencing (Part 2.11)

The proposal maintains the existing PVC coated chain mesh fencing along the eastern boundary and includes additional fencing along the eastern edge of the raised sporting fields. The new fencing will match that of the existing fencing, with the exception of the lower 2 metres, which will include a solid 1 metre balustrade and privacy screening to prevent overlooking of adjoining residential development.

The works to the existing Stanmore Road fencing to accommodate the new pedestrian entrance has been designed to complement the existing fencing. The new gates and sandstone walls will match that of the existing fencing and is considered acceptable.

(viii) Signage and Advertising Structures (Part 2.12)

This matter has been discussed previously in Section 6 of this report.

(ix) Energy Efficiency (Part 2.16)

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

(x) Water Sensitive Urban Design (Part 2.17)

Part 2.17 of MDCP 2011 contains objectives and controls relating to Water Sensitive Urban Design (WSUD). The application was accompanied by a Stormwater Management Report and MUSIC Modelling, which were referred to Council's Development Engineer. Appropriate conditions have been included in the recommendation to ensure compliance with Part 2.17 of MDCP 2011.

(xi) Landscaping and Open Spaces (Part 2.18)

The application was accompanied by landscape plans and a landscape design statement, which are considered acceptable having regard to the objectives and controls contained in Part 2.18. The landscaping plans were referred to Council's Tree Management Officer, who raised no objection to the landscaping plans in general, however, has raised concerns over the number proposed replacement trees. This matter has been discussed in more detail in Section 9 of this report.

(xii) Tree Management (Part 2.20)

This matter has been discussed in Section 9 of this report.

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

**Public Utilities:**



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

***Recycling and Waste Management Plan:***

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

***Waste Storage:***

The development will not increase the current generation of waste and the existing facilities are considered acceptable in this regard.

**PART 8 - HERITAGE**

This matter has been discussed previously in Section 9 of this report.

**12. Other Matters**

Council currently has no specific planning controls in MDCP 2011 relating to educational establishments or sporting complex/facilities. As the site is surrounded by R1 – General Residential and R2 - Low Density Residential zones, the relevant controls contained in Part 4 of the MDCP 2011 relating to the desirable built form of development within these zones has been used as a guide.

(i) Streetscape and Design

***Stanmore Road:***

Due to the topography of the site and the existing tennis courts and landscaping along the Stanmore Road frontage, the majority of the proposed works will not be readily visible from Stanmore Road. Whilst the proposed vehicular and pedestrian entrances will be visible from Stanmore Road, they are not considered to adversely impact upon the existing streetscape.

The proposed pedestrian entrance has been designed to incorporate the materials and finishes of the existing sandstone front fencing and complement the existing streetscape. While the proposed vehicle entrance and raised tennis courts will be readily visible, they are considered acceptable.

The works are associated with an educational establishment and will therefore differ visually from the characteristic built form within the street. The new vehicle entrance will create a clearly identifiable transition between the adjoining residential development and the school. The design, massing and finishes of the new vehicle entrance are considered to result in an acceptable streetscape appearance, which does not adversely affect the character of the area or the amenity of adjoining properties.

The proposed works are considered to appropriately address Stanmore Road and provide an attractive, visible appearance from the public domain. The proposed works along Stanmore Road are considered acceptable.

***Browns Avenue/Nicholls Parade/Harrington Street:***

The eastern elevation of the development will be visible from Nicholls Parade, Harrington Street and Browns Avenue. The proposal includes the retention of existing screen planting along the

eastern boundary, including additional ground cover, which will obscure the lower portion of the new development. Despite the development being visible from the public domain, the proposal is not considered to result in unreasonable impacts on the streetscape.

The massing and setbacks are generally consistent with development which would be permitted on adjoining land. The proposal materials and finishes, in addition the screen planting along the eastern boundary, is considered to result in a built form which will not negatively impact on the character or streetscape of the surrounding area.

(ii) Building Height and Setbacks

The site adjoins residential development along its eastern boundary. A portion of the development, measuring approximately 68 metres from the Stanmore Road boundary, adjoins a R1 – General Residential zone, while the remaining portion of the development adjoins a R2 – Low Density Residential zone.

Whilst the site itself does not have a maximum building height control prescribed within MLEP 2011, the adjoining R1 – General Residential zone has a maximum building height of 14 metres and the R2 – Low Density Residential zone has a maximum building height of 9.5 metres. Development within the adjoining zones also require side setbacks ranging between 0.9 metres to 4 metres.

The proposal results in a maximum building height, including the fabric mesh tension fencing which stands approximately 7 metres above the playing fields, of approximately 15 metres and includes an eastern side setback ranging between 2.5 metres to 7.92 metres. Excluding the fabric mesh tension fencing, the solid elements of the development will have a maximum building height of approximately 9.4 metres, which is setback approximately 6.5 metres from the side boundary.

As illustrated in the photograph below, the fabric mesh tension fencing which will be replicated along the eastern edge of the new development does not create any material overshadowing or visual impacts.



*Image 27: View of fabric mesh tension fencing from Harrington Street*

It should be noted that with the exception of the fabric mesh tension fencing, which stands approximately 7 metres above the playing fields, the development would comply with the building heights and side setbacks permitted for development on the adjoining residential properties.

As discussed within this report, the development is not considered to result in any adverse environmental impacts on adjoining residential development. Whilst Council has received a number of submissions from adjoining development, these properties have enjoyed the relatively undeveloped nature of the eastern boundary of the site. The development includes greater side setbacks and privacy measures than if the site were to be redevelopment for residential purposes or other school buildings.

The proposed height and setbacks are acceptable in this instance, as the impacts on the adjoining properties are considered reasonable given the undeveloped nature of the eastern portion of the site.

(iii) View Corridors/View Sharing

A number of the submissions received at Council raise concerns over the loss of views from adjoining properties. These views are currently enjoyed over side boundaries and exist as a result of the undeveloped nature of the eastern portion of the site. The proposed building height and side setbacks are considered consistent with the controls governing the development on the adjoining properties. Furthermore, the views affected by the development are not iconic and do not warrant the refusal of the application.

### **13. Marrickville Section 94/94A Contributions Plan 2014**

A Section 94A levy of \$296,416.33 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.

### **14. 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.

The original application was notified between 8 August 2014 and 26 August 2014, and Council received 13 submissions. The applicant submitted amended plans, which were re-notified between 13 November 2014 and 27 November 2014, resulting in 8 submissions being received. The concerns raised in these submissions have been summarised below:

- The scale of the development is considered inappropriate for the character of the residential context;
- The proposed materials are not in keeping with the heritage character of Stanmore Road, nor does the proposal complement the red brick character of the adjacent development;
- The development will affect the quality of life for the adjoining residents, with more pollution, noise and overshadowing;
- The development will impact on the privacy of adjoining properties;
- The proposal will result in the loss of a large number of trees;
- The proposed vehicle ramp and tennis courts have the potential to adversely impact on existing trees;
- The new vehicle crossing will result in the loss of street parking;
- The elevation of the tennis courts and playing fields will bring closer the noise closer to the windows in the adjoining residential development;



- The proposal will additionally overshadowing a number of dwellings to the east of the site;
- The proposal will impact on the outlook currently enjoyed by adjoining residential development;
- The development will prevent passive surveillance of Nicholls Parade from Newington, affecting the safety and security of the community;
- The application fails to demonstrate the need for the number of additional parking spaces;
- The excavation will disturb toxic chemicals (i.e. lead) in the soil;
- The development will impact on the heritage significance of context of the surrounding HCAs;
- The major excavation and construction has the potential to damage adjoining properties;
- The development benefits Newington College at a complete detriment to the community;
- The site is well serviced by public transport and alternative means of transport should be encouraged, instead of providing additional parking spaces;
- The development is unsustainable and creates a large environmental footprint;
- The proposed privacy screening will additionally overshadow the living areas of adjoining dwellings, which is not illustrated in the section shadow diagrams;
- The original shadow diagrams were poor and misleading.
- The section shadow diagrams submitted with the amended plans omit the ground floor windows serving Unit 8 at 45 Harrington Street.
- The proposed development is inconsistent with the Infrastructure SEPP and the relevant DCP, given the new driveways onto a major road.
- The proposed carpark and driveway location will impact on pedestrian and children safety.

The majority of the concerns raised in the submissions have been considered within the assessment section of this report. The following comments are in response to concern raised in submissions which have not been previously discussed:

**Issue:** The proposal will generate additional traffic flow along Stanmore Road;

**Comment:** The application was referred to Roads and Maritime Services and Council's Traffic Committee, who both supported the development subject to the imposition of appropriate conditions. The application was also accompanied by a Traffic Impact Assessment, which demonstrated that the increase traffic movement would be acceptable.

**Issue:** The traffic report is incorrect as the vehicle trips will be greater than stated in the report due to student drop off / pick up arrangements.

**Comment:** The application was referred to Roads and Maritime Services and Council's Traffic Committee, who both support the development subject to the imposition of appropriate conditions. In addition, the development provides an improved drop-off and pick-up solution to the existing arrangements provided for on-site. The development does not involve increasing the number of students or staff currently attending the school and therefore, will not significantly increase the existing vehicle trips currently generated from the site as a whole.

**Issue:** Right-hand turns for east bound traffic will potentially impact on traffic movements as they wait for space to cross west bound vehicles;

**Comment:** The application was accompanied by a Traffic Impact Assessment, which includes recommendations to modify the existing conditions on the east bound lanes of Stanmore Road to ensure vehicles turning right into the site do not obstruct traffic flow. Final design details are required to be referred to Roads and Maritime Services for approval, at which point appropriate measures can be incorporated to ensure the proposal does not unreasonable impact on existing traffic movements along Stanmore Road.

**Issue:** The location of the vehicle crossing impacts on adjacent residential development. No consideration has been given to these adjoining properties.

**Comment:** The proposed vehicle crossing is located approximately 25 metres from the adjoining residential flat building and is not considered to impact on the amenity of these dwellings. The vehicle access is provided from Stanmore Road, which already accommodates a high volume of traffic during the morning and afternoon peak periods.

**Issue:** The application fails to clearly illustrate the appearance of the development from the public domain. The photomontages are taken at remote angles. Better photomontages should be provided.

**Comment:** The application includes detail elevational plans which illustrate the appearance and mass of the development. Amended or additional photomontages are not considered necessary for the thorough assessment of the application.

**Issue:** Insufficient details are provided in respect to materials and finishes;

**Comment:** The application was accompanied by a materials and finishes schedule, which was considered acceptable. A condition has been included in the recommendation to ensure the development complies with the submitted materials and finishes schedule.

**Issue:** Insufficient details are provided in respect to levels (RLs).

**Comment:** The plans submitted with the application include detailed levels. The information submitted by the applicant is considered acceptable for the assessment of the application.

**Issue:** More green areas should be provided and less development.

**Comment:** The development maintains over 40% of the site as permeable landscaping. Given the nature of the use of the site and the site coverage of adjoining development, the proposed green areas are considered acceptable.

**Issue:** SEPP 65 requires that all apartment living spaces (including bedrooms) are to enjoy at least 3 hours of direct natural sunlight in mid-winter. Any proposal that deviates from or indirectly compromises this requirement would need a very strong argument justifying the non-compliance via a SEPP 1 objection.

**Comment:** The solar access provisions within State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65) are guidelines and do not require an argument justifying the non-compliance via a SEPP 1 objection. Furthermore, SEPP 65 requires solar access to at least 70% of dwellings and in dense urban areas only requires 2 hours of solar access during midwinter between 9.00am and 3.00pm.

As discussed within this report, only 1 dwelling affected by the additional overshadowing will no longer receive 2 hours of solar access between 9.00am and 3.00pm midwinter. Given the proposed separation and orientation of the affected site, the additional overshadowing is acceptable in this regard.

**Issue:** The additional overshadowing will further exacerbate the rising damp affecting adjoining properties.

**Comment:** The proposal is considered acceptable having regard to the additional overshadowing impacts. Many of the adjoining residential properties receive the minimum 2 hours of

solar access between 9.00am and 3.00pm, during midwinter. The affected dwellings will also receive solar access for greater periods at other times of the year.

The development is adequately setback to ensure appropriate ventilation and daylight access for adjoining development and is acceptable.

**Issue:** Concerns raised over light spillage.

**Comment:** The proposal includes lighting for the 4 existing tennis courts which remain as existing by the development. The 2 proposed elevated tennis courts do not include the provision for night lighting. The new lighting is setback over 30 metres from the eastern boundary and is over 45 metres from the adjoining residential flat building. The proposed night lighting is therefore not considered to impact on the amenity of adjoining residential development.

**Issue:** The night lighting could lead to the tennis courts being used for commercial purposes, which would not constitute an educational purpose and would not be within the intent of the zone.

**Comment:** The application does not seek to use the tennis courts for commercial purposes. Determination No. 200000614 specifically prohibits the use of the tennis courts for commercial purposes. Any use of the tennis courts for commercial purposes would require prior consent from Council.

**Issue:** Night lighting for the proposed tennis courts is not appropriate for a secondary school, particularly having regard to the additional amenity impacts on adjoining residential properties. The intensification of the tennis courts is inconsistent with the principles of the zone.

**Comment:** The tennis courts must be used in association with the school and therefore will be consistent with the principles of the zone. The tennis courts proposed to have night lighting are setback over 45 metres from residential development. The proposed night lighting is not considered to unreasonably impact on the amenity of adjoining properties.

**Issue:** The artificial turf has the potential to become a heat sink and potential impact the surrounding environment.

**Comment:** The proposed artificial turf is not anticipated to alter the micro climactic conditions when compared to the size of the surrounding extent of impermeable surfaces such as roads, roofs, and driveways that would contribute to the *"urban heat island effect"* in the locality.

**Issue:** The development has the potential to cause wind tunnelling impacts along Nicholls Parade.

**Comment:** The development has a maximum height of approximately 7 metres, excluding the mesh fencing above the playing fields, adjacent to Nicholls Parade and setback approximately 3 metres. This is lower than the adjoining residential flat building and within the building height limits permitted on adjoining land. The development is not considered to result in a wind tunnelling affect along Nicholls Parade.

**Issue:** The construction period will impact on the amenity currently enjoyed by the adjoining residential properties.



**Comment:** Appropriate conditions have been included in the recommendation to ensure that the construction period does not unreasonably impact on the amenity of adjoining residential development.

**Issue:** No consultation was undertaken by Newington College with adjoining residents.

**Comment:** The application was publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2000* and Council's notification policy. The application is considered acceptable in this regard.

**Issue:** The exhaust from the carparking has the potential to impact on adjoining dwellings.

**Comment:** The exhaust outlet for the proposed carpark is located above the tennis pavilion and is over 100 metres from the eastern boundary and 47 metres from the northern boundary. The proposed exhaust outlet is not considered to adversely impact on adjoining dwellings.

**Issue:** The development impacts on the site's ability to naturally retain and absorb stormwater, leading to increase stormwater run-off.

**Comment:** The application was accompanied by a Stormwater Management Report and includes on-site detention tanks and filtration systems. The proposal has been designed to ensure the development does not increase the existing stormwater run-off. The application was referred to Council's Development Engineer, who raised no objection to the proposal in this regard subject to appropriate conditions.

**Issue:** Many surrounding residents are elderly or don't speak English and have very little understanding of the development. Marrickville Council needs to be more pro-active in consulting with adjoining residents.

**Comment:** Council's notification letters include a translation in multiple languages to ensure that residents who cannot speak English are made aware of development within their area. Council also employs a number of Officers who can provide assistance to residents who cannot speak English and wish to find out more about a development. Council has adopted a pro-active approach to ensuring that adjoining residents are made aware of development.

**Issue:** Alternative renewable power sources such as solar or wind should be used.

**Comment:** The application includes a Mechanical and Electrical Report, which contains recommendations to ensure the development incorporates sustainable design features. In addition, a number of conditions have been imposed to ensure the development complies with Council's energy efficiency provisions within MDCP 2011.

**Issue:** The applicant has chosen to show the overshadowing impacts only in plan and section, and not in elevational or perspective view.

**Comment:** The submitted shadow diagrams appropriately demonstrated the impacts on adjoining properties and are acceptable in this regard.

**Issue:** The proposal will result in the loss of 50 street parking spaces, which will impact on parking in surrounding streets.

**Comment:** The proposed vehicle crossing will result in the loss of approximately 4 on street car parking spaces. The application was referred to Council's Traffic Committee and RMS, neither of whom have recommended additional 'no parking' restrictions along Stanmore Road.

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 have been discussed in the report.

## 15. 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 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 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 or the amenity of the surrounding properties.

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

The application is therefore considered suitable for a deferred commencement consent, subject to the imposition of appropriate terms and conditions.

## **PART E - RECOMMENDATION**

- A. THAT** the development application to demolish the existing chaplain's residence and Glasson Pavilion, excavation to accommodate new underground Old Boys Sporting Complex and carpark for 219 spaces, reconstruction of the Old Boys Oval with synthetic turf, new tennis pavilion, raised tennis court over new vehicle access from Stanmore Road, new college entry forecourt and signage and associated landscaping works be **APPROVED** and a **DEFERRED COMMENCEMENT CONSENT** be issued subject to the following terms and conditions:

### **PART A - DEFERRED COMMENCEMENT CONSENT**

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

1. A Remediation Action Plan being prepared and submitted to Council's satisfaction in accordance with appropriate Department of Environment, Climate Change and Water guidelines which stipulates how the site will be remediated and validated so that no significant contamination remains on site. The remediation strategy must not include onsite management of contamination.

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

### **PART B - CONDITIONS OF CONSENT**

Once operative the consent is subject to the following conditions:

**GENERAL**

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

<b>Plan No. and Issue</b>	<b>Plan Title</b>	<b>Date Issued</b>	<b>Prepared by</b>	<b>Date Submitted</b>
DA01	Site Analysis Plan	23/07/2014	Budden Nangle Michael & Hudson Architects	04/08/2014
DA02	Demolition Plan	23/07/2014	Budden Nangle Michael & Hudson Architects	04/08/2014
DA03, A	Level 1 Plan	03/11/2014	Budden Nangle Michael & Hudson Architects	04/11/2014
DA04, A	Level 2 Plan	03/11/2014	Budden Nangle Michael & Hudson Architects	04/11/2014
DA05, A	Level 3 Plan	03/11/2014	Budden Nangle Michael & Hudson Architects	04/11/2014
DA06, A	Proposed Elevations	03/11/2014	Budden Nangle Michael & Hudson Architects	04/11/2014
DA07, A	Proposed Sections	03/11/2014	Budden Nangle Michael & Hudson Architects	04/11/2014
DA08, A	College Entry	03/11/2014	Budden Nangle Michael & Hudson Architects	04/11/2014
DA10, A	Material Finishes Plan	03/11/2014	Budden Nangle Michael & Hudson Architects	04/11/2014
14161 – 7001, C	Landscape Plan Entry Forecourt	22/07/2014	Group GSA Pty Ltd	04/08/2014
14161 – 7002, B	Planting Schedule & Cross Section Entry Forecourt	30/07/2014	Group GSA Pty Ltd	04/08/2014
14161 – 7100, B	Key Plan Old Boys Complex	27/06/2014	Group GSA Pty Ltd	04/08/2014
14161 – 7101, B	Landscape Plan Old Boys Complex	27/06/2014	Group GSA Pty Ltd	04/08/2014
14161 – 7102, B	Landscape Plan Old Boys Complex	27/06/2014	Group GSA Pty Ltd	04/08/2014
14161 – 7103, B	Landscape Plan Old Boys Complex	27/06/2014	Group GSA Pty Ltd	04/08/2014
14161 – 7104, C	Landscape Plan Old Boys Complex	30/07/2014	Group GSA Pty Ltd	04/08/2014

and details submitted to Council on 4 August 2014 and 4 November 2014 with the application for development consent and as amended by the matters referred to in Part A of this Determination and the following conditions.

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

2. The site shall be remediated in accordance with the approved Remediation Action Plan and to the appropriate criteria and validated by a suitably qualified consultant.

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



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

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

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

4. Amended plans must be submitted to Certifying Authority's satisfaction detailing the installation of obscure glazing to a height of 2 metres above the finished floor level along the entire eastern elevation of side passage on Level 2 of the Old Boy's Sporting Complex.

Reason: To protect the visual privacy of adjoining residential development.

5. Amended plans must be submitted to Certifying Authority's satisfaction detailing the walls surrounding the two (eastern) coach benches having a maximum height of 2 metres above the finished floor level to align with the height of the shade mesh privacy screening.

Reason: To protect the visual privacy and solar access of adjoining residential development.

6. 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 26 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 in accordance with AS1158.1 within the car parking areas and any other common areas.
- c) The internal walls and ceilings of the car parking area must be painted a light colour.
- d) Landscape Maintenance Plan must be established to ensure regular landscape maintenance to ensure branches cannot act as a natural ladder to gain access to higher parts of the development.
- e) 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. The person acting on this consent must comply with the following conditions of the Section 139 Exception, issued by the Heritage Council under the Heritage Act 1977:

- a) Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment and Heritage (Enviroline 131 555) must be notified in accordance with Section 89A of the *National Parks and Wildlife Act 1974* (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment and Heritage.
- b) This exception does not allow the removal of State significant relics.
- c) Where substantial intact archaeological relics of State or local significance, not identified in the archaeological assessment or statement required by this exception, are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with Section 146 of the Heritage Act 1977. Depending on the nature of the discovery, additional assessment

and possibly an excavation permit may be required prior to the recommencement of excavation in the affected area.

- d) Anything done pursuant to this exception must be specified, supervised and carried out by people with knowledge, skills and experience appropriate to the work.

Reason: To ensure the development is undertaken in accordance with the Heritage Act 1977.

8. Amended plans and details must be submitted to Certifying Authority's satisfaction demonstrating that the recommendations contained within the following consultant reports have been appropriately incorporated into the development:

- a) Archaeological Assessment, prepared by Edward Higginbotham & Associates Pty Ltd, dated 14 July 2014;
- b) Traffic Impact Assessment, prepared by Traffix, dated 29 July 2014;
- c) Geotechnical Investigation Report, prepared by Consulting Earth Scientists, dated 6 June 2011;
- d) Acoustic Report, prepared by PKA Acoustic Consulting, dated 3 November 2014;
- e) Access Review Report, prepared by Morris-Goding Accessibility Consulting, dated 18 July 2014; and
- f) Mechanical and Electrical Reports, prepared by Shelmerdines Consulting Engineers, undated;

Reason: To ensure the development incorporates the recommendations contained in the various consultant reports submitted with the application.

9. A Project Arborist, who has a minimum AQF Level 5 qualification in arboriculture and relevant experience 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.

10. The *Melaleuca quinquenervia* (broad-leaved paperbark) must be retained and protected. If pruning is required it shall be carried out in accordance with a pruning specification prepared by the Project Arborist and in accordance with the Australian Standard *Pruning of Amenity Trees* AS 4373—2007.

Reason: To retain existing street trees where possible and ensure any pruning is undertaken in accordance with current best practice.

11. The 3 *Fraxinus griffithii* (evergreen ash) in front of 144 Stanmore Road must be retained and shall be crown lifted to provide adequate sight lines to provide with traffic safety guidelines. Pruning shall be carried out in accordance with a pruning specification prepared by the Project Arborist and in accordance with the Australian Standard *Pruning of Amenity Trees* AS 4373—2007.

Reason: To retain existing street trees where possible and ensure any pruning is undertaken in accordance with current best practice.

12. For each street tree that is removed, an advanced street tree must be planted at a location determined by Council. The trees shall be planted in accordance with the following criteria.

- a) The species shall be as per the Marrickville Street Tree Master Plan 2014 and approved by council.
- b) The container volume of the new trees shall be at least 75 litres.
- c) Supply and installation of the new trees shall comply with the appropriate specification and Detail Drawing 4 in Appendix 6 of the Marrickville Street Tree Master Plan 2014 (available on council website).
- d) The tree establishment period shall be 24 months from the date of practical completion.

- e) The installer shall remain responsible for tree maintenance for the duration of the tree establishment period in accordance with Appendix 6.4 Section 4 of the Marrickville Street Tree Master Plan.

Reason: To replace existing street trees that are removed with appropriate new advanced trees so as to maintain local amenity and urban forest canopy in the area.

13. The measures to manage and protect trees recommended in:

- a) The Arboricultural Impact Appraisal and Method Statement (Naturally Trees, 26 May 2014), Section 4 and Appendices 4 to 8, and  
b) The Arboricultural Impact Appraisal and Method Statement (Naturally Trees, 29 July 2014), Section 4 and Appendices 4 to 8 shall be implemented and complied with throughout the project.

**Note:** **Appendix 6 Clause 2.4 shall be taken to read Australian Standard No. 4373—2007.**

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

14. New advanced trees shall be planted in accordance with the following criteria:

- a) The new trees shall be located within the subject property a minimum of 1.5 metres from any building and a minimum of 1 metre from any fence or landscape structure.  
b) Planting size shall be at least 45 litres.  
c) Trees must comply with NATSPEC.  
d) The new trees shall be planted by a qualified horticulturist or Arborist, with a minimum qualification of Certificate 3.  
e) Each replacement tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by Marrickville Development Control Plan (MDCP). If it dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.

Reason: To ensure that new trees are of high quality and are properly planted to achieve optimum benefit for least cost for as long as practical.

15. 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.

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

Reason: To preserve existing mature trees on the property.

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



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

18. A minimum of 5 car parking spaces, for persons with a disability, required as part of the total parking required under this Determination must be provided and marked as disabled car parking spaces.

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

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

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

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

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

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

Reason: To prevent loss of amenity to the area.

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

Reason: To protect the amenity of the surrounding neighbourhood.

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

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

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

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

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

24. 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.

25. All vehicles are to enter and leave the site in a forward direction.

Reason: To provide for safe traffic movements and to comply with Roads and Maritime Services requirements.

26. The areas of the site undergoing demolition (Glasson Pavilion, Old Boys Oval, Chaplains Residence, tennis courts) 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>. 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.

27. That the trusses and columns from the Glasson Pavilion be salvaged and sent to a local salvage yard or reused on site or in Marrickville.

Reason: To reduce construction waste.

28. That the stone from the demolished section of the wall is salvaged and reused in the proposed works to the boundary wall/entrance, and any excess is used elsewhere in landscaping the site. Construction details of the new gates and stone work shall be submitted to the satisfaction of Councils Heritage Advisor.

Reason: To reduce construction waste.

29. The privacy screening along the eastern elevation of the Old Boy's Sporting Complex and raised tennis courts must be maintained in a good condition at all times.

Reason: To ensure that the visual privacy of adjoining properties is maintained and that the material does not degrade to an extent that affects the visual appearance of the development.

#### **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.

30. 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.

31. 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.

32. The PCA must be provided with either of the following documents before work commences on site.

- a) A copy of the 'Contract of Insurance' (where the value of work exceeds \$12,000) and the details of the name and licence number of the builder/contractor who has been contracted to do or intends to do the work; or
- b) A copy of a current owner-builder's permit (where the value of work exceeds \$5,000) issued by the Department of Fair Trading stating the name and permit number of the owner-builder who intends to do the work.

If these arrangements change, work must cease until the Council has been given written notification of the updated information.

For information regarding Home Warranty insurance or owner-builder permits contact the Department of Fair Trading.

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

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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 work commences, on the buildings on the adjoining properties at 57 Harrington Street, 24 Browns Avenue, 26 Browns Avenue and 28 Browns Avenue, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

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

42. That prior to the commencement of works, the landscape plan shall be amended to show the street trees and pencil pines being retained and which trees will be removed. The Project Arborist must prepare a specification for the protection of the street trees and the pencil pines that are retained. These trees must be managed and protected in conjunction with the trees included in the Arboricultural Impact Appraisal and Method Statement, dated 26 May 2014.

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



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

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

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

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

45. 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.

46. 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.

47. 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

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

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

49. 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.

50. 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.

**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.

51. A validation report and any required documentation being submitted to and approved by the Principal Certifying Authority **prior to the issue of any Construction Certificate.**  
Reason: To ensure that appropriate and necessary remediation of the land is undertaken.
52. 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 any 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](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.

53. A levy of \$296,416.33 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 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 any 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. DC000761)**

**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.

54. The person acting on this consent shall provide to Council a bond in the amount of \$22,740.00 and pay the related Section 138 (Roads Act) inspection fee of \$209.00 (GST inclusive) **before the issue of any 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.

55. Before the issue of any 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.

56. Vehicular access and associated vehicle standing areas being designed in accordance with Australian Standard AS 2890.1-2004, Australian Standard AS 2890.6-2009 and Marrickville Development Control Plan No. 19 - Parking Strategy so that:

- a) The layout and minimum dimensions of any standing area complies with clause 2.4 of AS2890.1-2004 such that:
  - (i) car spaces adjacent to high walls or fences are increased in width by an additional 300mm;
  - (ii) end spaces are provided with an additional 1m aisle extension; and
  - (iii) the location of columns within the carpark complies with figure 5.1 of AS 2890.1-2004;
- b) The maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;
- c) The maximum ramp grades and changes in grade comply with AS2890.1:2004; and
- d) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles.

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

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

57. The stormwater drainage and quality treatment measures shall be constructed generally in accordance with the Stormwater Management Report (80814357 dated October 2014) and Stormwater Drainage Plans 80814357-001, 80814357-005, 80814357-010, 80814357-015, 80814357-016, 80814357-020, 80814357-025, 80814357-035, 80814357-036, 80814357-037, 80814357-038 and 80814357-039 (Rev 02) submitted by Cardno subject to the submission of 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. The additional documentation shall be submitted to and approved by Council before the issue of any 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.

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

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

59. Before the issue of any Construction Certificate the person acting on this consent must sign a written undertaking that they will be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the 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.

60. 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 and must be submitted to the Certifying Authority's satisfaction before the issue of any Construction Certificate.

Reason: To ensure appropriate anti graffiti treatment.

61. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2000 in relation to interior design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction), 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 proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2000.

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

### **SITE WORKS**

62. 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.

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

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

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

Reason: To provide for correct disposal of wastes.

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

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

66. 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.

67. 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.

68. 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.

69. 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.

70. 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.

71. 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.

72. 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.

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

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

Reason: To conserve water.

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

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

Reason: To conserve water.

75. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.  
Reason: To ensure all works are contained within the boundaries of the allotment.
76. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing adjacent top of kerb level plus 2.5%. **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.
77. The access driveway widths are to be a minimum of 5.5 metres for at least 6 metres from the property line as per AS 2890.1 :2004. The design and construction of the vehicular crossing on Stanmore Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Project Services Manager, Traffic Projects Section, Parramatta (Telephone 8849-2496). Detailed design plans of the proposed vehicular crossing are to be submitted to Roads and Maritime for approval prior to the commencement of any road works. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.  
Reason: To comply with the requirements of the Roads and Maritime Services.
78. 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.
79. 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.

#### **BEFORE OCCUPATION OF THE BUILDING**

80. 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 copy of the determination;
  - Copies of any documents that were lodged with the Occupation Certificate application;
  - A copy of Occupation Certificate, if it was issued;
  - A copy of the record of all critical stage inspections and any other inspection required by the PCA;
  - A copy of any missed inspections; and
  - 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.

81. 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.

82. 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.

83. 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 any 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.

84. 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.

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



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

Reason: To reduce noise levels within the dwellings from aircraft and road noise and to ensure that the noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

86. 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 any 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.

87. 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 any Occupation Certificate.

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

88. Heavy duty concrete vehicle crossings, in accordance with Roads and Maritime Services requirements shall be constructed at the vehicular access locations before the issue of any Occupation Certificate and at no cost to Council or the Roads and Maritime Services.

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

89. Prior to issue of any 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.

90. 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 any 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.

91. With the regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council before issue of any 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.

92. 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.

93. Prior to issue of any 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**

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.

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

- Useful Contacts

BASIX Information	☎ 1300 650 908 weekdays 2.00pm-5.00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	☎ 13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 <a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a>
Landcom	☎ 9841 8660 to purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 13 14 41 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
Marrickville Council	☎ 9335 2222 <a href="http://www.marrickville.nsw.gov.au">www.marrickville.nsw.gov.au</a> Copies of all Council documents and application forms can be found on the web site.
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> and <a href="http://www.diyasafe.nsw.gov.au">www.diyasafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment & Heritage	☎ 131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	☎ 13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Services NSW - SITA Environmental Solutions	☎ 1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	☎ 13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

**B. THAT** those persons who lodged submissions in respect to the proposal be advised of the determination of the application.

**C. THAT** NSW Heritage Office and Marrickville Local Area Command be advised of the determination of the application.

- D. **THAT** Roads and Maritime Services be provided with a copy of the determination of the application.